



Council for Responsible Nutrition

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July 29, 2024

The Honorable Richard J. Durbin
United States Senate
711 Hart Senate Office Building
Washington, DC 20510

Dear Senator Durbin:

Thank you for your continued leadership and ongoing discussions regarding the Dietary Supplement Listing Act, legislation you have indicated you plan to reintroduce during this Congressional session. As you know, the Council for Responsible Nutrition¹ (CRN), the leading trade association representing dietary supplement and functional food manufacturers and ingredient suppliers, wholeheartedly supports the creation of an official registry of dietary supplements sold in the U.S., which your legislation would accomplish. We appreciate your commitment to greater transparency in the dietary supplement marketplace, a goal that we share, and are proud to have created and continue to maintain a publicly available label database, the [Supplement Online Wellness Library \(OWL\)](#), of which participation is a requirement for our members, but only voluntary for the rest of the industry.

CRN also very much appreciates your collaboration with the industry to address particular issues in your bill that previously raised concern. For instance, we are reassured by the inclusion of two separate provisions in your legislation clarifying that this program would not create a pre-market approval process by FDA. The legislation has also been responsive to our concerns that certain information that would be provided to FDA that is not accessible from the label (e.g., manufacturing sites and contact information) would be protected from release.

While we appreciate your willingness to engage in constructive dialogue and the spirit of collaboration on the bill to date, unfortunately, CRN cannot endorse it in its current form. As you know, it contains the expanded requirement that manufacturers provide FDA with a list of all their website claims for a new product—beyond the label and package insert information. This additional requirement is burdensome on industry and exceeds the original objective of the registry to provide FDA with a current snapshot of products on the market. Indeed, once FDA is aware of the presence of a dietary supplement ingredient from the submission of the label information, it could easily perform internet searches for any particular product to examine additional marketing claims on a website. But demanding companies submit that information (and keep it up-to-date as websites change) encumbers them with an ongoing administrative burden. This requirement exceeds the goal of giving FDA visibility into the array of dietary

¹ The Council for Responsible Nutrition (CRN), founded in 1973, is the leading trade association representing more than 180 dietary supplement and functional food manufacturers, ingredient suppliers, and companies providing services to those manufacturers and suppliers. In addition to complying with a host of federal and state regulations governing dietary supplements and food in the areas of manufacturing, marketing, quality control and safety, our manufacturer and supplier members also agree to adhere to additional voluntary guidelines as well as to CRN's Code of Ethics. Follow us on Twitter [@CRN_Supplements](#) and [LinkedIn](#).

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supplements in the U.S. market and could encourage FDA to conduct “fishing expeditions” for marketing activities beyond the scope of their authority. We also note that requiring companies to submit copies of their website claims does little to address your concerns over tianeptine, which we understand is one of the reasons you are reintroducing the legislation at this time.

CRN remains hopeful that further discussions will lead to a compromise that addresses these concerns, ensuring transparency and targeting bad actors in the marketplace, as intended. We remain committed to transparency through a listing program, as well as other common-sense reforms that address our shared goals of creating an even safer dietary supplement marketplace, fostering innovation and scientific research for these products, and assuring consumers of the quality and benefits of dietary supplements. To that end, CRN respectfully requests an in-person meeting with you – either during the August recess while you are in Illinois, or in DC in September, to discuss our unwavering support for a federal dietary supplement registry, while further elucidating our position and concerns with the current draft’s website claims language. We are confident that through continued communication, your bill will strike the right balance and become legislation that CRN is proud to support.

Thank you in advance for consideration of my request. I look forward to working with you and your staff on this and other matters of shared interest.

Sincerely,



Steve Mister

President & CEO