

The Honorable Senator _____
_____ 2010
United States Senate
Washington, D. C. 20515

The Dietary Supplement Health and Education Act (DSHEA) is under attack again! This time it is through reinstating unbridled FTC rulemaking power!

H.R. 4173, “The Wall Street Consumer Protection Act”, attempts to reinstate FTC expansive rulemaking power by inserting a special section just for that purpose. The broad expansion deletes pages of current law on the books that was put there to specifically curb abuse of power by the FTC and to keep FTC’s powers in check. The FTC section of the bill has nothing to do with the goals of H.R. 4173! It is not germane to the rest of the Act and is completely unnecessary.

H.R. 4173 is being used as a political vehicle to expand the general powers of the FTC. FTC’s history of abuse of power was noted in the late 1970’s and curbed by passing laws (Magnuson-Moss procedure) to put restrictions on the FTC’s activities. H.R. 4173 wipes these restrictions out and reinstates broad powers for the FTC, making businesses once again vulnerable to the biased activities of this huge agency. “Removal of this protection would permit the FTC to promulgate regulations affecting any kind of advertising, including dietary supplements. This could easily lead to a major sea change in how the supplement industry is able to communicate with consumers.” (Attorney Jonathon Emord JD)

Don’t let this political maneuver take hold. Demand the deletion of this non-germane Section 4901 that specifically amends and expands the FTC Act. Please don’t let H.R. 4173 dismantle DSHEA.