

June 21, 2001

INTRODUCTION OF FOODS ARE NOT DRUGS ACT -- HON. RON PAUL (Extensions of Remarks - June 21, 2001)

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**HON. RON PAUL** OF TEXAS IN THE HOUSE OF REPRESENTATIVES Thursday, June 21, 2001

- Mr. PAUL. Mr. Speaker, I rise to introduce the Foods are not Drugs Act, a constitutional and common sense piece of legislation. This bill stops the Food and Drug Administration (FDA) from interfering with consumers' access to truthful information about foods and dietary supplements in order to make informed choices about their health.

- The Foods are not Drugs Act accomplishes its goal by simply adding the six words "other than foods, including dietary supplements" to the statutory definition of "drug." This allows food and dietary supplement producers to provide consumers with more information regarding the health benefits of their products, without having to go through the time-consuming and costly process of getting FDA approval. This bill does not affect the FDA's jurisdiction over those who make false claims about their products.

- Scientific research in nutrition over the past few years has demonstrated how various foods and other dietary supplements are safe and effective in preventing or mitigating many diseases. Currently, however, disclosure of these well-documented statements triggers [Page: E1176] [GPO's PDF](#) more extensive drug-like FDA regulation. The result is consumers cannot learn about simple and inexpensive ways to improve their health. For example, in 1998, the FDA dragged manufacturers of Cholestin, a dietary supplement containing lovastatin, which is helpful in lowering cholesterol, into court. The FDA did not dispute the benefits of Cholestin, rather the FDA attempted to deny consumers access to this helpful product simply because the manufacturers did not submit Cholestin to the FDA's drug approval process!

- The FDA's treatment of the manufacturers of Cholestin is not an isolated example of how current FDA policy harms consumers. Even though coronary heart disease is the nation's number-one killer, the FDA waited nine years until it allowed consumers to learn about how consumption of foods and dietary supplements containing soluble fiber from the husk of psyllium seeds can reduce the risk of coronary heart disease! The Foods are not Drugs Act ends this breakfast table censorship.

- The FDA is so fanatical about censoring truthful information regarding dietary supplements it even defies federal courts! For example, in the case of *Pearson v. Shalala*, 154 F.3d 650 (DC Cir. 1999), reh'g denied en banc, 172 F.3d 72 (DC Cir. 1999), the United States Court of Appeals for the DC Circuit Court ruled that the FDA violated consumers' first amendment rights by denying certain health claims. However, the FDA has dragged its feet for over two years in complying with the *Pearson* decision while wasting taxpayer money on frivolous appeals. It is clear that even after *Pearson* the FDA will continue to deny legitimate health claims and force dietary supplement manufacturers to waste money on litigation unless Congress acts to rein in this rogue agency.

- Allowing American consumers access to information about the benefits of foods and dietary supplements will help America's consumers improve their health. However, this bill is about more than physical health, it is about freedom. The first amendment forbids Congress

from abridging freedom of all speech, including commercial speech.

- In a free society, the federal government must not be allowed to prevent people from receiving information enabling them to make informed decisions about whether or not to use dietary supplements or eat certain foods. I, therefore, urge my colleagues to take a step toward restoring freedom by cosponsoring the Foods are not Drugs Act.