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Crane, Nancy T

From: Mark Robinette [robcv61@toast.net]
Sent: Thursday, August 29, 2002 3:39 PM
To: Crane, Nancy T
Cc: George Voinovich; Mike DeWine; Marcy Kaptur; jham@iahf.com
Subject: To: Beth Yetley, FDA c/o Nancy Crane, FDA

02-022N 02-022N-648 Mark S. Robinette

Dear Dr. Yetley:

Re: Comment on FDA Draft Proposal to Codex CCNFSDU on Dietary Supplements
 Re FDA proposed language: item 5.9, which states: "We recommend the following revision:
 'All labels should bear a statement that a supplement should be taken on an advice of a
 nutritionist, a dietician, or a medical doctor'"

Dr. Yetley: When is the FDA going to STOP attempting to medicalize safe dietary
 supplements which are regulated in the USA as FOODS?

You have no legal mandate to attempt to go beyond the firm dictates of US law when you
 are at Codex meetings in Germany. FDA has lost on first amendment grounds in the
 Pearson decision, and when FDA refused to obey the court's decision, FDA was sued again
 and lost. FDA has no choice but to allow health claims to be put on labels pertaining to folic
 acid and the prevention of neural tube defects and other similar matters.

This is as it should be, not only in the USA, but throughout the world. Consumers have a
 RIGHT to learn about the beneficial health properties of dietary supplements on the label,
 at the point of sale. By putting the above language on the label (that supplements should be
 taken on the advice of a nutritionist, dietician, or an MD) you are attempting to violate the
 spirit of DSHEA in an international forum, and you have no legal right to do that. You are
 attempting to waste valuable space on the label that can be put to better use directly
 informing consumers regarding the beneficial properties of these safe food substances, you
 are attempting to medicalize dietary supplements, and you are attempting to go through
 CODEX to make an end run around US domestic laws by attempting to set us up for
 harmonization to restrictive international standards.

I therefore INSIST that you STRIKE the above proposed revision in item 5.9 and replace it
 with the following language instead: "item 5.9 we recommend the following revision "All
 labels should bear scientific structure function health claims similar to those provided for
 under the American Dietary Supplement Health and Education Act of 1994 to directly assist
 consumers in making positive health decisions for themselves and their families at the point
 of sale while reading the label on the product. The USA again reiterates its desire that all
 attempts to continue creating an international standard for vitamins and minerals cease at
 Codex and that this matter is best left up to national authorities to decide."

Dr. Yetley: I remind you, and Congress, that you lost the Pearson court decision, and when
 you attempted to ignore the Judge, you were sued and lost again on this issue. Do not
 attempt to get around US law when you are in Germany representing the USA at Codex
 meetings. You have no legal right to make the statement in item 5.9 'All labels should bear
 a statement that a supplement should be taken on an advice of a nutritionist, a dietician, or
 a medical doctor"

9/3/02

I INSIST that you replace that language with "All labels should bear scientific structure function health claims similar to those provided for under the American Dietary Supplement Health and Education Act of 1994 to directly assist consumers in making positive health decisions for themselves and their families at the point of sale while reading the label on the product. The USA again reiterates its desire that all attempts to continue creating an international standard for vitamins and minerals cease at Codex and that this matter is best left up to national authorities to decide."

I am copying this letter to you to my Senators and Congressmen and am asking them to oppose all efforts to erode US sovereignty via FTAA. The last thing we need in this hemisphere is a version of the EU dictatorship given the way the EU is attempting to ban consumer access to dietary supplements. See Pearson v Thomson <http://www.emord.com>.

Sincerely,
Mark S. Robinette

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