

# Codex - The Root of the Problem Identified

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As a reader of *Health Freedom News* you will no doubt by now be very familiar with the threat that Codex poses to the future global availability of high-dose dietary supplements. At the November 2003 meeting of the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) for example, the Codex Guidelines on Vitamin and Mineral Supplements advanced from step 3 to step 5 of the 8-stage Codex ratification process. As such, the danger is growing that an unjustifiably restrictive Codex standard for vitamins and minerals could now be finalized within the next twelve months. The danger that this poses to our future health and freedoms does not need to be spelled out.

Nevertheless, what is not often appreciated is that the CCNFSDU is only one of around 20 different Codex committees that are currently engaged in the act of setting global "standards" for our food supply under the guise of free trade "harmonization."

Another one of these committees for example, is the Codex Committee on Food Labeling (CCFL), whose mandate is to draft provisions for what can and cannot be said on the labels of food products, including of course those on dietary supplements. This committee meets annually in Canada, and at its most recent meeting, in May of this year, it agreed to advance a text on Guidelines for the Use of Nutrition and Health Claims to step 8 of the Codex process. Following a subsequent meeting of the Codex Alimentarius Commission that was held in Geneva from 28th June to 3rd July of this year the Nutrition and Health Claims text was then ratified as a finalized Codex standard.

## **The Codex General Guidelines on Claims**

Upon first examining the text of the Codex Guidelines for the Use of Nutrition and Health Claims one might be forgiven for thinking that it would allow a wide variety of health claims for dietary supplements, as amongst other things it states that health claims should be permitted provided that they are based on current relevant scientific substantiation. Hidden away amongst the preamble to the text however is the following somewhat innocuous-looking statement:

*Claims of the type described in Section 3.4 of the Codex General Guidelines on Claims are prohibited.*

What then, one might reasonably wonder, are the claims described in Section 3.4 of the Codex General Guidelines on Claims? Following a little digging around on the Codex website to find the relevant document one unearths a MAJOR problem however,

in that it turns out that section 3.4 of the Codex General Guidelines on Claims states the following:

### *3. PROHIBITED CLAIMS*

*3.4 Claims as to the suitability of a food for use in the prevention, alleviation, treatment or cure of a disease, disorder, or particular physiological condition unless they are:*

*(a) in accordance with the provisions of Codex standards or guidelines for foods under jurisdiction of the Committee on Foods for Special Dietary Uses and follow the principles set forth in these guidelines;*

As such therefore, given that dietary supplements are treated as foods by Codex, a global standard has now been set that would, when enforced, prohibit the labels of dietary supplements from carrying statements that the product can prevent, alleviate, treat or cure ANY disease or health condition.

In theory of course, exemption **(a)** allows the CCNFSDU to make a provision for health claims for dietary supplements if it wished. In practice however this is extremely unlikely to happen. At last year's meeting, for example, the head of the EU delegation said that "food and the prevention of diseases do not go together," and that "health claims for vitamin and mineral supplements should be prohibited." Similarly, the chairman of the CCNFSDU said that "drugs are to mitigate and prevent diseases," and that "the role of food supplements is to support the diet." These views, in fact, are currently shared by the vast majority of the national delegations at Codex. As such we can be quite certain that health claims of the type described under Section 3.4 of the Codex General Guidelines on Claims will be prohibited.

As a result therefore, the setting of this new global standard for Nutrition and Health Claims now raises some fundamental questions.

### **The FDA Fails to Defend US Law at Codex.**

The head of the US delegation at the Montreal Codex meeting was a Mr. L. Robert Lake, who is currently Director of the Office of Regulations and Policy at the Center for Food Safety and Applied Nutrition in the FDA. Why then, one wonders, didn't Mr. Lake object to the prohibition on health claims for food products when he knew that by agreeing to it he was supporting something that could deny US consumers access to truthful health information? In the case of *Pearson v. Shalala*, for example, the decision of the United States Court of Appeals for the DC Circuit Court reaffirmed consumers' First Amendment right to learn about dietary supplements without unnecessary interference from the FDA. Nevertheless, Mr. Lake seemingly believes that he and the FDA have the right to ignore both this judgment *and* the free-speech amendment of the US Constitution when participating in the setting of global standards at Codex meetings.

In contrast, however, the delegation of South Africa (who, other than NHF, are currently the only consistently pro-health freedom delegation at Codex)

specifically stated at the Montreal meeting that section 3.4 was "no longer sustainable or morally justifiable," and in a passionate speech, Mrs. Antoinette Booyzen, the head of the South African delegation, argued that:

*In allowing this clause to remain in this Codex Guideline, this committee evades its responsibility to people of this planet, by censoring evidence-based scientific information of the role of nutrition in prevention, alleviation, treatment and cure of disease.*

Mrs. Booyzen then went on to say that:

*The question this committee must consider today is:*

*Are we fully prepared to acknowledge the role of optimum nutrition in the prevention, alleviation, treatment and cure of disease, and thereby acknowledge the Codex principle of basing its standards and guidelines on science?*

Nevertheless, her proposal received no support at all from the other national delegations, who one by one spoke up to oppose it. Mr. L. Robert Lake for example, when it came to his turn to speak, on behalf of the US delegation, simply stated that:

*We want to join with the other delegations that oppose work on this item.*

### **Who benefits from the prohibition on health claims?**

The real question that we should now therefore be asking ourselves is: who really benefits from the censoring of evidence-based scientific information on the role of nutrition in the prevention, alleviation, treatment, and cure of disease?

Consumers? Most definitely not.

Manufacturers of dietary supplements? No way.

The pharmaceutical industry? Of course, as the prohibition ensures that the only products that can make claims relating to the prevention, alleviation, treatment, and cure of disease are pharmaceutical drugs.

And does the FDA benefit from this censorship? Naturally, as it receives vast sums of money from pharmaceutical companies in return for issuing drug licenses. What about the Federal Government? They too benefit from the prohibition, as they in turn receive vast amounts of income in the form of taxes on pharmaceutical company profits. As a result we have now gotten down to the very root of the problem:

**By prohibiting all claims that food can prevent, alleviate, treat, or cure disease, Section 3.4 of the Codex General Guidelines on Claims essentially protects the patent on the pharmaceutical industry's control of our healthcare systems.**

Without this clause there would be nothing to prevent vitamin manufacturers from making the same type of claims for dietary supplements as the pharmaceutical industry does for its pharmaceutical drugs. Moreover, if this Section were dropped from the Codex General Guidelines on Claims, then *real* progress could at long last be made in building and cementing health freedom on a global scale.

The health-freedom movement must now therefore unite against the growing global restrictions that Codex is throwing in its way. In particular we must all now call on our national governments to support the dropping of Section 3.4 from the Codex General Guidelines on Claims.

There is no comparable industry on the planet where the manufacturers of a product are legally prevented from telling their customers the true facts about their products, especially when those facts are supported by many thousands of scientific studies. Therefore, unless and until Section 3.4 of the Codex General Guidelines on Claims is altered in such a way as it permits claims that food can prevent, alleviate, treat, or cure disease, the true properties of dietary supplements will always be censored by the regulators.

If Section 3.4 were dropped, however, then dietary supplement manufacturers would gain the same rights in advertising their products as are currently enjoyed by their pharmaceutical cousins.

Once one understands this, it can easily be seen that the FDA, the Federal Government, and governments across the globe will oppose the scrapping of Section 3.4 every step of the way, because doing so would in time dramatically reduce the income that they receive from the issuing of drug licenses and taxes on pharmaceutical company profits. But in the name of progress, and for the future of healthcare on planet earth, scrap it we must.

### **Where are our taxes going?**

An elderly uncle of mine in the UK was recently telling me how he had been unable to get a doctor to come out to see his wife when she had suffered a mini-stroke one evening. Thirty years ago, he reminded me, it would have been possible to get a doctor to come out right away. Clearly then, despite the fact that within a couple of years the UK government will be spending around £100 billion annually on its National Health Service (NHS) the *quality* of healthcare that UK citizens receive is decreasing year by year.

Why is this so? Quite simply because along with the rest of the Western world, the UK NHS is being crippled by the cost of paying for outrageously expensive pharmaceutical drugs. The fact that much of this money is being spent on unnecessary, ineffective, and even harmful treatments - when safer and more effective natural therapies are already known to exist borders upon insanity. As such, the scrapping of Section 3.4 of the Codex General Guidelines on Claims would also free up billions of dollars of taxpayers' money and circumvent the bankrupting of our healthcare systems.

And this is before we even begin to consider the further savings that would ensue from increased numbers of consumers actively engaging in preventative healthcare via the consumption of dietary supplements.

### **Risk-analysis, or risk-benefit analysis?**

There is yet another aspect to all of this however. Section 3.4 is also the reason why our regulators engage in risk-analysis assessment of dietary supplements instead of in risk-*benefit* analysis, as under this clause the benefits of dietary supplements other than the prevention of simple deficiencies are not supposed to exist. Once Section 3.4 was removed from the Codex General Guidelines on Claims however, there would be no reason not to engage in proper benefit-analysis; and the well-documented beneficial properties of dietary supplements would finally be out in the open for all to see.

From this point onwards therefore we must all be absolutely certain where we stand. If we want to defend our access to dietary supplements and achieve *real* health freedom we cannot stand idly by and hope that others will do it for us.

The scrapping of Section 3.4 of the Codex General Guidelines on Claims would be a major step in the right direction, and it is up to us *all* to demand that it comes about. Please therefore write to your senators and congressmen, as our future access to truthful health information now depends in no small part upon this next big step.

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