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**Re: Libelous Statements by ANH-USA about ConsumerLab.com**

Messrs. Lewis and Lizotte and Ms. Ray,

ANH-USA posted an article on its website on April 23, 2013 which contains false, misleading, malicious and libelous statements about ConsumerLab.com, as well as false and misleading information regarding dietary supplements. I am writing to you to request immediate retraction or correction of this article, entitled “Hyped Supplement Tests Reveal Questionable Methods and Motivations,” which was also distributed in your ANH-USA newsletter on April 23, 2013. Many of the false statements appear in another article on your site entitled “Supplement Safety: What You Need to Know about ConsumerLab.com—and More” (June 5, 2012), which I also request you retract or correct for accuracy. Copies of this letter are being sent to members of ConsumerLab.com who read the article and requested our response to it, as well to other interested parties.

For the benefit of those reading this letter, it is helpful for me to first explain the nature of *your organization*, the Alliance for Natural Health USA (ANH-USA), as we understand it:

- A major focus of ANH-USA is to lobby the government to restrict and further *reduce* the regulation and oversight of the dietary supplement industry; and
- ANH-USA appears to receive substantial financial support from manufacturers and sellers of dietary supplements -- those in a position to financially benefit from the expanded health claims and less stringent manufacturing regulations for which you advocate.

In short, ANH-USA appears to exist, at least in part, to help your members make more money selling supplements by reducing restrictions on how supplements are made and marketed.

Unlike your organization, ConsumerLab.com’s mission is to help consumers and health professionals identify *high quality* products. We have been doing exactly that since 1999. Member fees (\$33/year) from over 60,000 current members comprise the majority of our revenue, which funds our independent Reviews, in which we purchase products on the market just as consumers do, rigorously test them, and report the results, pass or fail, to our members. These Reviews represent the majority of our testing. As there are many more products on the market than we can afford to test, we also identify high quality products through a Quality Certification Program, in which any company may request that we test their product to determine if it passes the same tests required in our

Product Reviews. In the Quality Certification Program, a testing fee is paid covering our costs to purchase the product off the shelf as a consumer would, conduct extensive chemical and physical analyses of the product in multiple laboratories (including our own), and review the labeling on the product. These programs are explained further below and in more detail on our website in the [About Us](#) page and in the [CL Answers](#) page.

It appears that your editorial staff has little interest in providing your members with truthful information about ConsumerLab.com and on many other matters, as evidenced by the many incorrect, misleading, and libelous statements in your articles, which include the following:

**False statement by ANH-USA:** *ConsumerLab ... does not appear to us to be either independent or impartial.*

**Fact:** ConsumerLab.com is a completely independent company owned by the people actively engaged in running it, with no interest from any outside entity. No basis is given by you to support your claim that ConsumerLab.com is not independent. In addition, our reviews of products are impartial, applying the same testing methods and criteria to all products. No basis is given by you to support your claim that ConsumerLab.com is not impartial. Furthermore, all third-party supplement testing organizations, such as ConsumerLab.com or the USP, charge a reasonable fee for providing a thorough evaluation of a product for certification. The existence of such a program is no basis for accusing the organization of not being independent or impartial.

**False statement by ANH-USA:** *...companies that do not agree to pay for the voluntary certification program risk having their products tested anyway through the firm's "product review program." If they fail the test, those failures will be publicized on ConsumerLab.com's website and in the media, with complete details for sale in CL's Product Review Technical Reports.*

**Fact:** Whether we choose to test a product for a Review or it is tested at the request of its manufacturer or distributor in our Quality Certification Program, ConsumerLab.com can, and has on many occasions, chosen to test other products from the same company, and even the same product as part of a later review. To avoid redundancy, we would not simultaneously test a product for both Review and Certification, as the testing methods and passing criteria are the same and, if the product is Approved, it will be added to the reports for our members, fulfilling our goal to identify high quality products. In addition, and contrary to what you write, we do not publicize a product's failure on our site. A product's Quality Approval status is found only in the reports for our members. In addition, we do not sell Technical Reports. We do, however, furnish free test reports to the manufacturer of any product which has failed to be Approved in a Review so that product deficiencies can be investigated.

**False statement by ANH-USA:** *They "failed" sixteen products—some for the most specious of reasons.*

**Fact:** A specious reason means a false reason. None of the reasons for a product failing our tests are false, but are clearly defined and based on established criteria, as described in the freely available information on our website at [https://www.consumerlab.com/methods\\_index.asp](https://www.consumerlab.com/methods_index.asp).

**False statement by ANH-USA:** *CL's thirty minute disintegration time ... (is) based on a drug standard. This is absolutely not appropriate for supplements, because supplements are digested as foods.*

**Fact:** You appear to have no understanding of the standards which apply to dietary supplements. The USP disintegration test for vitamin-mineral dietary supplements *is for supplements*, not drugs, and requires disintegration in water in 30 minutes as specified in USP 36 <2040> "Disintegration and Dissolution of Dietary Supplements.

**False statement by ANH-USA:** *One supplement company, NOW Foods, established [its own disintegration time](#) of sixty minutes for relevant products, and this met with FDA's approval.*

**Fact:** If a product does not comply with the USP standard, the manufacturer must indicate this on the label of the product. The NOW Foods multivitamin product which was Not Approved by ConsumerLab.com for failing the USP disintegration test provides no indication on its label that it does not meet the USP requirement nor that NOW applies its own standard. Furthermore, the rationale for NOW's decision to allow twice the normal time appears to be questionable.

**False statement by ANH-USA:** *CL "failed" one product for not meeting what CL claimed was the folic acid level claimed on the label, even though the product actually contained not folic acid but natural folates.*

**Fact:** The product was certainly tested for folates and failed to contain its listed amount. The test used was the correct method for folates (AOAC Official Method 944.12 Folic Acid in Vitamin Preparations).

**False statement by ANH-USA:** *CL also singles out companies that were just within the UL for certain nutrients. If they are within range, why even mention these companies at all?*

**Fact:** We identify all products that exceed the Upper Tolerable Intake Level (UL) for a nutrient. Many consumers are not aware of the ULs, above which there is increased risk of toxicity. We also identify products at the UL because most of our members take multiple supplements daily. Taking a supplement at the UL will cause a person to exceed the UL if they consume another supplement or fortified food which contains that nutrient. Unfortunately, this information is not disclosed on supplement labels and, apparently, is information which ANH-USA would prefer not be shared with consumers -- which I believe is shameful.

**False statement by ANH-USA:** *Some supplements may "fail" on very debatable grounds, such as UL or some technicality...*

**Fact:** As noted above, CL points out products that exceed or are at the upper tolerable limits for nutrients, but this is not a basis for a product "failing" – just additional information which we provide to our members.

**False statement by ANH-USA:** *As usual, CL's report does not discuss the methodology they used—how many times they tested a product, what lab was used, etc. Laboratories can be very unreliable, and repeat testing may be necessary. How can they expect anyone to take them seriously while withholding this information?*

**Fact:** ConsumerLab.com *always* publishes the methodology applied in its Reviews ([https://www.consumerlab.com/methods\\_index.asp](https://www.consumerlab.com/methods_index.asp)). This information is available for free to all visitors to our website. In fact, CL is the only supplement testing group which freely publishes its testing methods and criteria. Furthermore, as noted in our methods, products are always tested in a second independent laboratory for confirmation of a failing result.

**False statement by ANH-USA:** *Dr. Oz claims that FDA doesn't monitor supplements as they do drugs. That is simply not true.*

**Fact:** Dr. Oz is correct. The FDA does not monitor supplements as they do drugs. Unlike drugs, supplements do not have to be tested for safety or efficacy, or be approved or registered with the FDA before they can be sold. And while there are Good Manufacturing Practices for supplements, these are less stringent than those for drugs.

**False statement by ANH-USA:** *The [Dr. Oz] show implied that many supplements are contaminated with heavy metals such as lead, with serious health effects. In reality, only one product had any lead contamination at all, at levels that weren't very high—and it should have been mentioned that it was one of the products marketed for pets.*

**Fact:** On the Dr. Oz show, a calcium/vitamin D product for people - not pets - was noted to have lead contamination, at approximately 1 to 2 mcg per the suggested daily serving (one to two scoops of

powder). The California Prop 65 lead limit applicable to this product is just 0.5 mcg of lead and this product had more than twice the limit.

Please inform me when you have made the appropriate changes to the articles on your site and you have informed your newsletter readers of these changes. If an adequate response is not provided, we will be compelled to pursue our legal remedies.

Sincerely,

Tod Cooperman, M.D.  
President  
ConsumerLab.com

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Mark Anderson, Ph.D., VP, ConsumerLab.com