

Crane, Nancy T

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From: belgarde [belgarde@pacifier.com]
Sent: Thursday, August 29, 2002 2:14 AM
To: Crane, Nancy T; jham@iahf.com
Subject: [Fwd: HEPC INFO: HEALTH FREEDOM ALERT! The FDA is attempting to medicalize d]

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

02-022N
02-022N-640
Johny A. Belgarde

> 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."

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> 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>.

>
> Sincerely,

Johny A Belgarde
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3304 SE 115th Ave
Portland, OR 97266

CC: Ron Wyden Senate
Gordon Smith Senate
Earl Blumenauer House of Representatives

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