

DOJ Takes Criminal Action Against Supplement Makers, Sellers



By Josh Bloom — November 17, 2015

The U.S. Department of Justice is now doing what the Food and Drug Administration has been prevented from attempting -- because of the 1994 Dietary Supplement Health and Education Act, which has protected modern-day snake oil salesmen from oversight. The federal law enforcement agency is taking down makers and sellers of dangerous supplements.

At Tuesday's press conference the agency stated that "as part of a nationwide sweep, the Department of Justice and its federal partners have pursued civil and criminal cases against more than 100 makers and marketers of dietary supplements. ... Among the cases announced today is a criminal case charging USPLabs LLC and several of its corporate officers. USPLabs was known for its widely popular workout and weight loss supplements, which it sold under names such as Jack3d and OxyElite Pro."

Stock prices for supplement purveyors like GNC, Vitamin Shoppe and Herbalife fell on the news of the government's action.

Given the sordid past of USPLabs, in particular, and the supplement industry in general, this indictment is no surprise. In fact, it's one of the offenses that I have written about in the past (*Science 2.0*, April, 2014). But the malfeasance of the industry is hardly limited to this case. Here are others I have written about:

- [American Spectator](#) [1], March 2012 Supplement stores are selling anabolic steroids
- [Medical Progress Today](#) [2], July 2012 Selenium poisoning from a supplement that contained 200 times more than the label stated
- Boston Herald, November 2012 A study has scanty (at best) evidence that vitamin C may prevent cancers prompts a barrage of exaggerated claims as soon as the next day.
- [American Council on Science and Health](#) [3], March 2015 New York State Attorney General Eric Schneiderman orders six herbal supplements to be pulled from shelves because they do not contain what the label states.
- [Press Release](#) [4] by New York Attorney General Eric Schneiderman, March 2015 today announced a [landmark agreement](#) [5] with Pennsylvania-based retail giant GNC to implement new standards in authenticating herbal supplements, ensuring their purity, and educating consumers about their chemical content. ACSH advisor Dr. David Seres and I are two of the experts quoted by the AG's office.
- [American Council on Science and Health](#) [6], April 2015 Illegal, amphetamine-like stimulants in bodybuilding drugs targeted by NY Attorney General Schneiderman.
- [Science 2.0](#) [7], April 2015 Adderall, a Schedule II controlled substance (the same category as morphine), is found in these same supplements

- [American Council on Science and Health](#) [8], January 2015 A Consumer Reports survey find that 20 percent of Americans believe that supplements will help them lose weight, even though this is false.
- [Science 2.0](#) [9], June 2014 Dr. Oz is excoriated by Senator Claire McCaskill for selling useless supplements to promote weight loss.

Given the inherent level of sleaze that this industry has been built upon, the only thing that surprises me is that this indictment wasn't handed down sooner. It will be very interesting to see the specifics.

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[4] <http://www.ag.ny.gov/press-release/ag-schneiderman-announces-agreement-gnc-implement-landmark-reforms-herbal-supplements>

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[8] <http://acsh.org/2015/01/think-supplements-gonna-make-lose-weight-fat-chance/>

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