RICHARD J. DURBIN
ILLINOIS
MAJORITY WHIP

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY
COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE JUDICIARY

United States Senate

WASHINGTON, DC 20510-1304

March 18, 2024

Scott Melville
President and Chief Executive Officer
Consumer Healthcare Products Association
1625 I Street NW, #600
Washington, DC 20006

Dear Mr. Melville:

I am writing to urge the Consumer Healthcare Products Association to take action against the inclusion of dangerous or illegal ingredients in products marketed as dietary supplements in the United States.

Last month, the Food and Drug Administration (FDA) issued a warning to consumers not to purchase or use products marketed as dietary supplements that include tianeptine. Tianeptine can be found in retail outlets, and can create "opioid-like effects." It is not approved for use in the United States, but that has not deterred some unscrupulous companies from including it in their products and marketing them as dietary supplements that can treat substance use disorder. Such claims and marketing are illegal actions under the *Federal Food, Drug, and Cosmetic Act*. It also is cruel to those Americans who experience substance use disorder and need real support —not a cheap, unsubstantiated "fix." However, recent reporting indicates that tianeptine is reaching and harming consumers now more than ever before.

According to America's Poison Centers, there were 11 calls related to tianeptine between 2000 and 2013. However, between 2019 and 2023, there were 1,100 calls related to tianeptine across the United States, with 400 such calls in 2023 alone. Tianeptine has caused Americans to experience rapid heartbeat, nausea, vomiting, and coma. Tragically, it even has contributed to the deaths of some individuals.

For example, ABC Chicago recently reported that Chris Haggarty, a 37-year-old man from Lorain County, Ohio, died after taking a supplement that included tianeptine last November. According to his mother, Karen Haggarty, he was 12 months sober from alcohol, but had struggled on the day of his death. Chris went to his local gas station and bought "Neptune's Fix," believing that it would help soothe him. But, it did not. He fell asleep, had a heart attack, and died. Karen has one wish: to "help other families to avoid going through what [she is] going through right now."

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Last Congress, I introduced the *Dietary Supplement Listing Act of 2022* (S. 4090) to address this issue and help families like Karen's. When the *Dietary Supplement Health and Education Act* (P.L. 103-417) became law in 1994, there were 4,000 products marketed as dietary supplements in the United States. Now, FDA estimates that there are more than 95,000 of these products on the market. But, the agency does not know the true number—let alone what ingredients are included in those products. The *Dietary Supplement Listing Act* would have given FDA much-needed insight into the market and improved its abilities to initiate enforcement action against the companies that market dangerous or illegal ingredients, such as tianeptine, in their supplement products.

I will reintroduce the *Dietary Supplement Listing Act* this year. In the face of mounting public health threats, I urge the Consumer Healthcare Products Association to help support legislative efforts such as this that would ensure the FDA can protect consumers effectively. I also request that the Consumer Healthcare Products Association provide my office with a written plan to work with responsible supplement manufacturers to remove tianeptine and other dangerous or illegal ingredients from the supplement market.

Let me be clear: we must take substantive action to ensure that other mothers, fathers, siblings, and friends do not experience the same pain and suffering that Karen faces now.

Please respond to this letter no later than April 15, 2024.

Sincerely,

Richard J. Durbin
United States Senator