

## Elizabeth Roebber RDN



# NUTRITIONAL SUPPLEMENTS – HISTORY AND REGULATION

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In February of 2015, the attorney general of the State of New York investigated and found that top brands of herbal supplements at GNC, Target, Walgreens, and Walmart were fraudulently labelled: the FDA found many pills that did not contain the main active ingredients they claimed on the label. How did this happen? The short answer is that no one checked; and many people were successfully scammed. The unfortunate fact is that supplements (vitamins, minerals, protein powders and herbal extracts) lack the regulation that is provided to both food and medicine.

It was not always so—

When I got out of my dietetic internship, supplements were regulated like food. Ingredients on the label had to be in the product or the FDA came after the perpetrator. Ingredients also had to be safe for people in food and in supplements. If an herb included a known carcinogenic compound like aristolochia fangchi, it was not allowed in supplements.

In 1989, products containing a contaminated supplement, L-tryptophan (an amino acid and a building block of protein), killed 28 people and made many more sick. This supplement was produced by modified bacteria. Tryptophan is not found by itself in nature, and according to

scientific literature, it has no health benefit on its own. So in effect, this supplement killed and sickened many but helped none.

Because of this incident, the FDA was given more power to regulate food and supplements, especially the advertising with the 1990 food label revisions. The FDA was now able to use new powers to regulate food; statements on the package had to be truthful. When Cheerios, in 2009, said their product reduced cholesterol by 4% in six weeks, the company was forced to take the claim back because there were no medical studies showing that the small amount of oat fiber in Cheerios had the benefit claimed. The FDA had this power to regulate truth in labelling only because Cheerios are considered a food and not a supplement!

This new power given to the FDA was a nightmare for the nutritional supplement industry. They had a lot of unsubstantiated medical claims on their packages and in their advertising. If these claims were not allowed to be printed on the package, they would lose customers. What to do?

The solution: a lobbying and advertising campaign to: “preserve the consumer’s freedom to choose dietary supplements”. This campaign focused on deceiving consumers by stating the end result. “There would be less vitamins and minerals for consumers to buy”, and implying that the FDA was going to swoop in and take the product away.

In fact, the FDA’s goal was to demand that products be marketed only with proven health claims on the package. When false health claims are removed from the packaging, it was expected that people would stop buying supplements that did nothing, and yes, then supplement sales would drop. Poor sales would lead to the product being pulled from the shelves and less selection for customers.

The supplement industry’s lobbying and advertising was very successful. People petitioned the Congress and the industry lobbied until the The Dietary Supplement Health and Education Act, or DSHEA, was passed in 1994. This act prevents the FDA from regulating supplements or their labels. It actually weakened previous regulatory ability and now the FDA can’t act unless they can show a supplement is unsafe; and the burden of proof is on the FDA!

In practice, this means that enough people have to be sickened from a supplement for a link to be identified. It happened with Ephedra in 2003. It took almost two years for the FDA to ban Ephedra from supplements. In that time, the FDA recorded over 120 deaths and many adverse affects.

The field of science related to nutrition is still in its infancy. In the last century, scientists and doctors have found many vitamins and minerals our bodies need. They have found the level at

which deficiencies occur for some vitamins and minerals and the level where some nutrients become toxic to the body. Scientists suspect that there are many more phytochemicals that are necessary to health but are as of yet undiscovered. Currently our top experts, famous professors, still estimate people's ideal requirements for vitamin and minerals by evaluating what people get from a healthy diet. The current estimates for our nutrient needs for vitamins and minerals are known as the **DRI** – daily required intake. These estimates get revised as the science improves. There are no good blood tests to evaluate nutritional status; a balanced diet is the best indicator to insure we are getting the proper quantities of all the nutrients we need!

When people need many vitamins, minerals or have to rely on intravenous feedings, medical practitioners have to be careful. Sometimes too much of one nutrient leads to a deficiency in another nutrient. For example, scurvy in sailors isolated for long periods aboard a ship was made worse when the food was cooked in copper pots. Copper deactivates and breaks down vitamin C. Also, folks using denture creams high in Zinc can develop copper deficiency. Zinc crowds the entry gate that both copper and zinc use to get into the body. Many nutrients are interconnected!

I am sad that the FDA did not get to enforce truthfulness in advertising for supplements as it did for food. It would be good to get the snake oil salesmen out of the supplement industry.

In the meantime eating a good diet is my ticket to staying healthy. I will continue to play it safe and rely on food to meet my nutrient needs. I am trying to increase my intake of legumes and other vegetables, cut back on meat, eat more fish and milk and, hardest of all, keep the junk food and sweet treats to a reasonable level.

Such a diet has kept people healthy for centuries and should do the same for me!

Sources:

[New York Times Blog – Attorney General on ingredients in herbal supplements](#)

[Quackwatch: DSHEA](#)

[Quackwatch: Tryptophan](#)

[Mayo Clinic: Ephedra](#)

[Web MD: Cheriios Health claims](#)

<http://www.temptnutrition.com/nutritional-supplements-history-and-regulation/>

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