Dietary supplement manufacturers are currently allowed to make some statements in the labeling regarding the benefits of calcium, vitamin C, and other common supplements that have been studied extensively. However, the FTC makes it very difficult for this useful information to be used in the advertising. This makes no sense. The information that the FDA allows as part of the labeling of a dietary supplement should also be allowed in advertising the same supplement, yet the FTC is seeking to regulate the advertising of dietary supplements by denying to consumers the very information that the DSHEA required the FDA to allow be used. This dual and contradictory set of regulations undermines the intent of Congress.

DSHEA required the FDA to promulgate reasonable guidelines to regulate the content of dietary supplement labels. The goal of this requirement is to ensure that the labels give consumers necessary information for decision making in supplement selection and usage, without making claims regarding medical or disease benefits.

Additionally, the bill will instruct the FDA to withdraw the notice of proposed rulemaking published in the Federal Register of April 28, 1998, which attempts to regulate the types of statements made concerning the effects of dietary supplements on the structure and function of the body. In the Government Reform Committee, we conducted a hearing in March in which we discussed this very issue. The FDA proposed rulemaking is in direct conflict with the intent of Congress in DSHEA. Prenancy and Aging are not disease states, but under the proposed FDA rulemaking their re-definition of “disease” would designate them as such. Furthermore, it was never Congress’ intent that citations from credible scientific publications not be allowed in providing accurate information in labeling of dietary supplements.

In passing this legislation, Americans will gain access to better information about the research in dietary supplements. Additionally, they will be able to make adequate reviews of claims. This bill prescribes a method by which the FTC must act prior to filling a complaint that initiates any administrative or judicial proceeding alleging noncompliance by an advertiser. The FTC would be required to provide a full and fair opportunity for advertisers to consult with the Commission’s scientific experts and allow for an open exchange of ideas and information to insure that decisions are based on concrete, substantial scientific evidence. This is the development of an efficient and effective government practice during a time where our society has become far too litigious. I support strengthening the review process, prior to filing any claims or complaints.

I urge my colleagues to co-sponsor the Dietary Supplement Fairness in Labeling and Advertising Act. It would insure that all Americans have access to factual information about vitamins and other dietary supplements so they can make informed decisions about their health and well-being, while continuing to provide adequate safeguards to protect the public good.