Crane, Nancy T

02-022N
02-022N-45
Neville K. Matsumato

From:	Kiyoshi [bustani@juno.com]
Sent:	Monday, August 12,2002 7:59 *AM'*
To:	Crane, Nancy T
cc:	jham@iahf.com
Subject:	The UN's Codex Alimentarius Commission's "Committee on Nutrition and F oods for Special Dietary Use."

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

Dear Dr.Yetley:

The FDA proposed language, item 5.9, is an obvious attempt to "medicalize" and restrict safe dietary supplements. By recommending that "All labels should bear a statement that a supplement should be taken on an advice of a nutritionist, a dietician, or a medical doctor," the FDA is setting us up to "harmonize" with restrictive international standards and ignoring the fact that in America, supplements are classified as foods and consumers have the right to be educated on their benefits.

I, therefore, insist that you strike the above proposed revision in item 5.9 and replace it with the following language "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.'" I demand the discontinuance of all attempts to create an international standard for vitamins and minerals at Codex, so that this matter may be left up to national authorities to decide.

Dr.Yetley, the FDA lost the Pearson court decision on First Amendment grounds and was forced to allow health claims on labels pertaining to folic acid and the prevention of neural tube defects. This is as it should be. Americans do not want to be restricted by international standards for vitamins and minerals and we do not want you to continue trying to circumvent US law while you are in Germany representing the USA at Codex meetings. Please do not violate the spirit of DSHEA in an international forum.

I am copying this letter to my Senators and Congressmen and asking them to oppose all efforts to erode US sovereignty via FTAA. We will not tolerate being subjected to anything similar to the EU's attempt to ban consumer access to dietary supplements (Pearson v Thomson, www.emord.com).

Sincerely,
Neville K. Matsumoto

Despite protests, vitamin consumers in Europe are already in the grip of the EU Vitamin Directive and may be forced to accept a Traditional Medicines Directive, along with an outrageous definition of "medicine" that takes in any product not covered by the Vitamin Directive or Herb Directive (see www.healthfreedommovement.com).

Now there is a renewed effort to harmonize US Dietary Supplement laws to the restrictive international standards of the European Union (EU) and Codex Alimentarius. Senator Durbin just held a hearing in DC in July to attack DSHEA (www.nap.edu/html/dietary_supplements/NI000760.pdf) and the FDA has hired the National Academy of Science (NAS) to generate a "Safety Framework for Dietary Supplements." This study is ostensibly to evaluate chapparal, saw palmetto, melatonin, glucosamine & shark cartilage, but will likely become an attack piece on dietary supplement safety.

Could the FDA (which is paying NAS to generate the "safety framework") be setting us up to lose in a WTO trade dispute? Yes. Once the FDA defines vitamin safety, they will undermine our ability to defend ourselves in an international court and unfortunately the only people with standing to appear before the international Dispute Settlement Body (DSB) are national reps from WTO member nations, in this case Beth Yetley of FDA, the only person on our Codex delegation to the CCNFSDU with the right to vote or speak at Codex

meetings. Private citizens, no matter how well qualified, have no standing to appear before the WTO's DSB. We need to stop this now!