Opening Statement of Senator Herb Kohl
Special Committee on Aging Hearing
Dietary Supplements: What Seniors Need to Know
May 26, 2010

Good afternoon. I'd like to thank our witnesses for participating in today's hearing on dietary supplements. The use of dietary supplements, which can take the form of vitamins, minerals, fiber, or other nutritional products, has grown substantially over the past few decades. Recent surveys indicate that at least 40 percent of American adults consume these products, many of which can serve as a valuable and nutritional addition to daily diets. Today we will address concerns that have arisen over whether the marketing and manufacturing of these products meet the standards that American consumers deserve.

Dietary supplements have become a multi-billion dollar industry. In 2006, Americans reportedly spent $23 billion on herbal and specialty supplements, which is almost half the amount they spent on prescription drugs. However, several consumer safety issues arise with these products. Because dietary supplements are available over-the-counter, consumers sometimes take them in addition to, or even as a replacement for, other prescription medication or drugs without consulting their doctors or receiving notification of potentially harmful interactions.

In fact, accurate information is not always easily accessible to the average consumer. The number of scientific studies conducted on the safety or efficacy of herbal supplements is limited, and, unlike pharmaceutical drugs, these supplements are not subject to FDA approval before being marketed and sold. In addition, claims made about these products in advertisements are subject to only limited regulation.

In 2007, the FDA released Good Manufacturing Practices, or GMPs, that began to address some these problems. Though it took thirteen years to complete them, these guidelines are intended to improve the safety and production of dietary supplements. The industry itself has stepped up oversight efforts, and has taken an active role in monitoring its own practices and helping both the FDA and the Federal Trade Commission identify and effectively deal with misleading ads and unfair marketing.

Despite these positive developments, we'll hear today that legitimate concerns remain about the industry. A Government Accountability Office investigation uncovered both improper advertising and marketing of dietary supplements, as well as the existence of contaminants such as mercury, lead, and pesticides in certain products. While the levels of contaminants have not set off alarms with federal regulatory officials or scientists, some exceed allowable limits. As part of their investigation, GAO referred marketing and contaminant samples to FDA and FTC for further review and possible action.

Given these findings, it is obvious that more must be done. I look forward to working with my colleagues in the Senate, including Senators Harkin and Hatch, and Senators McCain and Dorgan, who have long taken an interest in dietary supplement issues, to ensure that meaningful provisions addressing these issues are included in the Food

Safety Act. We need to be sure companies are properly registered, including their product lists, so that FDA has the ability to identify and act on safety concerns. Since two-thirds of consumers believe the government requires supplement labels to contain warnings about potential side effects or dangers, we must ensure consumers receive comprehensive information about the safety of these products by requiring warning labels on products that contain ingredients known to have adverse effects or harmful interactions with prescription drugs.

We should encourage vigorous oversight to reduce and eliminate dangerous contaminants, even in small amounts. We need to ensure that FDA has the authority to recall products that are found to harm those who take them. And finally, as FDA authority expands, we need to continue to provide them with the resources to do these things. Last year I was successful in securing a $152 million increase for FDA's food safety oversight, and I will continue to advocate for additional funding in the future.

Now, let's be clear that no one is suggesting that consumers should not be able to take vitamins or other dietary supplements. Our concern is that they be able to do so safely. American consumers should have access to comprehensive, accurate information about these products, so they are empowered to make the best decisions about their own health.

Thank you once again to today's witnesses. I now turn to the Committee's ranking member, Senator Corker, for his opening statement.