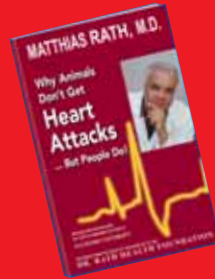




Matthias Rath, M.D., the successor of the late two-time Nobel Laureate Dr. Linus Pauling, has led breakthroughs in the natural control of cancer, cardiovascular disease, and other chronic health conditions.

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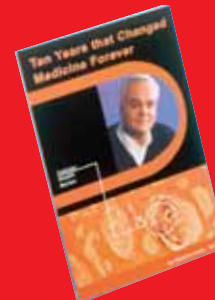
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Ten Years That Changed Medicine Forever

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For more information contact:

The Dr. Rath Health Foundation, USA
950 S. Pine Island Road, Suite A-150
Plantation, FL 33324
1-800-381-4185
E-mail: foundation@drrath.com

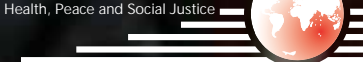
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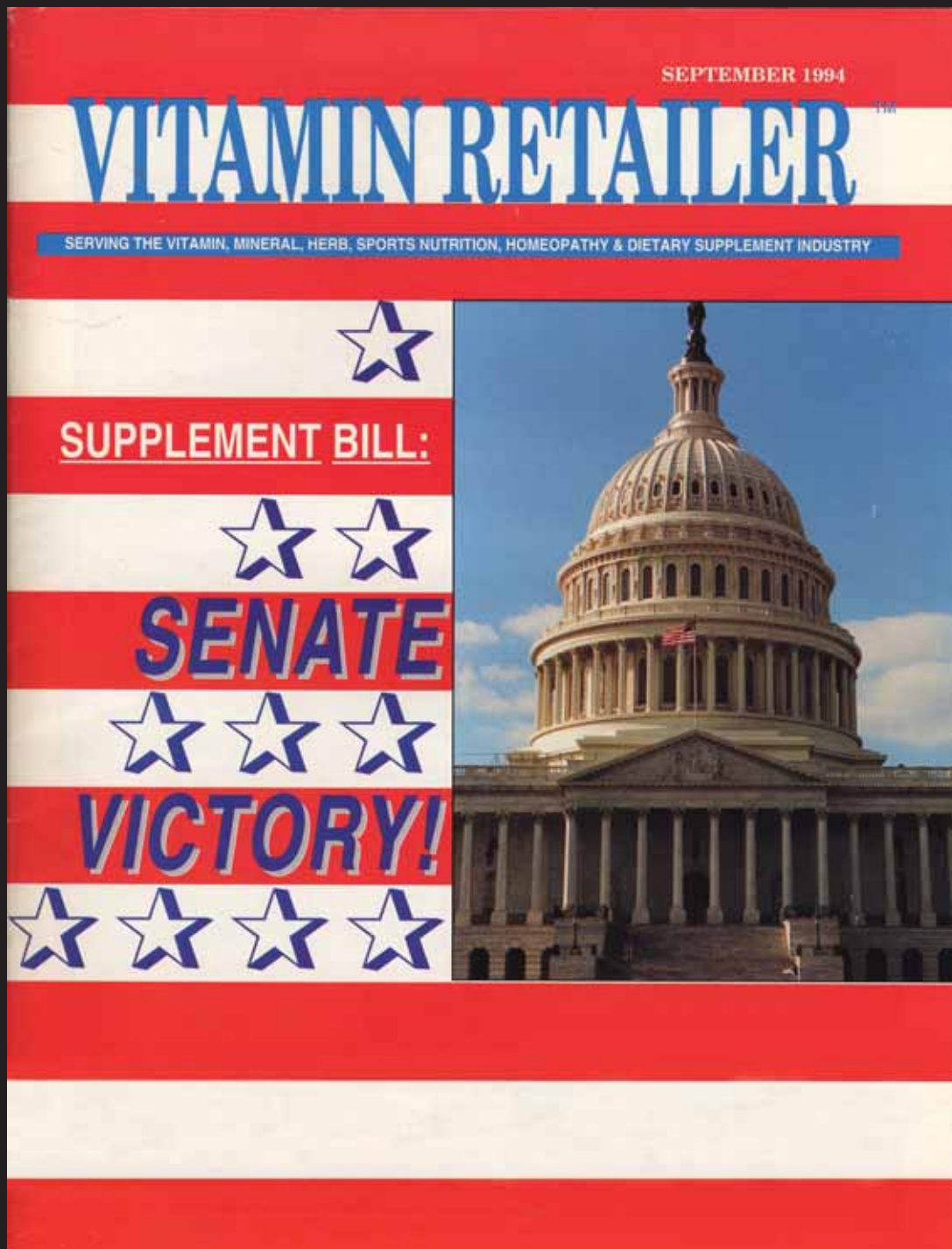
HIGH ALERT:

The Time to Defend Your Health Freedom Is NOW!

The Future of the Dietary Supplement Health and Education Act of 1994 (DSHEA) is At Stake.

DR. RATH HEALTH FOUNDATION
Responsibility for Health, Peace and Social Justice





“In passing DSHEA, the U.S. Congress preserved the rights of the American people to have free access to vitamins and other essential nutrients.”

Dietary Supplement Health and Education Act of 1994 Is Under Attack!

This fight for vitamin freedom was the largest grassroots movement in the United States since the Vietnam War.

It led to the passage of the Dietary Supplement Health and Education Act of 1994 (DSHEA) which guarantees free access to nutritional supplements.

Since that time, interest in natural healthcare therapies has grown dramatically; to the point where it is now estimated that 70% of the U.S. population use dietary supplements at least occasionally and 40% use them on a regular basis.¹

In passing DSHEA, Congress recognized that the benefits of dietary supplements for health promotion and disease prevention had been firmly documented in scientific studies and that preventative health meas-

ures, including the use of supplements would reduce long-term healthcare expenditures. Crucially, therefore, DSHEA defines dietary supplements as foods and puts the burden of proof on the U.S. Government to show that any particular dietary supplement or dietary supplement ingredient is unsafe. Free access to nutritional supplements is a prerequisite to the natural control of diseases, thereby it is threatening the pharmaceutical business with patented drugs.

In order to protect pharmaceutical businesses, DSHEA is now under attack from a wide variety of sources, both domestic and international, and, as a result, your future ability to purchase the dietary supplements of your choice is seriously threatened.

Domestic Threats to DSHEA

Bills Pending Before Congress

There are a number of bills pending before Congress that have the potential to negatively affect DSHEA:

- **H.R. 3156** (*the Dietary Supplement Access and Awareness Act*) would severely and negatively impact DSHEA by giving the FDA the authority to ban large numbers of dietary supplements or dietary ingredients from the market if they failed unreasonable and arbitrary risk/benefit assessments.
- **S. 729/H.R. 1507** (*the Safe Food Act of 2005*) would create a new federal food safety agency and undermine DSHEA by reclassifying supplements and regulating them as drugs.

- **H.R. 2485** (*the DSHEA Full Implementation and Enforcement Act of 2005*) and **H.R. 2510** (*the Dietary Supplement Regulatory Implementation Act of 2005*) would give the FDA an extra \$205 million to regulate dietary supplements between now and 2010 on the dubious grounds that it has not adequately used its authority to enforce DSHEA due to a lack of resources.

These dangerous bills are the result of a continuous effort by the pharma lobby to outlaw all dietary supplements worldwide other than those containing basic nutrients in government recommended daily allowance (RDA) levels: The goal of their efforts is to eliminate access to natural health therapies.

International Threats to DSHEA

The Codex Alimentarius Commission



A rare photograph of the Codex Nutrition Committee meeting in Bonn, Germany, in November 2005. The controversial Guidelines for Vitamin and Mineral Food Supplements were drawn up by this committee.

The Codex Alimentarius Commission is the international body charged with setting global food standards and is jointly sponsored by two United Nations (UN) bodies: The Food and Agriculture Organization (FAO), which is tasked with leading international efforts to defeat hunger, and the World Health Organization (WHO), which is the UN's specialized agency for health.

Codex Alimentarius literally means "food code," and the Commission was established

in 1963 following resolutions passed at the Eleventh Session of the Conference of the Food and Agriculture Organization in 1961 and at the Sixteenth World Health Assembly in 1963.²

There are currently 27 different active Codex committees and task forces; each one of which is tasked by the Codex Alimentarius Commission to set standards and guidelines for different aspects of the global food trade.

One of these committees, the Codex Committee on Nutrition and Foods for Special Dietary Uses, has recently completed work on a set of global guidelines to govern the sale of dietary supplements.³ These guidelines, known as the Guidelines for Vitamin and Mineral Food Supplements, were subsequently adopted at a meeting of the Codex Alimentarius Commission that took place July 4-9, 2005 in Rome.⁴ They provide a framework for the development of restrictive European-style regulations for dietary supplements that could, if enacted in the U.S., ultimately decimate DSHEA.

Moreover, and seemingly unbeknownst to most people, the U.S. Food and Drug Administration (FDA) has repeatedly acknowledged that the U.S. is obliged to implement Codex standards, codes, and guidelines under international agreements.

Michael A. Friedman, M.D., for example, a former Acting Deputy Commissioner for Operations in the Department of Health and Human Services, spoke before the Committee on Labor and Human Resources in the U.S. Senate on March 19, 1997 and stated the following:

“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.”⁵

This statement is then further reinforced on the FDA webpage dealing with international harmonization, which states:

“Failure to reach a consistent, harmonized set of laws, regulations, and standards within the free trade agreements and the World Trade Organization Agreements can result in considerable economic repercussions.”⁶

In addition, FDA statements on the U.S. Federal Register (the official daily government publication for rules, proposed rules, notices of Federal agencies, executive orders and other presidential documents) provide even clearer evidence of its policy toward international harmonization. An FDA policy statement dated October 11, 1995, for example, specifically describes FDA policy on the development and use of standards with respect to the international harmonization of regulatory requirements and guidelines, and



Dr. Rath and his health foundation protesting against Codex vitamin restrictions in Bonn, 2004.

states: "Where a relevant international standard exists, or completion is imminent, it will generally be used in preference to a domestic standard..."⁷

Although the FDA has recently claimed that the Codex Guidelines for Vitamin and Mineral Food Supplements will not place pressure on the U.S. to alter DSHEA, it is clear that many of its other public statements are at odds with this assertion.



Dr. Rath, speaking at an anti-Codex protest rally organized by the Dr. Rath Health Foundation to coincide with the Codex Nutrition Committee's meeting in Berlin, Germany, in November, 2002.

The European Union's Food Supplements Directive

The European Union (EU) is comprised of 25 European countries, and was founded with the aim of enhancing political, economic, and social co-operation among its members. In recent years, however, the coming together of these 25 countries has given the European Union an enormous amount of power at Codex committee meetings. As a

result, the global standards and guidelines currently being drawn up at Codex are beginning to closely resemble existing European Union laws.

The European Union's Food Supplements Directive, for example, was the blueprint for the Codex Guidelines for Vitamin and Mineral Food Supplements. Passed by the European Parliament on March 13, 2002 and fully implemented across the European

Union as of August 1, 2005, it could, by the end of 2009, have the effect of prohibiting around 300 types of vitamins and minerals and an estimated 5,000 products from the UK alone.^{8,9} Worryingly, therefore, the text of the Codex Guidelines for Vitamin and Mineral Food Supplements bears some notable resemblances to that of the Food Supplements Directive, thus raising the possibility that the Guidelines' eventual effect upon the U.S. could be similarly restrictive.

In addition, the European Commission, the European Union's executive body, is expected to produce a report by 2007 on the advisability of extending the Food Supplements Directive to cover other classes of nutrients,¹⁰ such as amino acids, essential fatty acids, and plant extracts. As such, many observers believe that once this report is published, it is only a matter of time before a similar expansion to the scope of the Codex Guidelines for Vitamin and Mineral Food Supplements is proposed.

The World Trade Organization

The World Trade Organization (WTO) is a UN body that deals with the rules of trade between nations. It uses Codex texts as a



The WTO is the only international body dealing with the rules of trade between nations. Its headquarters, above, are located in Geneva, Switzerland.

means of resolving international trade disputes,¹¹ and, crucially for the U.S., WTO Members are legally obliged to abide by WTO rulings.¹²

The net result of this is that any WTO member country producing dietary supplements that conform to the Codex Guidelines for Vitamin and Mineral Food Supplements can now file a complaint at the WTO, if it believes that dietary supplement regulations in the U.S. are not in accordance with WTO agreements and act as a barrier to trade.



Dr. Rath addresses a European Union Parliament official in 2002

European Union Parliament, 2002

In the process of resolving such a dispute, the WTO Dispute Settlement Body would refer to the Codex Guidelines for Vitamin and Mineral Food Supplements and find in favor of the country that was acting in conformity with them.

The losing country could then be forced to adopt whatever requirements the WTO Dispute Settlement Body decided upon, which could include changing its domestic laws. If a country failed to adopt these requirements, however, it could then become subject to punitive economic sanctions.¹³

For a variety of legal and technical reasons, it appears that DSHEA could well be vulnerable to a WTO-mediated trade dispute, thus creating a very real risk that Codex restrictions upon the manufacture and sale of vitamin and mineral supplements could, at some point in the future, be quite literally forced upon the U.S. via the WTO.

The FAO/WHO Nutrient Risk Assessment Project

The Codex Guidelines for Vitamin and Mineral Food Supplements state that the upper safe levels for vitamins and minerals will be estab-

lished via scientific risk assessment.¹⁴ Significantly therefore, in September 2004, the FAO and WHO announced plans for a joint nutrient risk assessment project.¹⁵

This project is now at an advanced stage. Moreover, because the FAO and WHO are the joint administrators of the Codex Alimentarius Commission, their eventual findings and recommendations are expected to be very influential upon the maximum levels that will be set by Codex in connection with the Guidelines for Vitamin and Mineral Food Supplements. Many observers quite justifiably fear that the upper levels that are eventually proposed under this project will be well below those that are currently permitted in the United States.

Other Threats to Dietary Supplement Health and Education Act of 1994



The groundwork for the Free Trade Area of the Americas (FTAA) was set in 1994 at the First Summit of the Americas in Miami, and met with immediate public opposition.

The groundwork for the Free Trade Area of the Americas (FTAA) negotiations was set in 1994, when leaders from the U.S., Latin America, Canada and the Caribbean met at the First Summit of the Americas in Miami.¹⁶

Although the ultimate goal of the FTAA is officially described as being to “achieve an area of free trade and regional integration,”¹⁷ the recent evidence of the EU project shows that this can only be achieved via the dismantling of the political and legal systems of participating nations and the replacement of these with a hemispheric government.

Essentially, this is why many observers see the FTAA as an embryonic EU in the making.¹⁸

In exactly the same way that 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 signed with its European neighbors), fears are now being raised within the U.S. health freedom movement that participation in the FTAA could similarly lead to U.S. dietary supplement law (i.e. DSHEA) becoming susceptible to harmo-

nization with the more restrictive laws of South American countries such as Brazil.

Indeed, given the recent passage of the Central American Free Trade Agreement (CAFTA),¹⁹ it is increasingly clear that an overall Pan American trade harmonization process is already underway. CAFTA extends the North American Free Trade Agreement (NAFTA) (a treaty between Canada, the U.S., and Mexico)²⁰ to Central America. The passing of CAFTA can thus arguably be seen as a stepping-stone toward the FTAA and the creation of a single government for the entire American continent.

Another piece of pending legislation, S. 853/H.R. 2672 (the North American Cooperative Security Act - NACSA) would similarly advance this process via the creation of the Security and Prosperity Partnership of North America.²¹ This legislation would essentially eliminate U.S. borders with Canada and Mexico in a further incremental move toward the creation of a Pan American government.

Significantly therefore, FTAA participant countries including Antigua and Barbuda, Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic,

Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Paraguay, Peru, Suriname, United States, Uruguay and Venezuela all sent delegations to the July 2005 meeting of the Codex Alimentarius Commission in Rome, and not one of them opposed the adoption of the Guidelines for Vitamin and Mineral Food Supplements as the new global standard.²²

Following the recent Summit of the Americas that took place in Argentina however (where leaders from Argentina, Brazil, Paraguay, Uruguay and Venezuela were unable to agree to move forward with the FTAA project), some commentators were quick to suggest that the plan is now dead and buried. Nevertheless, such a conclusion would not appear to be warranted by the facts, as 29 of the 34 proposed participant countries want to resume talks on the issue in 2006 and Mexico's President Vicente Fox has specifically stated that these nations are willing to move forward with free trade negotiations without the dissenting countries.

Additionally, the South American Community of Nations (CSN), a trading bloc composed of 12 South American countries (notably including Argentina, Brazil, Paraguay,



Is this the type of hemispheric government that the FTAA will usher in?

Uruguay and Venezuela) has recently openly stated its intention to create a political and economic bloc modeled on the EU. Peruvian president Alejandro Toledo has even gone so far as to describe CSN as a new country being born, adding that it would one day have a common currency, parliament and passport. It is therefore becoming increasingly likely that a harmonized pan-American trading bloc encompassing the entire American continent would also utilize the EU as its model, and incorporate similar Codex-compliant restrictions upon health freedom and freedom of choice to those that already exist throughout most of Europe.

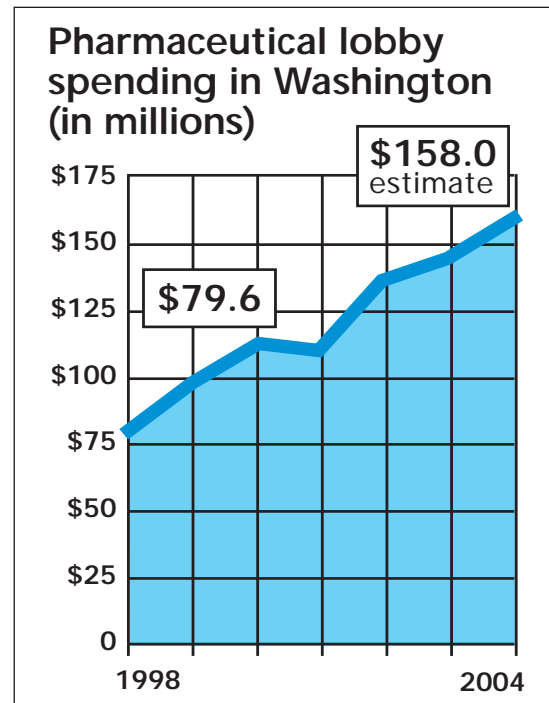


The U.S. government knew that there would be huge public opposition at the first Summit of the Americas meeting in Miami in 1994, and was prepared to achieve its aims by force if necessary.

The Pharmaceutical Lobby

The 1990's saw numerous breakthrough discoveries in relation to natural health therapies. However, this scientific confirmation of the safety and effectiveness of dietary supplements in addressing the underlying causes of diseases triggered a worldwide effort by drug companies to limit peoples' access to vitamins and other essential nutrients. Naturally occurring forms of nutrients and herbs cannot be patented and, as such, represent a serious and growing threat to the multi-trillion dollar pharmaceutical industry, which profits from the sale of patented synthetic drugs and the continuation of disease. Undoubtedly, it can be seen that the pharmaceutical industry has a clear and vested interest in DSHEA being restrictively amended.

As a result of its efforts to defend and promote its drug market, the pharmaceutical industry's tentacles of influence now reach right into the heart of most governments in the developed world. Drug companies now openly court influence on Capitol Hill. For example: They provide corporate jets for senators at reduced prices, make donations to political committees, fund think tanks and contribute to politicians' election expenses.²³



In fact, pharmaceutical companies and their representatives contributed at least \$17 million to federal candidates in the last U.S. election, including nearly \$1 million to President Bush's campaign alone. Moreover, it has been estimated that since 1998, drug companies have spent \$758 million on lobbying in the United States – an amount that exceeds any other industry.²⁴

Furthermore, the pharmaceutical industry now has a total of 1,274 lobbyists in Washington. That's more than two lobbyists for every single member of Congress!

Ironically, nearly 40% of these lobbyists (476) are former federal officials, and 40 are actually past members of Congress.²⁵ Similarly, a "revolving door" essentially operates at key U.S. regulatory agencies such as the FDA, where regulators become pharmaceutical executives and vice-versa.

In view of the strong influence that the pharmaceutical industry has on Capitol Hill, it is hardly surprising that the majority of health-care-related legislation passed in the U.S. now seems increasingly designed to be directly beneficial to the legal and financial interests of the drug companies.

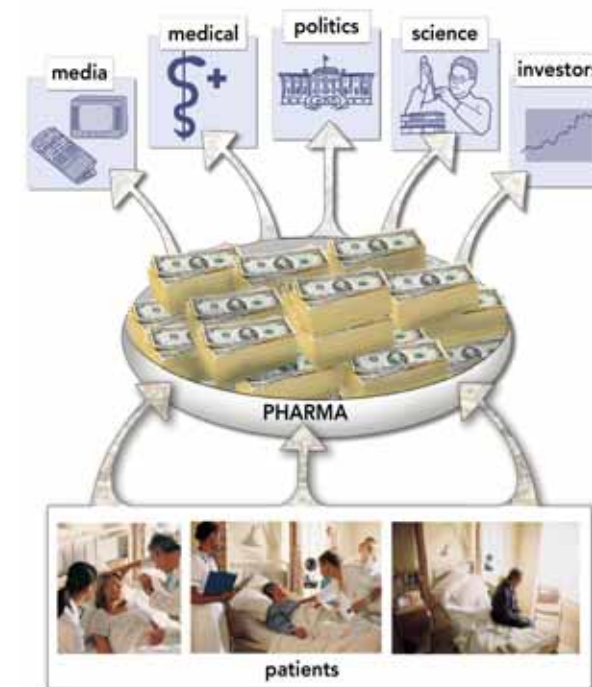
H.R. 2863, for example, (an Act making appropriations for the Department of Defense) was signed into law on December

30, 2005 and incorporates a section titled the Public Readiness and Emergency Preparedness Act. This Act will, in the vast majority of cases, give pharmaceutical companies immunity from prosecution when

drugs or vaccines designated by the government as security counter-measures or pandemic/epidemic products cause personal injury or death. Passed with a reckless disregard for human rights, the only beneficiary of this legislation will be the unscrupulous "business with disease."

In summary, it can be seen that the

attack on DSHEA is merely one part of a larger overall agenda being advanced at the behest of the pharmaceutical lobby with no regard for peoples' health interests.



Your illness generates profits for the pharmaceutical business to buy political favors and control all segments of the society.

Conclusion

Global corporate and special interests have already succeeded in reducing consumer access to nutritional supplements in the international arena and are now targeting the United States. Some might argue that the non-partisan campaign that led to DSHEA continues to act as a disincentive for any administration effort to dismantle it. However, the mood of Capitol Hill has changed significantly since 1994.

For example, as of May 2004, only about 50% of the members of the U.S. House and Senate that voted on DSHEA in 1994 remained in office. There has also been an 80% change in legislative staffing since that time.²⁶

U.S. consumers and consumer groups must now urgently restart the process of educating legislators and legislative staff about the safety and effectiveness of dietary supplements and the need to defend DSHEA.

Matthias Rath, M.D. and the non-profit Dr. Rath Health Foundation are leading the worldwide effort to defend the right to free access to scientifically based, safe, and effective natural health therapies.

We urge you to work with us and health freedom activists nationwide to DEFEAT the growing efforts to undermine DSHEA and PREVENT the health and lives of millions of Americans from being unduly compromised.

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Matthias Rath, M.D.

The Dr. Rath Health Foundation is a non-profit organization dedicated to improving human health on a global scale through research, education and the defense of patients' rights to natural health.

Dr. Rath's scientific discoveries have provided major breakthroughs in the natural approach to heart disease, cancer and other worldwide health concerns. His vision, backed-up by his extensive research, has unleashed the potential of controlling many diseases through natural means. As a result, the Foundation has been instrumental in promoting natural health education and peoples' awareness to their health rights, both in the U.S. and throughout the globe. These activities directly threaten the largest and most unscrupulous business on earth – the pharmaceutical "business with disease."

If you would like to make a donation to the work of the Foundation, you can contact us at the following address:

The Dr. Rath Health Foundation, USA

950 S. Pine Island Road, Suite A-150

Plantation, FL 33324

1-800-381-4185

E-mail: foundation@drrath.com

www.drrathhealthfoundation.org