



NEW YORK STATE SENATOR

Jeffrey D. Klein

## Senate Majority Coalition Leader Jeff Klein, Joined By Former Major League Baseball Star Jose Canseco, Medical Experts, and Victims, Introduces Legislation to Ban Popular Over the Counter Nutritional Supplement “DMAA”

JEFFREY D. KLEIN March 6, 2013

| ISSUE: **CONTROLLED SUBSTANCES, ALCOHOL, PRESCRIBED DRUGS OR PRESCRIPTIONS**

**ALBANY, NY** - In the wake of two military deaths linked to the use of a risky over the counter dietary supplement, New York State Senate Majority Coalition Leader Jeff Klein (D-Bronx/Westchester) introduced legislation today that would immediately ban all future sales of products containing the popular but dangerous substance. The supplement, known as dimethylamylamine, or DMAA, is currently banned in six countries, as well as by the U.S. military and nearly every amateur and professional sports organization.

Senator Klein was joined by Leanne and Michael Sparling, the parents of Private Michael Sparling, a soldier at Fort Bliss military base who died shortly after ingesting Jack3d, a product infused with the supplement, on June 1<sup>st</sup> 2011. Private Sparling used the product, which is marketed as a “pre-exercise augmenter” prior to beginning a fitness routine. The Sparling family has filed a suit for wrongful death against the product’s manufacturer, USPLabs, and against GNC Stores.

Despite DMAA's inherent risks, the product's labels do not list any specific side effects. DMAA-infused products, such as Jack3d and OxyElite Pro, are top-selling products at GNC and Vitamin Shoppe Stores.<sup>[1]</sup>

In April and September of 2012, the FDA issued warning letters to 10 manufacturers and distributors of the supplement, stating that their failure to provide evidence of DMAA's safety had placed the companies, and retailers, in violation of federal law.<sup>[2]</sup> In its letter to the companies, the FDA reported receiving 42 "adverse event reports" related to DMAA's use. These reports included accounts of cardiac, nervous system, and psychiatric disorders, as well as death.

Despite GNC's claim that it would be making "a very concerted effort to move away from DMAA products in our stores," <sup>[3]</sup> the retailer released a new, GNC branded, DMAA-infused, sports drink several months ago. The retailer has denied that the drink contains DMAA, but the drink's label, provided on GNC's website until late last year, listed DMAA as an active ingredient. The product, GNC XP Sport, is currently marketed on GNC's website as a "hot buy."

Further, as evidenced by hidden camera footage shot by Senator Klein's staff late last year, store employees are often unable or unwilling to warn customers of the physiological risks associated with using DMAA.

**Senate Majority Coalition Leader and Independent Democratic Conference Leader Jeffrey D. Klein said,** "If it's not safe for soldiers, it's not safe for our kids. These manufacturers are exploiting shortcomings in FDA oversight to profit off of unsuspecting student athletes. Our kids are being told that DMAA will give them an edge over their competition. But that's dead wrong. Not only are these products dangerous, but they jeopardize the athletic eligibility of anyone who uses them. We're here to put an end to that. The outright refusal by drug makers and

retailers to place a meaningful warning label on these products is shameful. We will not allow their recklessness to endanger any more student athletes. I hope that the FDA eventually acts—but until then, it's up to the states to take action. That's why I'm introducing legislation today to eliminate the DMAA threat in New York once and for all."

**Leanna and Michael Sparling (Parents of Pvt. Michael Sparling) said,** "We hope the tragic death of our son PVT Michael Sparling from DMAA will compel this legislative body and the great state of New York to be bold and take a stand."

Speaking to the risks associated with using performance enhancing substances, **Former Major League Baseball All-Star Jose Canseco said,** "Senator Klein is attacking this problem in exactly the right way. I know how dangerous these products can be and I've seen how easy they are for kids to buy. I'm proud to be here today to support Senator Klein, because instead of sitting on his hands like most politicians, Senator Klein is actually out there leading on this issue. It's clear that Senator Klein means business—I'm just glad that I could be here to help him make his case."

Due to the substantial health risks associated with DMAA—as well as its use as an active ingredient in numerous "party drugs" and new, legal "bath salts" worldwide—the compound is illegal in several countries, including Canada and the United Kingdom.

An American pharmaceutical company developed DMAA in the 1940s for use as a nasal decongestant. But in the 1970s, faced with enhanced oversight by the FDA, American pharmaceutical companies halted production. According to Dr. Cohen, the supplement's current manufacturers may be using DMAA as a substitute for Ephedra, the dangerous and controversial drug banned by the FDA following a string of deaths linked to the drug. As Dr. Pieter Cohen recently reported in the Archives of Internal Medicine, DMAA produces a series of physiological responses that are remarkably similar to those created by Ephedra.

The medical discussion at Monday's roundtable was led by Dr. Pieter Cohen, an assistant professor at Harvard Medical School and a general internist at Cambridge Health Alliance who has personal experience caring for patients harmed by DMAA. **Dr. Cohen said**, "It's unacceptable that an experimental drug is sold in the guise of a natural supplement. Senator Klein's legislation is an important step in the right direction toward ensuring the safety of supplements sold in New York."

DMAA is listed as a banned substance under NCAA, NFL, MLB, NBA, USTA, NASCAR, and International Olympic Committee guidelines. At the press conference, St. John's Basketball Strength and Conditioning Coach Patrick Dixon explained the risks that college athletes take by using these products, even if accidentally.

**Coach Patrick Dixon, the Director of Strength and Conditioning at St. John's University said:**

"Athletes of all ages and at all levels need to understand that there are risks to taking supplements. Some proprietary blends can be problematic, and ambiguity between naturally-occurring ingredients and synthetic versions blur lines and have not been clinically tested," said Dixon. "Having the correct information is crucial before selecting any kind of supplement. It is important to support any legislation that is aimed at protecting athletes – particularly youth and student-athletes – from products and misinformation that could put them in harm's way."

Gregory Malher, President of Cornell University's student-run Health and Nutrition Society, appeared at the press conference as well. Senator Klein first called for a ban of DMAA on January 17<sup>th</sup>, 2013 at a press conference in New York City.

