

# California and New York aim to curb diet pill sales to minors

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California and New York are on the cusp of going further than the FDA in restricting the sale of non-prescription diet pills to minors as pediatricians and public health advocates try to protect kids from

extreme weight-loss gimmicks online.

A bill before Gov. Gavin Newsom would bar anyone under 18 in California from buying over-the-counter [weight loss](#) supplements—whether online or in shops—without a prescription. A similar bill passed by New York lawmakers is on Gov. Kathy Hochul's desk. Neither Democrat has indicated how he or she will act.

If both bills are signed into law, proponents hope the momentum will build to restrict diet pill sales to children in more states. Massachusetts, New Jersey, and Missouri have introduced similar bills and backers plan to continue their push next year.

Nearly 30 million people in the United States will have an eating disorder in their lifetime; 95% of them are between ages 12 and 25, according to Johns Hopkins All Children's Hospital. The hospital adds that eating disorders pose the highest risk of mortality of any mental health disorder. And it has become easier than ever for minors to get pills that are sold online or on drugstore shelves. All [dietary supplements](#), which include those for weight loss, accounted for nearly 35% of the \$63 billion over-the-counter health products industry in 2021, according to Vision Research Reports, a market research firm.

Dietary supplements, which encompass a broad range of vitamins, herbs, and minerals, are classified by the FDA as food and don't undergo scientific and safety testing as prescription drugs and over-the-counter medicines do.

Public health advocates want to keep weight loss products—with ads that may promise to "Drop 5 pounds a week!" and pill names like Slim Sense—away from young people, particularly girls, since some research has linked some products to eating disorders. A study in the *American Journal of Public Health*, which followed more than 10,000 women ages

14-36 over 15 years, found that "those who used diet pills had more than 5 times higher adjusted odds of receiving an eating disorder diagnosis from a health care provider within 1 to 3 years than those who did not."

Many pills have been found tainted with banned and dangerous ingredients that may cause cancer, heart attacks, strokes, and other ailments. For example, the FDA advised the public to avoid Slim Sense by Dr. Reade because it contains lorcaserin, which has been found to cause psychiatric disturbances and impairments in attention or memory. The FDA ordered it discontinued and the company couldn't be reached for comment.

"Unscrupulous manufacturers are willing to take risks with consumers' health—and they are lacing their products with illegal pharmaceuticals, banned pharmaceuticals, steroids, excessive stimulants, even experimental stimulants," said Bryn Austin, founding director of the Strategic Training Initiative for the Prevention of Eating Disorders, or STRIPED, which supports the restrictions. "Consumers have no idea that this is what's in these types of products."

STRIPED is a public health initiative based at the Harvard T.H. Chan School of Public Health and Boston Children's Hospital.

An industry trade group, the Natural Products Association, disputes that diet pills cause eating disorders, citing the lack of consumer complaints to the FDA of adverse events from their members' products. "According to FDA data, there is no association between the two," said Kyle Turk, the association's director of government affairs.

The association contends that its members adhere to safe manufacturing processes, random product testing, and appropriate marketing guidelines. Representatives also worry that if minors can't buy supplements over the counter, they may buy them from "crooks" on the black market and

undermine the integrity of the industry. Under the bills, minors purchasing [weight loss products](#) must show identification along with a prescription.

Not all business groups oppose the ban. The American Herbal Products Association, a trade group representing dietary supplement manufacturers and retailers, dropped its opposition to California's bill once it was amended to remove ingredient categories that are found in non-diet supplements and vitamins, according to Robert Marriott, director of regulatory affairs.

Children's advocates have found worrisome trends among [young people](#) who envision their ideal body type based on what they see on social media. According to a study commissioned by Fairplay, a nonprofit that seeks to stop harmful marketing practices targeting children, kids as young as 9 were found to be following three or more eating disorder accounts on Instagram, while the median age was 19. The authors called it a "pro-[eating disorder](#) bubble."

Meta, which owns Instagram and Facebook, said the report lacks nuance, such as recognizing the human need to share life's difficult moments. The company argues that blanket censorship isn't the answer. "Experts and safety organizations have told us it's important to strike a balance and allow people to share their personal stories while removing any content that encourages or promotes eating disorders," said Liza Crenshaw, a Meta spokesperson, in an email.

Dr. Jason Nagata, a pediatrician who cares for children and young adults with life-threatening eating disorders, believes that easy access to diet pills contributes to his patients' conditions at UCSF Benioff Children's Hospital in San Francisco. That was the case for one of his patients, an emaciated 11-year-old girl.

"She had basically entered a starvation state because she was not getting enough nutrition," said Nagata, who provided supporting testimony for the California bill. "She was taking these pills and using other kinds of extreme behaviors to lose weight."

Nagata said the number of patients he sees with eating disorders has tripled since the pandemic began. They are desperate to get diet pills, some with modest results. "We've had patients who have been so dependent on these products that they will be hospitalized and they're still ordering these products on Amazon," he said.

Public health advocates turned to state legislatures in response to the federal government's limited authority to regulate diet pills. Under a 1994 federal law known as the Dietary Supplement Health and Education Act, the FDA "cannot step in until after there is a clear issue of harm to consumers," said Austin.

No match for the supplement industry's heavy lobbying on Capitol Hill, public health advocates shifted to a state-by-state approach.

There is, however, a push for the FDA to improve oversight of what goes into diet pills. U.S. Sen. Dick Durbin of Illinois in April introduced a [bill](#) that would require dietary supplement manufacturers to register their products—along with the ingredients—with the regulator.

Proponents say the change is needed because manufacturers have been known to include dangerous ingredients. C. Michael White of the University of Connecticut's School of Pharmacy found 35% of tainted health products came from weight loss supplements in a review of a [health](#) fraud database.

A few ingredients have been banned, including sibutramine, a stimulant. "It was a very commonly used weight loss supplement that ended up

being removed from the U.S. market because of its elevated risk of causing things like heart attacks, strokes, and arrhythmias," White said.

Another ingredient was phenolphthalein, which was used in laxatives until it was identified as a suspected carcinogen and banned in 1999. "To think," he said, "that that product would still be on the U.S. market is just unconscionable."

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