



DEPARTMENT OF HEALTH & HUMAN SERVICES

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

January 8, 2001

Ref. No. 01-HFD-310I-070

Ms. Traci S. Brannen
Y2K Natural Herbs
Route 2, Box 1446
Glennville, GA 30427

Dear Ms. Brannen:

This is to advise you that the Food and Drug Administration (FDA) has reviewed your web site at the Internet address: <http://Y2KNATURALHERBS.COM> and has determined that the products, "Colloidal Silver", "Colloidal Plus", "Shark Cartilage", "DHEA", and other products being offered, are promoted for conditions that may cause them 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 drugs.

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

Colloidal Silver "Colloidal Silver has been documented as the best broad spectrum antibiotic available. It has been proven effective against over 650 different infectious diseases. . . . It can be gargled, dropped into the ears or eyes, used vaginally, analy [sic] or atomized and inhaled into the nose or lungs. . . . Colloidal Silver is one of the safest, most effective all around germ fighters available-even for children. . . . Helps reduce inflammation. . . . Promotes growth stimulation for injured tissues."

Colloidal Silver Uses

The following is a list of some of the documented uses of silver, particularly in colloidal form, for the treatment of various conditions and pathogens:

Acne Impetigo Ringworm
Arthritis Influenza Scarlet Fever
Athlete's Foot Intestinal Trouble Seborrhea
Bladder Inflammation [sic] Keratitis Septicemia
Blood Poisoning Leprosy Shingles
Burns Lupus Skin Cancer
Cancer Lymphagitis [sic] Soft Sores
Cholera Malaria Staph Infections
Conjunctivitis Menier's [sic] Symptoms Strep Infections
Cystitis Dermalitis [sic] Meningitis Syphilis
Dermatitis Neurasthenia Tonsillitis
Diphtheria Ophthalmology Toxemia

**Diabetes Canine Parvo Virus Trachoma
Dysentery Pneumonia Trench Foot
Ear Infections Pleurisy Tuberculosis
Eczema Prostate Ulcers
Eustachian Tubes Pmritys [sic] Ani [sic] Viral Warts
Fibrositis Psoriasis Whooping Cough
Gastritis Rheumatism Yeast Infections
Gonorrhoeal Herpes Rhinitis**

In addition, medical testimonials found on your web site demonstrate the intended use of colloidal silver as a drug treatment for cancer, among other diseases and conditions.

Colloidal Plus “..... effective in cancer prevention.....”

Shark Cartilage “Current medical research contains much evidence that shark cartilage is a tremendously effective treatment for many types of joint pain and inflammation common in arthritis and certain types of cancer.”

DHEA The Mother Hormone “*Reduced Body Fat by One Third!* Studies indicate that in addition to the weight loss benefit there are other reasons to take DHEA. The hormone increased life expectancy and reduced the risk of developing several forms of cancer. Dr. Schwartz reported that DHEA reduced body fat by one third, prevented atherosclerosis and mitigated diabetes. . . . One of the principal investigators of DHEA, Dr. Schwartz of the Fels Research Institute of Temple University, has found that DHEA helps burn off body fat and inhibit the growth of cancer cells. Dr. Roger Loria of the Medical College of Richmond, Virginia, has demonstrated that it increases immune functions and helps fight viral infections. There are many theories about how DHEA works to inhibit cancer growth.”

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 Ms. Margaret A. Tart, Food and Drug Administration, HFD-300, 7520 Standish Place, Rockville, Maryland 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