

# CODEX ALERT on DIETARY SUPPLEMENTS

by Jim Turner, General Counsel to the Weston A. Price Foundation

The 28<sup>th</sup> meeting of The Codex Alimentarius Commission in Rome July 4<sup>th</sup> to 9<sup>th</sup> 2005 will consider adopting vitamin and mineral guidelines based on regulatory principles that, while not immediately limiting the access to dietary supplements of consumers in the United States, could significantly restrict access to vitamin and mineral supplements worldwide. Consumers should act to urge adoption of U.S. law as the international standard.

Committees of the Codex Commission other than the Committee on Nutrition and Foods For Special Dietary Uses, the committee that recommended the vitamin and mineral guidelines to the Commission, routinely consider matters relating to food trade that raise serious questions of consumer safety and health such as Genetically Modified Organisms (GMO), irradiation, antibiotics, hormones and pesticide residues in food, and rBGH growth hormone in dairy cows. Of these serious issues only the vitamin and mineral guidelines are being considered by the Commission at its annual meeting in July, 2005. The other issues are in various stages of development.

## KEY POINTS

**Natural health consumers must remain active and organized to protect and expand their health rights.** World-wide health could be undermined by the limits to nutrients available in many countries created by Codex guidelines.

**Codex, itself, will not change U.S. laws.** Codex upper potency limits established for vitamins and minerals will not restrict U.S. consumer access to high-potency vitamins and minerals, although U.S. companies may choose to “dumb down” their potencies to mirror their international formulations. U.S. lawmakers who oppose consumer access to dietary supplements are likely to seize on the guidelines to attempt to change U.S. law. Outside the U.S. the Codex guidelines may create more access to vitamins and minerals in some countries while restricting it in others.

**Codex misapplies a toxic chemicals risk assessment model to regulate helpful nutrients.** Vitamin and mineral guidelines should evaluate nutrients with nutrition science rather than with the toxicological science used to evaluate toxins. Codex fails in this fundamental requirement by erroneously applying toxic chemical risk assessment principles, such as: nutrients should be treated as toxins; foods and nutrients are not

useful in treating disease; supplements have little value because people can get the limited amounts they need from food; known reference values are more important than unique individual nutrient needs; and Western science is preferred to individual choice as the best control on access to dietary supplements.

**Codex reinforces, in its vitamin and mineral guidelines, its existing prohibition on preventing truthful information about the ability of foods and nutrients to treat, diagnose, prevent, mitigate and cure disease.** World hunger experts recognize that nutrient supplementation can be extraordinarily useful in improving world health and eliminating disease (vitamin A supplements in developing countries can offer 30 times as much social improvement as one dollar of development aid), a fact which the Codex vitamin and mineral guideline ignores.

**Codex is not, and should not be confused with The European Food Supplement Directive.** The European Food Supplement Directive, currently under legal attack in the European Union (EU), if upheld, which is likely, will strictly limit European access to many dietary supplements. This law governs European markets and is not part of Codex, though Codex and the EU directive derive from the same basic toxic chemical risk assessment principles.

**Codex's vitamin and mineral guideline should be replaced by the U.S. Dietary Supplement Health Education Act (DSHEA) standard as the international standard for vitamin, minerals and all other dietary supplements.** DSHEA, passed unanimously by the U.S. Congress in 1994, recognizes and protects the value of individuals making personal nutritional and health choices in a way that is rejected by the Codex guidelines. It is the culmination of 50 years of legislation and litigation that has refined the supplement policy of the U.S. ensuring that individual choice and need play a key role in ensuring private and public health. The Codex guideline subordinates individual choice to professional expertise. DSHEA balances professionals and people.

## **PUBLIC ACTION**

Codex information can be received from and sent to the U.S. Codex Commission delegate Dr. F. Edward Scarbrough. Citizens for Health (CFH) is preparing comments and email campaign to be sent to the delegate. CFH updates on Codex and campaign activities can be found at [www.citizens.org](http://www.citizens.org) and will be posted on our website, [www.westonaprice.org](http://www.westonaprice.org). Foundation members will be alerted through our Action Alerts.

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**Public Meeting before Codex Commission in July**

The U.S. Codex Office has scheduled a public meeting on June 9, 2005, to discuss agenda items coming before the Codex Alimentarius Commission session in Rome, Italy on July 4-9. For details, see [http://www.fsis.usda.gov/regulations\\_&\\_policies/Public\\_Meetings/index.asp](http://www.fsis.usda.gov/regulations_&_policies/Public_Meetings/index.asp).

The US Codex official website is [www.fsis.usda.gov/regulations\\_&\\_policies/Codex\\_News\\_&\\_Comments\\_Requested/index.asp](http://www.fsis.usda.gov/regulations_&_policies/Codex_News_&_Comments_Requested/index.asp)

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**REVIEW OF THE CURRENT CODEX SITUATION**

Two important events are taking place this summer that will negatively impact access to dietary supplements: 1) Codex is meeting with the goal of establishing international agreement for how to regulate vitamins and minerals; and 2) European citizens will lose access to thousands of dietary supplements August 1, 2005 under the new European Food Supplement Directive if it is upheld in court. This alert addresses Codex only, not the EU Directive.

In July 2005, the Codex Alimentarius Commission will meet to approve vitamin and mineral guidelines that were finalized by the Codex nutrition committee in Bonn,

Germany, in November 2004. If the committee moves forward and approves these guidelines, Codex will restrict access to vitamins and minerals in five ways:

1. By setting "upper safe limits" (maximum potencies) for each vitamin and mineral based on "scientific risk assessment." Such limits treat nutrients as dangerous chemicals and restrict their availability to consumers while undervaluing, if not ignoring completely, supplement benefits; "dumb down" the flow of useful nutrition information by imposing lowest common denominators on the population at large, discourage nutritional information and ignore the evidence for bio-chemical individuality (that there is a different optimum nutritional intake for each individual, made increasingly clear by mapping the genome).
2. By marginalizing the nutrient supplement possibilities of the nearly one billion people worldwide, who, by international standards, go hungry, and the population-based Codex standards under-appreciate the nutritional status of the remaining 4.6 billion people, a majority of whom lack the recommended amount of one or more essential nutrient.
3. By creating, through setting maximum vitamin and mineral consumption limits, an approach to regulating dietary supplements, which is consistent with and leading the way toward, if not itself directly establishing, prior restraint. This would require marketers to seek and obtain prior approval for their products before being allowed to market them. Codex seeks to substitute its judgment about efficacy and reasonable risk for that of the individual consumer.
4. By narrowing the amount of nutrition and health information about vitamins and minerals that consumers will be allowed to receive, asserting that only "drugs" can contain label claims for products that are suitable for the prevention, alleviation, treatment, or cure of disease, disorder or particular physiological conditions.
5. By fostering the world-wide health assumption that sufficient levels of nutrients can be found in a regular diet. The United Nations itself, during the Earth Summit, documented evidence of massive mineral depletion in our soils over the past 50 years. Other research shows the reduced nutritional profile of an industrial food system diet. And, as stated above, billions of people, in rich and poor countries alike, do not have sufficient access to nutritional food.

The Codex guidelines definitively limit much of the world's access to dietary supplements. The impact on the American consumer is unclear and not so immediate.

Nonetheless, Codex establishes a dangerous precedent and negatively impacts health worldwide.