



# MAN BITES DOG –

## As Always, the FDA Has No Interest in Health

By Pamela Gerry, R.N., CCT

A California resident, with a Masters Degree from Columbia and a PhD from the University of Southern California, Sissy

McGill has been raising Great Danes since 1958. She and her Mother traveled to Germany in 1974 to purchase the fawn son of the 1974 World Champion Great Dane, and the brindle nephew of the 1973 World Champion Great Dane. While she was there, Sissy learned that, on average, German Great Danes live 11-13 years compared to their American counterparts, who live 7-9 years.

### Good Nutrition Means Longer Life

Suspecting the difference in longevity might be due to nutritional factors (since, genetically, American Danes have been coming from Germany for years and, as far as nurturing goes, all Danes seem well-loved), Sissy gathered samples of German dog foods while she was there and had them analyzed once back in the States. Analysis revealed, among other things, that the primary ingredients were amaranth, millet, and barley – as opposed to the top three ingredients in American dog foods, which are wheat, corn, and soy.

As she dug deeper for information comparing the health status of German versus American Great Danes, she learned that “bloat” was a common cause of death for dogs in the USA, but that the German vocabulary did not even assign a word for “bloat.” Additionally, Tufts University research at the time revealed that “only in the USA do dogs die of bloat.” It also suspected that the reason could be the corn, wheat, and soy in their diet. [Ed. Note – Interesting, since even people can get bloat from corn, wheat, and soy.]

Sissy had been on the Dog Show circuit since the 1950s and knew many dog owners who had experienced the bloat problem in their animals. Sensing she was on to something that could make a difference, she contacted dog-food manufacturers to see what it would take to begin to formulate healthy dog food using amaranth, millet, and barley as a base. Nineteen manufacturers told her it “could not be done,” because in America “we use corn, soy, and wheat.”

Disheartened that it looked like her project would not even get off the ground, she “took to serious prayer” about

it all. The next day, one of the companies called back to tell her that it could provide the amaranth/millet/barley mix in a minimum lot of 25 tons! She thought, “Thank you, Lord!” Undaunted by the huge amount required, she began to call her Dog Show friends, including one lady who had lost nine Irish Setters to bloat. Soon enough, about ten friends pitched in to place the minimum 25-ton order. “I emptied my garage, put everything in storage, and rented a fork lift,” in preparation for the delivery. “I had no merchandising experience,” she admitted. “Among other things, how did I know the bag needed printing on it?”

In 1975, she introduced the first all-natural dog food in the USA, containing no salt, animal fat, sugar-beet pulp, fillers, by-products, artificial flavors, colors, preservatives, corn, soy, or wheat – the last three being the top allergens in dogs. Sissy also learned from Swedish researchers that the use of sunflower oil caused a 69% increase in cancer rates, so she decided to only include flaxseed and canola oils in her products in place of animal and poultry fat, which went rancid soon after packaging in other dog foods.

### Meaner Than a Junkyard Dog

After her “Hund-n-Flocken” (German for ‘dog food flakes’) had been on the market for about a year, one day a knock came to the door. It was the Food and Drug Administration (FDA), there to inform her that there is no “such thing as a natural dog food.” This same food had been a top product in Germany for 20 years without any problems for either consumers or authorities. A series of unbelievable (to the average citizen, but NHF members would see this action as being true to form for the Agency) harassing actions by the FDA began at that time. “I now know that any natural products in competition with conventional corporations or pharmaceutical products will be targeted for removal by the FDA. And why not? The FDA accepts \$400 million annually from these groups,” Sissy observed. In fact, the FDA admits that its job is to “ensure that the existence of dietary supplements on the market does not act as a disincentive for drug development.” (*See The FDA Dietary Supplements Task Force Report* at pp. 2 & 71.)

The FDA’s first interference with Sissy’s production began as a series of barked orders that demanded she change her labels, for one product alone, 18 times! The

Agency then also demanded that she change other labels on various products. "They were trying to financially drain us," she observes. She was plagued with annoyances bordering on obstruction year after continued year until 1988 when the FDA demanded she remove the Vitamin C in her products, snarling that "the use of the letter 'C' is illegal in matters concerning dogs."

This was just one of the 19 natural products they made her take off market. Another was her Pet Calmer product, "because it is yellow; yellow is an illegal color concerning dogs." Around the same time she was ordered to discontinue using yucca (a food in use since the time of the pharaohs) in her products, the FDA claimed it was "a drug" and could not be added to food. "They told me it was only legal for people, not dogs." Regarding her breeder status, the Agency told her that "pregnancy is a disease, and only vets can breed." "As if vets have time to be breeders," Sissy responded. "Conception is a disease," they countered.

### Treed by the FDA

For those of us familiar with the shenanigans of the FDA, this story is entirely plausible; to the less informed, it must seem like a comedy of errors. Not so. On Good Friday, at 5:00 pm, 1988, Sissy received a summons to appear in court on Tuesday morning, next. Her crime? She was charged with "breaking the Health Claims Law - vitamins, minerals, and herbs are drugs; you are selling drugs." (This was before DSHEA became law.)

Sissy thought she would be charged with a first-time misdemeanor and fined \$16, and that she would see a local magistrate, not a Federal judge. After a 5-day trial in Federal court, though, she was found guilty of breaking the "Health Claims Law," which, she explains, "did not exist at the time." She was sentenced to prison for a term of six months. Also, her "corporation," Solid Gold Health Foods, was fined \$10,000; but she was not incorporated so they did not even have that right. The bailiff in the court room whispered to her at the end of the trial, "This is the worst case of railroading I have ever seen." Sissy reflects, "I was the first natural dog food producer; they were trying to make an example out of me."

Her imprisonment began on August 29, 1990. She was not allowed to receive nor send letters, but she managed to get 22 letters out to Congressional representatives and aides, and heard back from Senators Joe Biden and Strom Thurmond, among others. "You never broke the law; it didn't exist," wrote Joe Biden, to his credit.

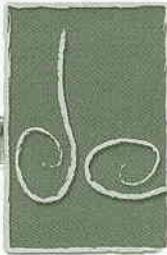
After all of the stress and strain of the years of entanglement with the FDA, Sissy had a stroke while in prison. She was released on December 19, 1990, and allowed to go home; but she had to sign a Consent Decree that would be in force for twenty years, stating that she would not put the 19 natural products back on the market, that they had ordered her to stop manufacturing. As the Consent Decree nears expiration, a young lawyer from the government has been in contact with Sissy insisting that she sign a new decree, "or I'll make sure you go back to prison where you'll die." With such a gracious offer from the FDA, Sissy seems blasé as she comments, "They seem to make everything up as they go along; and, no, I have no intention of signing a new Consent Decree."

### Victory

Instead, Sissy sued the FDA for the \$10,000 they had fined her, and the case was heard by Judge Gordon Thompson, the same Judge who sentenced her to prison. Fortunately, in the interim, the Dietary Supplement Health and Education Act of 1994 had been passed into law; and the arbitrary powers and arrogance of the FDA had been trimmed. So, this time, he ruled in Sissy's favor, stating that "DSHEA applies to companion animals, but not food-producing animals"; and she was found not guilty of selling "drugs" in her dog foods.

Today, Solid Gold Health Products for Pets continues to provide superlative nutrition for dogs around the Globe. In addition to supplying the needs of everyday pets and show dogs, government agencies from Eastern Europe to Mexico use Sissy's products for their guard-, drug-, and bomb-sniffing canines. At least some governments recognize the value of nutrition, even if only for canines. 

*A member of the NHF Board of Governors, Pamela Gerry, R.N., lives in Maine and specializes in teaching health, opposing vaccination efforts, and promoting Constitutional ideologies.*



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