

Natural Products Association
Testimony to the
Senate Judiciary Committee
on
“Body Building Products and Hidden Steroids: Enforcement Barriers”

Witness appearing before the
Senate Subcommittee on Crime and Drugs

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Mr. Chairman and Members of the Committee;

Thank you for the opportunity to be with you today. I am Dr. Daniel Fabricant, interim executive director and CEO of the Natural Products Association (NPA). NPA was founded in 1936 and is the oldest and largest trade association in the natural products industry. We represent the interests of more than 10,000 retailers, manufacturers, suppliers and distributors of health foods, dietary supplements, natural personal care and the millions of Americans who use supplements each year. I am also a former college athlete and a sports nutrition expert, so I have a deep personal understanding of this issue.

First, let me say that we welcome this hearing because we share your concerns about illegal steroids. Selling products containing illegal substances is a crime. Whenever a product containing illegal substances is identified – be they steroids or something else – we are the first to call for throwing the book at the offending party. Anyone caught selling steroids should be prosecuted to the full extent of the law, and the natural products industry has worked for years to pass those laws.

Unfortunately, our industry is being victimized by a guerilla-style criminal drug-peddling operation. And we believe that tougher enforcement and prosecution to the full of the law are the best ways to stop the criminals. The barriers to enforcement are simple: money, manpower and will.

We fully support a strong regulatory and legislative regime to ensure that what's on the label is what's in the bottle -- the criminals who sell steroids illegally don't.

We fought for stronger Drug Enforcement Agency rules, especially the passage of the Anabolic Steroid Control Act of 2004. This law gave DEA additional authority, made it easier to schedule chemicals as anabolic steroids, and increased penalties and fines for criminal activity. We have also worked for Good Manufacturing Practice regulations, Serious Adverse Event Reporting laws, and the New Dietary Ingredient Notification pre-market approval process, and other important provisions of the Federal Food Drug and Cosmetic Act. We also strongly support the Federal Trade Commission enforcement activities against false labeling and deceptive advertising.

We're not surprised that criminals defy these laws -- that's what criminals do. We're not surprised if criminals ignore current legal requirements to notify the government of their intent to sell illegal substances. So again, we urge you to get tough on the criminals.

That is why our industry has fought repeatedly for Congress and the Administration to provide the Drug Enforcement Agency, the Food and Drug Administration, the Federal Trade Commission and other government agencies the resources they need to enforce the law. For many years, quite frankly, those resources were lacking. Within the past 12 months, however, Congress has provided a significant infusion of funding which has led to a noticeable increase in enforcement.

We welcome this increased government enforcement and support efforts to boost resources further -- the criminals who sell steroids illegally don't.

There are additional enforcement measures under current law that are available and could be used. For instance, the FDA sent 28 warning letters to firms that were illegally marketing products containing steroids. Warning letters are a good start, but how many of those were followed by court action, which is well within the authority of the FDA to pursue? Likewise, to our knowledge, the DEA has only proposed the listing of three additional compounds under the Anabolic Steroid Control Act of 2004 -- just three compounds in five years. These limited enforcement activities are not an effective deterrent and make it far too easy for criminals to stay one step ahead of the law.

Finally, it is in our best interest to continue to earn the public's trust, and anything we can do to separate the legal, safe and healthy dietary supplement industry from the seedy, fly-by-night, and unsafe world of illegal steroids is worthwhile.

Indeed, when any athlete suggests an off-the-shelf dietary supplement was the cause for a banned substance being found in their bodies, our industry asks them to name the supplement, name the manufacturer, and name the store where they bought it. We asked the same questions of Donald Fehr, who essentially blamed the entire steroid scandal in Major League Baseball on legal dietary supplements. Clearly, we all have more questions than answers

So Mr. Chairman, we are glad you're having this hearing. We support efforts to stop the sale of illegal steroids. We strongly support resources for government agencies to enforce the law.

We stand ready to work with the Committee, the government, non-governmental organizations, and supporting agencies to help identify and remove criminal activity, which is the root cause of this tragedy, from the system.

Thank you, and I look forward to your questions.