

# NHA/WASHINGTON

update\*

## Dick Durbin Circles Back

*The senator's latest gambit equates energy drinks to nutritional supplements.*

Earlier this year, Senator Dick Durbin attempted to modify the Food and Drug Administration Reauthorization for User Fees bill in a way that would have required nutritional supplement manufacturers to provide reams of pointless paperwork every time they made a product. Further, Durbin's amendment would have required this paperwork be generated for every product ever to have appeared on store shelves, even if the products had been discontinued for years. Had Durbin's proposal passed, consumers may have been denied access to thousands of safe, beneficial supplements.

Fortunately for anyone who enjoys health freedom, Durbin's oblique bill-modification attack on the supplement industry was dismissed. But true to form, Durbin merely circled back and launched a new sneak attack from yet another different angle.

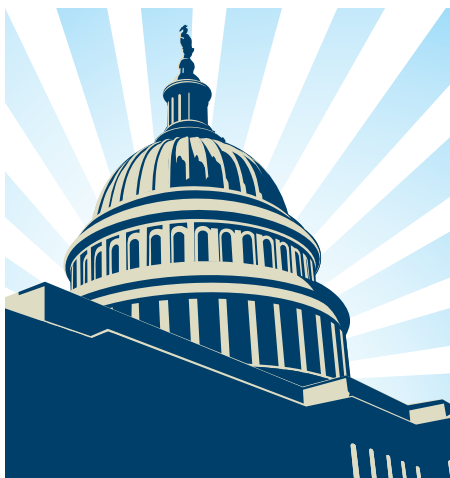
In September, Durbin asked the Food and Drug Administration to investigate caffeine's impact—especially energy drinks—on adolescents and children. In an earlier letter to the FDA, Durbin suggested energy drinks may pose serious health risks to younger populations. Durbin initially targeted the high levels of caffeine found in these energy drinks.

Predictably, Durbin seemed to once again use this universal concern with energy drinks to redirect the FDA to scrutinize nutritional supplements. Specifically, Durbin stated that any danger of excessive caffeine consumption still does not account for potential dangers of “stimulating additives”

such as the natural nutrients taurine and ginseng.

### **Guilt by Association**

With his letter, it seems like Durbin is equating energy drinks to nutritional supplements and excessive caffeine



consumption to time-tested beneficial nutritional compounds. In his letter to the FDA, Durbin even goes so far as to suggest “most energy drinks are currently marketed as dietary supplements”—apparently trying to taint the positive reputation of nutritional supplements by linking them with the glitzy, sugar-laden energy drinks that are so often abused by young people.

For anyone who has followed Durbin's never-ending barrage of attacks on the nutritional supplement industry over the past decade, his most recent gambit may seem all too familiar. Most everyone can agree that energy drinks should be avoided by young people. But if energy drinks are presented as supplements and caffeine is presented alongside nutrients, then

Durbin's guilt by association strategy seems to suggest the FDA should also discourage young people from taking supplements.

### **Sensible Scrutiny**

In truth, if Durbin and the FDA really want to protect the health of this country's youth, they should shift their focus away from supplements. Consider this fact: Junk foods and processed foods—which could include dozens of preservatives, colorings and other additives—are believed to interfere with healthy brain function. In fact, a study of children with ADHD found that 73% of those placed on a diet that restricted such additives showed an improvement in behavior, cognitive function and learning abilities. So perhaps instead of condemning ginseng and taurine, Durbin and the FDA should scrutinize the ubiquitous synthetic additives that are consumed by young people on a daily basis.

Durbin's most recent attack underscores the need to remain vigilant. We must be aware that attacks on health freedom are now coming with increasing frequency, in multiple disguises and attached to other seemingly non-related legislation. Though the attacks may come in many different shapes and sizes, their end goal appears to be the same: The revocation of health freedom and denial of our right to take health-promoting nutritional supplements. For the latest news and what you can do to help safe, beneficial nutritional supplements stay accessible and affordable, visit [www.nha2012.com](http://www.nha2012.com) today! ♦

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