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# Safety of Herbal Supplements Pulls Prosecutors Together

By ANAHAD O'CONNOR MARCH 9, 2015 10:01 PM 122 Comments



Yana Paskova for The New York Times

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A group of attorneys general is expected to announce on Tuesday that they are forming a coalition to crack down on fraud and quality control issues in the herbal supplement industry.

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The coalition would signal a shift in the way law enforcement agencies ensure the safety of herbal supplements, a \$5 billion-a-

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year industry that has been plagued by complaints of mislabeling. An [investigation](#) by the New York State attorney general's office led to accusations last month that four national retailers were selling supplements that contained either little or none of the medicinal herbs advertised on their labels or, in many cases, included cheap fillers and contaminants like powdered rice, wheat and houseplants.

The retailers — GNC, Target, Walmart and Walgreens — were forced to pull the products from their shelves. The state attorney general, Eric T. Schneiderman, later issued subpoenas to the manufacturers of the products, demanding that they explain how they verify the quality of their products and what testing they do to support a variety of claims on their labels, like “gluten free” and “hypoallergenic.”

On Monday, the attorney general's office said that because problems in the supplement industry were not limited to New York, the agency had enlisted the help of other attorneys general, a group that so far includes those from Connecticut, Indiana and Puerto Rico. Mr. Schneiderman said that the agencies were pooling their resources “to examine labeling, quality control and other aspects of the herbal supplement industry,” but he did not provide details.

“Clearly, the questions we raised about the herbal supplements sold in New York resonate outside of our borders,” Mr. Schneiderman said. “New Yorkers and consumers nationwide deserve confidence that when an herbal supplement is represented as authentic, pure and natural, that it really is.”

Critics of the industry have argued that the Food and Drug Administration does not have enough power to keep fraudulent or dangerous products from reaching store shelves. The F.D.A. is restricted by a 1994 federal law — [sponsored by Senator Orrin G. Hatch](#), Republican of Utah, who has strong financial ties to the industry — that prevents it from subjecting supplements to the strict approval process applied to prescription drugs.

As a result, unsafe herbal products generally are pulled from stores only after they have caused harm. But Dr. Arthur P. Grollman, an expert on herbal supplements at Stony Brook University, said he believed that greater action at the state level might pressure the supplement industry to address some of its safety issues.

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Dr. Grollman was among the experts who more than a decade ago led calls for a ban on ephedra, an herbal supplement that was linked to many heart attacks, strokes and deaths. The F.D.A. eventually banned ephedra in 2004, only after several states and counties had introduced legislation outlawing its sale in their local stores.

“It was only when these individual states banned it that people started to pay attention,” Dr. Grollman said. “I would hope that this new change would lead states to do what they can to ensure the safety that presently the F.D.A. is unable to provide.”

Some industry trade groups have questioned the New York attorney general’s investigation, saying it relied on a DNA testing procedure that is inappropriate for herbal extracts. One trade group, the [Council for Responsible Nutrition](#), called the investigation “uninformed” and “reckless.”

The group said that the testing would not reveal plant DNA in herbal extracts because the genetic material is destroyed during the extraction process. The group also said that the procedure could not determine whether unlisted ingredients like gluten and rice were present in large quantities, or only in trace amounts below the legal thresholds.

One of the attorneys general involved in the coalition, George Jepsen of Connecticut, said he had joined because the New York investigation “raised serious public health and consumer protection concerns potentially impacting consumers in Connecticut and across the country.”

“As attorneys general have shown time and time again in recent years,” he said, “we have a strong and unique ability to work together on behalf of our respective constituents on issues of national concern.”

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