

Comments on the CAFTA Policy Brief by some members of the Coalition for Health Freedom

CAFTA and Dietary Supplements – “CAFTA facts”

issued by the Office of the United States Trade Representative, July 2005

http://www.ustr.gov/assets/Trade_Agreements/Bilateral/CAFTA/Briefing_Book/asset_upload_file192_7854.pdf

This policy brief is **grossly misleading**. Clause by clause refutation follows below.

Some are saying CAFTA has nothing to do with nutritional supplements, that U.S. supplements are exempted from trade discussions and global harmonization by the ‘FDA Modernization Act’, 1997. *Congress is not enforcing this law* and not overseeing the FDA on this.

The FDA participate in Codex, have repeatedly said they support harmonizing USA supplements, and have *administered* the highly controversial Nutrient Risk Assessment Project in Geneva for maximum dosages, denounced by leading scientists as corrupt. (USTR seem unaware this project *exists* in their policy brief.)

We are living in a new era of international law.

Under the WTO the U.S. can be forced to harmonize.

If you do not believe the USA will be affected by Codex you are not considering the following:

CAFTA:

- further commits the USA to the World Trade Organization (WTO)
- cedes more authority to the WTO which has overruled many U.S. laws
- cites Codex by treaty and name, and commits to consult on agendas for the various Codex committees

CODEX for Vitamins and Mineral Supplements:

- provides world trade standards, which under the WTO are mandatory in a lawsuit
- the *Guidelines* have just been ratified
- is supported by the FDA for U.S. harmonization with Codex
- is an open-ended process, many controversial details have yet to be announced
- sponsors a form of science, denounced by leading scientists as politicized, for setting strict maximum limits that would devastate nutritional medicine
- does not promote but suppresses nutritional discoveries
- seeks to curtail access to therapeutic dosages, as now enjoyed in the USA
Read http://www.thelawloft.com/Freedom/Three_Interlocking_Events.mht
- is expected to have an expanding remit, to cover herbs, amino acids and traditional medicines
- based on what has happened in other countries is anticipated to lead to significant price hikes where applied, putting many products out of reach
- is heavily influenced by worldwide pharmaceutical interests

- is heavily influenced by the European Union, which has a completely different approach to supplement standards.

Read "Looks like the EU outmaneuvered the US": <http://ahha.org/WalterEUagenda05.htm>

Now we might have sovereign protection, but that will fly away in an instant with a stroke of a pen if a trade agreement is challenged. What's happening in Europe, just like the trade winds, is coming our way. And no one can argue in a reasonable fashion why that is not going to happen. That is happening. **Julian Whitaker, MD**

'WE BECOME SILENT' This film can be viewed at www.WellTV.com.

The influence of Codex has been denied, by governments and the FDA. Soon the full remit of Codex will be felt. Most people, have simply have not grasped the new global realities. Or they don't want to see. Some observers and attorneys at Codex, passionately ask you to look again.

Comments on assertions in the "CAFTA facts" policy brief from the Office of the U.S. Trade Representative *shown in blue:*

USTR: "Note: WTO rules, in effect since 1995, have had absolutely no impact on the regulation or availability of dietary supplements in the United States."

COMMENT: There has been no question of this up to now. The Codex Guidelines for Supplements were only ratified on July 4, 2005!

USTR: "The CAFTA-DR will not limit consumer access to dietary supplements in any way, nor will it change the way the federal government or U.S. states regulate dietary supplements."

The U.S. has entered into an **open-ended process**. The Codex *Guidelines* for Supplements were ratified this month, and what was ratified was a *framework*. Codex is not scheduled to fill in the blanks on allowed potencies of vitamins and minerals until November 2005 at the CCNFSDU meeting in Bonn, Germany, so could not begin to impact any country until after that meeting takes place.

USTR states: "The *Guidelines* do NOT establish upper limits for vitamins and minerals in supplements."

Not yet. This depends upon what your meaning of "is" is. The upper limits will be discussed in *November 2005*, at the next Codex Committee on Nutrition and Foods for Special Dietary Uses in Bonn, Germany, with a view to adoption! And yes, it is not Codex

itself who establishes them. These highly controversial "safe upper limits" are being set by the parent body to Codex, the World Health Organization.

There will be upper limits for supplements, this is just saying they are not in place *yet*, and splitting hairs on whom exactly is behind them. They can only do this because so few people are following this issue.

Why do they want to deny these upper limits are being created? Because these levels are the cause of outrage in the scientific community, and are the key to the takeover of the supplement industry.

The full remit of Codex is soon to expand *beyond* vitamins and minerals, likely banning many herbs and traditional medicines, pursuing the European Union's 2006/07 legal direction. <http://www.alliance-natural-health.org/index.cfm?action=news&ID=166>

USTR: "In fact, the agreement imposes no obligations regarding Codex standards or guidelines."

The obligation is not mentioned by name, but it is in Article 3 of the SPS Agreement cited in CAFTA Section 6.

USTR: "Chapter Six of the CAFTA-DR ...merely:

- Establishes an inter-governmental committee to discuss SPS issues of mutual interest."
- "The SPS committee will not seek to harmonize national SPS regulations governing dietary supplements. In fact, Chapter Six does not require, recommend, or even mention harmonization."
- "The committee will simply work to assist the seven governments in carrying out their *obligations* under the WTO SPS Agreement" (emphasis added).

These are mutually exclusive statements. Yes, that's right, the committee will work to assist the seven governments in carrying out their **obligations** under the SPS Agreement, for the purpose of **harmonizing** their laws as is required under the WTO's SPS Agreement. Article 3 of the SPS Agreement states: "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." The WTO has adopted the Codex *Guidelines* as their worldwide standards.
http://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm

This contradicts the claim by USTR: "Nothing in the WTO SPS Agreement will require the United States to adopt the Codex Guidelines". This can evolve to ever-increasing entanglements due to legal and economic pressure. The U.S. government may or may not wish to harmonize, but it can now be *forced* to.

CAFTA affirms the U.S. obligations under the WTO SPS Agreement in Section 6, Article 6.1, (affirming Article 1.3) and citing Codex at 6.3, 6(d).

http://www.ustr.gov/assets/Trade_Agreements/Bilateral/CAFTA/CAFTA-DR_Final_Texts/asset_upload_file893_3923.pdf

CAFTA broadens and deepens U.S. commitment to the 1995 WTO SPS Agreement.

Multinational corporations are using international laws to set up many domestic laws, policies, and small industries to fail. The U.S. has lost 42 out of 48 cases under the WTO, and every one of the health and environment cases.

Where the decisions are *really* made

The Trans Atlantic Business Dialogue (TABD)

The Office of the U.S. Trade Representative has been lobbied by the Trans Atlantic Business Dialogue (TABD) which wants harmonization between US and Europe:

<http://www.tabd.com/> <http://www.tabd.com/about> TABD & Dietary Supplements:

See CRN's Press Release below about the TABD Plans to sell out U.S. supplements to transatlantic business, dominated by the EU approach to "science".

<http://www.crnusa.org/shellnr112000.html>

Monday, November 20, 2000

Contact: Mike Greene 202/263-1003 mgreene@crnusa.org

U.S. and European Leaders Agree on Principles to Harmonize Dietary Supplement Regulations

WASHINGTON, DC -- The dietary supplements sector-working group of the TransAtlantic Business Dialogue (TABD) agreed on several key elements to harmonize the regulatory framework for vitamin and mineral food supplements on both sides of the Atlantic. These major breakthroughs were forged at the Sixth TABD CEO Conference in Cincinnati, Ohio, from November 16-18.

The working group approved the principles and components on definition, safety, and GMPs. The working group also agreed to continue its dialogue and that its next steps would be to:

1. Define types of claims and appropriate labeling for food supplements and develop criteria for transatlantic acceptance of credible scientific evidence to substantiate these claims; evaluate mechanisms for authorizing/approving claims; and assess conditions for exclusivity to encourage research and development.
2. Encourage the scientific bodies responsible for the evaluation of the safety of total intakes of vitamins and minerals (EU Scientific Committee on Food and US Food and Nutrition Board) to cooperate closely to harmonize setting upper safe levels for vitamins and minerals.
3. Define and recommend methodologies for setting maximum levels for vitamin and/or mineral food supplements on the basis of upper safe levels of total intake for these nutrients and intakes from other sources. The responsible regulatory bodies are encouraged to cooperate and establish one set of figures for maximum levels for vitamins and minerals in food supplements on both sides of the Atlantic.
4. Seek urgently, in light of the imminent proposed US rule on GMPs, transatlantic harmony for implementing common GMPs and quality standards. The working group also agreed to develop practical procedures to support GMP details; and seek acceptance, implementation, and appropriate enforcement.

Progress toward transatlantic harmonization of dietary supplements was led by a team of supplement CEO's that included: Gale Bensussen, Leiner Health Products Inc.; William Van Dyke, B&D Nutritional Ingredients, Inc.; Johannes Burges, Hermes Arzneimittel; and Sonnich Fryland, Ferrosan. They were among the more than

120 industry leaders from the U.S. and the European Union who called on their governments to adopt a list of progressive trade liberalization measures at this TABD CEO Conference.

The CEO's, meeting with senior officials from the U.S. Administration, the European Commission, the U.S. Congress, and the European Parliament, made recommendations on how best to boost transatlantic and global trade and investment. They focused on specific mechanisms for resolving trade disputes and expanding the U.S.-EU commercial marketplace, which at \$1 billion per day in two-way trade, is the world's largest trading relationship.

"The recommendations we have developed at this meeting will, if adopted by the governments, expand trade and investment opportunities for large, medium, and small companies by removing obstacles and inefficiencies in the U.S. and European regulatory regimes," said George David, chairman and CEO of United Technologies Corporation and US TABD chair for 2000. "Adoption of these recommendations will create jobs, raise living standards, lower costs and improve access to goods—that is, provide concrete benefits for business, for labor, and for consumers."

The TABD is a results-oriented forum that seeks to increase transatlantic trade and investment opportunities through the removal of costly inefficiencies from excessive regulation, duplication and differences in the EU and U.S. regulatory systems and procedures in a manner consistent with sustainable development.

For details about the dietary supplement sector working group progress and future plans, contact either Issues Manager John Cordaro—USA jcordaro@crnusa.org or Peter Heer—Europe peter.heer@roche.com."

Far from expanding "trade and investment opportunities for large, medium, and small companies", if allowed to proceed, this will be a *heist* by the largest companies, and will *destroy* the entrepreneurial, innovative, caring smaller companies, devastate thousands of small enterprises, leaving us with a wasteland for choice, legitimized by false "safety" rules. Yes, it will raise living standards and lower costs – that is, those of the largest corporations, while excluding the rest. And it will "improve access" by more countries to *inferior* products.

Remember, the Office of the U.S. Trade Representative, the FDA, the supplement Trade Associations (CRN, IADSA and NNFA), and some Senators and Members of Congress **are all reassuring everyone that the USA will *not* harmonize** and that we have the DSHEA act to shield us. This document shows what is really on the cards. Moves to "harmonize" would remove U.S. consumers' control over supplements.

Claims that the U.S. will not harmonize contradict what the FDA have repeatedly said elsewhere.

International trade rules have a momentum of their own and these "free trade" treaties have so far proved irreversible.

The biggest supplement companies and trade associations (some having been misled), now largely dominated by pro-pharmaceutical and big business interests, have actively pushed for the Codex Guidelines and want one set of regulations for the world, so they can have single product lines with global access. If they can push out smaller companies by having the regulatory bar raised, this increases their market share, and allows them to charge more for less in a bottle, regardless of effectiveness of their products.

The Council for Responsible Nutrition has become a contradiction in terms with its apologist involvement in Codex, even being one of those who *pushed for* ratification of the Codex Guidelines for supplements on July 4, 2005. A spokesman, Mark LeDoux, recently misled members of a prominent MLM company, wrongly claiming that CAFTA

had not yet passed the Senate, ridiculing concerns about CAFTA, and wondering at the concern for this “little WTO mechanism” in the wording. It seems they will say anything to prevent opposition, until the CAFTA vote (and the cage door slams shut).

We censure CRN as serving the interests of the largest corporations and *not* serving the interests of the consumer or of health. They claim Codex is an “improvement” for so much of the world, notwithstanding it will *destroy* U.S. standards, and that they can influence rules on Risk Assessment. Like many, they claim to have influence at Codex they do not have.

The NNFA still claim to be working for DSHEA standards at Codex. “NNFA has been and will continue to be very active with the Codex Commission by attending meetings and filing comments on that press for Codex's adoption of DSHEA and other provisions of U.S. law, such as the ability to use structure/function and health claims.” This has proved to be complete fantasy (in the last 12 years).

http://www.nnfa.org/services/government/EUdir_Codex_QA.htm

For more on the players behind Codex:

Codex To Approve 'Vitamin Guidelines' by Peter Byrne, May 27, 2005

<http://www.alliance-natural-health.org/index.cfm?action=news&ID=171>

Read on if you wish to learn more

The pharmaceutical interest has *unprecedented* control of international bodies and is now the cause of alarm amongst voters, as it seeks to outflank DSHEA to destroy their competition, which threatens their paradigm.

These trade agreements benefit the special interests. The ability to maintain our basic freedoms is being handed over. There are far better ways to do regional trade.

The Office of the U.S. Trade Representative has not given any assurances for the future in this CAFTA policy brief, nor can they. These are only statements of intention for the immediate future. Our concern is what lies beyond this.

Harmonization comes from pressure within the industry, once the framework is in place. There is no oversight of this inter-governmental committee, and there is no further disclosure or any substantive assurances than this policy brief as to their intentions. The U.S. Trade Representative cannot present a binding commitment to Congress that U.S. delegates on the CAFTA SPS committee will *never adopt* the Codex *Guidelines*, intended for adoption by the U.S. FDA. If industry wants it, eventually these will be adopted, as stated by the FDA.

There is a simple test to see if regulators are looking out to protect nutritional supplements. Do they promote the latest nutritional science, and do they oppose the alarming global moves towards stifling regulation and misuse of science? Do they question the science of Risk Assessment for dosages and join the worldwide petition of scientists to change this? Are they aware of the nature of Codex and of the public

concern? Do you think that any of the bureaucrats on the inter-governmental committee will have these concerns?

Statements regarding Codex as “not being binding” on any nation is a reflection of the wrong question being asked. The concern is whether or not the *Guidelines* serve as a template for containment within which a WTO member nation must conform or be subject to enormous political and legal pressure.

Please read Suzanne Harris's article "Who Says Whatever Happens at Codex Does Not Affect US Law, and Why Do They Say It?" http://www.thelawloft.com/Freedom/050125_us_law.htm

“The U.S. generally doesn't accept Codex guidelines nor do other countries. The Codex Secretariat hasn't received a notice of acceptance in the last 10 years. The better question is whether Codex standards and guidelines act as a template or containment within which countries must then write their laws and regulations or face enormous political and legal pressure. To this latter question the answer is clearly yes — write laws within the acceptable field set forth by the applicable Codex standard or guideline or be prepared to accept the consequences, including the risk of cross-sector trade sanctions if you don't.

Why are Codex guidelines and standards a containment, a template, within which nations must then operate or face a host of nasty consequences? Partly because since the creation of the World Trade Organization and its internal operating agreements, every member nation knows that its laws and regulations can become the object of a WTO ruling and the object of political pressure to harmonize. Back in 1997, I watched as the realization dawned on Codex delegates that they had entered into a new era of food law harmonization. Too late to cry now was the essence of the message delivered to them by the counsel from WTO.”

...“The real key to how things work at Codex is ... taking the work of international industrial lobbying groups and then cloaking that work with legitimacy and now real binding legal and political force by feeding their agreements through Codex, an international governmental entity. The more jaded among you will say, 'Well, how is that any different from the way things have worked in Washington for decades?' The answer is it is different because decisions are made by *bureaucrats* and the actions are *offshore*. With a truly domestic piece of legislation you have a chance of overcoming industrial pressure with grassroots pressure on the people you elected. With an international guideline, by the time it's done you have almost no chance to win. You can't bring pressure to bear in all the right places. The real damage was done long ago and long before you felt it.”

When the details are filled in by big business and the bureaucrats, should the public get upset later, they will have no say - it will be too late. We have the *rarest* chance to do something *before* we feel it, by stopping CAFTA, if people heed the warning.

FDA

The FDA is the branch of the U.S. government directly involved with Codex, and they have repeatedly said they support Codex, wish to harmonize the U.S. guidelines to it, and even support the current science of Risk Assessment to determine the “safe” upper limits for supplements. The FDA acknowledges that the United States is obliged to implement Codex standards, codes and guidelines under international agreements. <http://www.fda.gov/ola/1997/319.html> “FDA plans to amend its regulations and procedures for consideration of standards adopted by Codex. This action is being taken to provide for the systematic review of the Codex Standards in order to enhance consumer protection, promote international harmonization and fulfill obligations of the United States under international agreements.” **Yet every time opposition arises to participation in Codex, all this is denied.**

The USTR briefing carries on this practice of denial and claims that the Codex supplement *Guidelines* do not establish upper limits for vitamins and minerals. This is grossly misleading, as the WHO is producing such limits with help from the U.S. FDA, who are even providing the administrator for this project in Geneva, Dr. Christine Lewis Taylor. In doing so the FDA are continuing to ignore the FDA Modernization Act of 1997 which exempted dietary supplements from their harmonization section.

The FDA's current position at <http://www.cfsan.fda.gov/~dms/dscodex.html> states: "Our participation in the Codex process is important to encourage the development of guidelines on vitamin and mineral supplements that are based on sound science and not on arbitrary criteria. For example, encouraging the use of science-based risk assessment for determining the maximum levels of vitamins and minerals in supplements reduces the chance that arbitrary standards will be used for determining maximum levels." This wording is ambiguous as to whether participation is for the altruistic good of the rest of the world or whether this is intended for the benefit of the USA. Given their other statements only the latter conclusion is possible.

There are also numerous coercions from within the industry itself that pressure conformity to global standards. Many companies who reformulate products for global markets will not maintain separate product lines for the U.S. domestic market.

Codex's Special Interests

What shows up in Europe shows up in Codex, sometimes even with the same wording. The same group is behind it. Their zealous representatives are Basil Mathioudakis, the EU delegate to the Codex supplement committee, and its not-so-impartial Chairman, Prof. R. Grossklaus, with his conflict of interest position as head of the company that carries out the research for the German Federal Institute of Risk Assessment.

Even delegates to Codex have been told that the supplement *Guidelines* are optional. The Codex Committee on Nutrition and Foods for Special Dietary Uses has repeatedly resisted including the word "optional" in the text of the *Guidelines*, on the grounds that it is unnecessary. They are correct, as it is irrelevant. In 1995 ***the WTO adopted the Codex Guidelines as their worldwide mandatory standards***, since they are the only global standards in existence.

The Codex delegates have been misled by the Codex Chairman Prof. R. Grossklaus and others. It is simply intolerable that *any* country's food supplements fall under the dictate of this despotic, corrupt and unaccountable organization, where the consumer is excluded. For more on how the meetings are conducted, please review these accounts by observers and participants at the CCFNSDU:

"There was a final attempt to have a statement in the text that indicated whether the intent of the *Guidelines* was to be optional or mandatory. This would be for the benefit of future readers. The chair turned to Dr. Maskeliunas, of the Codex Secretariat (again incorrectly identifying him as the FAO Secretariat). Dr. Maskeliunas stated that all documents are not mandatory. Member countries decide how to use them. NHF stated that this needed to be specified in the document or in the report. U.S. stated that as the FAO had clarified the issue, that should be sufficient. EC agreed with U.S. Nothing was added. (Editorial Comment: When I *privately* questioned Dr. Maskeliunas, *he admitted that the WTO could use Codex documents as an international trade standard to settle trade disputes.*)" Suzan Walter. Emphasis added. <http://ahha.org/codexwalter2004.htm>

See www.codexinfo.org and
"Rearranging the Deck Chairs on the Titanic" http://www.thenhf.com/codex_09.htm
and "A Meeting of Two" http://www.thenhf.com/codex_25.htm
by Scott Tipton PhD

Codex texts are used by the WTO as a means of resolving international trade disputes, and that WTO Members are legally obliged to abide by WTO rulings. Even the FAO admits this, and states at http://www.fao.org/documents/show_cdr.asp?url_file=/docrep/w9114e/W9114e06.htm that "(T)he adoption of Codex standards as scientifically justified norms for the purpose of the SPS and TBT Agreements is of immense significance. The standards have become an integral part of the legal framework within which international trade is being facilitated through harmonization. Already, they have been used as the benchmark in international trade disputes, and it is expected that they will be used increasingly in this regard."

The WHO Nutrient Risk Assessment Project, conducted in Geneva in May *under an FDA administrator*, has been widely criticized for its lack of transparency and by many leading scientists as using flawed and corrupt science. Deniability is apparently being maintained up until the last minute, as they have not revealed the participants or their findings, although it is understood that they have excluded analysis of the benefits of supplements and treating them solely to a risk analysis, due to Section 3.4 of the *Guidelines*.

The only body to have completed all the required steps is the German Federal Institute for Risk Assessment (BfR) whose proposed maximum permitted dosage levels are a tiny fraction of those permitted in the USA today.

Even if a less harmful compromise is reached on the final levels, this would be completely incompatible with current U.S. standards and the overwhelming majority of scientific findings. Bearing in mind that the FDA has the power under DSHEA to seize any dietary supplement that it believes poses an "unreasonable or significant risk of illness or injury" it seems clear that Article 5 of the WTO SPS agreement could quite reasonably be interpreted as requiring the U.S. Government to act upon the outcome of the FAO/WHO Nutrient Risk Assessment Project. **If the rest of the world has agreed that something is unsafe, how long can the USA hold out, when the FDA are waiting for an excuse to remove it?**

A solution acceptable to the U.S. public might be for Codex to adopt DSHEA standards, but the interests who constitute Codex (which is unaccountable to the public) are completely opposed to freely available high dose supplements. Some trade associations claim that they aim for this by attending Codex, but it has proved to be a misleading fantasy. Alas, just leaving DSHEA alone in the U.S. will not be a long-term option.

There is huge concern that **the USA is being signed up to a process that is open-ended**, where crucial details have not yet been decided. Many other restrictions are due to be introduced by Codex in the future. Codex is an unaccountable body, and is only answerable to the FAO and WHO.

Many have criticized the decision making process at the Codex Committee on Nutrition and Foods for Special Dietary Uses as being dictatorial and unresponsive. Given the record so far, with the European Union's complete domination of the proceedings and the acquiescence of the U.S. delegation led by the FDA, these will be completely at odds with common sense, good science and traditional practice.

Under EU laws in 2006/7 a wide range of **plant extracts (herbs), enzymes and amino acids are at risk of being banned**, together with a large percentage of herbs and traditional remedies (including those from India, China, Africa and South America.) EU laws usually serve as a template for what is introduced into Codex by the same group of interests.

We repeat that the U.S. is being signed up to an unfinished process, where crucial details are missing, a process where the consumer has *absolutely no influence*, and that this is being done through treaties that have so far proved *irreversible* (WTO, NAFTA and now CAFTA).

WTO concern

Under the WTO, we are in a new area of emerging international law. No one knows for certain the complete outcome or every possible scenario regarding lawsuits on supplements, and so no one should be making the claims found in this briefing, especially given the obligations the U.S. has since 1995 and is further proposing to expand by signing CAFTA.

It is not known exactly how the WTO will affect the U.S. regarding food and supplements, but if the WTO rules against the USA in a future lawsuit it will be *too late* to prevent, due to commitments of the U.S. under these treaties. The U.S. should not be made vulnerable to the slightest possibility of this happening.

However, those signing up the U.S. to these treaties are willing to roll the dice. They claim to know the odds. But if they are honest they would admit that they are not looking at the way corporations are willing to play the game under the new global rules. How many *do* know the odds, and are turning a blind eye? (Those that vote for CAFTA will be on a voter blacklist.)

The terms of the SPS Agreement between the Codex Alimentarius Commission and the WTO reveal that the WTO does not differentiate between "international standards, guidelines or recommendations". While the original Codex directive was to create optional guidelines, the work of the WTO requires mandatory standards and has adopted the Codex Guidelines for these.

We are concerned that this is contrary to United States law. These concerns have been repeatedly made to U.S. Codex. We strongly dispute the implication of this statement by the FDA at <http://www.cfsan.fda.gov/~dms/dscodex.html>: "WTO and WTO dispute panels do not have the power to change U.S. law. If a WTO decision in response to a dispute settlement panel is adverse to the U.S., only Congress and the Administration can decide whether to implement the panel recommendation, and, if so, how to implement it." This is only technically true.

The reality is that the WTO has ruled against the U.S. in **42 out of 48 cases** including every case impacting our environmental and public health laws. (testimony to the House Ways and Means Committee, May 17, 05 <http://www.citizen.org/documents/Wallach%205.17.2005.pdf>). The U.S. has so far complied in all cases, including tax law. Recently, a WTO tribunal outlawed Utah's ban on gambling, opening the door to millions of dollars in penalties against all states with anti-gambling restrictions. To date, there is only one instance where a country has decided to continue

paying the punitive WTO fines rather than comply (France maintains their ban on U.S. hormone beef).

The briefing makes blanket assurances. It goes so far as to claim that *all* concerns about CAFTA regarding supplements are not valid. It makes a claim about the SPS commitment of the U.S. to Codex, which is not binding on those implementing it.

Multinational corporations are using international laws to set up many domestic laws, policies and small industries to fail. Is it not obvious what they have planned for the natural supplement industry?

Under the WTO, when a prosecuting country wins it chooses the penalty. A future case against the U.S. could involve a *different industry*, such as steel or automobiles from supplements being fined until conformity is achieved.

WTO rulings, using trade and financial considerations only, have repeatedly made decisions that only recently would have been thought impossible. Large companies are using the new rules to completely override local and national laws and protections.

Since these standards are being adopted everywhere these "free trade" areas exist, there are also many other economic reasons U.S. supplements will be restricted.

Trade and Healing

The first thing the pharmaceutical industry had to do in order to control the supplement industry was buy many of the supplement companies. Key to their goals has been the necessity to control the supplement Trade Associations and silence any opposition within the industry. IADSA, CRN and NNFA are all in favor of the Codex Guidelines and sought for the ratification on July 4. They profess to be concerned at some of the developments, but contend that these standards are so much better than have existed before in many parts of the world. These standards are far lower than under U.S. DSHEA. The consumer is left the only loser. Access to health choices and **recent nutritional discoveries are not being promoted by Codex but suppressed.**

The public is concerned about the practical result, not the declared intentions of a treaty. Similar promises were made about NAFTA, about its protections and likely benefits, which are highlighted when it is up for a vote.

The Coalition for Health Freedom is calling for a radical reappraisal of medicine, worldwide, taking into account the latest discoveries in nutrition, supplements and dosages and a complete reappraisal of how safety standards are set. We fully support the call by the Alliance for Natural Health for scientists everywhere to sign their petition: http://www.alliance-natural-health.org/_docs/ANHwebsiteDoc_189.doc

We also support the call for the new paradigm in Risk Assessment science to be adopted which was outlined in comments to the WHO Nutrient Risk Assessment project, by Dr. Robert Verkerk, with the support of many leading scientists. <http://www.who.int/ipcs/highlights/alliancefornatlhealth.pdf>

The Alliance for Natural Health were excluded from participating in the project, as was every scientist advocating the power of high dosage supplements.

We also call for funding of scientific studies on a variety of approaches that have been excluded thus far, because they do not profit the pharmaceutical industry. We realize the immense value of some drugs, and simply wish them to be used proportionately. This means far less use, and the freedom to educate and emphasize alternatives to drugs and surgery.

The public is aware that the medical system is failing them, that crucial information about medical choices and options has been denied them, and that the current health paradigm and system is failing. This amounts to a colossal scandal when the extent of knowledge now available is considered. Every day the equivalent of a 747 crash takes place with the number of deaths under U.S. medicine. The dirty secret is that most diseases, including heart disease, cancer and AIDS have been reversed with natural medicine (without drugs). Allopathic medicine, however, can only be palliative.

The largest corporations have the lion's share of the influence in the drafting of these treaties and of Codex. We call for much greater protections for natural medicine, and a significant reduction in the pharmaceutical industry's corrosive influence upon medicine and upon national and international politics. It is a *farce* that the makers of Vioxx, Celebrex (and Codex) should be the ones to accuse harmless effective, necessary supplements that are *vital* for many.

The public has been softened up by the constant stream of media taints on natural products on biased, pharma-funded studies. They have the power to run these regularly, - and many believe them (apparently including the Member of Congress who told one anti-CAFTA caller last week that she thought Codex a good thing because it would keep us from the dangers of products like ephedra. How little she knows. It will "protect" us from the practice of natural medicine altogether.)

What is the point of the Codex *Guidelines*, which have take over a decade of work? They are not to be applied entirely as each country wishes. The new pressures are forcing conformity, driven by the largest players in the industry itself. There is deep distrust that a country will be able to meet the expectations of its domestic population under the new global realities, and the current rules will lead to a dumbing down of the supplement industry for the sake of compromise and politicized science.

In Denial

What is undeniable is the deep interaction of pharmaceutical companies with government, their relentless antipathy to the natural supplement industry and the increasing use of the WTO and international laws to undercut domestic laws by corporations. Any impartial expert in globalization will question the assertions made by this policy brief.

CAFTA *does* enmesh the U.S. further in commitment to WTO SPS and Codex and the largest pharmaceutical companies, including Pfizer, have lobbied for CAFTA to an exceptional degree.

It is obvious to everyone that globalization is being used to achieve pharmaceutical goals. CAFTA is integral to globalization. But regional trade could easily be achieved with rules that are far different.

Codex is repeatedly claimed by its champions, to be optional. It is not going to be as flexible as those who seek to reassure us make it out to be, at the same time as they

prepare their industry for reformulation to take advantage of the "free trade" opportunities afforded by the coming straight-jacket, which *no one* can claim will *never* affect the domestic market. This is not "free trade", as thousands of products are set to be banned in the endgame if DSHEA is outflanked.

The deniers who seek to appease our fears about Codex are running out of details to deny, as the full structure is nearly complete! They have denied each one over the years. Only a couple more years and it may be nearly finished when the full remit of Codex is agreed, with the possible demise of amino acids, herbs and traditional medicines. Please refer to the influence of the EU on Codex given below. It has been a slow patient process.

We are not interested in short-term deniability, assertions that can be forgotten the moment CAFTA passes. The public is *not* reassured by such assertions, and legislators who disregard the deep unrest concerning the failure of medicine and government due to the pharmaceutical influence, ignore the rising determination for great and urgent change at their peril. Much information will be released this year.

U.S. Codex puts it this way round: "Codex Alimentarius is the major international mechanism for encouraging fair international trade in food while promoting the health and economic interest of consumers."

http://www.fsis.usda.gov/regulations_&_policies/Codex_Alimentarius/index.asp Trade comes first, health (the point of all this) second.

The first thing the pharmaceutical industry had to do in order to control the supplement industry was buy many of the supplement companies. The necessity to control the supplement Trade Associations and silence opposition within the industry has been key to their goals and so far they have succeeded spectacularly.

CAFTA is the final stage before negotiations for the Free Trade Area of the Americas, which would further commit the U.S. to the SPS and TBT agreements in a treaty covering all the Americas. This will draw the U.S. closer to South American countries which have a highly restrictive and incompatible approach to supplements. For example: "comments submitted by Brazil before the November 2003 meeting of this committee stated that they were opposed to a "without-control-consumption by consumers"; that supplements should not contain more than 100% of the RDA for any nutrient; and that there is no evidence of benefit from ingesting amounts above the RDA." <http://www4.dr-rath-foundation.org/dshea.htm>

This position is regarded as preposterous by many leading scientists, who have labeled RDAs as "Ridiculous Daily Allowances", but this is, nevertheless, still the position of many countries.

There is a major concern that a compromise will have to be applied in the Americas, which will satisfy no one. This compromise will be based on trade and industry considerations, not those of good science from properly funded peer-reviewed studies. Countries that could most benefit from some of the latest nutritional discoveries will be denied them by the very international bodies that should be promoting them.

The EU dominates Codex. Codex has been widely criticized as using corrupt procedures and politicized science. It must not stand – for any country. It is absolutely intolerable

that the world food supply and nutrients fall under the power of this un-elected, unaccountable, corrupt body.

Most people, that's nearly everyone, have simply have not grasped the new global realities. Or they don't want to see. Just as in the 1930's, putting your head in the sand doesn't make bad things go away. How much power over our own lives are we to going to give away, before we have none? What could be more basic than deciding who controls what we are allowed to put in our mouths?

In the EU there are now laws being passed to give the power to point to any food substance and declare it a drug. This is grand theft, and amounts to the overturning of natural rights inherited from the millennia. So many healing nutrients, some used for thousands of years and some in new cutting-edge formulations, will be removed from humanity's table.

Where does this end? Most of what the supplement industry does is put food in capsules. These are very, *very* different to the pills of the drug industry. If these spurious safety rules are put into effect, the ancient right of taking a leaf from a plant and putting it in a bottle, as part of making a living or a healing practice, will be taken from everyone except the largest companies, those able to do the cripplingly expensive "safety" trials. But since they will not often conduct these trials themselves, many nutrients will simply disappear, the competition removed as intended.

By their criteria, they should perhaps be subjecting all food to "risk" assessment, such as apples and broccoli. Though not likely to happen, this is not so far fetched, given that food itself is now highly politicized with new seed white lists, terminator genes, and GM foods (likely to be forced on Europe by the WTO, even though 70% of the population opposes it). The definition of 'organic' has been eroded.

All food is under the remit of Codex.

Here is one view, which is not agreed with by everyone:
(some have an even bleaker outlook)

Eve Hillary writes at:

http://www.newmediaexplorer.org/sepp/2005/05/09/australia_new_zealand_codex_alimentarius_and_transtasman_harmonization.htm

"To understand what drives Codex and the Pharma agenda, you need to understand the future direction of health care

"The Pharma industry as it stands is in a cul de sac - it needs to re-invent itself as a 'health' industry to survive. So they started to explore [pharmaceutical genomics](#) - as an output of the human genome project, and discovered instead [nutritional genomics](#), which 50% of the time means that chronic diseases can be treated, prevented and cured by nutritional interventions. Proven. But these treatments under current laws cannot be patented, nor protected - so how can they gain ownership and make money from this, to replace pharmaceutical revenues? (Editor's comment: here is an actual recent example of what nutrigenomics is coming up with - [Vitamin E helps block Alzheimer's](#))

"And this has given rise to the FSD (Food Supplements Directive), Codex, Health Claims Regulations - so that when the supplement sector is safely removed from the [public health area] or reduced to a few major players, they can trumpet the 'discovery' and own it and make money from it, buy out remaining firms and make the financial barriers to entry so large no one else can 'play' as they will be the only operators that can afford to be in the game."

After these “discoveries”, expect prices to go through the roof, taking them out of reach of people who are able to access today.

But in the bleaker view, many companies may decide not to sell many of these nutrients (their previous competitors) as Rx at all, finding their “business with disease” continues to show a higher markup. The markups on drugs are unrivalled with any other industry (many thousand per cent).

If the Pharmaceutical companies extend their control over natural products, by getting more and more items classed as patentable, they may still decide simply not to sell them, having eliminated their competition. There is plenty of precedent for this.

The U.S. is the world leader in nutritional science and products, and the recent contributions to health and wellness by this industry are without parallel. This has only been possible because of the 1994 U.S. DSHEA Act which the public campaigned for against the vigorous opposition from the FDA and pharmaceutical interests who have unrelenting antipathy to natural products, as these are their competition.

Under Codex expect many supplements to be priced out of reach, some may only be available by prescription, while many would not be available at all.

It has already happened in many countries even before Codex is in place. A woman is currently on trial in France for selling 500mg of vitamin C. Supplement prices in Europe make them a luxury.

Do you care? Please vote No to CAFTA. We can come up with a better agreement for regional trade.

Excerpts from interviews in ‘WE BECOME SILENT’ www.WellITV.com

“What’s coming down the line from Codex and from Europe is very disturbing. First you’ve got 450 million people over there. Secondly, they have the most restrictive nutrient access of any of the free world. Third, you just have a woman over there arrested and who is now undergoing trial for selling 500mg of vitamin C tablets.

The World Health Freedom Foundation is supporting this movement in Europe, because there’s no question if we stop it in Europe the effect on the United States will be less. And anyone who thinks that Codex or the World Trade Organization when it comes to very restrictive policies in Europe is not going to have an effect on the United States is *crazy*. You’ve got 450 million people over there. They have enormous trade with us. They deal in steel and textiles etc. and if they are upset with our libertarian policies regarding nutrient supplements it’s going to effect other economic systems.

Now we might have sovereign protection, but that will fly away in an instant with a stroke of a pen if a trade agreement is challenged. What’s happening in Europe, just like the trade winds, is coming our way. And no one can argue in a reasonable fashion why that is not going to happen. That *is* happening.”

Julian Whitaker, MD

“I was talking to Mickey Cantor, the President’s special Trade Representative. I said to him I can’t understand how we are going to bind ourselves to this agreement, which has a secret dispute resolution process and no rules regarding conflict of interest, and they will essentially pre-empt U.S. law. He said “Oh no no, you don’t understand. They can’t pre-empt our laws.” I said, “Oh you’re right, they can just fine us for having our laws, and we can pay perpetual fines because we have laws that protect consumers, or the environment, or.. we can

repeal our laws.

If there's a higher corporate good to be served by breaking the law, by having the FDA work with the Codex and try and drag the U.S. into this nightmare, then they're all for it and they're doing it. This would be like the ultimate reaching of government, into our personal health lives which would be unbelievable; and not even our government, - some bureaucratic, diffuse, multinational, secretive government.

Alarm bells are going off everywhere. The American people are way ahead of the Congress and have figured this out and it's only a matter of time until Congress is beaten into coming around on these issues. But if we don't do it soon it could be too late."

Rep. Peter DeFazio (D-OR)

"And now we're talking about turning over to a world organization that's going to force harmonization. And they'll do that under the name of "free trade" and globalization and pretend they're on the side of freedom. Actually they're not. They are on the side of regulations and special interests and protection of certain big corporations. And so we do what the WTO tells us, and that's why I'm very leery of the WTO, and I'd just as soon we could get out of the WTO. It's the power of the WTO that we have to deal with ultimately, and I don't like the trend."

Rep. Ron Paul (R-Texas)

Please watch the documentary on CODEX/CAFTA:
WE BECOME SILENT (28 min)
by award-winning filmmaker Kevin P. Miller.

Narrated by Oscar winning Dame Judi Dench.
It can be viewed at: www.WellTV.com

The "Free Trade Area of the Americas"

Have you heard of this? Most Americans have not.

Americans are certainly not being asked if they want to join. In Europe some countries have referendums, in the U.S. there is "fast-track".

The plan is for a harmonized trade area from the Arctic Circle to Tierra del Fuego, covering all the Americas. There are hopes that this could be put in place before the end of the Bush administration. The idea of a unified currency has also been floated, the "Amero". Read the book: "Integrating the Americas: FTAA and Beyond".

In June 2005 the Common Border of the Americas was announced. CAFTA is the final stepping stone to the FTAA.

Paul Anthony Taylor writes in his June article:
<http://www4.dr-rath-foundation.org/dshea.htm>

"Although the ultimate goal of the FTAA negotiations is officially described as being to achieve an area of free trade and regional integration, the recent evidence of the European Union (EU) project shows that this can only be achieved via the dismantling of the political and legal systems of participating nations and the replacing of these with a hemispheric government. In essence therefore, this is why many observers see the FTAA as an embryonic EU in the making.

As such, and in exactly the same way as the relatively liberal dietary supplement laws of the UK were overridden by the EU Food Supplements Directive, (as a result of successive

treaties that the British Government had signed with its European neighbors) fears are now being raised amongst the US health freedom movement that participation in the FTAA could similarly lead to US dietary supplement laws (i.e. DSHEA) becoming susceptible to harmonization with the more restrictive laws of South American countries such as Brazil.

The text of the FTAA agreement has gone through several revisions since its inception. The current draft is the third of the series, and like the SPS Agreement it shows quite clearly that FTAA Members will be subject to the harmonized standards, guidelines and recommendations of the 'relevant international organizations'."

..."As can be seen, the parallels between parts of the above extract and the equivalent sections of the SPS Agreement are quite striking. Indeed, given the references to the WTO and the SPS Agreement, along with the use of phrases such as "Relevant International Bodies" (that as we have already seen refers to the Codex Alimentarius Commission, amongst others) we are forced to consider whether participation in the FTAA could be the very mechanism by which the US is eventually forced to harmonize DSHEA to the more restrictive laws of its South American neighbors.

In this respect it is particularly sobering to note therefore that FTAA participant countries including Bolivia, Brazil, Canada, Chile, Costa Rica, Mexico and Venezuela all sent delegations to the November 2004 meeting of the Codex Committee on Nutrition and Foods for Special Dietary Uses that took place in Bonn, Germany, and none of them spoke out even remotely in favour of health freedom.

Moreover, comments submitted by Brazil before the November 2003 meeting of this committee stated that they were opposed to a "without-control-consumption by consumers"; that supplements should not contain more than 100% of the RDA for any nutrient; and that there is no evidence of benefit from ingesting amounts above the RDA. Interestingly therefore, the final phase of the FTAA negotiations will be guided by the co-chairmanship of Brazil and the United States.

Finally, many observers believe that the proposed Central American Free Trade Agreement (CAFTA), would, if implemented, make the progression to FTAA almost inevitable. **CAFTA** extends the North American Free Trade Agreement (NAFTA) to Central America, and as such can arguably be seen as **a stepping-stone towards FTAA and the creation of a hemispheric government for the American continent.**"

Numerous coercions

It is arguably true that there is no *single* categoric obligation for governments to adopt Codex standards. However, the SPS Agreement http://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm (to which all WTO Members are signatories) specifically mentions Codex, and states that WTO Members (and hence all SPS signatories) desire "to further the use of harmonized sanitary and phytosanitary measures between Members, on the basis of international standards, guidelines and recommendations developed by the relevant international organizations, including the Codex Alimentarius Commission."

In addition, even when a country decides not to use a Codex standard the measure that it operates in place of that standard remains subject to a range of conditions set out in

detail in Article 5 of the SPS Agreement - the most important of which is a requirement to take into account risk assessment techniques developed by "the relevant international organizations". These "relevant international organizations" include Codex itself, and essentially therefore, even in the event of a country choosing not to implement a Codex standard, the measure that it operates in place of that standard would still remain subject to Codex guidelines.

Even before the WTO or the SPS Agreement came into existence, the United Nations Resolution A/RES/39/248 states that "Governments should take into account the need of all consumers for food security and should support and, as far as possible, adopt standards from the ... Codex Alimentarius." <http://www.un.org/documents/ga/res/39/a39r248.htm> This Resolution was adopted at the 106th plenary meeting, 9 Apr. 1985. (Annex: Guidelines for Consumer Protection).

Recent developments make the issue of "adoption" even more academic, as the Codex General Principles Committee agreed in November 2004 to recommend the deletion of the notification and acceptance procedures in the Codex Procedural Manual, on the basis that these are now obsolete and irrelevant.

http://www.codexalimentarius.net/download/report/628/al28_33e.pdf (Paragraphs 118-122).

And all of this is before we even begin to consider the fact that Codex texts are used by the WTO as a means of resolving international trade disputes.

In summary therefore, the numerous coercions for governments to adopt Codex standards are such that they leave little option but to comply.

Your health and life-span may be determined by corporate interests.

CAFTA can be defeated. But we may only have a few more hours.

CAFTA and Dietary Supplements – "CAFTA facts" - disputed by Coalition members issued by the Office of the United States Trade Representative, July 2005

http://www.ustr.gov/assets/Trade_Agreements/Bilateral/CAFTA/Briefing_Book/asset_upload_file192_7854.pdf

This document is listed at the bottom of the USTR Briefing Book page:

http://www.ustr.gov/Trade_Agreements/Bilateral/CAFTA/Briefing_Book/Section_Index.html

The final text of the CAFTA-DR treaty is at:

http://www.ustr.gov/Trade_Agreements/Bilateral/CAFTA/CAFTA-DR_Final_Texts/Section_Index.html

Comments courtesy of some members of the Coalition for Health Freedom.

Please note that one document cannot represent the precise opinions of all those affiliated with us.

www.coalitionforhealthfreedom.org