



September 21, 2022

The Honorable Gavin Newsom, Governor
State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

Re: AB-1341 (C. Garcia) Ban on Sale of Weight Loss Dietary Supplements and Diet Pills to Minors – Statement of Support

Dear Governor Newsom,

The Center for Science in the Public Interest (CSPI), “Your Food and Health Watchdog,” writes urging you to support AB-1341, “Dietary supplements for weight loss and over-the-counter diet pills,” which was enrolled and presented to you on August 31, 2022. This important legislation would protect children across California by prohibiting the sale of weight-loss dietary supplements and over-the-counter diet pills in stores or online to any person under 18 years of age. The bill also includes a provision requiring the California Department of Public Health (CDPH) to develop health notices to be posted in retail locations, should it find that certain of such products pose health risks.

CSPI is a national leader in advocating for safe dietary supplements and providing consumers with credible, accurate information about the benefits and risks of supplement use. We are concerned that weight loss products pose safety risks, especially to children, and have often been deceptively marketed with misleading claims. The American Academy of Pediatrics has strongly cautioned against adolescents using diet pills,ⁱ which are associated with gastrointestinal and other side effects.ⁱⁱ Moreover, a study authored by officials at the CDPH found that weight loss products were the second-most common class of product in the Food and Drug Administration’s tainted products database, constituting more than 40 percent of tainted products in the database from 2007 through 2016.ⁱⁱⁱ Despite this, a disturbing 11% of teens report ever having used dietary supplements for weight loss.^{iv} The legislation now before you will protect Californian children and teens from potential harms attributable to these dangerous products.

Moreover, AB-1341 will not pose a difficult burden for CDPH to implement. The statute already identifies and defines the products that would be subject to the ban on sale to minors (i.e., dietary supplements for weight loss or over-the-counter diet pills). The agency therefore need not develop an exhaustive list of products or make findings of fact in order to implement the ban; it need only provide guidance in implementing the definitions provided in the bill. The bill also leaves CDPH with the discretion to develop a health notice only if the agency determines that a particular dietary supplement ingredient causes negative health effects.

Likewise, the statute does not impose difficult burdens on industry, as evidenced by the fact that trade groups representing both the retail^v and the dietary supplement^{vi} industries have provided letters indicating they are neutral and hold no opposition to AB-1341.

We urge your support of AB-1341 to protect young people in California from these dangerous products. We would be interested in meeting with you further to discuss implementation of the bill and what it would mean for Californians. For communications related to this letter, please reach out to Sarah Sorscher at ssorscher@cspinet.org, 202-777-8397.

Sincerely,

Sarah Sorscher, JD/MPH
Deputy Director for Regulatory Affairs
Center for Science in the Public Interest

Dr. Peter Lurie, MD/MPH
President
Center for Science in the Public Interest

Cc: Dr. Tomás J. Aragón , MD, DrPH, Director, CDPH

ⁱ Golden NH, Schneider M, Wood C. Preventing Obesity and Eating Disorders in Adolescents. *Pediatrics*. 2016;138(3). LaBotz M, Griesemer BA, AAP Council on Sports Medicine and Fitness. Use of Performance-Enhancing Substances. *Pediatrics*. 2016;138(1).

ⁱⁱ alli is the only OTC weight loss aid approved by the FDA. Curious about side effects? 2022. <https://www.myalli.com/about/product-use/>. Accessed September 20, 2022.

ⁱⁱⁱ Tucker J, Fischer T, Upjohn L, Mazzera D, Madhur K, Unapproved Pharmaceutical Ingredients Included in Dietary Supplements Associated with US Food and Drug Administration Warnings. *JAMA Network Open*. 2018;1(6):e183337.

^{iv} Wilson KM, Klein, JD, Sesselberg TS, et al. Use of Complementary Medicine and Dietary Supplements among U.S. Adolescents. *Journal of Adolescent Health*. 2006;38(4):385-394. doi:10.1016/j.jadohealth.2005.01.010.

^v Letter to the Honorable Gavin Newsom, Governor, from the California Retailers Association (CRA) and the National Association of Chain Drug Stores (NACDS), Re: AB 1341 (C. Garcia) Dietary supplements for weight loss and over-the-counter diet pills – NEUTRAL, September 2, 2022.

^{vi} Letter to the Honorable Richard Pan, from the Council for Responsible Nutrition (CRN) and the American Herbal Products Association (AHPA), RE: AB 1341 (C. Garcia): Dietary Supplements REMOVAL OF OPPOSITION, June 8, 2022.