

# THE KNIFE'S EDGE

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Since our last issue of *Health Freedom News*, much has been happening on the health-freedom front. We have seen progress and stagnation. We have seen liberty and gross governmental abuse of power. In many ways we seem to be on several knives' edges that could go either way.

## The Food Supplements Directive

The first knife's edge is European. As you should know, the Alliance for Natural Health (ANH) filed a lawsuit challenging the legality of the European Union's Food Supplements Directive (FSD). The FSD, you will recall, is poised to impose upon the citizens of the European Union very harsh restrictions on vitamin and mineral food supplements. The ANH's challenge, which has been supported by the Federation both financially and morally, made its way through the court system until it reached the European Court of Justice where a hearing was held last January.

In April, the Advocate General of the European Court of Justice gave his preliminary opinion on the challenge. Despite all of the various ways in which the FSD complied with the law, it was, he wrote, illegal since "the Directive infringes the principle of proportionality (*i.e.*, its effects are not proportionate to the identified problem but are unnecessarily prohibitive), because basic principles of Community law, such as the requirements of legal protection, of legal certainty and of sound administration have not been properly taken into account." "The Directive," Geelhoed concluded, "is therefore invalid."

It will remain to be seen if Geelhoed's advisory opinion is adopted by the full court when it announces its decision on July 12th. If the advisory opinion holds (which in most cases they are adopted by the full court), then the EU's Directive must go back to the drawing board for redrafting and a reprieve for European consumers. This is important to Americans because the Europeans are trying to get their regulations adopted almost word for word as international standards. We'll know more come July 12th, perhaps as you are reading this magazine, but there is real hope for a health-freedom victory here.

## Codex Alimentarius

Another knife's edge involves our old nemesis, the Codex Alimentarius Commission. The Federation is all in favor of international food standards that would ease trade across borders and increase freedom. But, unfortunately, somewhere near the end of the 20th Century, the Codex Alimentarius Commission took a detour and instead of entering the 21st Century, ended up in the 17th Century.

George Bernard Shaw once wrote that “Liberty means responsibility. That is why most men dread it.” And most modern-day Europeans, with the exception of a handful of free thinkers, dread economic liberty. Their governments mostly prefer to crawl back into the failed, controlled-economy, nanny-state way of thinking and governing that leads to witch-hunts and stagnant, monopolistic economies. These same governments have convinced their citizens that safety can only be had by yielding responsibility to the government, which will micromanage every possible risk for them. And New World governments, including those of Canada and the United States, are tripping over themselves to keep up with their European cynosures.

That is the warped mentality that the NHF encounters every time we attend a Codex Committee meeting. There, we find bureaucrats with no real economic or scientific understanding at all espousing “safe” upper limits on dietary supplements and other inane restrictions that will harm millions of consumers. Charitably, we will say that these are well-intentioned but misguided individuals; however, much more likely is the reality that the key players here are nothing more than shills and front men for the big pharmaceutical companies. If they can restrict dietary supplements, then those companies’ profits, the largest on the planet, will be protected.

Fortunately, all of us in the health-freedom movement have been banding ever closer together to oppose this. In a two-day meeting last April in Washington, D.C. sponsored by the American Association for Health Freedom (AAHF) and under the able guidance of its directors Brenna Hill and Cheryl Dicks, many health-freedom organizations and individuals met to strategize and plan their efforts to stop the continuing advance of Codex restrictions. The National Health Federation was given an honored place at the head of the tables and I was able to speak about what NHF has been doing these last five years as the only recognized pro-health-freedom organization at the Codex meetings. Our Paul Anthony Taylor, Lee Bechtel, and Dr. Carolyn Dean were there as well and many new bridges were formed and ideas shared. It was a very fruitful meeting that led to the creation of the Coalition for Health Freedom so as to continue on with this coordinated work.

For its part, we at the NHF are strapping on our armor for the next Codex meeting. This one will be the “big” one where the Codex Alimentarius Commission itself meets in Rome, Italy on July 4-8, 2005, in order to review and approve or disapprove all of its various committees’ actions that have reached the final step of committee review. Among these many items are the draft *Guidelines for Vitamin and Mineral Food Supplements* that reached the final Step 8 at the last Bonn, Germany committee meeting. If approved, the draft Guidelines would provide a framework for the imposition of Euro-style, over-regulation of safe and natural health products that would quickly suffocate our health freedoms.

The NHF, though, will be there in force. As our NHF delegation head, I will be backed up by Paul Anthony Taylor, Tamara Thérèse Mosegaard, Dr. Carolyn Dean, and Sepp Hasslberger. All of us are experienced Codex attendees and will be fanning out to coordinate opposition amongst the other delegates to the passage of these draft Guidelines.

In doing so, we have pointed out in writing (and will point out verbally at the meeting as well) that, among other things, the draft Guidelines violate the Codex Commission's own procedural rules and that no framework such as these should be approved until everyone knows what regulations exactly are going to be fitted into them later by non-transparent committee process. Moreover, the draft Guidelines say that only vitamins and minerals recognized by the UN's Food and Agriculture Organization (FAO) and World Health Organization (WHO) may be used. Interestingly enough, as Paul Taylor has correctly noted, no list of such vitamins and minerals even exists!

Needless to say, we are going to be your strong voices at this upcoming Codex meeting to let every single one of the attendees know that they are being sold a bill of goods that must be rejected. More importantly, we are doing our utmost to have the Committee disapprove the Guidelines and send them back to the Bonn Committee, which we hope will be their eventual grave.

## CAFTA/FTAA

A third knife's edge hovers over the so-called Central American Free Trade Agreement (CAFTA) and the even-broader Free Trade Agreement of the Americas (FTAA). Modeled after the North American Free Trade Agreement (NAFTA), these agreements are typical bureaucratic monstrosities of "**managed**" trade that masquerade as free trade and would expand NAFTA to include first Central America and then the rest of the Americas in an economic "union." True free trade would take a few pages of written text to enact ("eliminate these barriers to trade and these tariffs," etc.); all three of these agreements encompass thousands of pages of bureaucratic textual garbage sprinkled liberally with rules, regulations, and special-interest benefits.

Buried in the language of CAFTA is Section 6 that would require of all its members that they form a Sanitary and Phyto-Sanitary (SPS) committee for the purpose of insuring *ongoing harmonization* under the terms of the SPS Agreement in the World Trade Organization (WTO). (You can find that text at the following website:

[http://www.ustr.gov/Trade\\_Agreements/Bilateral/CAFTA/CAFTA-DR\\_Final\\_Texts/Section\\_Index.html](http://www.ustr.gov/Trade_Agreements/Bilateral/CAFTA/CAFTA-DR_Final_Texts/Section_Index.html).)

If you then look at Article 3 of the WTO's SPS Agreement, you will read the following words: "To harmonize sanitary and phytosanitary measures on as wide a basis as possible, Members **shall** base their food safety measures on international standards, guidelines or recommendations." (emphasis added) And as you all know by now, Codex sets the international standards for food safety including vitamins & minerals.

So, CAFTA, which is set for a vote in Congress in early July, is another critical link by which health-freedom haters hope to bypass the Dietary Supplement Health and Education Act of 1994 and obligate the United States and Canada **by treaty** to harmonize to the harshly restrictive Codex vitamin-and-mineral standards. They cannot be allowed to succeed, and we at the NHF completely oppose these two treaties that would put a knife in the back of our health freedoms.

More than two hundred years ago, Thomas Jefferson said “The issue today is the same as it has been throughout all history, whether man shall be allowed to govern himself or be ruled by a small elite.” Those words are as true now as they were then. Free men and women choose to rule themselves; and, acting together to preserve our freedoms, we will.