

## Dirty Little Secrets: Supplement ingredients come under fire again

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**By Michael O'Keeffe**

When Alex Sanchez blamed his positive steroid test on a dietary supplement last week, Jim Miller didn't shake his head in disbelief, didn't snicker, didn't think the Devil Rays outfielder was making excuses.

The Giants backup quarterback, suspended for four games in 1999 after he tested positive for nandrolone, a steroid banned by the NFL and outlawed by federal law, had been down that road himself: Miller says a dietary supplement he took to speed recovery after workouts included 19-norandrostenedione, a steroid precursor that converts into nandro-lone once it gets to the liver. The supplement label didn't include 19-norandrostenedione in its list of ingredients.

"I got it from my mother-in-law and it wound up costing me a hundred grand," Miller says of the salary he lost during his suspension.

Miller and Sanchez are two of dozens of athletes who have blamed positive drug tests on tainted dietary supplements in recent years. Some are steroid cheats who are simply blowing smoke, says World Anti-Doping Agency adviser Gary Wadler, but many, he says, may be telling the truth. Federal law makes supplement companies, not government regulators, responsible for product purity, which means athletes and other consumers have no guarantees about the ingredients, dosage strengths or safety of the supplements they purchase.

"My experience in the NFL suggests that, other than deliberate cheating, the most common reason for a positive test is the ingestion of a dietary supplement that is contaminated with a banned substance that is not listed on the label," Dr. Elliott Pellman, medical advisor to MLB and the NFL, told the congressional panel investigating steroids in baseball last month.

Sanchez, whose 10-day suspension ends Thursday, says he failed his drug screening because he didn't know an over-the-counter supplement he purchased in January contained a banned substance. "I am guilty of not taking the initiative to learn more about the contents of what I was taking," he says.

But under the beefed-up new steroids policy implemented by Major League Baseball last month, that's no excuse: Like the NFL and the International Olympic Committee, MLB holds athletes responsible when banned substances are detected in their samples, even if they ingested those substances inadvertently.

"This is why WADA suggests athletes should not take dietary supplements," Wadler says. "You could unwittingly take a banned substance without even knowing it."

The odds that an athlete will test positive because of a tainted supplement will probably decrease, thanks to the Anabolic Steroid Control Act of 2004, which outlawed the sale, possession and use of 19-norandrostenedione, andros-

tenedione and other steroid precursors. Companies will no longer make products that were banned by sports leagues but entirely legal before Jan. 20, diminishing the chances that raw materials and manufacturing equipment will be tainted by banned substances. But because product purity and safety is left to the supplement industry, there are no assurances that sloppy or unscrupulous companies won't slip outlawed substances into the supplements they say athletes need to perform at the highest levels.

Miller's advice to baseball players: buyer beware. "I think 10 or 12 guys in baseball are going to get popped this season for something that was in an over-the-counter product," he predicts. "You don't know what they put in these supplements."

The Dietary Supplement Health and Education Act, passed in 1994, mandates that products derived from herbs and natural sources be classified as food, not drugs, which has been a tremendous boon to supplement manufacturers: It can take years and millions of dollars to get a drug approved by the FDA, but a supplement can make it to stores in the time it takes to bottle and deliver it.

By the '90s, supplements, once limited to health food stores and pharmacies, were suddenly everywhere; almost overnight, gas stations, bodegas, even liquor stores began selling sexual-enhancement products, hangover cures and energy pills. Between 1994 and 2004, according to the FDA, the number of dietary supplements on the market sky-rocketed from 4,000 to 29,000, and the industry now rakes in about \$18 billion a year in revenue.

But while DSHEA has been good to the industry, critics say it's sparked a series of public health crises. GHB, for example, a dangerous sedative marketed as a muscle-building supplement and sleep aid from 1994 until 1999, was linked to fatal overdoses and found to be as addictive as heroin before it was classified as a controlled substance in 2000.

Ephedra, sold as an energy booster and weight-loss aid, was linked to heart problems, strokes, seizures and the deaths of more than 100 people - including Orioles pitcher Steve Bechler in February 2003 - before it was outlawed last year.

One of the most disturbing results of the deregulation of supplements, critics say, was the absence of quality control - the ingredients and dosage strengths on labels often don't match what is in the bottle. Sometimes unscrupulous companies add banned substances - not listed on their labels - to make their products more effective; more often, supplements get tainted because manufacturers use the same equipment to make a variety of products. Even trace amounts can mean disaster for athletes.

"It takes very tiny amounts to produce a positive urine test for nandrolone," Wadler says.

A 2002 study by the IOC claimed about 25% of the 634 nutritional sports supplements it tested contained substances not listed on ingredient labels, and more than half of those products contained substances that would have resulted in a positive drug test at the Olympics. A study released in January by the National Academy of Sciences' Institute of Medicine, meanwhile, reported that a third of Asian patent medicines - the herbs, animal parts and minerals used in

traditional Chinese medicine - reviewed in one recent study contained unlisted pharmaceuticals or heavy metals, including arsenic, lead and mercury.

Blame the FDA for quality control issues, says David Seckman, the executive director of the National Nutritional Foods Association, a supplement industry trade organization. The agency has failed to issue the good manufacturing practice guidelines mandated by Congress when it passed DSHEA 11 years ago.

Says Rep. John Sweeney, an upstate New York Republican who has been a harsh critic of the supplement industry: "Because there are no finalized FDA rules governing the manufacture of supplements, there is essentially no oversight to deter the production of poor quality or tainted substances. Many dietary supplements are produced by small factories who take advantage of this lack of oversight."

Critics say it is no surprise that Major League Baseball finds itself facing a steroids crisis 11 years after the passage of DSHEA. Most professional athletes grew up in a culture that suggested that pills and powders, regardless of their legal status, were necessary to reach the top levels of their sport.

"The complexity of the steroid problem in professional sports in America has been significantly increased by the federal government's deregulation of nutritional supplements and pro-hormones in the 1990's," Pellman told the House Government Reform Committee. "Despite recent changes in the law, there is an entire generation that has been potentially contaminated by the belief that the use of such substances is legitimate. In creating an effective drug program, one must take into account the reality of the damage that has been caused by the deregulation of nutritional supplements."

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Committee members ripped Pellman for suggesting Congress had a role in promoting steroid use, but he may have simply hit a raw nerve: The supplement industry is well-connected inside the Beltway, contributing more than \$3.6 million to federal candidates and political parties since 2000, according to the Center for Responsive Politics. Its friends include Sen. Orrin Hatch, the powerful Republican from Utah, and Rep. Dan Burton, the influential Indiana Republican lawmaker.

Congress took steps to protect athletes from tainted supplements with its Anabolic Steroid Act of 2004, which out-laws the steroid precursors that had already been banned by the NFL and IOC. Rep. Sweeney says that should decrease the risk of inadvertent contamination, but risks remain.

"The risk of contaminated dietary supplements remains real," Sweeney says.

"The FDA is not as active in over-seeing this industry as I believe it should be. An unscrupulous manufacturer could still be careless with their production or simply be marketing a product they know is impure and contains a banned substance."

Until the government takes a tougher stance, athletes will have to treat supplement stores like minefields. Some athletes have already gotten the message. According to MLB documents provided to the House Government Reform Committee last month, 73 players tested positive for nandrolone in 2003

but only one player tested positive for it in 2004. Wadler says one explanation could be that more players in 2003 used Deca-durabolin, a steroid that contains nan-drolone. More likely, he says, players stopped using supplements that contained 19-norandrostenedione.

The NFL and its players association, meanwhile, gave their stamp of approval last fall to EAS, the first company to pass a certification program established to ensure players have access to products free of banned ingredients. A handful of other companies are expected to receive certification by 2006, says Adolpho Birch, the NFL's labor relations counsel. Every batch of every product is tested before it leaves EAS factories to make sure it is free of contaminants.

"Because of the lack of regulation, we were concerned about the possibility of adulteration," says Birch. "We tried to approximate what a government review would have been like."

Major League Baseball officials and union leaders say they are aware of the NFL's program and may consider following suit.

"It's pretty bad for someone to get suspended and have their name associated with steroids if that's not the case," says Derek Jeter. "If there's a possibility that someone will test positive from something they buy over the counter, you want to take any measure you can to prevent that."

Total campaign donations from the dietary supplement industry to members of the House Government Reform Committee:

DAN BURTON, R-Ind. \$35,500  
TOM LANTOS, D-Calif. \$15,000  
CHRIS CANNON, R-Utah \$7,600  
DENNIS KUCINICH, D-Ohio \$7,000  
EDOLPHUS TOWNS, D-NY \$5,000  
ILEANA ROS-LEHTINEN, R-Fla. \$2,100  
ELIJAH CUMMINGS, D-Md. \$1,000  
HENRY WAXMAN, D-Calif. \$1,000  
DARRELL ISSA, R-Calif. \$500

Source: Center for Responsive Politics

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