"THE REGULATION OF DIETARY SUPPLEMENTS: A REVIEW OF CONSUMER SAFEGUARDS"

Prepared Statement of the Federal Trade Commission

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Mr. Chairman and members of the Committee, I am C. Lee Peeler, Deputy Director of the Bureau of Consumer Protection, Federal Trade Commission ("FTC" or "Commission"). The Commission is pleased to have this opportunity to provide information concerning its efforts to protect consumers from false or misleading marketing of dietary supplements, especially where it involves the safety of young consumers.[1] The mission of the Federal Trade Commission is to prevent unfair competition and to protect consumers from unfair or deceptive practices in the marketplace. As part of this mission, the Commission has a longstanding and active program to combat fraudulent and deceptive advertising claims about the health benefits and safety of dietary supplements.[2] The agency coordinates those efforts closely with the Food and Drug Administration ("FDA") and frequently calls on the expertise of other government authorities, including the Office of Dietary Supplements of the National Institutes of Health. The Commission is committed to vigorous law enforcement against those who deceptively market dietary supplements. The FTC has filed fourteen actions in the past year and more than 100 actions over the past decade challenging allegedly false or unsubstantiated efficacy or safety claims for dietary supplements.

The dietary supplement industry represents a substantial and growing segment of the

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[1] The written statement presents the views of the Federal Trade Commission. Oral testimony and responses to questions reflect my views and do not necessarily reflect the views of the Commission or any Commissioner.

[2] The Commission's authority in this area derives from Section 5 of the Federal Trade Commission Act, which prohibits "unfair or deceptive acts and practices in or affecting commerce," and Section 12, which prohibits the false advertisement of "food, drugs, devices, services or cosmetics." 15 U.S.C. §§ 45, 52.

consumer healthcare market with an estimated $20.3 billion in industry sales in 2005.[3] A recent survey of complementary and alternative medicine use in the United States shows that more than one-third of U.S. adults age 18 and over are turning to alternative medicine, including herbal products, enzymes and other dietary supplements.[4] The market for children's supplements has also been growing. Industry analysts estimate annual sales of children's supplements had reached $510 million as of July 2002 and represented one of the top niche markets in the supplement industry.[5]

The supplement category encompasses a broad range of products, from vitamins and minerals to herbals and hormones. Products are promoted to adults not just to maintain basic health and nutrition, but also for weight loss, to build muscle, cure sexual dysfunction, treat and prevent colds and flu, and even reverse arthritis, cure cancer, and treat many other serious diseases. Products promoted specifically for children also extend beyond traditional multivitamins to include treatment and cures for a variety of childhood ailments ranging from colds to more serious conditions such as attention deficit/hyperactivity disorder (AD/HD). Products in the dietary supplement category have also been marketed to appeal to children or

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[3] *Nutrition Business Journal*, Supplement Business Report 2005.

[4] Barnes, P. et al., *CDC Advance Data Report #343 Complementary and Alternative Medicine Use Among Adults: United States, 2002* (May 27, 2004), *available at* http://nccam.nih.gov/news/camsurvey_fs1.htm. According to the study, 36% of adults surveyed used some form of complementary and alternative medicine, and 19% of respondents reported using natural products such as herbs, other botanicals and enzymes, most without consulting a healthcare practitioner.

[5] *Nutrition Business Journal* (July 2002).

adolescents who are seeking to lose weight, build muscle, or even get high.

FTC's Dietary Supplement Advertising Program

Commission law requires that claims about the safety and efficacy of any health-related product, including dietary supplements, be substantiated before the claims are made. The Commission seeks to ensure that consumers get accurate information so that they can make informed decisions about how to manage their own healthcare. Although many supplements offer the potential for real health benefits to consumers, unproven products and inaccurate information can pose a threat to the health and well-being of consumers and cause economic injury. The Commission takes vigorous enforcement action against false and misleading supplement promotions to help ensure that consumers are getting reliable and accurate information in the marketplace. The agency also works to protect consumers by educating them about the safe and appropriate use of supplements through brochures, web sites, feature articles, and other means, and by issuing consumer alerts on specific health and safety topics. The Commission's testimony today will highlight some of those enforcement and education efforts and describe how it coordinates those efforts with the FDA.

Coordination with FDA and other Government Offices

The FTC and FDA have concurrent jurisdiction over dietary supplements and other health and nutrition products and work closely to police the marketplace for deceptive and unsubstantiated claims and for marketing that presents safety concerns. Under a longstanding

liaison agreement,[6] the FTC has primary jurisdiction over the advertising of foods, including dietary supplements, while the FDA has primary responsibility over the labeling of those products. The staff of the two agencies have always coordinated closely on enforcement matters. Coordination enhances the ability of the two agencies to identify the worst offenders, to share information about the marketers and their products, and to formulate a more effective plan to stop fraud and deception, using the strongest tools available to each agency. [7]

The FTC staff coordinates with many other federal, state, and local government agencies in all of its consumer protection programs. In the dietary supplement program, the Office of Dietary Supplements of the National Institutes of Health has also been an important resource for the FTC. The FTC staff has sought help from that office to identify qualified and knowledgeable scientific experts for law enforcement matters and has used its online resources for background scientific information on various dietary supplement ingredients.

FTC Enforcement Priorities

The Federal Trade Commission commits significant resources to combating false,

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[6] *See* Working Agreement Between FTC and FDA, 3 Trade Reg. Rep. (CCH) ¶ 9,859.01 (1971).

[7] One recent example of a successful coordinated enforcement action was the *Seasilver USA* matter, involving a supplement purported to treat or cure cancer, AIDS, diabetes, and 650 other diseases. *FTC v. Seasilver USA, Inc.*, Civil Action No. CV-S-0676-RHL-LRL (D. Nev. Mar. 4, 2004) (final stipulated orders). In that case, the FTC took quick action in federal court to obtain a restraining order, receivership, and asset freeze against the defendants, while the FDA concurrently conducted a seizure of products. The subsequent FTC settlement in *Seasilver* included $4.5 million in consumer redress, while the FDA settlement required the destruction of $5.3 million worth of misbranded product.

misleading, or unsubstantiated claims in advertising for healthcare products, including dietary supplements. The Commission has focused its enforcement priorities on national advertising claims for products with unproven benefits; products promoted to treat or cure serious diseases; products that may present significant safety concerns to consumers; and products that are deceptively marketed to or for children and adolescents.

Strong Remedies

As in all of its advertising programs, the Commission works to make sure its enforcement actions have a strong impact by holding accountable not just the supplement manufacturer but other parties that play a role in deceptive marketing, such as expert endorsers, ad agencies, infomercial producers, distributors, and catalog companies.[8] The Commission has sought to obtain meaningful relief for consumers, going beyond the basic cease and desist orders in many cases to require substantial monetary relief for consumer redress or disgorgement of profits.[9] In

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[8] *See, e.g., FTC v. Braswell,* Civil Action No. CV-3700(PJWx) (C.D. Cal. Jan. 19 and 23, 2006) (stipulated final order naming individuals who created direct mail brochures containing challenged claims); *see also FTC v. National Urological Group, Inc.,* Civil Action No. 1:04-C3294 (N. D. Ga. Nov. 10, 2004) (complaint filed naming three companies, their corporate officers and a doctor involved in the product advertising)*; FTC v. Direct Marketing Concepts.*, Civil Action No. 04-CV-11136-GAO (D. Mass. June 1, 2004) (complaint filed naming several companies and principals involved in the product development and distribution as well as the production of the infomercial); *Creative Health Institute, Inc. and Kyl L. Smith,* FTC Docket No. C-4108 (2004) (consent agreement included the marketer and the individual who developed the product among respondents). Information on the Commission's enforcement actions is available at www.ftc.gov.

[9] *See, e.g., FTC v. Window Rock Enterprises, Inc.,* Civil Action No. CV04-8190 DSF (JTLx) (C.D. Cal. Sept. 20, 2005) (stipulated final orders requiring a combined total of $4.52 million in redress from various defendants)*; FTC v. Great American Products, Inc.,* Civil Action No. 3:05CV170-RV-MD (N. D. Fla. May 20, 2005) (stipulated final order requiring payment of up to $20 million in consumer redress); *FTC v. Seasilver USA,* Civil Action No. CV-

cases of outright fraud or repeated law violations, the agency has obtained explicit bans to prevent individuals from any future marketing of certain categories of products or has required the posting of performance bonds prior to marketing.[10] When the marketing of a supplement raises safety concerns, the Commission has required that strong warning statements be placed in labeling and advertising and, in certain cases, has imposed limits on how and to whom the product can be marketed.[11] Finally, as a complement to strong injunctive and monetary relief, the Commission will often use other tools to enhance its efforts to protect consumers from deceptive supplement marketing. In some cases the agency has followed its action against one or more marketers with warning letters to other parties engaged in similar misconduct.[12] The

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S-0676-RHL-LRL (D. Nev. Mar. 4, 2004) ($4.5 million in consumer redress).

[10] *See, e.g., FTC v. Braswell,* Civil Action No. CV 03-3700-DT (PJWx) (C.D. Cal. Jan. 23, 2006) (stipulated final orders ban defendant Braswell from direct response marketing of foods, dietary supplements, and unapproved drugs and require defendant Revel to post a $1 million performance bond before engaging in the marketing of any food, drug, or dietary supplement); *see also FTC v. Trudeau,* Civil Action No. 03-C3904 (N.D. Ill., Sept. 3, 2004) (stipulated final order bans Kevin Trudeau from infomercial marketing for all products and services, other than publications).

[11] *See, e.g., Global World Media Corp.,* FTC Docket No. C-3772 (1997) (consent) (warning on ephedra risks and ban on marketing of certain products in media with majority youth audience); *FTC v. Christopher Enterprises, Inc.,* Civil Action No. 2:01 CV-0505 ST (D. Utah 2001) (stipulated final order banning marketing of comfrey products for internal use and application on external wounds).

[12] *See* discussion of purported human growth hormone ("HGH") enhancer products, *infra* p. 8 and text accompanying n. 15.

Commission has also, on many occasions, issued consumer alerts to warn the public about a category of deceptively marketed products or a particular type of consumer fraud.[13]

Recent FTC Supplement Enforcement Actions

In the past year, the Commission has filed fourteen complaints against companies making allegedly unsubstantiated or false advertising claims for dietary supplements or other natural healthcare products, including oral sprays, creams and patches. During the same time period, the Commission obtained orders against forty companies and forty-four individuals, some of those arising from cases filed prior to this year. In addition to broad injunctive relief, these orders required defendants to pay a total of $35.7 million in consumer redress, disgorgement, and civil penalties.

An illustration of the Commission's strong remedies and multi-pronged approach to safeguarding consumers from health fraud is the Commission's recent effort to stop deceptive marketing of alleged human growth hormone products for their purported anti-aging benefits. In May of 2005, the Commission filed a complaint and stipulated final order in federal district court in Florida against Great American Products, Physician's Choice, and two individual defendants. The order settled charges of allegedly deceptive marketing of two dietary supplements, Ultimate HGH and Super HGH Booster, and two sublingual sprays, Master HGH and Super HGH.[14] The

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[13] *See* discussion on FTC consumer education efforts, *infra* p. 13.

[14] *FTC v. Great American Products, Inc.,* Civil Action No. 3:05CV170-RV-MD (N. D. Fla. May 20, 2005) (stipulated final order).

Commission challenged claims that these products would provide various anti-aging benefits including weight loss, reduction in blood pressure and cholesterol, and increased cognitive function, immune function, and sexual performance. The order required the businesses to pay up to $20 million in consumer redress – the largest judgment yet obtained in an FTC health fraud case.

To complement this action, the Commission sent warning letters to more than 90 Internet operators who were selling similar alleged HGH enhancers and monitored those operations to ensure that the sites modified or dropped unfounded marketing claims.[15] Finally, because of the prevalence of fraud involving anti-aging products, the Commission issued a consumer alert to help the public spot and avoid imposter pills and sprays claiming to provide anti-aging benefits or the same benefits as prescription HGH.[16]

In the Commission's most recent action involving dietary supplement marketing, the agency challenged allegedly deceptive advertising for four products being promoted by Garden of Life, Inc. and its founder and chairman Jordan S. Rubin through direct mail catalogs, the Internet and magazines.[17] The products included Primal Defense, a "probiotic" supplement marketed to

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[15] FTC Electronic Letter to Internet Advertisers of Purported HGH Enhancers (May 12, 2005), *available at* www.ftc.gov/os/2005/06/050609greatamericanltr.pdf.

[16] *"HGH" Pills and Sprays: Human Growth Hype?*, FTC (June 2005), *available at* http://www.ftc.gov/bcp/conline/pubs/alerts/hghalrt.htm.

[17] *FTC v. Garden of Life, Inc.*, FTC Matter No. 0323237 (complaint and final stipulated order approved for filing by Commission vote, March 7, 2006).

cure multiple diseases, RM-10, a mushroom-based product sold as an immune system booster and cancer remedy, Living Multi, a multivitamin advertised to reverse memory loss and support weight loss, and FYI, a supplement marketed as an anti-inflammatory. The stipulated final order, which the Commission approved for filing with the court earlier this week, includes broad injunctive relief and monetary relief.

Enforcement Efforts to Protect Young Consumers

The agency's efforts to police the supplement marketplace include especially close scrutiny of products marketed for use by children or otherwise targeted to appeal to young consumers. The Commission has made such youth-targeted products a priority not only because young consumers represent a particularly vulnerable audience, but also because the safety concerns are heightened when children, who are still growing and developing, use products that may have been studied for safety only in adults, if at all.[18] In the past several years, the Commission has taken action against allegedly deceptive advertising for children's supplements touted as various health aids, including cold prevention products, safe and natural alternatives for the treatment of attention deficit/hyperactivity disorder (AD/HD), natural alternatives to steroids for young bodybuilders, and weight loss aids. Some of the products challenged by the FTC have contained stimulants or hormones that raise serious safety concerns or herbs with known toxicity.

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[18] A 2001 NIH conference on dietary supplement use in children, for example, found that little is known about the evidence to support appropriate indications for supplement use in children or about the safety of children's supplements. The conference was sponsored by the National Institute of Child Health and Human Development and the Office of Dietary Supplements of NIH. *See* NIH, *Dietary Supplement Use in Children: Who, What, Why, and Where Do We Go From Here* (Feb. 2001), *available at* http://www.nichid.nih.gov/about/od/prip/pastevents/executive_summary.htm.

1. Bodybuilding Supplements Appealing to Young Athletes

The Commission is aware that dietary supplements marketed to increase athletic performance and strength may be particularly attractive to young athletes and bodybuilders. For that reason, in 1999 the Federal Trade Commission challenged ads deceptively promoting a category of body-building supplements that raised safety concerns and were popular among teenage athletes. The Commission brought action against two marketers of supplements containing androstenedione and other steroid hormones, MET-Rx USA, Inc.[19] and AST Nutritional Concepts.[20] Both companies were charged with making allegedly unsupported safety claims for their products, and were required to place strong warnings in future advertising and labeling about the potential risks of using steroid hormones, including unwanted changes in male and female sexual characteristics and increased risk of prostate or breast cancer.[21] The orders in both of these cases also required an additional warning for certain products that contained the powerful cardiovascular and central nervous system stimulant, ephedra, which has since been banned by the Food and Drug Administration.

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[19] *FTC v. MET-Rx USA, Inc.*, Civil Action No. SA CV99-1407-DOC(ANX) (C.D. Cal. Nov. 24, 1999) (stipulated final order).

[20] *FTC v. AST Nutritionals Concepts & Research, Inc.*, Civil Action No. 99-WY-2197 (D. Colo. May 4, 2000) (stipulated final order).

[21] The stipulated final orders required that the following statement be displayed prominently in advertising and labeling: **"WARNING:** This product contains steroid hormones and may cause breast enlargement, testicle shrinkage, and infertility in males, and increased facial and body hair, voice deepening, and clitoral enlargement in females. Higher doses increase these risks. <u>If you are at risk for prostate or breast cancer you should not use this product</u>."

In bringing these actions, the agency coordinated closely with the Food and Drug Administration, as well as the Department of Justice's Drug Enforcement Agency and the White House Office of National Drug Control Policy, to better understand the risks these products posed and how young athletes used them. The agency also worked with the National Federation of State High School Associations to help raise awareness among student athletes about the dangers of using any performance-enhancing substances. The FTC also worked with FDA in that agency's issuance of letters warning other companies that the marketing of products containing androstenedione was prohibited.[22]

The FTC is aware that there continue to be potential safety concerns about the marketing of supplements for muscle building, especially to the extent some of the products on the market may contain steroid ingredients. The FTC staff is reviewing web sites and chat rooms popular among young athletes to try to assess how and whether bodybuilding supplements are being marketed to young athletes and what claims are being made about product safety. The FTC staff is also reaching out to responsible supplement industry members for assistance in determining whether misleading marketing to young people is occurring. The FTC is committed to protecting young consumers, both by challenging deceptive safety claims and by working with other authorities and responsible industry members to educate parents and young athletes about the risks associated with these products.

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[22] The FDA warning letters indicated that such products are adulterated under the Federal Food, Drug, and Cosmetic Act because androstenedione is a new dietary ingredient for which there is not adequate evidence of safety. *See* sample FDA warning letter to manufacturers regarding androstenedione, *available at* http://www.cfsan.fda.gov/~dms/andrlist.html#letter.

2. Other Children's Cases Raising Safety Concerns

When necessary, the Commission has imposed additional remedies, beyond warning requirements, to ensure that potentially dangerous supplements do not harm young consumers. In the Commission's 1997 action against Global World Media Corp., for example, the agency challenged the marketing of a supplement named "Herbal Ecstacy," a product containing a high dosage of ephedra, that was promoted as an "absolutely safe" natural alternative to street drugs to get "high."[23] The product was advertised with psychedelic print and television ads in media with large youth audiences, including MTV and Nickelodeon in some markets. The Commission's order required strong warning statements in advertising and labeling.[24] To further protect young consumers to whom the marketing had been targeted, the order also prohibited any future advertising of Herbal Ecstacy and similar ephedra products in media with a predominantly young audience.[25]

In another matter, the Commission addressed the marketing of several products containing comfrey, an herb associated with severe liver toxicity.[26] Christopher Enterprises, Inc.

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[23] *Global World Media Corp.*, FTC Docket No. C-3772 (1997) (consent).

[24] *Id.* The specific warning for the 1997 order was: "**WARNING:** This product contains ephedrine which can have dangerous effects on the central nervous system and heart and could result in serious injury. Risk of injury increases with dose."

[25] *Id.* The consent order prohibited dissemination of ads for Herbal Ecstacy and similar products containing ephedra in any media where more than 50% of the audience is under 21 years of age.

[26] *FTC v. Christopher Enterprises, Inc.*, Civil Action No. 2:01 CV-0505 ST (D. Utah 2001) (stipulated final order).

used the Internet and other media to market various cure-all remedies containing comfrey. Some of these comfrey products were promoted for use in young children as a cough and cold remedy and for use in babies and pregnant women for treatment of a variety of infections. The Commission alleged that the company's safety claims were false. Because of the severe risks associated with this herb, the Commission's 2001 consent order banned the company from marketing any comfrey product either for internal use or for application to open wounds. The consent order further required that products sold for external use were required to be labeled and advertised with warning statements making it clear that comfrey can cause serious liver damage and even death.[27]

3. Weight Loss Supplements for Children

With any weight loss advertising, whether to adults or children, the Commission is concerned that consumers not be misled by ads promising dramatic, easy, and rapid weight loss without diet or exercise.[28] Given the concern about the increasing rate of childhood obesity, the

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[27] *Id.* The warning reads: "**Warning:** External Use Only. Consuming this product can cause serious liver damage. This product contains comfrey. Comfrey contains pyrrolizidine alkaloids, which may cause serious illness or death. This product should not be taken orally, used as a suppository, or applied to broken skin. For further information contact the Food and Drug Administration: http://vm/cfsan.fda.gov." The final stipulated order also included a $1.4 million judgment that was suspended, based upon defendants' inability to pay, provided defendants paid $100,000 in consumer redress.

[28] The Commission's efforts to stop the deceptive marketing of weight loss products to children are part of a larger ongoing effort to stop weight loss scams. Going back more than a decade, the agency has maintained an aggressive law enforcement program against weight loss scams, bringing more than 100 cases against false and misleading weight loss claims. The Commission has also called upon television, newspapers, magazines and other media to screen out facially false weight loss ads before they are run. As part of this effort, the FTC issued its *Red Flag: Bogus Weight Loss Claims* brochure to help media spot and stop false weight loss

marketing of dietary supplements for pediatric and adolescent weight loss is a subject of ongoing FTC investigations and law enforcement.

In a 2004 case involving a product called "Skinny Pill for Kids," the FTC challenged advertising by The Fountain of Youth Group, LLC and its principal Edita Kaye.[29] The company claimed on its web site and in other media that Skinny Pill for Kids was the "First thermic and herbal formula ever developed for weight loss for children 6 to 12." According to the advertisements, Skinny Pill for Kids would burn fat, block new fat deposits, normalize insulin and blood sugar levels, reduce the risk of obesity-related diseases including heart disease, high blood pressure and diabetes, and was proven safe by scientific research. The complaint alleged that these claims were unfounded or blatantly false. Prompt Commission action stopped this marketing campaign before the children's product actually entered the marketplace. The Commission staff has also been engaged in administrative litigation in two other matters that include allegedly unproven weight loss products marketed to or for children – "PediaLean," one of many products marketed by Basic Research, purported to provide clinically proven and substantial weight loss in overweight and obese children; and "PediaLoss," a supplement marketed by Dynamic Health of Florida as an appetite suppressant for children age six and

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claims. Available at www.ftc.gov/bcp/conline/pubs/buspubs/redflag.pdf. A recent survey of weight loss ads by the FTC staff suggests that this media screening effort has helped to reduce the incidence of the more extreme weight loss claims. *2004 Weight-Loss Advertising Survey* FTC Staff Report (April 2005).

[29] *FTC v. The Fountain of Youth, LLC,* Civil Action No. 3:04-CV-47-J-99HTS (M.D. Fla. Jan. 28, 2004) (stipulated final order).

older.[30]

Consumer Education Efforts

The Commission's consumer protection activities are not limited to law enforcement. The agency complements traditional cases with a variety of creative and effective education and outreach for both consumers and industry. The agency's consumer education efforts have been especially strong on subjects related to health and safety. The FTC currently has 39 consumer education brochures, consumer alerts, feature articles, and other pieces available on its web site covering a wide range of health and safety issues.[31]

Several of the FTC's consumer education pieces are designed to warn consumers about unscrupulous marketing of dietary supplements or to educate them about safe and appropriate supplement use. These include pieces to help consumers avoid fraudulent cure-all products on the Internet, tips on spotting weight loss scams, and consumer alerts about ineffective products purporting to treat SARS (Severe Acute Respiratory Syndrome), protect against biological terrorism, cure impotence, and reverse aging. In preparing consumer education materials, the Commission often enlists the scientific and medical expertise of other agencies, such as the FDA

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[30] *See Basic Research, LLC.*, FTC Docket No. 9318 (June 4, 2004) (complaint). The FTC's complaint also named four other related corporations and three individuals and focused on six of the most heavily promoted products: Dermalin, Cutting Gel, Tummy Flattening Gel, Leptoprin, Anorex, and PediaLean. *Dynamic Health of Florida*, FTC Docket No. 9317 (June 16, 2004) (complaint). Both cases have recently been withdrawn from adjudication so that the Commission can consider proposed settlements.

[31] Links to all of the FTC's health-related consumer education materials are available at www.ftc.gov/bcp/menu.health.htm.

and the Centers for Disease Control and Prevention. It also coordinates with these and other organizations to disseminate the information as widely as possible.[32] The FTC also uses a variety of means to disseminate the information, often partnering with other consumer and public health officials and organizations to ensure that the materials are available to consumers where they are most likely to make use of them. As one example of the creative means that the agency uses to reach consumers before they are harmed by false or misleading marketing, the FTC has created a number of teaser web sites, that mimic the techniques used by scam artists to sell ineffective weight loss pills, bogus impotence cures, or other products.[33] When consumers visit these sites and attempt to order a product, they are warned that they could have been scammed and are referred to the FTC web site or other sources for more reliable information.

The Commission uses consumer education as an important tool to protect young consumers from marketing practices that could harm them. Those efforts include a variety of topics from protecting young consumers' privacy online, to protecting them from ineffective or

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[32] For example, *"Miracle" Health Claims: Add a Dose of Skepticism,* a consumer brochure on common types of Internet health fraud was produced in cooperation with FDA and includes links to other government and public health authorities, such as the National Cancer Institute, the HIV-AIDS Treatment Information Service, the Arthritis Foundation, and others, to provide consumers with reliable sources of health information. In addition, the FTC's consumer alert, *RX for Products that Claim to Prevent SARS?*, was designed to warn consumers against the purchase of ineffective SARS prevention and treatment products and was produced in consultation with both FDA and CDC.

[33] For example, one of the FTC's teaser sites promotes the fictitious "Fat Foe Eggplant Extract," for easy weight loss without dieting. The site uses enticing testimonials, before-and-after photos, and "experts" in white lab coats to mimic Internet weight loss scams. When consumers click through to order they are directed to FTC consumer fact sheets. The site has registered more than 100,000 hits to date. The site is posted in English, Spanish, and French. *See* http://wwww.wemarket4u.net/fatfoe/index.html.

unsafe dietary supplement products. For example, the FTC published a feature article in May 2000, to educate families about promotions for children's dietary supplements.[34] That article described the FTC's enforcement efforts against various deceptive promotions of children's supplements and detailed some of the concerns surrounding the safety and efficacy of these products. It also provided practical pointers for parents about safe and responsible use of supplements, urging parents to consult with a pediatrician before starting their child on any supplement. The article was reprinted in large and small markets, and was featured in numerous local and regional radio broadcasts, reaching parents throughout the country.

Conclusion

The Commission will continue to have an active program to challenge deceptive marketing of dietary supplements. It will also continue to use innovative techniques to reach out to supplement users, including parents and young people, to educate them about how to use supplements safely and how to avoid being scammed by unscrupulous marketers. The Commission thanks this Committee for focusing attention on this important consumer health issue and for giving the Federal Trade Commission an opportunity to discuss its role.

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[34] FTC Consumer Feature, *Promotions for Kids' Dietary Supplements Leave Sour Taste* (May 2000), *available at* http://www.ftc.gov/bcp/conline/features/kidsupp.htm.