

September 23, 2004

The Honorable Deborah P. Majoras
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580

Dear Chairman Majoras:

On behalf of CSPI's 800,000 American members, we urge the Federal Trade Commission to immediately enjoin the national television advertisements of Berkeley Premium Nutraceuticals, Inc. ("Berkeley")¹ for the herbal supplement Enzyte. One of those advertisements (a story board of which is enclosed) explicitly states it is for "natural male enhancement" and refers the viewer to Enzyte's website (www.enzyte.com). The first testimonial on Enzyte's website says "These pills are amazing. The increase in size and sensitivity are apparent. Every time feels like the first time – new meaning to the slogan 'Satisfaction Guaranteed!'"² Enzyte's label says it "stimulates blood flow, creating firmer, fuller erections for a more satisfying sexual experience."³

The FTC requires that advertising claims for dietary supplements, including those based on testimonials of users, "be backed by sound, scientific evidence."⁴ Berkeley, however, has conceded that it has no scientific studies of Enzyte substantiating any of Berkeley's claims.⁵

¹ Berkeley is located in Cincinnati, Ohio.

² www.enzyte.com/success.htm (visited September 14, 2004). Elsewhere Berkeley's website (www.enzyte.com/nme.htm, visited September 14, 2004) states that "While there is no known ingestible proven to alter the natural size or shape of the penis, Enzyte may help your body achieve full, strong erections."

³ Class-action suits were filed in March 2004 against Berkeley by dissatisfied purchasers of Enzyte in both Ohio and California. *Adweek* (May 10, 2004).

⁴ *Dietary Supplements: An Advertising Guide for Industry* (Federal Trade Commission Bureau of Consumer Protection, 1998) at 24 and 18.

⁵ In response to a request from the Cincinnati Better Business Bureau to supply the results of all medical studies testing Enzyte, Berkeley responded in February 2003 that it only had studies relating to the efficacy of Enzyte's ingredients.



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(visited September 21, 2004). As discussed in the enclosed *Nutrition Action Healthletter* article, very little research has been done on the effect of herbal ingredients on sexual function—certainly not enough to constitute “sound, scientific evidence.” In a study of men with erectile dysfunction who took a daily dose of 1,800 to 2,700 mg of Korean red ginseng – not the kind of ginseng used in Enzyte – showed that some were helped. One study suggests that 5,000 mg daily of arginine may lead to a subjective improvement in sexual function, and a study of maca suggests that 1,500 to 3,000 mg a day may mildly increase sexual desire. However, as Enzyte’s label says each tablet contains 1,494 mg of its proprietary blend (all ingredients other than niacin, zinc, and copper), it is not possible that Enzyte contains the amounts of those ingredients that *may* be necessary to increase libido or sexual performance, if, indeed, those ingredients provide a benefit at any dose. (We recognize, though, that dose-response studies have not been conducted, and it is conceivable that lower doses could have provided benefits.)