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Crane, Nancy T

From: Emily Emanuel [emnemnem@yahoo.com]
Sent: Wednesday, August 21, 2002 4:39 PM
To: Crane, Nancy T
Cc: BOXER@SENATE.GOV
Subject: LEGISLATION

02-022N
02-022N-353
Emily Emanuel

To: Beth Yetley, FDA c/o Nancy Crane, FDA
Re: Comment on FDA Draft Proposal to Codex CCNFSDU on
Dietary
Supplements

Dear Dr.Yetley:

Re FDA proposed language: item 5.9, which states: "We
recommend the
following revision: 'All labels should bear a
statement that a
supplement should be taken on an advice of a
nutritionist, a dietician,
or a medical doctor"

Dr.Yetley: When is the FDA going to STOP attempting to
medicalize safe
dietary supplements which are regulated in the USA as
FOODS?

You have no legal mandate to attempt to go beyond the
firm dictates of
US law when you are at Codex meetings in Germany. FDA
has lost on first
amendment grounds in the Pearson decision, and when
FDA refused to obey
the court's decision, FDA was sued again and lost. FDA

has no choice but
to allow health claims to be put on labels pertaining
to folic acid and
the prevention of neural tube defects and other
similar matters.

This is as it should be, not only in the USA, but
throughout the world.
Consumers have a RIGHT to learn about the beneficial
health properties
of dietary supplements on the label, at the point of
sale. By putting
the above language on the label (that supplements
should be taken on the
advice of a nutritionist, dietician, or an MD) you are

attempting to
violate the spirit of DSHEA in an international forum,

and you have no
legal right to do that. You are attempting to waste
valuable space on
the label that can be put to better use directly
informing consumers
regarding the beneficial properties of these safe food
substances, you

are attempting to medicalize dietary supplements, and you are attempting to go through CODEX to make an end run around US domestic laws by attempting to set us up for harmonization to restrictive international standards.

I therefor INSIST that you STRIKE the above proposed revision in item 5.9 and replace it with the following language instead: "item 5.9 we recommend the following revision "All labels should bear scientific structure function health claims similar to those provided for under the American Dietary Supplement Health and Education Act of 1994 to directly assist consumers in making positive health decisions for themselves and their families at the point of sale while reading the label on the product. The USA again reiterates its desire that all attempts to continue creating an international standard for vitamins and minerals cease at Codex and that this matter is best left up to national authorities to decide."

Dr.Yetley: I remind you, and Congress, that you lost the Pearson court decision, and when you attempted to ignore the Judge, you were sued and lost again on this issue. Do not attempt to get around

US law when you are in Germany representing the USA at Codex meetings.

You have no legal right to make the statement in item 5.9 'All labels should bear a statement that a supplement should be taken on an advice of a nutritionist, a dietician, or a medical doctor"

I INSIST that you replace that language with "All labels should bear scientific structure function health claims similar to

those provided for under the American Dietary Supplement Health and Education Act of 1994 to directly assist consumers in making positive health decisions for themselves and their families at the point of sale

while reading the label on the product. The USA again reiterates its desire that all attempts to continue creating an international standard for vitamins and minerals cease at Codex and that this matter is best left up to national authorities to decide."

I am copying this letter to you to my Senators and
Congressmen and am
asking them to oppose all efforts to erode US
sovereignty via FTAA. The
last thing we need in this hemisphere is a version of
the EU
dictatorship given the way the EU is attempting to ban

consumer access
to dietary supplements. See Pearson v Thomson
<http://www.emord.com>.

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