

June 9, 2005

Natural Solutions Foundation
88 Batten Road, Croton on Hudson NY 10520
914-271-6792 voice
914-271-6720 fax
www.HealthFreedomUSA.org
info@healthfreedomusa.org

Statement of Pro-Health Foundation Leaders to US Codex Public Hearing

Statement before the Codex Delegation, United States Department of Agriculture, Room 107A, Jamie Whitten Bldg. - 1400 Independence Ave. SW, Washington, DC – prepared by Maj. Gen. Albert N. Stubblebine III (US Army, Ret.) - June 9, 2005.

Good afternoon, ladies and gentlemen. I am the Medical Director of the Natural Solutions Foundation and I would like to thank Dr. Edward Scarborough for inviting us, on such short notice, to appear before today's Public Hearing on CODEX ALIMENTARIUS.

On June 1, 2005, the Natural Solution Foundation submitted a formal emergency Citizens Petition urging the Office to adopt support for international Dietary Supplement harmonization (and any other international harmonization) *only* as it strictly conforms to United States law.

The issue is particularly pressing since the Vitamin and Mineral Standard, poised for ratification by the CODEX ALIMENTARIUS Commission (CAC) this summer, allows ultra low nutrient doses but forbids supplements at therapeutic dosages, world-wide. This stands in direct contradiction to the intent of the Dietary Supplement Health Education Act (DSHEA) of 1994 which guarantees Americans access to supplements as foods: unlimited and unrestricted. The Citizen's Petition refers to US Policy in general and to the direction given to the U.S. CODEX Delegation when it attends the 28th CAC meeting in Rome on July 4-9, 2005

Other destructive provisions of the CAC have been criticized by the Natural Solutions Foundation and other health freedom activists, since CODEX will effectively end natural health options in the US and globally. The Petition is posted on the Internet at <http://www.healthfreedomusa.org/action/petition.shtml> .

The CODEX ALIMENTARIUS Commission's highly restrictive and anti-health proposals are likely to cause great harm in the US and globally, if implemented.

U.S. District Court Judge Tena Campbell stated in the Ephedra Decision, April 3, 2005 (*Nutraceutical Corporation and Solaray, Inc. v. Lester Crawford, Acting Commissioner, U.S. Food and Drug Administration*, Case No. 2:04CV409 TC, USDC, Utah Central Division), "the legislative history of the DSHEA indicates that Congress generally intended to harmonize the treatment of dietary supplements with that of foods when it added the dietary supplement subsection..."

The Natural Solutions Foundation, along with groups like Citizens for Health, believes that CODEX's restrictive vitamin and mineral guidelines should be replaced by a standard like the U.S. Dietary Supplement Health Education Act (DSHEA). The DSHEA food-based standard is protective and open, whereas the CODEX "permitted list" is harmful and restrictive. DSHEA, passed *unanimously* by the U.S. Congress in 1994, recognizes and protects the value of individuals and biological individuality and diversity in making personal nutritional and health choices while CODEX explicitly prohibits those values being served or protected since only restricted types of ultra-low dose nutrients will be permitted under the proposed CODEX guidelines while all others will be forbidden, whether with or without a doctor's prescription.

These decisions for prohibition are based upon faulty logic and flawed science. Toxicology, a branch of science designed to assess risks from dangerous industrial chemicals, will be used to determine the CODEX levels for nutrients. Toxins poison enzyme systems and are poorly excreted by the body. This is inherently illogical since nutrients are, by definition, non toxic and CODEX's own documents make it clear that risk assessment procedures do not apply to nutrients and were modified without validation or verification to push the wrong peg into the improper hole. In fact, nutrients strengthen and support enzyme systems rather than damage them. We have excellent mechanisms for either storing nutrients for further use or eliminating them when we have an over supply. Nutrients are not properly classed as toxins or evaluated by toxicological methods so the entire basis upon which CODEX Vitamin and Mineral Guidelines rests is both irretrievably flawed scientifically and illegal under US law.

The culmination of 50 years of U.S. legislation and litigation has refined the supplement policy of the United States to ensure that individual choice and personal desire play a key role in ensuring private and public health. The CODEX guideline totally subordinates individual choice and need to scientifically indefensible, inaccurate and unsupported so-called "professional expertise" from the wrong profession: toxicology. The DSHEA, on the other hand, balances professionals, science and people.

We urge the U.S. CODEX Office to adopt as the policy of the U.S. Government and as direction for the US CODEX Delegation that it support only international harmonization that conforms to United States law and practice. We refer to 19 U.S.C. 3512, which clearly states, "United States law to prevail in conflict - No provision of any of the Uruguay Round Agreements, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect."

In conclusion, let me again state that we appreciate the opportunity to present our concerns at this Public Hearing. We trust that this United States agency will favorably consider our position – which is the position of the Courts, the Congress and health conscious people throughout the United States – that Dietary Supplements are Foods, not Drugs, when it affirms its policy and directs its Delegates to vigorously defend US law before the CODEX ALIEMNTARIUS Commission and all other international bodies. We expect our Delegates to lead the World Community to a better, food based standard for Dietary Supplements, as envisioned by Congress when it adopted DSHEA in 1994.