



NEW YORK STATE SENATOR

Jose Peralta

## Senators Jose Peralta and Jeff Klein announce the introduction of legislation to ban the sale in New York of so-called “herbal Viagra”

JOSE PERALTA October 21, 2015

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State Senator Jose Peralta (D-East Elmhurst) announced today that he will introduce legislation to ban the sale of dietary supplements that are marketed for curing erectile dysfunction and/or to enhance sexual performance. The Federal Drug Administration (FDA) has repeatedly warned the public not to use so-called “herbal Viagra” products. The bill will be offered jointly between Senator Peralta and Senator Jeff Klein of The Bronx.

These over-the-counter dietary supplements, in the headlines in light of the recent Lamar Odom case, can be purchased in bodegas or gas stations across the City and the State. Some common brand names are Reload, Herb Viagra, King Of Romance and FX3000, among others. In an advisory updated just last week, the FDA noted that these products come in a wide range of forms, including pills, coffees, chewing gum and dissolvable oral strips.

Reportedly, many of these dangerous products enter the United States from countries where they are manufactured with little or no oversight as to their actual contents. In fact, the FDA tested some of these dietary supplements and found the active ingredient of Cialis, a pill approved for erectile dysfunction by the FDA, while others contained dapoxetine, an antidepressant that is not approved by the FDA. In other scenarios, some of these over the counter tablets can contain up to six active ingredients, a very unsafe combination.

"I am not here to ruin a party or to spoil anyone's fun," said Senator Peralta. "But, in a vast majority of cases, the true contents of these products are unknown to consumers, making their use very unsafe. The inherent danger is real."

Senator Peralta noted, "I encourage New Yorkers to stay away from these products, to wholly avoid them. Consult a doctor before taking any new supplements or medications."

Under the proposal, businesses that continue to sell these dietary supplements would be fined \$2,000 for the first offense, \$5,000 for the second offense, and upon a third offense, they would lose their licenses to sell alcohol, cigarettes and lottery tickets. "Three strikes and you are out," said Senator Peralta. The fines are similar to those proposed under the legislation to ban synthetic marijuana, known as "K2".

"It is tragedy that Lamar Odom has suffered dire consequences while using enhancement supplements. This incident raises serious concerns about FDA enforcement of prescription

drugs. The FDA knew that Reload and other 'herbal supplements' like it on the market contain the active ingredient used in Viagra, but only issued public notifications instead of recalling the products from shelves. These capsules are nothing more than Viagra in sexy packaging. It's strikingly similar to how K2 is just random herbal matter sprayed with an active chemical unknown to consumers, packaged in colorful bags and sold in corner stores everywhere. We're going to take action to ensure mislabeled supplements containing prescription drugs remain off the shelves in New York State," said State Senator Jeff Klein (D-Bronx/Westchester).

The legislation would give local law enforcement agencies the power to issue these fines. The Division of Consumer Protection will be informed of the fines, and on the third offense, Consumer Protection will be responsible to notify the pertinent state agencies that they must revoke an offending retailer's licenses to sell alcohol, cigarettes and lottery tickets.

The FDA also warned to pay attention for some of these most dangerous supplements by watching those that often promise quick results in 30-40 minutes, are advertised as alternatives to legal medications, are sold in single servings, advertise via E-Mail SPAM and have direction and warnings that mimic FDA approved products.

"Let's remember that the FDA has had a long history of warning the public about over the counter dietary supplements that are dangerous to the public's health," said Senator Peralta, adding that between March and April of this year alone, the federal agency issued public notifications concerning at least 25 of these products.

"The risks that these tablets pose to the public health are just too high. These supplements are, simply put, unsafe," said Senator Peralta. "We really don't know about the true contents of these products and we have an obligation to protect the consumers".