

PRESIDENT'S LETTER

New York AG's Attack – Skirmish or first salvo of full-fledged attack on our industry?

By Stephen Distefano



February 3, 2015: the unprovoked attack commenced in broad daylight. The weapon of choice was unreliable, inappropriate, and untested, making it all the more lethal when it actually worked. The attack itself

came from an entirely unexpected direction. Completely unprepared, the four victims had no choice but to agree to unconditional surrender. Some decided it was better to roll over than attempt to fight back, even though they actually had the ammunition to mount a counter offensive. Sensing weakness, the attacker pressed on, making alliances with other groups of marauders, until the victims were forced to make other

concessions. The rest, as they say is history. Or is it?

How exactly did we lose the battle when the enemy had no ammunition?

As we are all now, aware, On February 3, 2015, the New York Attorney General, Eric Schneiderman began an investigation into the contents of herbal supplements. He instructed his staff to pull samples of these supplements from the stock of four retail stores: GNC, Walgreens, Wal-Mart, and Target. Using DNA barcoding tests, a methodology almost every expert in the industry agrees is not fit-for-purpose for testing herbal supplements, the Attorney General continued moving forward with his

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ADVOCACY UPDATE

USDA to Certify GMOs ...but the program is voluntary

According to a recent article in the Associated Press (AP), the USDA has developed the first government certification and labeling for foods that are free of genetically modified ingredients. Certification, if it comes, will be voluntary, and companies will have to pay for it. If approved, the foods are permitted to carry a "USDA Process Verified" label along with a claim that they are free of GMOs.

According to the AP, Agriculture Secretary Tom Vilsack outlined the department's plan in a May 1 letter to employees, saying the certification was being done at the request of a leading

global company, which he did not identify.

As we are well aware, there are currently no government labels that certify a food as GMO-free. Many suppliers and manufacturers in our industry use the one developed by the Non-GMO Project.

Vilsack said the USDA certification program is being created through the department's Agriculture Marketing Service (AMS), which works with interested companies to certify the accuracy of the claims they are making on food packages. Companies pay the AMS to verify a

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If you are **not** currently a member, you can take advantage of this offer by joining NPA East right now. Use the membership application form attached to this newsletter or go to www.npaeast.org. For retailers, it's like getting your annual dues for free!

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Take Action in Your State

NPA East keeps its fingers on the legislative pulse in your state. We are looking for conscientious, independent retailers, who are willing to stand up and take action when threatening legislation appears on the horizon. To lend your support to protect your livelihood, please contact the Executive Director.

Become State Captain or District Captain

The time to affiliate with an advocacy-focused trade association is now. To become a concerned citizen of the natural products community after negative legislation has been filed is too late. Newly introduced legislation can become law in a matter of weeks. ***NPA East is dedicated to organizing now and being poised to protect the future of our industry as soon as threats arise.*** To lend your support to protect your livelihood, please contact the Executive Director at 856-985-5446 or info@npaeast.org

Every time a new member joins NPA East, our voice gets stronger and our ability to influence legislation both locally and nationally grows exponentially. The job won't get done without you. Please do your part to help protect our industry by joining today.

For more information on how you can help us protect your business, please contact NPA East Executive Director, Paul Kushner at 856-985-5446. E-mail: info@npaeast.org.

The job
won't get
done without
YOU.

NPA East Members Support Labeling of All Genetically Modified Foods

The Natural Products Association East and its members support the labeling of all foods sold to consumers, made from plants or animals, which ensure that they are free of genetically modified organisms (GMOs). This position is consistent with NPA East's Bylaws, which state that it is the Association's obligation to its membership to adhere to the following principles:

- Supporting and promoting the production, marketing, and consumption of nutritional foods, dietary supplements, and related products and services that provide optimum health benefits to consumers
- Encouraging adherence to product and label integrity
- Developing adequate guidelines to improve the quality of health products and services.

In keeping with these principles, NPA East believes strongly that it has an obligation to its membership to support all legislation that protects the safety and choice of consumers, while also protecting retailers, suppliers, and manufacturers from frivolous, "Gun Slinger" litigation. NPA East will examine all GMO labeling legislation on their individual merits and act in accordance with the best interests of our members and the consumers they serve.

NY Attorney General & NPA National Collaborate on Dietary Supplement Safety

New York State Attorney General Eric Schneiderman and Daniel Fabricant, Ph.D., CEO of The Natural Products Association (NPA) today issued the following joint statement:

"We share a common objective of ensuring herbal products bought by consumers are authentic, pure, and sold in full compliance with consumer protection laws. Anyone who buys an herbal supplement should be able to do so with full knowledge of what is in the product and have complete confidence that every precaution was taken to ensure its authenticity and purity. While no single test or technology alone can provide complete confidence to consumers, we support the application of DNA barcoding technology as part of a multi-faceted approach to assuring authenticity and identifying substitution. This includes testing herbal/botanical ingredients prior to extraction in circumstances where DNA Barcode is available for the relevant species. Together, we look forward to jointly working with major manufacturers and retailers of herbal supplements to promote a model for product safety, authenticity, and transparency in this industry. We view this dialogue as a positive step in resolving our differences and we are hopeful that we can work in collaboration to enhance confidence and safe access for consumers."

USDA to Certify GMOs

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claim, and if approved they can market the foods with the USDA label.

“Recently, a leading global company asked AMS to help verify that the corn and soybeans it uses in its products are not genetically engineered so that the company could label the products as such,” Vilsack wrote in the letter. “AMS worked with the company to develop testing and verification processes to verify the non-GE claim.”

A USDA spokesman confirmed that Vilsack sent the letter but

declined to comment on the certification program. Vilsack said in the letter that the certification “will be announced soon, and other companies are already lining up to take advantage of this service.”

According to the article, the USDA label is similar to what is proposed in a GOP House bill introduced earlier this year that is designed to block mandatory GMO labeling efforts around the country. The bill, introduced earlier this year by Rep. Mike Pompeo, R-Kan., provides for USDA certification but would not

make it mandatory. The bill also would override any state laws that require the labeling.

The food industry, which backs Pompeo’s bill, has strongly opposed individual state efforts to require labeling; saying labels would be misleading because GMOs are safe.

Vermont became the first state to require the labeling in 2014, and that law will go into effect next year if it survives a legal challenge from the food industry.

The FDA says GMOs on the market now are safe. Consumer advocates pushing for the labeling say shoppers still have a right to know what is in their food, arguing that not enough is known about the effects of the technology. They have supported several state efforts to require labeling, with the eventual goal of having a federal standard.

Read the complete article at http://apnews.myway.com/article/20150514/us--genetically_modified_foods-labeling-fa04376f7e.html

New York AG’s Investigation

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investigation. Oddly, shortly after reaching an agreement with one of the retailers regarding product testing, he allowed this same retailer to return the same exact products to its shelves. Since the New York Attorney General, or any state attorney general for that matter, has no jurisdiction or regulatory control over our industry, why did our side unequivocally fold so quickly, especially since it turned out that there is still no evidence that the products tested are harmful or non-compliant with federal laws? I believe it’s a question worth pondering.

Where’s the FDA?

For more than 20 years, the FDA has had full regulatory authority and oversight of dietary supplement quality, safety, and labeling. The Dietary Supplement Health and Education Act of 1994 authorized the FDA to issue regulations to cover all aspects of supplement manufacturing.

State attorneys general, on the other hand, do not have the authority to pull supplements from shelves, whereas the FDA is fully equipped to go after dietary supplement manufacturers who do not play by the rules. Since that is not the case here, the FDA has not pursued action against any of the manufacturers in question. Does the FDA apparently allowing, even endorsing the state attorneys general to pull products off shelves without proper regulatory authority set a dangerous precedent, which is a threat across all industries and significantly impacts consumer choice? Again, I believe this is a question we should ponder.

The Dietary Supplement Act is back in play

The bill, introduced by Dick Durbin (D-IL) and Richard Blumenthal (D-CT) in 2011 and then, again, in 2013, would require manufacturers to provide registration information for new products within 30 days, mandate warnings on supplements containing certain ingredients, and direct the FDA to distinguish between supplements and food and beverage products with additives. Under the legislation, which was first unveiled in 2011, the FDA also would have the authority to require manufacturers to submit documentation substantiating claims on labels. If this third try is the same as the first versions of the bill, this legislation will undoubtedly

lead to redundant regulations for the industry and will include provisions that will make getting quality products to consumers very difficult.

Are we just fear-mongering so you’ll support NPA East?

Our goal is not to raise your anxiety about the current attack on our ability to do business, although it is certainly real. Our goal is to raise your awareness of the current state of our industry and ask you to help support our daily diligence to protect you and me from what could, left unchallenged, make it far more difficult and much more expensive to stay in business, make a reasonable profit, and serve our customers.

Since the first day the investigation by the New York Attorney began, NPA East has been in communication with our legislative contacts in New York to reach a reasonable agreement on the regulation of dietary supplements. Even now, we have played a role in preventing the passage of Bill S15-2015, which would require products labeled as dietary supplements or nutritional supplements to carry a label stating that product has or has not been tested by the FDA.

If you are already a member of NPA East, thank you for your support. You can feel confident that your dues dollars help to underwrite our continued goal of protecting your right to do business. If you are not a member, I urge you to join today. If we’re going to reverse this continuing attack on our industry from those who seek to destroy it, we need you to step up to the plate now. Annual dues for retailers are only \$95.00 a year. That’s about \$2.00 a week to protect your business every day from the predators that seem obsessed with our ultimate demise. Annual dues for suppliers are only \$250.00 plus NPA members receive a complimentary Expo East 2015 Super Pass. See page 1 for details.

Join the fight today

You can use the NPA East Membership form attached, sign up on our website, www.npaeast.org, or call NPA East’s Executive Director at 856-985-5446.

Every time a new member joins NPA East, our voice gets stronger and our ability to influence legislation both locally and nationally grows exponentially.

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(See page 1 for details)

Thank you for your 2015 annual membership in NPA East. Your generous support ensures that we can continue to fight to protect your business interests every day by lobbying on your behalf, monitoring legislation, providing useful education, and ensuring that you compete on a level playing field.

2015 ANNUAL RETAILER DUES: \$95.00

Three ways to renew your membership in NPA East:

- 1 Mail this completed form with payment to: NPA East, 29 Pickwick Drive, Marlton, NJ 08053
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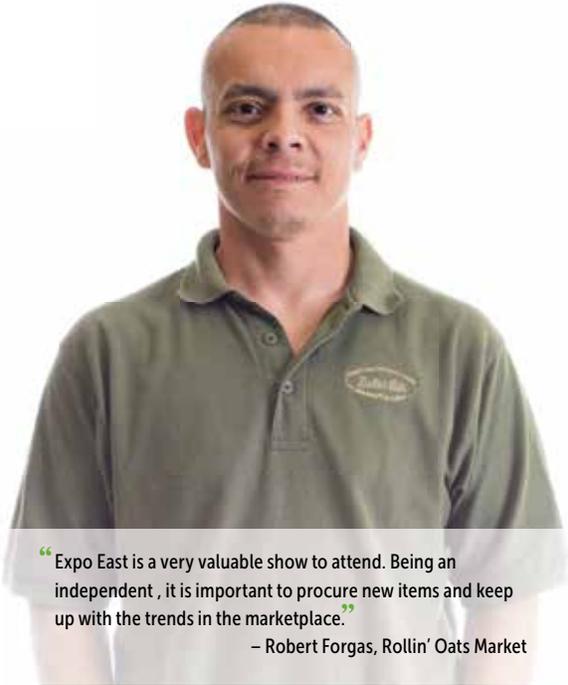
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