

# Schneiderman Changes Course?

*New York's attorney general teams up with the Natural Products Association.*

New York Attorney General Eric Schneiderman seems to have finally begun to publicly acknowledge that the DNA testing he used to skewer some major retailers' herbal supplements may not be as accurate as he previously claimed.

As a refresher, Schneiderman's investigation into herbal supplements yielded results that showed some products failed to match the potencies and identities listed on their labels. This compelled Schneiderman to demand that certain brands be taken off major retailers' shelves. But as it turns out, Schneiderman's drastic action was based on DNA testing only, which was performed after the herbal supplements had been extracted—a methodology that has since been deemed utterly unreliable by multiple experts.

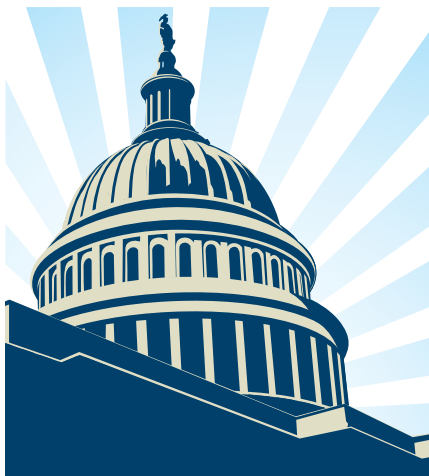
Now, in a statement jointly issued with the Natural Products Association's Daniel Fabricant, Schneiderman has said that DNA barcoding could be part of a "multi-faceted approach to assuring authenticity" in herbal nutritional supplements. The statement goes on to say that the DNA testing of such supplements would be done "prior to extraction in circumstances where DNA barcode is available for the relevant species."

Schneiderman's statement seems to suggest an acknowledgement that his investigation's results were flawed. However, the statement is conspicuously absent of a clear admission of a mistake, or even a well-warranted apology to the supplement retailers

and manufacturers who may have suffered losses after recalling their products.

### Stop Doing FDA's Job

Schneiderman's investigation was not only poorly thought out but may have also been completely out of his juris-



diction. After all, if a major investigation into dietary herbal supplements is launched on the taxpayers' dime, shouldn't the Food and Drug Administration be heading it up? In acting as a "watchdog" over the nutritional supplement industry, isn't Schneiderman effectively doing the job of the FDA?

In fact, it says right on the FDA's website: "FDA is responsible for taking action against any adulterated or misbranded dietary supplement product after it reaches the market." So why would a state AG feel it is within his power to demand that supplement retailers pull allegedly misbranded supplements from their shelves?

These questionable actions, along

with other overtures from Schneiderman, all seem to defy the Dietary Supplement Health and Education Act (DSHEA) that has preserved our right to take dietary supplements since 1994. No state AG has the power to trump DSHEA, but Schneiderman seems to think otherwise.

In early April, Schneiderman attempted to recruit attorneys general of 13 states and one commonwealth to join his crusade against nutritional supplements. As of the time of this writing, only three other AGs have joined him, from Connecticut, Indiana and Puerto Rico.

With developments like this, Schneiderman's attack on supplements now appears to be losing steam—but that does not mean we should rest. If we want supplements to remain accessible and affordable, we must keep pressure on Schneiderman until he backs off completely.

### Let's Demand an Apology

Thanks to readers like you, Schneiderman is finally getting the message: American citizens treasure health freedom, and we want to take supplements we believe in.

Let's keep hammering home that message. Please send a fax to Schneiderman's office at 631-435-0745 and demand an official apology for the damages he caused to the supplement industry by making false accusations based on flawed testing methods. Please consider joining the Nutritional Health Alliance at [www.NHA2015.com](http://www.NHA2015.com), too. Join the fight to keep safe, natural nutritional supplements in our lives forever! ❖

\*This editorial is a public service announcement sponsored by the Nutritional Health Alliance (NHA).