

### SARS ADMONITION

During the 2003 SARS (severe acute respiratory syndrome) outbreak, traditional herbal therapies were used in China, the country hardest hit by the disease. Benjamin Chen, associate professor in the School of Chinese Medicine at Hong Kong University, recommended forsythia (*Forsythia suspensa*) and dyers' woad leaf (*Isatis tinctoria*). The US Federal Trade Commission and FDA cracked down on internet marketers promoting SARS remedies. Five major trade associations—the American Herbal Products Association, Consumer Healthcare Products Association, Council for Responsible Nutrition, and National Nutritional Foods Association—issued a joint statement admonishing members of the dietary supplement industry that promote products to prevent or treat the disease. They stated that no dietary supplements have been shown effective. Federal law already does not allow claims by supplements to treat or prevent disease, with civil penalties up to \$11,000.

*Whole Foods, July 2003.*

### EPHEDRA BAN

The American Heart Association is urging the banning of ephedra-based supplements (*Ephedra sinica*) and supports the FDA's proposal to limit their manufacture. They said problems far outweigh any potential benefit and recommend anyone with cardiovascular-related problems should consult with their doctors about the dangers before taking it.

Twinlab Corporation discontinued its ephedra supplements in March 2003 and is now launching a line of ephedra-free products. The company was the defendant in several lawsuits involving ephedra that alleged it caused injuries and death. They were also taken to court for alleged deceptive advertising claims, because they made unsubstantiated claims, such as that green tea leads to a 13% decrease in body fat.

Illinois was the first state to ban sale of products containing ephedrine alkaloids in May 2003. Violations result in fines up to \$5000 and possibly one year in prison with subsequent violations a felony. The exceptions are products already approved as safe and effective under the FDA's Food, Drug and Cosmetic Act. However, possession is not illegal, so consumers can still buy them elsewhere. The Illinois action was triggered after 16 year-old Sean Riggins' fatal heart attack in September 2002 was linked to the ephedrine product Yellow Jackets. His parents have filed a suit against the manufacturer NVE Pharmaceuticals and the owner of the convenience store where he purchased it. These are only two of 75-100 ephedrine lawsuits nationwide. The family of Steve Belcher, the Baltimore Orioles pitcher whose fatal heatstroke at training camp in February 2003 was linked to ephedrine in Xenadrine, joined his widow in suing manufacturer Cytodyne Technologies. The California Superior Court already ruled that the company misled consumers about product safety and effectiveness and ordered them to pay \$12.5 million to California consumers. Cytodyne now markets an ephedra-free formula.

Another class-action suit was filed against more than a dozen manufacturers by Chicago attorney Kenneth B. Moll, who is seeking a nationwide ban and compensation to consumers who were potentially harmed. (Moll made headlines participating in actions against the tobacco industry, breast implant companies, and tire manufacturer Firestone.) Connecticut physician Dr. Carlon Colker, author of *The Greenwich Diet* has been named a defendant in three lawsuits for allegedly falsifying data in his clinical studies of Hydroxycut, another ephedrine-based supplement manufactured by MuscleTech that may have resulted in one death.

*Natural Medicine Law, May 2003; & Health Supplement Retailer, January 2003 & July 2003; & Nutritional Industry Executive, July 2003.*

### TIMES TAKES ON SUPPLEMENTS

The *New York Times* criticized the natural supplement industry for quashing unfavorable research and supporting less rigorous studies to obtain positive results. The article pointed a finger at ephedrine supplement companies Cytodyne and Muscletech. Steven Dentali, PhD, AHPA scientific and technical affairs vice president, argued that science on supplements is no worse than on pharmaceuticals. In a follow-up discussion about the article's negative spin he told *Health Supplement Retailer* that, "The bottom line is science is complicated. If you're doing scientific research and come in with the desire to see a particular result, you must be very careful to guard against bias..."

*F. Fessenden, New York Times, June 23.*

### SAVING "SIBERIAN GINSENG"

Jarrow Formulas, Inc. is campaigning in support of a federal bill to delay the date the 2002 Ginseng Labeling Act becomes active. The act prevents commercial use in the US of the name "Siberian ginseng" (*Eleutherococcus senticosus*), which has been used for three decades. They claim that it violates the right of free speech and there is a competitive ploy by the Ginseng Board of Wisconsin in Wausau, Wisconsin to discourage sales because it is competitive with ginseng (*Panax ginseng*). The campaign began in 2002 with the Ginseng Truth in Labeling Act by Wisconsin Senator Russ Feingold (D) and Representative David Obey (D) to ensure that only products derived from *Panax* are designated as ginseng. The bill before Congress (HR 2306), introduced by Congressman John Doolittle (R-CA), would give manufacturers 30 extra days after the bill's passage to redo their labels.

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