



**GIBSON MERCHANDISE GROUP, INC.**

P.O. BOX 6238 LONGVIEW, TEXAS 75608  
(903) 297-0766 FAX (903) 297-2895

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March 18, 2003

Dockets Management Branch (HFA-305)  
Food and Drug Administration  
2630 Fishers Lane, Room 1061  
Rockville, MD 20852

Dear Sir or Madam,

We operate health food stores in the states of Texas, Arkansas and Louisiana and have been doing so for the past few years. The passage of the Dietary Supplement Health and Education Act of 1994 was a positive step to improve consumer access and information about dietary supplements. At the same time, the consumer received the additional benefit of more protection against unsafe products and false and/or misleading claims.

We now read that the FDA is asking for additional legislative authority aimed at regulating ephedra that would also apply to the entire supplement category. It seems to us that aggressive and effective enforcement of DSHEA is the way to go first. Perhaps you could issue suggestions for good manufacturing practices and procedures for supplements as a whole that could then be used to improve the industry and provide another level of protection to the consumer.

We understand the desire to regulate ephedra, but we think it should be done using existing regulations rather than by adding regulations. Dr. Jane Henney, former FDA commissioner has been quoted as saying before Congress that she believes DSHEA provides the FDA with the necessary authority to protect the public health.

It is also my understanding that DSHEA increased the enforcement powers of the FDA by authorizing the seizure of any dietary supplement it believes presents an unreasonable or significant risk of illness or injury to the consumer. In addition, it has always been my understanding that the government can stop the sale of an entire class of product, including dietary supplements, if they pose an imminent public health hazard.

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The bottom line seems to me to be that there are sufficient and adequate laws and protections in place to deal with ephedra and any other product that poses a threat to the public. Why add to the stack of laws when unnecessary.

Thank you for your time and consideration. —

Sincerely,

A handwritten signature in black ink, appearing to read 'Jimmy Dunn', with a stylized flourish at the end.

Jimmy Dunn  
President