IAOMT note: Presented here are two views of the Codex controversy, both opposed to it, but with different emphasis.

WESTON A. PRICE FOUNDATION INFORMATION ALERT

April 22, 2005

CODEX GUIDELINES on DIETARY SUPPLEMENTS

by Jim Turner, General Counsel to the Weston A. Price Foundation

Note: This is the first of several articles the Weston A. Price Foundation will be publishing on international CODEX food-related issues. There has been extensive e-mail and Internet traffic on CODEX and dietary guidelines, much of which is erroneous and of the "sky is falling" predisposition. Our desire is to provide well-grounded and reasoned information on this very important subject.

The 28th meeting of The Codex Alimentarius Commission in Rome July 4th to 9th 2005 will consider adopting vitamin and mineral guidelines based on regulatory principles that, while not immediately limiting the access to dietary supplements of consumers in the United States, could significantly restrict access to vitamin and mineral supplements worldwide. Consumers should act to urge adoption of U.S. law as the international standard.

Committees of the Codex Commission other than the Committee on Nutrition and Foods For Special Dietary Uses, the committee that recommended the vitamin and mineral guidelines to the Commission, routinely consider matters relating to food trade that raise serious questions of consumer safety and health such as Genetically Modified Organisms (GMO), irradiation, antibiotics, hormones and pesticide residues in food, and rBGH growth hormone in dairy cows. Of these serious issues only the vitamin and mineral guidelines are being considered by the Commission at its annual meeting in July, 2005. The other issues are in various stages of development.

KEY POINTS

Natural health consumers must remain active and organized to protect and expand their health rights. World-wide health could be undermined by the limits to nutrients available in many countries created by Codex guidelines.

Codex, itself, will not change U.S. laws. Codex upper potency limits established for vitamins and minerals will not restrict U.S. consumer access to high-potency vitamins and minerals, although U.S. companies may choose to "dumb down" their potencies to mirror their international formulations.

U.S. lawmakers who oppose consumer access to dietary supplements are likely to seize on the guidelines to attempt to change U.S. law. Outside the U.S. the Codex guidelines may create more access to vitamins and minerals in some countries while restricting it in others.

Codex misapplies a toxic chemicals risk assessment model to regulate helpful nutrients. Vitamin and mineral guidelines should evaluate nutrients with nutrition science rather than with the toxicological science used to evaluate toxins. Codex fails in this fundamental requirement by erroneously applying toxic chemical risk assessment principles, such as: nutrients should be treated as toxins; foods and nutrients are not useful in treating disease; supplements have little value because people can get the limited amounts they need from food; known reference values are more important than unique individual nutrient needs; and Western science is preferred to individual choice as the best control on access to dietary supplements.

Codex reinforces, in its vitamin and mineral guidelines, its existing prohibition on preventing truthful information about the ability of foods and nutrients to treat, diagnose, prevent, mitigate and cure disease. World hunger experts recognize that nutrient supplementation can be extraordinarily useful in improving world health and eliminating disease (vitamin A supplements in developing countries can offer 30 times as much social improvement as one dollar of development aid), a fact which the Codex vitamin and mineral guideline ignores.

Codex is not, and should not be confused with The European Food Supplement Directive. The European Food Supplement Directive, currently under legal attack in the European Union (EU), if upheld, which is likely, will strictly limit European access to many dietary supplements. This law governs European markets and is not part of Codex, though Codex and the EU directive derive from the same basic toxic chemical risk assessment principles.

Codex's vitamin and mineral guideline should be replaced by the U.S. Dietary Supplement Health Education Act (DSHEA) standard as the international standard for vitamin, minerals and all other dietary supplements. DSHEA, passed unanimously by the U.S. Congress in 1994, recognizes and protects the value of individuals

making personal nutritional and health choices in a way that is rejected by the Codex guidelines. It is the culmination of 50 years of legislation and litigation that has refined the supplement policy of the U.S. ensuring that individual choice and need play a key role in ensuring private and public health. The Codex guideline subordinates individual choice to professional expertise. DSHEA balances professionals and people.

PUBLIC ACTION

Codex information can be received from and sent to the U.S. Codex Commission delegate Dr. F. Edward Scarbrough. Citizens for Health (CFH), of which Jim Turner is chairman, is preparing comments and email campaign to be sent to the delegate. CFH updates on Codex and campaign activities can be found at http://en.groundspring.org/EmailNow/pub.php?module=URLTracker&cmd=track&j=28006006&u=254416 and will be posted on our website, http://en.groundspring.org/EmailNow/pub.php?module=URLTracker&cmd=track&j=28006006&u=254417. Foundation members will also be alerted through our Action Alerts.

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Public Meeting before Codex Commission in July:
The U.S. Codex Office has scheduled a public meeting on June 9, 2005, to discuss agenda items coming before the Codex Alimentarius Commission session in Rome, Italy on July 4-9. For details, see http://en.groundspring.org/EmailNow/pub.php?module=URLTracker&cmd=track&j=28006006&u=254418.

The US Codex official website is http://en.groundspring.org/EmailNow/pub.php?module=URLTracker&cmd=track&j=28006006&u=254419

The official international CODEX website is: http://en.groundspring.org/EmailNow/pub.php?module=URLTracker&cmd=track&j=28006006&u=254420

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REVIEW OF THE CURRENT CODEX SITUATION

Two important events are taking place this summer that will negatively impact access to dietary supplements: 1) Codex is meeting with the goal of establishing international agreement for how to regulate vitamins and minerals; and 2) European citizens will lose access to thousands of dietary supplements August 1, 2005 under the new European Food Supplement Directive if it is upheld in court. *This alert addresses Codex only, not the EU Directive.*

In July 2005, the Codex Alimentarius Commission will meet to approve vitamin and mineral guidelines that were finalized by the Codex nutrition committee in Bonn, Germany, in November 2004. If the committee moves forward and approves these guidelines, Codex will restrict access to vitamins and minerals in five ways:

1. By setting "upper safe limits" (maximum potencies) for each vitamin and mineral based on "scientific risk assessment." Such limits treat nutrients as dangerous chemicals and restrict their availability to consumers while undervaluing, if not ignoring completely, supplement benefits; "dumb down" the flow of useful nutrition information by imposing lowest common denominators on the population at large, discourage nutritional information and ignore the evidence for bio-chemical individuality (that there is a different optimum nutritional intake for each individual, made increasingly clear by mapping the genome).

2. By marginalizing the nutrient supplement possibilities of the nearly one billion people worldwide, who, by international standards, go hungry, and the population-based Codex standards under-appreciate the nutritional status of the remaining 4.6 billion people, a majority of whom lack the recommended amount of one or more essential nutrient.

3. By creating, through setting maximum vitamin and mineral consumption limits, an approach to regulating dietary supplements, which is consistent with and leading the way toward, if not itself directly establishing, prior restraint. This would require marketers to seek and obtain prior approval for their products before being allowed to market them. Codex seeks to

substitute its judgment about efficacy and reasonable risk for that of the individual consumer.

4. By narrowing the amount of nutrition and health information about vitamins and minerals that consumers will be allowed to receive, asserting that only "drugs" can contain label claims for products that are suitable for the prevention, alleviation, treatment, or cure of disease, disorder or particular physiological conditions.

5. By fostering the world-wide health assumption that sufficient levels of nutrients can be found in a regular diet. The United Nations itself, during the Earth Summit, documented evidence of massive mineral depletion in our soils over the past 50 years. Other research shows the reduced nutritional profile of an industrial food system diet. And, as stated above, billions of people, in rich and poor countries alike, do not have sufficient access to nutritional food.

The Codex guidelines definitively limit much of the world's access to dietary supplements. The impact on the American consumer is unclear and not so immediate. Nonetheless, Codex establishes a dangerous precedent and negatively impacts health worldwide.

Rima E. Laibow, MD
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March 25, 2005

Dear Consumers of Natural Healthcare,

Each of us is deluged daily with so much information that we are forced to choose quickly between what deserves our attention and what to throw in the circular file. I am asking you to read the following. Your health could depend on it.

I want to tell you about a very real threat to your access to natural healthcare services and products.

Some of you may have already heard varying opinions or confusion about Codex Alimentarius and wonder why you should listen to what I have to say. Having personally read all 15,000+ pages of the working document of the Codex Alimentarius Commission, I believe I am uniquely qualified to share with you what I have learned and what I believe to be a reasonable and appropriate level of concern to this threat to healthcare freedom.

The bottom line? Natural healthcare options are about to be criminalized in the United States by a draconian set of international regulations which have already become law in Australia, Canada and the European Union (EU). These standards, collectively known as CODEX ALIMENTARIUS, (from the Latin for “Food Rules”) have been developed by the Codex Alimentarius Commission [established for this purpose in 1963 by the United Nations (UN)] in every area having to do with the production, processing, packaging, distribution and use of food, herbs, and nutritional supplements.

Through the Orwellian process of “harmonization” (forced alignment) with WTO standards that regulate trade, distribution, and processing of food, herbs, and nutrients, your freedom of access to these substances will be eliminated within the next few years. The proposed standards are extremely detrimental to the environment, including the food supply.

Okay. I saw that one eyebrow go up and heard that deep sigh. Let me tell you that alarmism is not and never has been in my nature. I am a medical doctor, have a wide variety of interests, am passionate about healthcare freedom, and pride myself in my critical thinking and logic skills. I floss my teeth regularly and eat a nutrient-dense whole foods diet and, yes, occasionally sample the more decadent side of the culinary arts. Neither my family nor I had a bomb shelter during the Cold War era and I did not withdraw from society or stockpile gasoline, food, or batteries in anticipation of Y2K. Read on.

The Codex Alimentarius Commission was empowered to work with other UN-linked organizations in order to develop uniform world-wide standards for food, nutrition and agriculture. The WTO, successor to the General Agreement on Tariffs and Trade (GATT), is empowered to enforce global compliance with all CODEX standards via trade sanctions across the entire economic spectrum. Member nations (including the United States) agreed, upon signing the WTO treaty, to always allow

the standards and regulations of the WTO to supersede and take complete precedence over national standards, laws, and regulations.

Once accepted, CODEX takes on the force of law and cannot be repealed or changed by the WTO member nations. Presenting itself as a consumer protection strategy, CODEX policy masquerades as both benign and beneficial while, in reality, it is neither. Given the medically and environmentally horrific stipulations and requirements of CODEX, the implementation of these “standards” will result in incalculable harm to the healing arts and to those who depend on them.

Once CODEX is adopted by a nation, there is a “phase-in period” during which the administrative structure is established according to a strict time-table. Bear in mind that in the United States, nutrients currently classified as foods [under the 1994 Dietary Supplements Health and Education Act (DSHEA)] and that any substance not explicitly forbidden is permitted as a nutrient in the United States. Under CODEX, any substance not explicitly permitted by CODEX policy is banned as a nutrient, causing incalculable harm to the healing arts and to the patients who depend on them.

Think that can’t happen here? Think again. It can and it will, unless we take appropriate action and activate each member of our networks. Skillful disinformation would have you believe that CODEX ALIMENTARIUS (hereafter referred to as CODEX) is a hoax and that, at the same time, it is beneficial for you and your patients. (The inherent illogic of this position is obvious to the discerning reader.)[1]

The CODEX preamble specifies that supplements and nutrients “may not be used to prevent, treat or cure any disorder.” Yet, more than 80 percent of Americans use supplements for exactly these purposes. Nutritionally-oriented physicians, naturopaths, nutritionists, chiropractors and informed consumers of health care employ hundreds of natural minerals, supplements, and herbs precisely because they are effective in preventing, treating and curing many diseases.

These natural health options will become illegal 1) if the United States is “harmonized” with the WTO this spring while compliance with CODEX is still “voluntary,” *or* 2) when total compliance becomes mandatory, as it will be after the next CODEX Committee meeting in Rome.

Health food stores will no longer be able to market and distribute nutritional supplements. Most health food stores and privately owned nutrient manufacturers will, I believe, no longer be in business after CODEX takes effect.

I know. This is all difficult to believe upon first hearing it. You may have heard that is easy to get people to believe a lie, particularly an outrageous lie. In my experience, the opposite is also true: It is difficult to get people to believe the outrageous truth. Keep on reading, because this is a truth you definitely need to understand.

Once CODEX is implemented (either through “harmonization” or mandatory compliance), we will be forced to follow the European CODEX model in which it will be illegal to manufacture, buy, sell, recommend, or use any but 28 ultra-low dose nutrients whether you are a consumer of natural health care or a licensed health professional. Only synthetic versions of that short list will be allowed and natural

supplements, herbs, enzymes and other non-pharmaceutical treatments will be banned. The only legal health option left will be the pharmaceutical one.

CODEX regulations have been “harmonized” (i.e., approved) in the EU, Canada and Australia. The United States is next unless we act decisively and act now. Though CODEX regulations are passed quietly and without effective public notice in infrequent meetings abroad that are invisible to most Americans, they have grave and devastating impact on American’s health freedom.

Here in the United States, the “harmonization” laws which will enact CODEX policy have been defeated by Congress several times, each time by a smaller margin. Given the composition of the current Congress, it is virtually certain that it will be passed unless we take swift and immediate steps to assure that does not happen.

This legislative stealth attack on health freedoms will probably play out in May or early June of 2005 unless we take effective steps to help assure that health freedom becomes the “Mother of all third rails” for every politician in the country.

CODEX is the result of a complex relationship between the UN (which established the Codex Alimentarius Commission in 1962); the WTO (which is authorized to enforce CODEX through trade sanctions); the World Health Organization (WHO), which subscribes to the CODEX regulations [despite the fact that they directly and explicitly conflict with their own findings and policies such as the FAO/WHO official publication, "Diet, Nutrition and the Prevention of Chronic Diseases"]; the Food and Agriculture Organization (FAO), the United States Food and Drug Administration (FDA); and the United States Department of Agriculture (USDA) working in concert with industry representatives of (and others unofficially representing the interests of) the pesticide, chemical, pharmaceutical, and dairy industries.

[1] See, for example, the urban legend site, www.snopes.com article “Vitamin See” which promulgates factually inaccurate disinformation about the real nature and impact of CODEX and the FDA’s Response to Questions page, http://www.cfsan.fda.gov/~dms/dscodex.html.

Consumers, health scientists, physicians and other practicing natural medicine and other health-focused voices have been totally absent from official CODEX deliberations. A few observers have been present at official deliberations but they have not been permitted to speak in the sessions.

Of course, the real work of such a complex regulatory structure takes place outside of those official sessions. And none of the health advocates have had access to those meetings, agreements and sessions. Yet CODEX will take away our health freedoms if we allow ourselves to be “harmonized” or mandated to comply with CODEX.

If you put a mayonnaise label on a jar of pickles, you’re still going to find pickles when you open the jar. The packaging of CODEX policy under the label of protection of fair trade, public health, and safety does not make it so. Underneath CODEX’s altruistic labeling is a poisoned apple of extremely adverse global policy that is, in fact, driven by economic concerns of large corporate interests.

Once implemented, CODEX ALIMENTARIUS does the following:

1. VITAMINS, MINERAL, NUTRIENTS AND PHYSIOLOGICALLY ACTIVE SUBSTANCES

a. The CODEX preamble forbids the use of nutrients to “prevent, treat or cure any condition or disease”.

b. CODEX defines *minimum allowable dosages* of permitted nutrients as 15 percent of the amounts naturally occurring in foods, while *maximum allowable doses* of any permitted nutrients may not exceed the dose of that nutrient found in food. Supplement values subtract the amount assumed to be in the daily diet from the maximum allowable dose and the result is the permitted upper limit of a nutrient. This system is based neither in science nor clinical requirements.

c. Higher doses of permitted nutrients and nutrients not explicitly permitted will be classified as illegal substances (in the same class as heroin)

i. Theoretical exceptions exist for natural substances which are submitted and accepted for testing. A substance successfully tested in this way may then be prescribed at the tested dosage only. The permission to use a nutrient in this way, by prescription only, however, expires in 2009.

ii. The cost of this procedure is staggering, most applications for such testing have been turned down and, since natural molecules cannot be patented, potential manufacturers are unable to recoup the costs of testing through later sales.

iii. The period for submission of applications for this process ends on July 12, 2005 and cannot be extended

d. The European Union (EU), whose European Supplements Directive is the model administrative agency for CODEX implementation, permits a total of 28 ultra-low dose nutrients. All other nutrients (e.g., alpha lipoic acid, 1 gram doses of vitamin C, Co Q 10, fish oil, and curcumin) are banned substances and may not be manufactured, distributed, recommended, sold, supplied or be in the possession of anyone, including licensed health professionals. Vitamin C, for example, at any dosage higher than 200 mg per day will be illegal. A gram of Vitamin C will be an illegal substance! The dose of Co Q 10 which has been shown to resolve breast cancer in some patients (400 mg per day) will be illegal because Co Q 10 will be totally forbidden at any dose (following the European Supplements Directive model).

e. The allowable maximum upper limits for permitted nutrients have been set so low that they have little or no clinical impact in keeping us healthy and none at all in returning us to a state of health if we are ill. Those which are available will be exorbitantly priced, as current experience in Norway and Germany reveals, where profit margins of synthetic, permitted nutrients are being “harmonized” to match drug profit margins.

i. On August 1, 2005, 75 percent of the natural substances currently available in health food stores and pharmacies in Europe will become illegal as a direct result of CODEX.

f. Only synthetic forms of permitted nutrients will be available. All natural versions will be illegal substances. Only synthetic nutrients (at ultra-low dosages) manufactured by pharmaceutical companies will meet the molecular standards for use in humans or animals.

2. HERBS AND HERBAL TREATMENTS

a. Herbs, originally part of the CODEX deliberations, were summarily removed and placed under a closed committee of the WHO where they are held to be untested drugs and therefore illegal

b. The European Supplements Directive, the model agency for CODEX administration, has produced a very short list of herbs which may be used and the conditions for which they may be used (another short and very trivial list).

c. All other applications of herbs and any other herbs besides those listed are strictly forbidden

d. There is the possibility that a few formulas of well known Chinese herbal medicines may be exempt (but that remains to be seen)

3. TRADITIONAL HEALING ARTS

a. CODEX stipulates which conditions may be treated using herbs and allows only minor, self-limited conditions. Treating any other conditions with herbal remedies will constitute a crime.

b. Some complex oriental herbal formulas may be permitted but most will be lost.

c. Ayurvedic, Tibetan, tribal and other traditional medicines which use herbs and natural substances will be forbidden world-wide. Since most people do not have access to pharmaceutical medicine, this effectively removes the legal possibility of people legally accessing any form of tribal or traditional medicine.

d. Herbal, shamanic, energy based (e.g., Reiki and acupuncture) medicine are forbidden forms of treatment

4. GENETICALLY MODIFIED ORGANISMS (GMOs)

a. CODEX makes the un-labeled use of GMOs legal in all foods under all circumstances, even though there is significant opposition to the widespread use of GMOs at this time. Farmers in Iraq, for example, must purchase their seeds from Monsanto and are forbidden from retaining seed crops under the new Iraqi constitution. Similar laws exist in other less exotic places.

b. Many GMOs have been genetically engineered so that seeds WILL NOT GERMINATE without the use of specific pesticides (such as Roundup™ by Monsanto). In fact, mounting scientific evidence makes it clear that the incidence of birth defects, chemical sensitivity, chronic fatigue syndrome, asthma, severe allergies, and a host of other conditions have a causative or contributory relationship with increasing levels of pesticide exposure that these crops will require. GMOs themselves are far from scientifically established as safe for either the planet or its people by objective, non-industry scientists. Genetic drift through the spread of GMO genetic material is recognized as a major threat to the biological integrity of the entire planet.

5. TOXIC RESIDUES

   a. CODEX sets permissible upper limits for pesticide residues, toxic chemicals, hormones in food and other environmental contaminants that are many times higher than levels advocated by chemical and pesticide industry lobbying groups.

   b. The current “acceptable” levels of toxins are already responsible for most of the incidence of cancers, heart disease, autism, chronic degenerative conditions, and organ failures that associated with mortality and morbidity globally. Increasing the permissible levels of toxins can only accelerate personal and global suffering.

6. ANTIBIOTICS, GROWTH STIMULANTS AND OTHER HORMONES IN FOOD ANIMALS

   a. CODEX mandates that all animal feed must be treated with antibiotics, hormones and growth stimulants world wide.

   b. Organic, free range and biodynamic farming will become illegal.

7. IRRADIATION OF FOOD :

   a. CODEX mandates irradiation of food under circumstances now hotly contested by food safety advocates. Allegedly designed to “protect us from food borne illness”, the irradiation of food is by no means agreed to be a safe procedure (by non-industry scientists) since there is considerable scientific evidence that protein structures are modified in unhealthy ways by introducing ionizing radiation into food before it is consumed.

   b. The irradiation of food produces huge free radical populations. The only protection against their pervasive damage is high doses of anti-oxidants (which will be illegal under CODEX).

At this point it will likely come as no surprise to you that there has been no effective representation from health advocates, nutritional supplement manufacturers, natural

healthcare professionals, or other non-pharmaceutically oriented group at the Codex Alimentarius Commission meeting. The Codex Alimentarius Commission meets every two years, always offshore (Rome, Bonn, Paris, etc.) and never in Smallville, USA, a fact that keeps it under the radar of the United States citizenry. The United States' representatives to the Codex Alimentarius Commission have well-documented, very unwholesome conflicts of interest with the very industries that stand to profit and benefit from the wholesale implementation of the CODEX standards.

CODEX sets international standards for everything from parmesan cheese to sweet cassava, canned sardines to chicken meat, Echinacea to rice. The standards which comprise CODEX are virtually complete: final ratification of the entire package is expected at the Codex Alimentarius Commission meeting in Rome from July 4-9, 2005.

Before ratification, "harmonization" is "voluntary" but can be enforced by WTO trade sanctions. After ratification, compliance with CODEX is mandatory and enforcement by the WTO is a powerful threat to make sure that it is complied with properly.

Now that we know more about the boat in which we are adrift, let me hand you a paddle. This threat to our ability to choose the type of healthcare for our selves demands one of the most powerful tools available to us: grass roots political action. It is imperative that concerned healthcare consumers and their friends, relatives, healthcare providers, etc., become fully activated to stop CODEX from being enacted in the United States.

We can use the Democratic Process to our advantage by

1. Becoming activated. If you do *nothing* now, when CODEX is ratified you will have nothing left of your environmental or nutritional medicine practice. It is imperative that you alert your friends, patients, relatives, suppliers and everyone else you know to this danger so they can join you in taking effective action.

2. FAX, do not use regular mail or email, your Congressional Delegation re: your strong outrage at the limitation of our health freedoms through CODEX and a group of domestic efforts to reclassify nutrients as drugs and eliminate them as foods. Visit www.healthfreedomUSA.org to find your Congressional Delegation's FAX number and 3 sample letters to Congress. Send each targeted Congressman all three letters signed by you. We need to have a minimum of 1 million faxes to Congress in the next 4 weeks.

3. Provide sample letters and a list of local Congressional District members' FAX numbers for patients in your office. This information is available on the Natural Solutions Foundation website, www.healthfreedomUSA.org. Offer to FAX letters for those patients who do not have fax machines available to them.

4. Become a supporter of the Natural Solutions Foundation, a not for profit organization (of which I am the Medical Director) to preserve, protect and defend health freedom in the United States.

a. In addition to our other activities, the Natural Solutions Foundation has commissioned a major documentary to tell the story of CODEX to the American public. Become a supporter of this effort. See www.healthfreedomUSA.org for details.

We would all like to put our heads in the sand and try to believe that CODEX would, could and should not happen here. But it can and, unless we take action now, CODEX will become the law of our land.

Whether your motivation is global or local, professional or personal, I ask that you take action now. FAX letters supporting health freedom, a safe food supply and a clean world: FAX letters to Congress and alert your entire network to do that same.

Yours in Health and Freedom,

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