



DEPARTMENT OF HEALTH & HUMAN SERVICES Public Health Service

Food and Drug Administration
7520 Standish Place - Room 254
Rockville, MD 20855

December 20, 2000

Ref. No. 01-HFD-310I-067

Mr. Randy Winters
Timelink
P.O. Box 1270
Rancho Mirage, CA 92270

Dear Mr. Winters:

This is to advise you that the Food and Drug Administration (FDA) has reviewed your web site at the Internet address: <http://www.TIMELINK.NET> and has determined that the products "Colloidal Silver", "MSM", "Liquigen", and other products being offered, are promoted for conditions that cause the products to be drugs under section 201(g) of the Federal Food, Drug, and Cosmetic Act (the Act) [21 USC 321(g)]. The products may be considered drugs because the therapeutic claims as shown on your web site establish their intended use as a drug.

Examples of some claims observed on your web site include, in part:

Colloidal Silver "Colloidal Silver is a broad spectrum antibiotic." ".....colloidal silver has been proven to be useful against over **650** diseases, including cancer, without any known harmful side effects. **It has been found to cause rapid regeneration of damaged cells and tissues, subdue inflammation and promote faster healing**". "Colloidal Silver may be taken orally or topically, directly applied to the skin. It can be used vaginally, anally, atomized or inhaled into the nose or lungs, and dropped into eyes".

MSM "My fathers emphysema reduced using MSM" "...It does not cure the disease, but it counteracts the effects of the disease." Testimonial statements found on your web site demonstrate the intended use of MSM as a drug treatment for emphysema.

Liquigen "It is stabilized oxygen in liquid form. "...As you digest the liquid the oxygen goes straight to your blood. This means you do not have to rely on your lungs to get oxygen to your brain....It is very helpful for people fighting cancer, emphysema, bacteria, or virus problems.....Potential alleviation and/or reversal of fairly chronic, even advanced cases of many debilitating health conditions through aggressive oxygen intervention." "Conversely, cancer cells are prevented from multiplying when exposed to an oxygen-rich environment."

Furthermore, FDA has no information that your products are generally recognized as safe and effective for the above referenced conditions and therefore, they may also be "new drugs" under section 201 (p) of the Act [21 USC 321(p)]. New drugs may not be legally marketed in the U.S. without prior approval from FDA as described in section 505 (a) of the Act [21 USC 355(a)]. FDA approves a new drug on the basis of scientific data submitted by a drug sponsor to demonstrate that the drug is safe and effective.

FDA is aware that Internet distributors may not know that the products they offer are regulated as drugs or that these drugs are not in compliance with the law. Many of these products may be legally marketed as dietary supplements or as cosmetics if certain therapeutic claims are removed from the promotional materials and the products otherwise comply with all applicable provisions of the Act and FDA regulations.

Under the Act, as amended by the Dietary Supplement Health and Education Act (DSHEA), dietary supplements may be legally marketed with claims that they are intended to affect the structure or function of the body (structure/function claims) if certain conditions are met. Claims that dietary supplements are intended to prevent, diagnose, mitigate, treat, or cure disease (disease claims) excepting health claims authorized for use by FDA, may not be made as they cause the products to be drugs. The intended use of a product may be established through product labels and labeling, catalogs, brochures, audio and videotapes, Internet sites, or other circumstances surrounding the distribution of the product. FDA has published a Final Rule intended to clarify the distinction between statements allowed as structure/function claims and those that represent disease claims. This document is available on the Internet at <http://vm.cfsan.fda.gov/~lrd/fr000106.html>.

In addition, only products that are intended for ingestion may be lawfully marketed as dietary supplements. Topical products and products intended to enter into the body directly through the skin or mucosal tissues, such as transdermal or sublingual products, are not dietary supplements. For these products, disease or structure/function claims may cause them to be new drugs.

Additional information is available in Title 21, Code of Federal Regulations, (21 CFR) Parts 310 and 330-358. These parts include the Final Rules for various OTC ingredients or products that may or may not be legally marketed without prior approval.

Furthermore, your Internet site may be subject to statutes enforced by the Federal Trade Commission (FTC). Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. Sections 45 and 52. You are encouraged to consult the FTC Web site at <http://www.ftc.gov/bcp/online/pubs/dietsupp.htm> for further information. The FTC Web site also provides copies of complaints and orders that have been filed by the FTC against companies making misleading or deceptive advertising claims on the Internet. Some of these complaints and orders can be found at <http://www.ftc.gov/opa/2000/06/lanelabs.htm>, <http://www.ftc.gov/opa/2000/04/cure-all2.htm> and <http://www.ftc.gov/opa/1999/9906/opcureall.htm>. You may want to review your advertisement in light of these standards. Related questions should be directed to the FTC at (202) 326-3090.

This letter is not intended to be an all-inclusive review of your web site and products your firm may market. It is your responsibility to ensure that all products marketed by your firm are in compliance with the statutes administered by both the FDA and FTC.

If you need additional information or have questions concerning any products distributed through your web site, please contact FDA. You may reach FDA electronically (e-mail) at Tartm@CDER.FDA.GOV or you may respond in writing to Margaret A. Tart, Food and Drug Administration, HFD-300, 7520 Standish Place, Rockville, MD 20855 or by telephone at (301) 594-0054.

Sincerely yours,

/s/

David J. Horowitz, Esq.
Acting Director
Office of Compliance
Center for Drug Evaluation and Research
Food and Drug Administration

