
On the Regulation of Nutritional Supplements

Many of us use athletic supplements in the form of capsules and sports drinks, both ready-made and powdered. We use them for general “good health” purposes and for fueling during workouts and races. To determine which ones to use, we talk with friends about their experiences and review endorsements. We read the labels, the directions, and the ads. In the end, we try different products and subjectively try to figure out “what works best” for us.

What we cannot do is read independent studies of potential benefits and harms. We cannot read evaluations done by the Food and Drug Administration (FDA) on effectiveness and safety, recommended dosages, potential negative side-effects, potential negative supplement/supplement interactions, or potential negative supplement/drug interactions. Nor can we read a Federal Trade Commission (FTC) statement supporting claims of effectiveness and safety.

There are a significant number of potential concerns, none of which can be dealt with, because current law exempts nutritional supplements from either FDA or FTC review. I had been vaguely aware of this situation and have been using a particular mix-to-order sports drink for quite some time for both training and racing. I did read the label and the product seemed to contain nothing that could do me any harm. My subjective evaluation on effectiveness has been that it “works.” I have recently tried a different manufacturer’s product, just for a change of pace (and flavor) and it seems to work, too.

I became more cognizant of issues related to athletic supplements when I happened to leaf through a magazine placed in the bag containing my new product. *Muscle and Body* (July 2010) looks like a regular magazine devoted to the subject of its title. It has a number of articles carrying such titles as “Mario’s Muscle Meals,” “Pumped to the Max,” and “Meet America’s Brain Doctor.” It also has ads, of course. But it turns out they are all for products of the same company. So, without realizing it at first, I was actually reading a house organ.

Some of the products promoted are pretty simple ones, like my sports drink. But others have names like “Redline Ultra

MESSAGE FROM THE EDITOR

Hardcore,” with a claim to be “Faster Acting! Stronger Stacking! Longer Lasting!” for which the small print says “These statements have not been evaluated by the FDA.” Then there is “NO Bomb,” which is not “no bomb” but “The World’s First Clinically Dosed Nitric Acid Formula.” Another product, “Carnivor,” promises to deliver “The power of beef at the speed of whey.” And so on and so forth. All of this information is stated with only the small FDA disclaimer included in fine print at the bottom of the ad.

One might ask, “Why is that FDA disclaimer necessary?” Wouldn’t you think the manufacturers of these products would want an FDA seal of approval for effectiveness or an FTC seal of approval showing that their advertising is truthful? Wouldn’t you think such approvals would boost sales while protecting manufacturers from potential lawsuits? Well, apparently they are not interested in either. When leafing further through the magazine, I came across what amounted to an editorial with the title “Your Freedom is Under Attack.” It stood alongside an illustration of the Constitution in shreds, and began with the statement, “Call it the never-ending story: elected officials want to legislate how you manage your own body and well-being.” The article attacked Rep. Henry Waxman (D-CA) for “slipping an amendment into a huge financial overhaul bill that would give the FTC sweeping new powers over the nutritional supplement industry.” The article then went after retiring Senator Arlen Specter (D-PA) for “crafting a monstrosity of a bill that will reclassify currently legal sports supplements as anabolic steroids.” Interestingly, in the magazine there is an ad for a product called “Pink Magic” which is advertised as a “Super Anti-Catabolic/Anabolic/Test Simulator.” And what do you think might be in that one?

Going back to the article’s title, “Your Freedom is Under Attack,” it would be

more accurate to say, “Manufacturers of Athletic Supplements Fear that their Freedom is Under Attack.” To further clarify it, I would say that they fear losing *their* freedom to make unsupported claims of effectiveness with no requirement to warn of potential side effects and their protection from investigation by the FTC for possibly fraudulent claims. One must wonder if these manufacturers have something to hide. I don’t know what happened to the legislation they were so concerned about, but I must say I do hope it passed. I’m sure you feel the same.

Go well,
Dr. Steve Jonas