

# NHA/WASHINGTON

update\*

## FDA Intimidation

*New legislation may threaten prison time for sharing health information.*

**D** SHEA, the Dietary Supplement Health and Education Act of 1994, preserved our right to take safe nutritional supplements by classifying them as foods. With this classification, DSHEA ensured that nutritional supplements remained abundant and affordable, thereby helping Americans to achieve good health naturally.

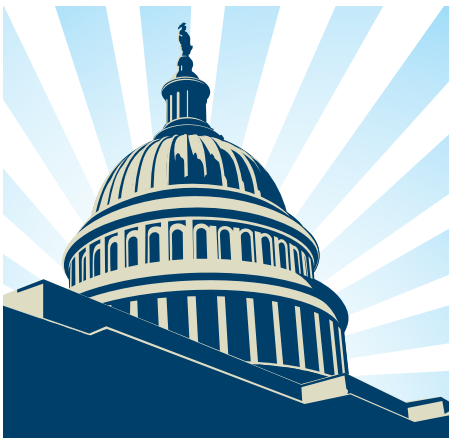
However, new legislation before the Senate might leverage supplements' "food" classification as a weapon to dismantle the natural products industry. The Food Safety Accountability Act of 2010 (S3767) would levy criminal penalties of up to 10 years in prison for "certain knowing violations relating to food that is misbranded or adulterated ... or against the introduction in interstate commerce of unsafe dietary supplements, with conscious or reckless disregard of a risk of death or serious bodily injury."

Some have suggested that S3767 was sparked by the salmonella-tainted egg recall across 22 states last August. But although supplements are indeed "foods," they are not the same as eggs! It appears that the enemies of health freedom may be using salmonella in eggs as a way to both bully supplement manufacturers and exploit consumers' fear of food-borne illness—ultimately steering them away from safe, natural nutrition.

### A Safe History

It is unreasonable to mention "supplements" and "risk of death or serious bodily injury" in the same sentence—but this is exactly what

S3767 does. Washington Update readers may recall that early Adverse Event Reporting results found that only one in every 300,000-plus supplement users experienced an adverse event—and even those events may have been misattributed.



Supplements are trustworthy because safeguards such as Good Manufacturing Practices are already in place to protect consumers. Some supplement manufacturers further ensure efficacy and safety by sending product batches to independent laboratories, which then assay the ingredients to make sure no adulterants are present.

How can legislation addressing "unsafe dietary supplements ... and risk of death or serious bodily injury" even be considered when supplements have such a well-documented history of safety and efficacy?

Health freedom further protects consumers' safety with abundant information that promotes educated health decisions. Unfortunately, S3767 also seems to contain language

that hints at censorship of health information—which may spell the demise of the educated, informed, health-conscious consumer.

### Health Information Freedom

The "misbranding" language of S3767 may be most threatening. If the FDA is allowed to make "misbranding" accusations at its discretion, it could muzzle supplement manufacturers. If S3767 passes, a company whose product literature includes a large, peer-reviewed study suggesting a nutrient's efficacy might suffer the same fate as a retailer who knowingly sold salmonella-tainted eggs to consumers—10 years in prison.

Fearing prison time, manufacturers might be too scared to share strong scientific evidence and proven benefits behind their products with consumers. Through sheer intimidation, the FDA might silence an industry that has historically played a crucial role in educating the American public on natural health and well-being.

S3767 is now being debated by our Senate. If you feel that S3767 is an unjust bill that may enable the FDA to unjustly silence the nutritional supplement industry, then make your voice heard! Contact your senators and tell them that you oppose S3767 and the possibility that the FDA may censor health information.

What's more, take control of your own health destiny by using superior-quality supplements and continuing to educate yourself on natural health. For the sake of health freedom, join the Nutritional Health Alliance at [www.nha2011.com](http://www.nha2011.com). ♦

\*This editorial is a public service announcement sponsored by the Nutritional Health Alliance (NHA).