

## Vitamin Supplements and You

Jacob Geissler, alias “Jacobo,” was sentenced by Federal Judge Sam Lindsay in Dallas, Texas on October 13, 2020, to 60 months in prison, a \$250,000 fine, complete forfeiture of assets previously seized by the United States of America and three years of probation. Geissler had pled to the crime of “misbranding” vitamin supplements. The Government’s proof, under the count, consisted of information that Geissler imported a synthesized chemical placed into a vitamin supplement marketed primarily to young men to increase their energy level. False certificates were executed to get around United States law. This was not Geissler’s first offense. He had previously been on probation in connection with anabolic steroids. During the Government’s almost seven-year long prosecution, Geissler apparently continued to explore other vitamin supplements that he could market.

Even before the Government indicted Geissler and his co-conspirators, including his company USPLabs, civil suits had ramped up in connection with alleged injuries and deaths from the vitamin supplement. When the Obama Administration exited and President Trump assumed the reins of power, there was some concern that the Consumer Affairs Division of the Department of Justice would disappear. That did not happen but rather the principled prosecutors continued to work long and hard, eventually agreeing to the plea deal which resulted in Geissler’s sentence.

Vitamin and supplement manufacturing in the US in 2020, according to one website, was a \$36.2 billion business with a 2020 growth of 8.2%.

During the time that our office handled a significant civil case, I found myself asking friends if they take vitamin supplements. The answer was almost always “yes.” I would follow it up with the question, “What do you take it for? Did any doctor prescribe it? Were you tested for some deficiency that requires you to take vitamin supplements?” The answers were nearly always the same: “no doctor recommended it,” “read about it on the internet,” or in a publication, “thought it would help me in some way,” after all it is “all natural.”

Interestingly, the vitamin supplement industry has benefited by both right and left wing’s approaches to modern healthcare. Right-wingers think that since all that science is a lot of nonsense, they can just take some natural substances in order to live to 120 without any ailments. Left-wingers, assume that if a substance comes from the ground or is otherwise labeled “natural,” it must be good for the Kumbaya generation. Both are wrong.

Vitamin supplements should never be taken unless a person has a deficiency or is in need of some particularized component in the vitamin supplement. It was popular for a time for the medical industry to recommend fish oil. Now, as a result of many studies, fish oil is not so regularly prescribed to reduce the risk of heart attack. Whether physicians will share it with their patients, or just duck the issue, the best remedy is always proper weight, diet and exercise. Nothing beats that, although taking pills is a lot easier.

Chief recipients of American money spent on dietary supplements are India and China where these inexpensive products come from. As we learned in the USPLabs matter, many of the so-called natural compounds are chemically synthesized and are not natural at all. Labeling is questionable and the FDA does not pass on the safety or efficacy of those products asserted to be natural foods. An exception was written into the law governing FDA by Senators who are getting lots of money from the right people.

Consumer Reports, to their credit, has run a series of articles on vitamin supplements. The public is in the early awakening stages of realizing that vitamin supplements are not all they are cracked up to be. None other than the great Linus Pauling, went off the rails when he recommended Vitamin C as a preventative to cancer. Vitamin C is still taken by people who believe that it will prevent them from getting the common cold or shorten its course. There is no good science to support that claim. Zinc is prescribed to fortify the immune system during the Covid-19 fight. The body does need zinc and if a person has a proven shortage, then a safe and proper supplement may be in order. The bottom line is that unless prescribed by a doctor for a specific purpose, simply popping zinc pills will do nothing more than pass through the kidneys and exit the body.

Since the FDA has so little to say about vitamin supplements, the question is why in the last few administrations has the state and federal Consumer and Trade Commissions not done more to help educate the public? The reason is that there is a general perception that vitamin supplements and herbal therapies cannot do any harm, and “who knows, they may do some good.” That thinking wastes a lot of consumer money and exposes the consumer to potential health dangers.

St. John’s Wart was a popular product for people to deal with depression. In fact, depending upon the quantity, it was found to be dangerous. Vitamin supplements can interact with FDA approved medications in a way that is dangerous to patients.

Many conventional FDA approved products are essentially plant based. Penicillin is a “natural” substance in its native state. One estimate has it that 80% of manufactured drugs evaluated by the FDA have a plant or “natural” basis. The manufacturing process, however, creates a non-natural, non-food product which is subject to FDA approval.

And Mr. and Ms. Consumer, keep in mind that the Food and Drug Administration often does a poor job of evaluating and policing the pharmaceutical industry. The amount of money pouring into politicians from drug makers would swamp the sturdiest vessel.

The turnstile relationship between the Food and Drug Administration and those whom it is supposed to regulate, only barely protects the public. In addition, legal remedies have, for the most part, been removed by a doctrine called Preemption. Preemption means that once the Government has approved a medicine, no lawsuit can be filed unless there was a fraud on the FDA. That is a simple explanation of a complex body of law, but there is no product’s liability claim possible in the United States against a drug manufacturer unless the medication essentially has no useful purpose.

An aggressive assault on Covid-19 through the quick development of treatments and cures is the right thing to do. However, in the rush, let us not forget the lessons learned in addressing both vitamin supplements and pharmaceuticals that public safety must come first. We all hope and pray that it is possible to have not only a speedy cure for the current pandemic, but also one which safeguards the public.

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