

U.S. DIETARY SUPPLEMENT LABEL CLAIMS – WHAT CAN YOU SAY?

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Who is CRN?



- National trade association for manufacturers and marketers of dietary supplements and functional foods in the United States.
- Foster a climate for responsible industry members to develop, manufacture and market their products.
- Our global affiliate, CRN-International (CRN-I), promotes science-based policy-making around the world.



Association Facts

One Association—The Council for Responsible Nutrition (CRN)

Amount with CRN

Voting Members	96
Finished Products	52
Ingredient Suppliers	44
Associate members	46
Staff	15
Annual budget\$	5.2 million
Years in existence	41
Also contains: scientific, regulatory, international, media	
relations and government relations expertise not found	
anywhere else.	





ARE DIETARY SUPPLEMENTS REGULATED IN THE UNITED STATES?

What the media says . . .

"These views are often fueled by product health claims, consumer testimonials, and an industry that is largely unregulated owing to the 1994 Dietary Supplement and Health Education Act."

Archives of Internal Medicine,

"The sentencing ends an unusual criminal case that explored both illegal online pharmacies and the legal but barely regulated U.S. dietary supplements industry." MSNBC

"So why aren't these products regulated? Congress virtually exempted them from oversight under a 1994 law..." Concord Monitor

"...supplements are not regulated..."
Nutrition-wise Blog, Mayoclinic.com

"Dietary supplements are not strongly regulated or evaluated for claims by the FDA ..."

NewsStar.com

"Fifteen years after Congress and the Clinton administration put the dietary-supplement industry on a loose leash, the \$25-billion-a-year business still sometimes bites its customers."

"The dietary-supplement industry is essentially unregulated,"

"How supplements can bite their buyers,"

Philly.com

"The consumer should understand that the dietary supplement market is mostly unsupervised and unregulated...." The Legal Examiner

"An unregulated industry" Consumer Reports

"... these products are both widely used and largely unregulated by the U.S. Food and Drug Administration." NewsDay

They are wrong! Dietary supplements ARE regulated.

Dietary supplements ARE regulated.

- Differently than pharmaceutical drugs, but regulated.
- Treated as a category of food, except where they are singled out for additional requirements – which they often are.
- Extensive regulations, enforced by U.S. FDA and FTC, regulate their formulation, manufacturing, labeling and marketing.

Why Supplements Should Be Regulated Differently than Drugs



- Dietary ingredients are found in foods or have extensive history of use; they are not novel compounds.
- Natural compounds have little intellectual property/patent protection.
- Lack of exclusivity means less incentive to invest funding in drug-like studies.
- Nutrients have more subtle, long-term effects vs. immediate, life-saving results – they get less interest from researchers.
- Studying risk reduction and prevention vs. treatment and cure are more costly, time consuming and more arduous; RCTs may pose ethical issues.

Regulation is a Four-Legged Stool

Ingredient Safety

1. The ingredients are safe.

Claims Evaluation

4. The ingredients are effective; i.e., the product does what the marketer says it will do.

Manufacturing Controls

2. The product is manufactured in a manner that assures quality.

Post-Market Surveillance

3. Someone is monitoring the product in the marketplace.



Ingredient Safety

- An ingredient that was on the market in 1994, when DSHEA was enacted, is presumed to be safe unless the FDA demonstrates that it is not.
- Twenty years later, we have additional usage data to further support the safety of these "old" ingredients.
- New dietary ingredients (introduced since 1994) must be "noticed" to FDA at least 75 days before entering the market.
- Mfrs must describe the ingredient with specificity and provide FDA with evidence that the ingredient, and product that would contain it, are "reasonably expected to be safe."
- FDA can remove ingredients or products from the market if they pose a significant or unreasonable risk of illness or injury and has used that authority.



Manufacturing Controls

- Dietary supplements are subject to their own Good Manufacturing Practices (GMPs) regulations, effective for industry since 2010.
- GMPs govern all aspects of dietary supplement production, from identity testing of raw ingredients to testing of the final products.
- Mfrs must register their facilities with FDA every two years.
- FDA routinely inspects dietary supplement facilities, completing over 500 inspections in 2013.
- Warning letters for uncorrected violations are posted on FDA's website.



Post-Market Surveillance

- 2006 law imposed mandatory adverse event reporting with support of the industry.
- All <u>serious</u> adverse events reported to a company must be reported to FDA within 14 days of receipt. No determination of causality: all reports go to FDA.
- Companies must preserve <u>all</u> adverse event reports for six years; FDA has access upon request.
- These adverse event reports have proven helpful to identify manufacturing problems, safety concerns for ingredients and discrepancies in labeling.



Claims Are Regulated by FDA and FTC

Disease Claims are prohibited – Foods and dietary supplements may not claim to treat, prevent, mitigate, cure or diagnose a disease.

Other claims must have substantiation that they are true – competent and reliable scientific evidence to support the claim.

Advertising vs. Labeling

- The FDA regulates DS labeling anything affixed to the product, or that would appear
- The Federal Trade Commission (FTC) oversees all consumer advertising, including DS – print ads, television, radio.
- Both FDA and FTC claim jurisdiction over internet websites, banner ads, search engine tools, blogs, social media, etc.

Why Claims Are Important

- Claims inform the consumer about safe use of the product and provide information about its ingredients.
- Educate consumers available options for their health interests.
- Claims communicate to FDA the intended use of the products.
 - Is it a food, drug or supplement?
- They support and facilitate marketing of products.

Types of Allowable Dietary Supplement Claims

- Nutrient Content Claims
- Nutrient Deficiency Claims
- Structure / Function Claims
- Health Claims includes Qualified Health Claims

These can all be used for either dietary supplements or conventional foods

Disease Claims Are NOT Permitted

A disease claim is a claim that the product prevents, treats, cures, mitigates or diagnoses a disease.

Making a disease claim transforms the product into a DRUG.

What is a "disease"?

...damage to an organ, part, structure, or system of the body such that it does not function properly (e.g., cardiovascular disease), or a state of health leading to such dysfunctioning (e.g., hypertension); except that diseases resulting from essential nutrient deficiencies (e.g., scurvy, pellagra) are not included in this definition.

Nutrient Content Claims

- Characterize the level of a nutrient in the product.
- Examples:
 - "High in antioxidants"
 - "Good source of calcium"
 - "Excellent source of Vitamin C"
- Limited to those nutrients authorized by FDA.
- Product must contain the prescribed amount.







Nutrient Deficiency Claims

- Very limited claims related to a known deficiency-related disease.
- Must also provide the known prevalence of the disease in the general population.
- Examples:
 - Vitamin C scurvy
 - Vitamin D rickets

As a practical matter, these are rarely used in the U.S.

Structure/Function Claims

- Describe the effect of a product on the (normal) structure or function of the body, and also include:
 - Claims that describe the effect of the supplement on general well-being.
- Manufacturer must <u>notify FDA</u> the claim is being made.
- Manufacturer must have substantiation that the statement is <u>truthful and not misleading</u>.

Examples of Structure/Function Claims

- "Helps build strong bones"
- "Helps support a healthy Immune function"
- "Use for weight management"
- "For eye health"
- "Maintain a healthy circulatory system"
- "Helps build muscle get strong and toned"

Structure/Function Claims

- Key Features:
 - May not claim or imply diagnosis, prevention, treatment or cure of a disease

Label must bear an FDA disclaimer:

These statements have not been evaluated by the Food and Drug Administration. These products are not intended to diagnose, treat, cure, or prevent any disease.

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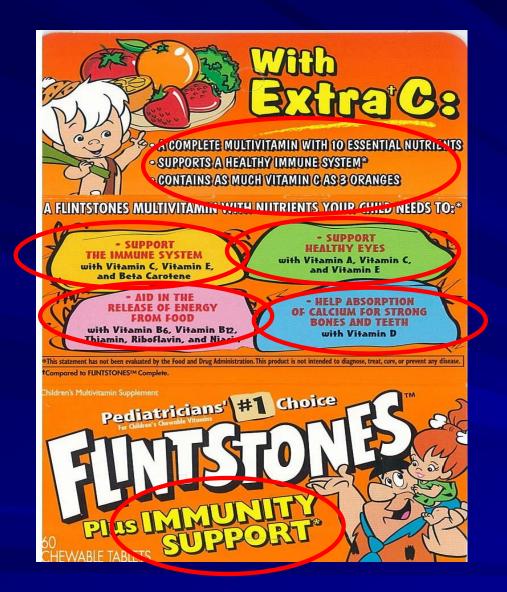
Disclaimer has two purposes:

- 1.To distinguish structure/function claims from health claims, which <u>are</u> evaluated by FDA.
- 2.To distinguish structure/function claims from drug claims, which <u>do</u> refer to preventing or treating disease.

Case Study – *Immunity*

- "A good source of antioxidant vitamins C and E."
- "Supports a healthy immune system."
- "Supports a healthy respiratory system."
- "Enhances your natural resistance."
- BUT NOT: Prevents colds, allergies or fights sinus infection







Substantiating Structure/Function Claims

- ALL Claims require competent and reliable scientific evidence for support.
- FDA provides <u>flexibility</u> in the amount and type of evidence while helping to preserve consumer confidence.
- Support should relate to the <u>specific product and</u> <u>claim</u>, be <u>scientifically sound</u>, and adequate in the <u>context of the surrounding body of evidence</u>.

Source: FDA Guidance: Substantiation for Dietary Supplement Claims Made Under Section 403(r) (6) of the Federal Food, Drug, and Cosmetic Act

"Competent and Reliable Scientific Evidence"

To meet this standard, companies should consider:

- 1) The **meaning** of the claim(s) being made
- 2) The **relationship** of the evidence to the claim
- 3) The quality of the evidence
- 4) The totality of the evidence

...does not necessarily require blinded, randomized clinical trials.

- Randomized-controlled trials (RCTs) are the "gold standard" -- but they may not be appropriate for nutrients and food components.
- Prevention/health maintenance is difficult to "prove" because benefits are realized over time.
- Nutrient effects may be subtle, and multi-functional.
- Observational data may be used.
- RCTs may be costly, impractical or unethical.

...so FDA uses a flexible approach to substantiating claims.



Health Claims

- Discuss the relationship between the ingredient and the reduction of risk of a disease.
 - Reduction of risk in NOT prevention.
- Health claims require prior approval of FDA.
- Use the standard of "substantial scientific agreement" with the proposed claim.

Health Claim Examples

- "Calcium and vitamin D can reduce the risk of osteoporosis."
- "A diet rich in fiber may reduce the risk of heart disease."



Qualified Health Claims

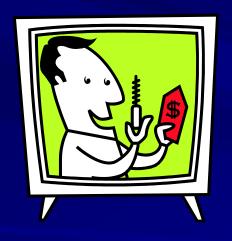
- The result of court decisions in the U.S., not found in the statute.
- FDA cannot prohibit the dissemination of truthful by not conclusive evidence of health benefits.
- Authorizes FDA to create qualifications to a health claims to give consumers accurate understanding of the strength of the claim.

Qualified Health Claim Examples

- "Supportive but not conclusive research shows that consumption of EPA and DHA omega-3 fatty acids may reduce the risk of coronary heart disease."
- "Selenium may reduce the risk of prostate cancer. Scientific evidence concerning this claim is inconclusive. Based on its review, FDA does not agree that selenium may reduce the risk of prostate cancer."
- "Scientific evidence suggests, but does not prove, that eating 1.5 ounces per day of most nuts, such as almonds, as part of a diet low in saturated fat and cholesterol may reduce the risk of heart disease."







Regulation of Advertising Claims



Federal Trade Commission



- FTC has primary responsibility for claims in most consumer advertising
 - Includes TV, radio, Internet, newspaper ads
- Requires that dietary supplement manufacturers should be familiar with the requirements under both DSHEA (for labeling) and the Federal Trade Commission Act (for advertising)

FTC Standard for Advertising

Same standard as FDA:

- Advertisers must have substantiation that advertising claims are truthful and not misleading.
- ■Requires competent and reliable scientific evidence to support advertising claims.
- ■FTC does not categorize claims (nutrient, S/F, health) holds all claims to same standard.

Issues for Advertising

- Looks at implied as well as express claims.
- Testimonials and endorsements are claims.
- Blogs, social media (Facebook, Twitter, etc.) can be claims if controlled by the advertiser.



Summary

- Dietary supplements in the U.S. are subject to comprehensive, robust regulations to promote safe responsible production and use of these products.
- The U.S. system of claims review is flexible and allows consumers to make informed choices and to have access to a wide variety of products.



Smart Prevention— Health Care Cost Savings Resulting from the Targeted Use of Dietary Supplements





Introduction—The Problem

Americans spend too much money on healthcare. As the population ages, both the actual dollars spent and the percentage of GDP targeted to health care spending are expected to increase.



- ❖ 75% of health care spending goes to addressing preventable diseases.
- Only 3% of every health care dollar spent is used for prevention.
- ❖ Numerous, rigorous studies demonstrate that the targeted use of certain dietary supplements can actually help to reduce the risk of some chronic diseases.

What if dietary supplements could contribute to reducing overall healthcare expenditures?

The Hypothesis

We hypothesized that if the selected dietary supplement regimens were taken at the same preventive levels as used in the clinical research by those at-risk populations, there would be a cost savings to the health care system and to individual providers and payers from reduced medical expenses associated with those lower risks of disease.

The Research



Objectives:

- •To critically review the research literature which examines the association between dietary supplement intake and disease risk reduction to quantify the risk reduction; and then
- •To determine the potential net health care cost savings from the use of those dietary supplements as a result of avoided disease-related medical events.

Research Scope



 Coronary heart disease (CHD) and the potential net health care cost savings when using <u>omega-3 fatty acids</u>, three <u>B vitamins</u> (folic acid, B6, and B12), <u>phytosterols</u> and <u>psyllium dietary fiber</u>.



 Diabetes and the potential net health care cost savings from diabetesattributed CHD when using <u>chromium picolinate</u>.



 Osteoporosis and the potential net health care cost savings when using the combination of <u>calcium and vitamin D</u> or when using <u>magnesium</u>.



 Age-related eye disease (ARED), specifically age-related macular degeneration and cataracts, and the potential net health care cost savings when using <u>lutein and zeaxanthin</u>.

Overarching Research Methodology-Part 1: Analytical Process to Ascertain Disease Risk Reduction

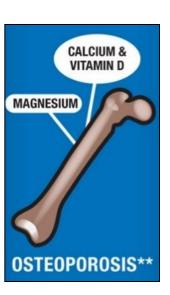
Review of the scientific literature

Identification of qualified studies

Determine overall expected impact of dietary supplement intervention

Osteoporos is

- In 2012, 1.2 million fracture events related to osteoporosis.
- Average treatment cost: \$11,020 per event.
- More than \$14 billion in annual direct health care costs.



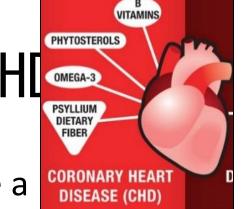
Calcium and vitamin D utilization yields:

- •18.6% relative risk reduction.
- •An average of 151,053 avoided events per year.
- •1,208,422 avoided events accumulated through 2020.

Magnesium utilization yields:

- •6.0% relative risk reduction.
- •An average of 68,536 avoided events per year.
- •548,284 avoided events accumulated through 2020.

Coronary Heart Disease (CHI



 16% of adults over 55 with CHD will experience a CHD-related medical event each year.

 Average cost of CHD-related inpatient procedures and emergency room visits = \$13,317.

 Between 2013 and 2020, average direct health care costs related to CHD events among adults over 55 = \$77.92 billion a year.

Coronary Heart Disease (CHI

PHYTOSTEROLS

OMEGA-3

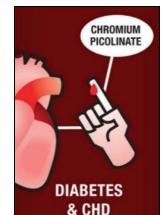
PSYLLIUM DIETARY FIBER

CORONARY HEART DISEASE (CHD)

- Omega-3 utilization yields:
- •An average of 137,210 avoided events per year.
- B vitamins utilization yields:
 - •808,225 avoided events accumulated through 2020.
- Psyllium dietary fiber utilization yields:
- •11.5% relative risk reduction.
- Phytosterol utilization yields:
- •An average of 283,389 avoided events per year.

Diabetes-Related CHD

- Over 17 million U.S. adults have Type II Diabetes.
- Of them, over 6.9 million have diabetes-related CHD and 1.9 million experienced a diabetes-attributed CHD-related inpatient procedure and/or visited the emergency room in 2012.
- Average expenditure per person = \$13,317.
- Chromium picolinate utilization yields:
 - •10.2% relative risk reduction.
 - •An average of 81,243 avoided events per year.
 - •649,944 avoided events accumulated through 2020.



Age-Related Eye Diseases (AREDs)

- AGE-RELATED EYE DISEASE (ARED
- Through 2020, an average of 4.8 million people over the age of 55 will experience an AMD or cataract event.
- Total cumulative health care costs related to ARED events: more than \$164.4 billion—an average annual cost of nearly \$20.60 billion.

Lutein and zeaxanthin utilization yields:

- •23.0% and 15.3% relative risk reduction of AMD and cataracts, respectively.
- •An average of 971,724 avoided AMD and cataract events per year.
- •7,773,791 avoided events accumulated through 2020.

Part 2: Determination of Health Care Cost Savings

Once the expected risk reduction factor is derived from the literature review, the potential cost savings derived from increasing dietary supplement intake among a given high risk population can be calculated.

Determine Hospital Utilization Costs in the Current State



Avoided Hospital Utilization Costs Given 100% Use of Dietary Supplement Regimen at Preventive Intake Levels



Revised Hospital Utilization Costs Accounting for Dietary Supplement Usage



Costs of Dietary Supplement Utilization

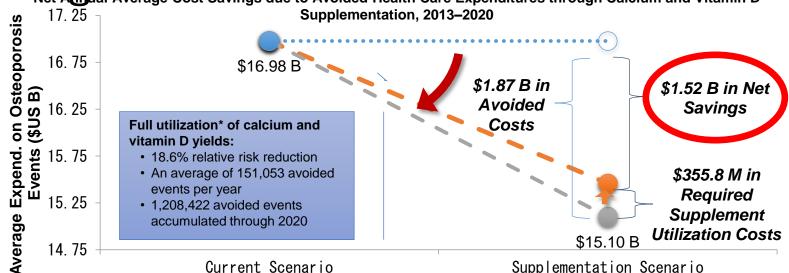


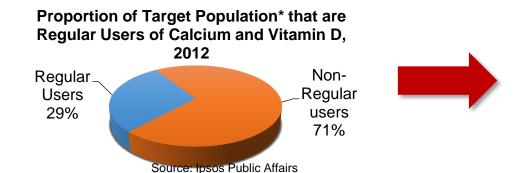
Potential Net Cost Savings from Dietary Supplement Usage

Benefits of Calcium and Vitamin D-Potential Osteoporosis-attributed Cost

Sav Net Net Average Cost Savings due to Avoided Health Care Expenditures through Calcium and Vitamin D

Supplementation, 2013–2020





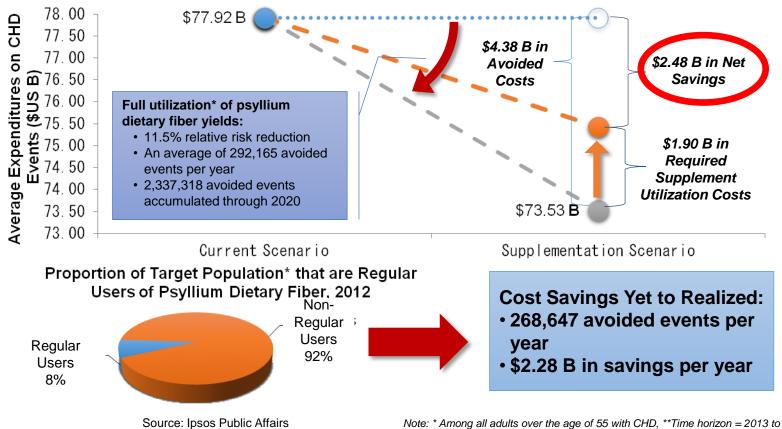
Cost Savings Yet to Realized:

- 107,248 avoided events per year
- \$1.08 B in savings per year

Note: * Among all females over the age of 55 with Osteoporosis, **Time horizon = 2013 to 2020

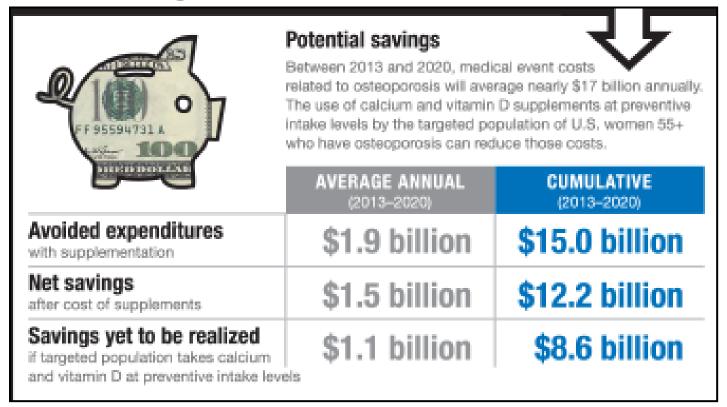
Benefits of Psyllium Dietary Fiber-Potential CHD Cost Savings

Net Annual Average Cost Savings due to Avoided Health Care Expenditures through Psyllium Dietary Fiber Intervention, 2013–2020

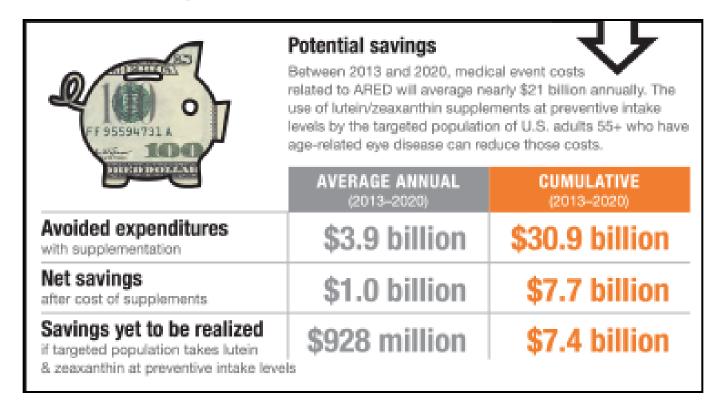


Note: * Among all adults over the age of 55 with CHD, **Time horizon = 2013 to 2020 Source: Frost & Sullivan analysis.

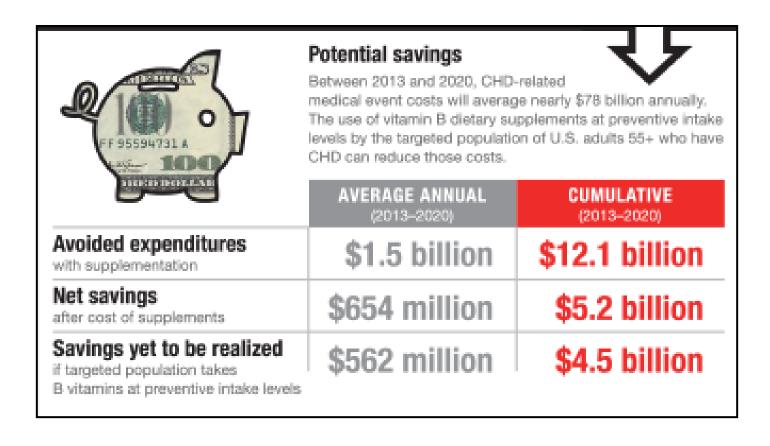
Benefits of Calcium and Vitamin D-Potential Osteoporosis-attributed Cost Savings



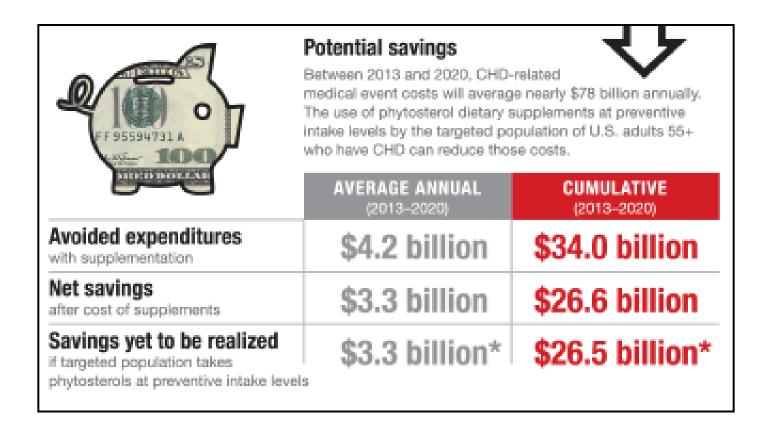
Benefits of Lutein and Zeaxanthin-Potential Age-related Eye Disease Cost Savings



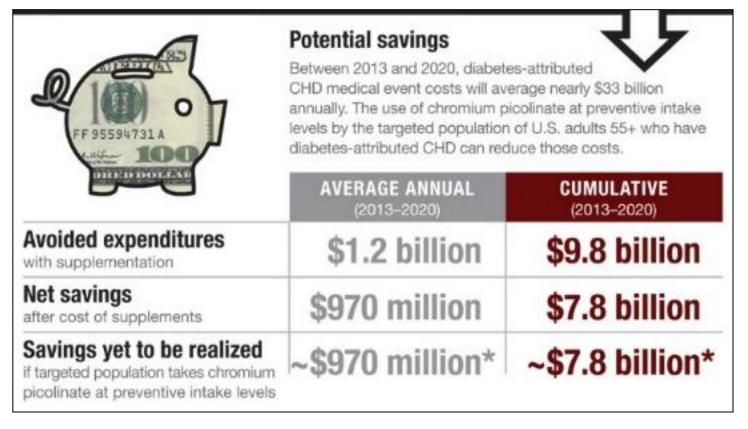
Benefits of B Vitamins-Potential CHD Cost Savings



Benefits of Phytosterols-Potential CHD Cost Savings



Benefits of Chromium Picolinate-Potential Diabetes-attributed CHD Cost Savings



Outcomes

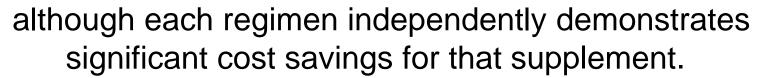
Understanding the link between smart prevention and health care cost savings will help key stakeholders, including patients, health care professionals, governments, insurance companies and employers, make better-informed decisions on the best course of action that minimizes current and future health care costs and maximizes long term potential benefits.



- A significant amount of scientific research has been conducted involving dietary supplements and many studies demonstrate a positive impact on reducing the risk of a disease event through supplement use.
- Disease events require costly treatment services, but until now there has been little effort to effectively calculate the cost-effectiveness of such supplement use.
 - This report demonstrates that significant cost savings can be realized through the smart use of scientifically-substantiated dietary supplements among high risk populations.

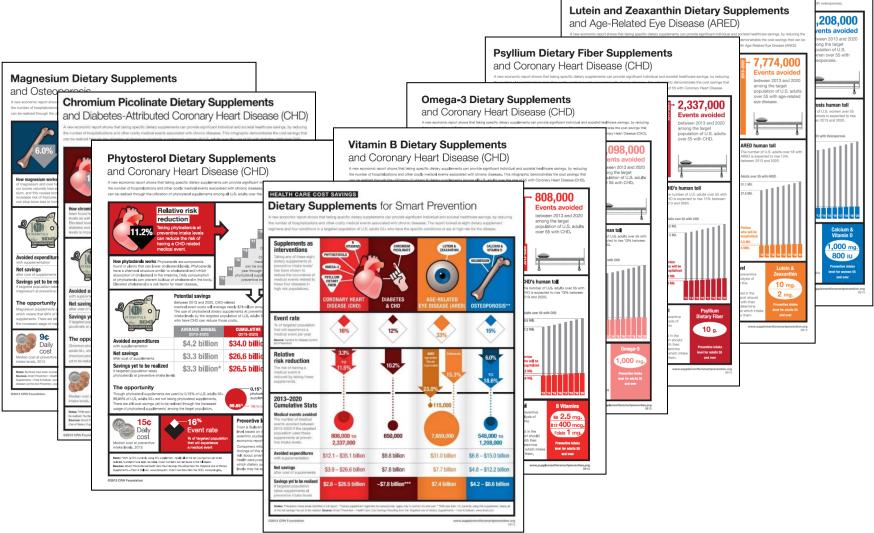
Research Caveats

- The results from these eight regimens may not be generalizable to all supplements.
- This report is not intended to be a prescription for everyone to begin these eight regimens.
- Results of each supplement regimen should not be summed together for overall cost-savings effect.
- Results of each regimen are not comparable to one another for either:
 - Absolute savings, or
 - Cost/benefit ratio,





www.supplementforsmartprevention.org



Calcium & Vitamin D Dietary Supplements

and Osteoporosis

Implications

- What does this report mean for those interested in reducing health care spending?
 - For Employers, Insurers and the Prevention Community
 - For Healthcare Practitioners
 - For Policy Makers
 - For Consumers



Council for Responsible Nutrition The Science Behind the Supplements

Thanks for listening!