No Room for Interpretation

Ignoring the law's authors, the FDA creates a self-serving DSHEA definition.

Despite growing public outcry over its proposed New Dietary Ingredient guidelines, the Food and Drug Administration continues to doggedly advance an NDI draft that could dismantle the Dietary Supplement Health and Education Act (DSHEA)—and take away your vitamins forever.

Senators Orrin Hatch (R-Utah) and Tom Harkin (D-Iowa), who helped write DSHEA, requested NDI guidelines be withdrawn and retooled in December 2011. But by January, the FDA had already rejected their request. The agency is instead choosing to interpret DSHEA in their own self-serving, freedom-destroying way—even when Hatch and Harkin are telling the FDA the exact meaning of the words the senators wrote.

There is no room for interpreting DSHEA when you're face-to-face with two key authors of DSHEA! An equivalent scenario might have the FDA arguing with James Madison about what the US Constitution means—even though James Madison is the one who wrote the Constitution!

The FDA's unwillingness to accept DSHEA's true meaning straight from its authors seems to have sinister undertones. By turning a deaf ear to Hatch and Harkin and instead fabricating their own meaning, the agency appears to be attacking the essence of DSHEA. Make no mistake: Without DSHEA in its original incarnation to protect us, our vitamins will vanish.

Misinterpretation's Folly

FDA is misinterpreting DSHEA in many ways. For one, the FDA interprets that a manufacturer must submit an NDI notification for every product that contains a new dietary ingredient. Hatch and Harkin reveal DSHEA's true intent was an NDI notification for the ingredient only. Leave it to the FDA to propose a system so illogical, inefficient and redundant! Why submit paperwork on dozens of products, when submitting paperwork for one ingredient would achieve the same exact goal?

Another key misinterpretation is the FDA's narrow take on DSHEA's definition of "dietary ingredient." By interpreting that nutrients such as amino acids and synthetic vitamins "do not count" as dietary ingredients, the FDA seems to be trying to limit which nutrients could be used in supplements. Conveniently for the FDA, this will keep manufacturers from developing new nutritional ingredients and products. Even though Hatch and Harkin verify that DSHEA says synthetic vitamins are fine, the FDA is stubbornly choosing to ignore reality and create their own definition, which will enable them to control your health freedom.

Empty Shelves

If the FDA's draft guidelines become real, the immediate impact will be a massive recall of supplements that are already on health food store shelves. Any products containing new strains of probiotics, cutting-edge nutrients such as astaxanthin and ubiquinol or synthetic vitamins will all be pulled.

How bad will this be? One recent estimate suggested that over 50% of all supplements on the market might be recalled—at a cost of billions of dollars to the nutritional supplement industry. The end of health freedom as we know it might be near—unless we fight back *right now*.

A Call to Action

We must actively protect DSHEA, especially after the FDA's rude rejection of Hatch and Harkin. Don't let the FDA's New Dietary Ingredient Draft Guidance advance another step!

Show your support to our friends who are representing health freedom by sending faxes to Senators Tom Harkin at 202-224-9369 and Orrin Hatch at 202-224-6331. In addition, fax and call your state's elected officials—tell them that keeping DSHEA safe from the FDA is a top priority!

And stay tuned for more news: The supplement industry is soon joining forces for a major call-to-arms against the FDA's proposed NDI guidance. Visit www.NHA2012.com for more information! ❖

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