

As More Consumers Seek Supplements to Support Health During COVID-19 Pandemic, CBD Regulation Is More Critical Than Ever

By Brian Wommack, Senior Vice President, Communications, CRN

Taking a traumatic toll on public health and crippling economies across the globe, COVID-19 is disrupting virtually all aspects of life. The dietary supplement industry has asserted its essentiality, worked to protect its employees, shifted to remote work where possible and managed complex global supply chains to keep its production optimized—all while facing unprecedented demand for its products.

Consumers, already predisposed to favor supplementation—77 percent of Americans rely on dietary supplements—are turning to these products during the pandemic in even greater numbers to support their health and wellness during this crisis. Market data demonstrate that sales have increased for a variety of supplements, including products to support immune health and manage sleep and stress. Other ingredients have gained added relevance too during this crisis as consumers seek insurance for their basic nutrition and support for their mental state. Cannabidiol (CBD) is one that continues to be at the forefront of consumer interest.

More than 20 million Americans report taking CBD dietary supplements. Particularly during the COVID-19 pandemic, CBD has sustained relevance with consumers as the public seeks support to manage their mental health, stress and sleep. This consumer attention further emphasizes how critical it is for the U.S. Food and Drug Administration (FDA) to announce a legal pathway to market for CBD-containing supplements. FDA's inaction over the last year has already contributed to facilitating an unregulated marketplace and with a growing number of consumers expressing interest in CBD products, a comprehensive framework of CBD regulation is even more critical to protect the safety of consumers.

At the same time, CBD products are receiving a disproportionate share of warning letters from FDA for impermissible claims to treat, cure or prevent COVID-19. Bad actors identified for promoting illegal products claiming to treat, cure or prevent COVID-19 are not confined to any one ingredient or class of products, but recent warning letters from FDA reveal no shortage of CBD products making links to coronavirus. Both phenomena, surging consumer curiosity and rampant false marketing of claims, create an urgency for FDA to create certainty in the market.

During this crisis, the Collaborative for CBD Science and Safety (CCSS) officially launched to encourage science-based research into the potential of CBD and ensure the quality and safety of CBD and CBD-containing products available for consumers. CRN is one of 10 industry leaders that is part of the CCSS charged with developing and advocating for policies to improve safety and quality of CBD and CBD-derived products, and encouraging further research into CBD and other cannabinoids.

Over a year has passed since the 2018 Farm Bill was enacted, decriminalizing hemp and opening the floodgates for companies around the country to capitalize on legalization and create a market for products that contain CBD derived from hemp. While many CBD companies are doing things correctly—observing GMPs (good manufacturing practices), following supplement

requirements for labeling, creating systems to report potential adverse events—because of continued federal inaction, consumers remain at higher risk of dangerous products in the market that fail to adhere to the significant body of dietary supplement law and regulation. FDA's lethargy and delay with respect to the legality of CBD make it difficult for consumers to distinguish between responsible players and those bad actors who see a potential profit by flouting standards for quality, sourcing, manufacturing, advertising and claims. A lack of federal regulation also discourages much-needed research and prompts states to fill in the federal regulatory gaps by creating a patchwork of burdensome and inconsistent state regulation.

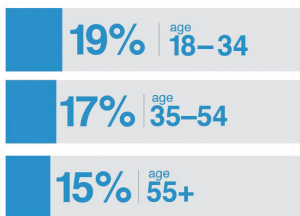
For example, marijuana and CBD derived from marijuana are currently legal under California law, however the use of CBD and certain hemp ingredients in food and dietary supplements is currently unclear. California is unique, as many state legislatures are considering legalizing or have already legalized CBD derived from hemp, while CBD derived from marijuana is not on the table for legalization as marijuana is still considered a controlled substance in most states. Moreover, on the rationale of the decriminalization of hemp, industry groups have been consistently lobbying for FDA oversight of hemp derived CBD products, to provide federal uniformity instead of the current patchwork of state laws and attempted regulation of CBD products derived from hemp.

CRN will continue to urge FDA to explicitly open the dietary supplement lane to CBD, so that companies manufacturing and marketing CBD products are subject to the comprehensive range of dietary supplement laws and regulations. The health and safety of consumers must be the highest priority for the dietary supplement industry. We urge retailers to be vigilant of fraudulent products in the marketplace, especially those that seek to mislead and take advantage of consumers during this time of heightened concern.

Users who take supplements for sleep support



2019 CRN Consumer Survey on Dietary Supplements: www.crnusa.org/2019survey



Users who take supplements for stress management



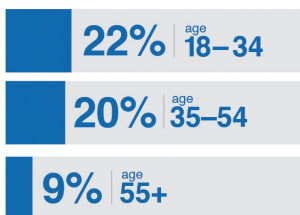
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Users who take supplements for mental health



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