

# Tainted Products Marketed as Dietary Supplements and Foods: Responsibilities of Retailers and Distributors

## BE PROACTIVE — PRODUCTS WITH THE FOLLOWING CHARACTERISTICS WARRANT FURTHER INVESTIGATION ...

### PRODUCT CATEGORIES:

- Sexual Enhancement
- Weight Loss
- Bodybuilding and Performance Enhancing
- Arthritis and Joint Pain
- Diabetes
- Sleep Aids

### TAINTED PRODUCTS RED FLAGS:

- Sexual enhancements claiming immediate effects, such as “works in 30 minutes”
- Weight loss products with warnings and directions for use that mimic prescription drugs
- Pain products promising to replace medications or treatments for chronic conditions

### LABELS IN A FOREIGN LANGUAGE BUT “MADE IN THE USA” OR MISUSING THE FDA LOGO

### PRODUCTS WITH VAGUE OR NO COMPANY INFORMATION ON PRODUCT LABELS



## WHAT ARE TAINTED SUPPLEMENTS/FOODS?

In recent years, FDA has identified over a thousand products marketed as dietary supplements or conventional foods with hidden drugs and chemicals. The products are typically promoted for sexual enhancement, weight loss, bodybuilding, arthritis and joint pain, diabetes, and as sleep aids. FDA lab analyses have found products that have been laced with a wide variety of potentially dangerous ingredients that include:

- Approved prescription drug ingredients and their analogues
- Drugs banned by FDA for safety reasons
- Controlled substances such as anabolic steroids and stimulant diet drugs
- New and untested active drug ingredients
- Drug combinations and dosages that pose serious risks

## HEALTH RISKS

FDA is aware of hundreds of reports about tainted products, including life-threatening reactions, serious injuries, and death. These products can also interact in life-threatening ways with other medications a consumer may be taking. Consumers don't know what, how many, or how much of the hidden ingredients are in tainted products.

## KNOW WHAT'S IN YOUR PRODUCTS

FDA and its law enforcement partners have taken action to protect consumers from harmful tainted products. Unlawful companies have attempted to exploit the trust that consumers have in safe products, including by peddling their illegal goods as dietary supplements and foods.

## REQUIREMENTS UNDER THE LAW

Firms that sell consumer products such as dietary supplements and food products play an integral role in preventing tainted products from harming consumers and have a legal responsibility to ensure that the products they sell are not tainted. Anyone who sells or distributes these illegal products may be subject to:

- Criminal liability – misdemeanors and felonies
- Seizure of your products
- Injunction of the responsible party or company
- Disgorgement of profits and restitution