

Sports Supplements Are Under Attack— Here's How We're Fighting Back

By William Dumais III and Luke Huber, ND

More and more Americans are participating in sports and recreational activities of all kinds as a way to improve or maintain a healthy lifestyle. Many of them turn to dietary supplements to increase performance, boost their energy level, or shorten their recovery time.

In fact, the demand for sports nutrition and weight management supplements has never been higher. The sports nutrition category is projected to hit \$7.01 billion in 2022, and the weight management supplement category is projected to reach \$6.21 billion, according to analysts at *Nutrition Business Journal*.

Unsurprisingly, dietary supplements in the sports nutrition and weight management categories have come under increased scrutiny by elected officials across the country. Recently, products under this umbrella have faced numerous attempts at the state level to restrict consumers' access to them.

Mainstream dietary supplements in the sports nutrition and weight management categories—the ones most consumers would find in their local stores or on conventional shopping platforms—are safe, beneficial, and help consumers meet their fitness and weight goals. Why are state legislatures trying to lock them away? What happens to responsible manufacturers of these products if legislators are successful?

Sports Nutrition Has a Vocal Advocate

That is where the Council for Responsible Nutrition (CRN) comes in. As the leading voice for the dietary supplement and functional food industry, CRN has the Capitol Hill veterans, statehouse lobbyists and scientists needed to advocate effectively for responsible industry. CRN established its Sports Nutrition Working Group (SNWG) in 2018. The working group's efforts focus on advocacy, education and awareness for two of the fastest-growing categories of supplements—because \$13 billion categories must be protected from unnecessarily restrictive legislation.

What Advocacy and Engagement Look Like

Sports nutrition supplements came under attack at the state level in the mid-2010s,

with the Massachusetts legislature leading the charge to restrict access. Since then, the industry has seen a steady uptick in states attempting to restrict consumers' access to these products. Specifically, the bills seek to limit the lawful sale of dietary supplements by restricting purchases of certain weight-loss and/or muscle-building products to consumers ages 18 and older.

Critics assert that these products may cause eating disorders among adolescents, but these claims are unsubstantiated—no evidence corroborates them. There is little disagreement eating disorders among adolescents are serious issues, and they have gained more atten-

The sports nutrition category is projected to hit \$7.01 billion in 2022, and the weight management supplement category is projected to reach \$6.21 billion, according to analysts at *Nutrition Business Journal*.

tion as we better understand the effects of social media. Young people can share photos and stories to a global audience, and many have chronicled their struggles with self-esteem and body image.

We live in a consumer culture where an unattainable standard of beauty is driven by digitally enhanced photos, glossy advertisements and magazine covers. These images are far more likely to influence the social and psychological development of our youth by creating unrealistic body image pressure and expectations than access to a container of protein powder. Using the dietary supplement industry as a scapegoat is not only unfair but fails to take these powerful variables into account.

Some activist groups are fueling efforts to restrict dietary supplement products through their own advocacy programs. One example is STRIPED (Strategic Train-

ing Initiative for the Prevention of Eating Disorders), which continues to lobby for age-restriction proposals in several state legislatures.

STRIPED's advocacy materials identify "diet pills" and dietary supplements making weight-loss or muscle-building claims as a risk factor leading to "unhealthy weight control behavior" in adolescents that can develop into an eating disorder. Despite their claims, there is no evidence pointing to a causal relationship between dietary supplement use and eating disorders, but the emotional tug of their appeals can seem persuasive to legislators eager to show they are "fixing" the problem.

These age-restriction proposals are not limited to Massachusetts, as similar legislation has appeared in California, Illinois, Missouri, New Jersey and New York in recent sessions. The bills often mirror each other and include provisions prohibiting direct customer access to dietary supplements through a locked case or placement behind a counter (similar to certain OTC products). Several proposals also require signage warning of the oft-alleged but unproven dangers of these products and age limits for online sales, something virtually impossible for any state to regulate due to the accessibility of countless online retailers.

Further, many state bills include provisions giving their departments of health sole authority to determine which specific ingredients and products should be prohibited. CRN and our members find this to be especially concerning.

Proposals in California and New York not only include having their respective departments of health being the unilateral body to determine which dietary supplements qualify as muscle-building or weight-loss products, but also permit them to do so by allowing preferential input from non-industry stakeholders. Dietary supplement retailers, manufacturers and ingredient companies are not guaranteed a seat at the table in the event a dietary supplement product or ingredient is called into question.

If that weren't enough, all of these age-restriction proposals circumvent the Dietary Supplement Health and Education Act of 1994 (DSHEA) and proper

(Continued on page 26)



Healthy Aging Solutions

There are many compelling dietary supplement ingredients that will provide powerful protection for the body as it ages. And, as aging itself takes time, so too should the supplements aimed in this category be meant to be taken for the long-term. In other words, consumers who are committed to healthy lifestyles need to be committed to the healthy aging supplements they choose to take.

And by many counts, the burgeoning category of “healthy aging” supplements, beverages and topicals is skew-

ing to a younger audience, who are motivated by their experiences during the pandemic. According to *Nutrition Business Journal's* 2021 Condition Specific Report, it is “possible that the true effect of the pandemic on the healthy aging supplement market won’t be known for decades. It’s possible that younger consumers who become part of the “next normal” of increased supplement interest and consumption will be looking for healthy aging options in the future.”

McNamara summarized, “As attention to aging increases around the world, there is a growing convergence around the concept of “healthy aging” among scientists, policymakers and practitioners. Functional ability for older people includes not only the ability to meet basic needs and be mobile, but also the ability to build and maintain

relationships, make decisions, learn and contribute to society.” **NIE**

Extra! Extra!
Visit www.niemagazine.com to read about an AI model that can identify anti-aging chemical compounds.

FORMOREINFORMATION:

- BioCell Technology, LLC, www.biocelltechnology.com
- GCI Nutrients Inc., www.gcinutrients.com
- GELITA USA, www.gelita.com
- Gencor Pacific, www.gencorpacific.com
- HP Ingredients, www.hpingredients.com
- Pharmako Biotechnologies, www.pharmako.com.au
- Tri Nutra, www.trinutra.com
- Verdure Sciences, www.vs-corp.com

CRNUpdate

(Continued from page 20)

FDA (U.S. Food and Drug Administration) authority over dietary supplements while failing to recognize that these products fall into the food category under U.S. law.

Despite the sustained campaign by activists against weight management and sports nutrition supplements, CRN has had success in delaying these proposals from moving forward. However, recent developments demonstrate the proposals’ movement is gaining momentum. On January 11, the New York State Assembly voted favorably to advance A 431 to the next step in the legislative process. Undeterred by this setback, CRN will continue to advocate for a compromise to the proposal with member input in the process.

It is clear our advocacy work is not done. CRN is taking a thoughtful and deliberate approach in finding common ground with legislators and common-sense solutions, without ignoring the principles enshrined within DSHEA nearly three decades ago. Even though CRN successfully slowed down problematic bills in these states, the 2022 legislative sessions will bring a new round of challenges and efforts by legislators and special interest groups to move their regressive proposals forward.

Learn More About Sports Nutrition

A large part of CRN’s SNWG’s efforts on

age restrictions includes educating our members on the nuance of the arguments, keeping them apprised of the status of these bills, and providing expert perspectives on the issues. Staff lays out the options and discusses the implications; member companies direct the policy and set the course. The SNWG also brings in leading experts to share science, create context, and unveil innovations with CRN membership and broader audiences on cutting-edge sports nutrition topics.

Last year’s topics covered by guest speakers included sports nutrition applications for lipotropic and thermogenic ingredients; sports nutrition and the dangers of supplement adulteration for Olympic athletes; sports nutrition needs for Olympic athletes’ training; and the roles of caffeine in sports nutrition. If your company manufactures or markets sports nutrition products, these are the insights you need to make products that resonate with—and won’t disqualify—the athletes who use them.

Helmed by enthusiastic industry leaders—Adam Branfman, senior director of global ecommerce at Nestle Health Science, and Samantha Clayton, vice president of sports performance and fitness education at Herbalife Nutrition—CRN’s SNWG has a productive year in store for supplement industry leaders. Upcoming

activities include expert speakers on trends and forecasts for the growing protein supplementation sector.

Meanwhile, CRN’s government relations team will continue its work keeping bad legislation at bay, using thoughtful strategy and nuanced tactics to champion sports nutrition products. Effective advocacy includes engaging legislators on the ground, on the Hill, and under state legislatures’ domes; partnering, where appropriate, with like-minded organizations like retailers, local chambers of commerce and business associations; and backing up our position on the safety and benefits of dietary supplements with data and educational materials.

Whether the issue is misinformation or overly restrictive legislation about these supplements, CRN is focused on protecting and defending the responsible sports nutrition industry.



William Dumais III is manager of government relations at CRN.



Luke Huber, ND, is CRN’s vice president of scientific and regulatory affairs.