

Letter to the Editor: The Pundit Speaks

By Randolph M. Howes, M.D., Ph.D.

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“Deceptive and Fraudulent Health Claims”

We are living in a pill-popping and dangerously over-medicated society. The current opioid crisis has led to thousands of unnecessary deaths, prompting a major class action law suit. False and fraudulent advertising fills television commercial and newspaper ads. In 2008, researchers at the Oregon Health and Science University reported in the *New England Journal of Medicine*, that nearly a third of antidepressant drug studies, which showed that the drugs do not work, are never published in the medical literature. Published studies which present unfavorable results have been recast (re-written) “to make medicines appear more effective than they really are.” Researchers conclude that, “Selective publication can lead doctors to make inappropriate prescribing decisions that may not be in the best interest of their patients and, thus, the public health.” Dietary supplements present an even worse case of false advertising, which amounts to blatant, sleazy dishonesty. A deceptive trend has developed in recent years to promote certain foods and supplements with false health claims. Some brands sold today still market their products using these claims. Health claims for food or supplement products must be reviewed by the FDA and must be backed by scientific evidence. The Nutrition Labeling and Education Act of 1990 (NLEA) granted the FDA the authority to issue regulations guiding nutritional health claims, which must now be reviewed by the FDA via a petition process. Since then, the FDA has authorized only 12 food-related health claims. Health claims must list the elements of a product and the disease or condition that these elements may benefit. They are also limited to descriptions regarding potential risk reduction in disease, and are not permitted to claim to diagnosis, cure, or treat disease. An example of unverified health claims involves POM Wonderful 100% Pomegranate juice and POMx supplements. Specifically, POM claims that its products will prevent or treat heart disease, prostate cancer, and erectile dysfunction. POM disagreed with the FTC’s findings that their advertising claims were misleading and took their case all the way to the Supreme Court. In 2016, the Supreme Court refused to hear the case, thus upholding a lower court’s ruling that sided with the FTC and against POM. The term “natural” is a go-to term in health-advertising claims. The FDA’s policy permits the use of the word only when the product contains no artificial or synthetic substances listed on its label, including color additives and preservatives. The FDA has stepped up its crack-down on “natural” products and is asking the public what it thinks “natural” means.

In the America that I love, please resist the “urging” to take unnecessary medications and supplements. Drug and supplement manufacturers have developed aggressive campaigns of persuasion to encourage you to over-medicate and over-supplement.

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