



Adverse Event Reports Associated with Dietary Supplements

State of the Industry

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Michael McGuffin

President, American Herbal Products Association
mmcguffin@ahpa.org

DS & OTC* Consumer Protection Act

- **Sponsors: Senators Hatch (R-UT), Durbin (D-IL), Harkin (D-IA), Enzi (R-WY), and Kennedy (D-MA)**
- **Strongly supported by industry, as well as by consumer groups**
- **Effective December 22, 2007**

* Dietary Supplement and Nonprescription Drug Consumer Protection Act

(21 U.S.C. 379aa-1)

DS & OTC Consumer Protection Act

- Requires “domestic address” or “domestic phone number” on label (by 1/1/2010)
- “Responsible person” (usually company on label) must submit serious AERs (and “new medical info”) to FDA/CAERS w/in 15 days
- “Serious” defined ~as for drugs:

Death; a life-threatening experience; inpatient hospitalization; significant or persistent disability; congenital anomaly or birth defect, OR requires, based on reasonable medical judgment, medical or surgical intervention to prevent above

DS & OTC Consumer Protection Act

- ❑ **RULE OF CONSTRUCTION.**—The submission of any adverse event report in compliance with this section shall not be construed as an admission that the dietary supplement involved caused or contributed to the adverse event. [21 U.S.C. 379aa-1 \(g\)](#)
- ❑ “The committee emphasizes that adverse events are communications from consumers regarding events that may be associated with the use of a dietary supplement or nonprescription drug. The fact of a report of an adverse event is not determinative that the event occurred or that the event was caused by a consumer’s use of the product.”
[Senate Committee on Health, Education, Labor, and Pensions, Report 109-324](#)

DS & OTC Consumer Protection Act

- ❑ “A question has been raised about cases in which the responsible person may not agree with the reporter about the seriousness of an event. ... If the manufacturer, packer, or distributor receives a report from a consumer who believes he or she has experienced a serious adverse event consistent with the definition above, it is the responsibility of the entity taking the report to forward that report to the FDA whether or not the reporter sought medical care or otherwise had proof of a serious adverse event” (emphasis added). [Senate Committee on Health, Education, Labor, and Pensions, Report 109-324](#)

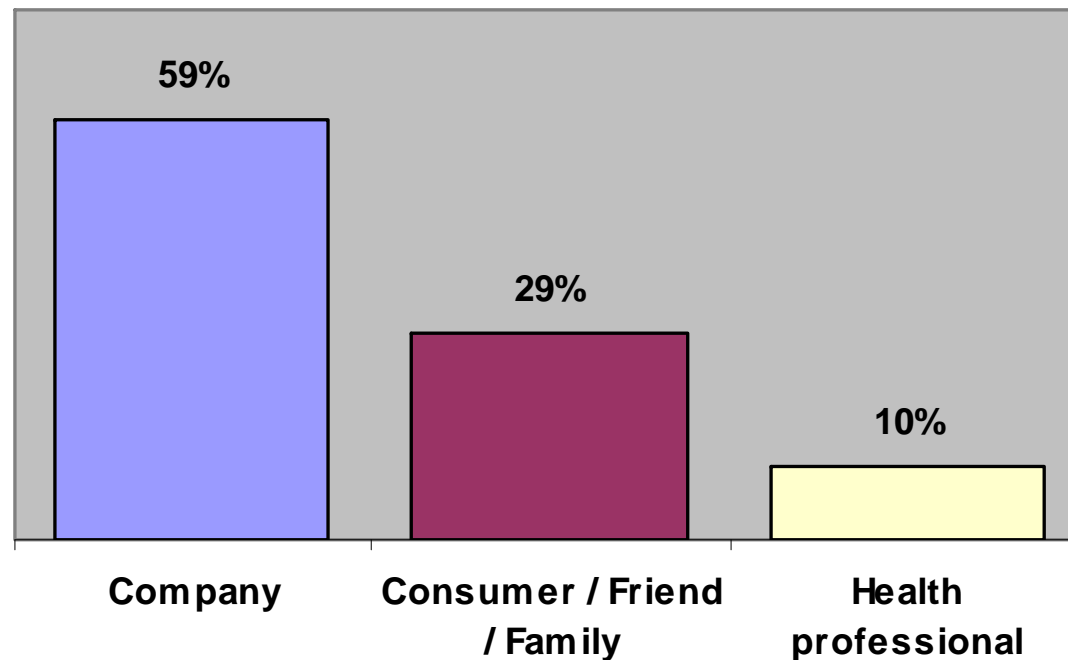
DS & OTC Consumer Protection Act

- **Submission on MedWatch form 3500A; minimum data:**
 - an identifiable injured person (Section A)
 - an identifiable initial reporter (E)
 - identity and contact information for responsible person (G)
 - a suspect product [dietary supplement or OTC drug] (C)
 - a serious adverse event or fatal outcome (B)
 - label (or copy) also required
- **Maintenance/inspection of all AERs also required/permitted for 6 years**

DS Adverse Event Reports

January 1-June 30 2008

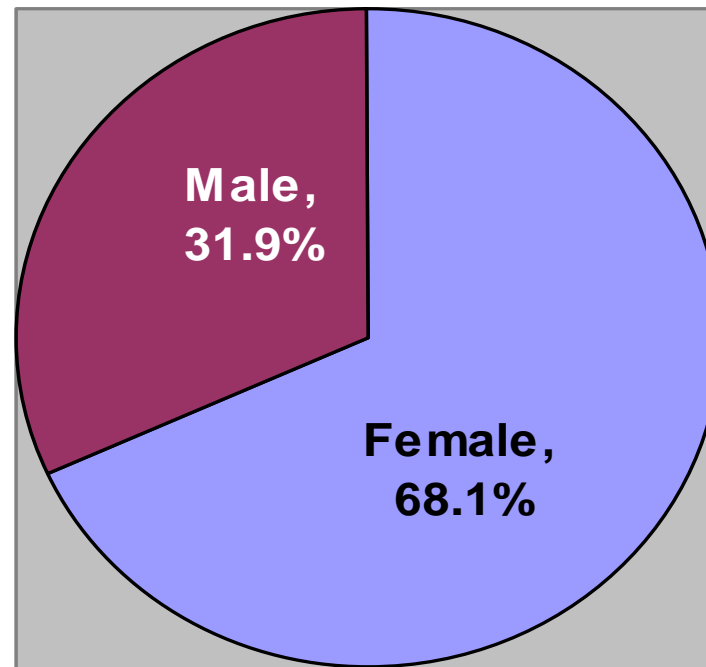
Reporter to FDA (n=598)



DS Adverse Event Reports

January 1-June 30 2008

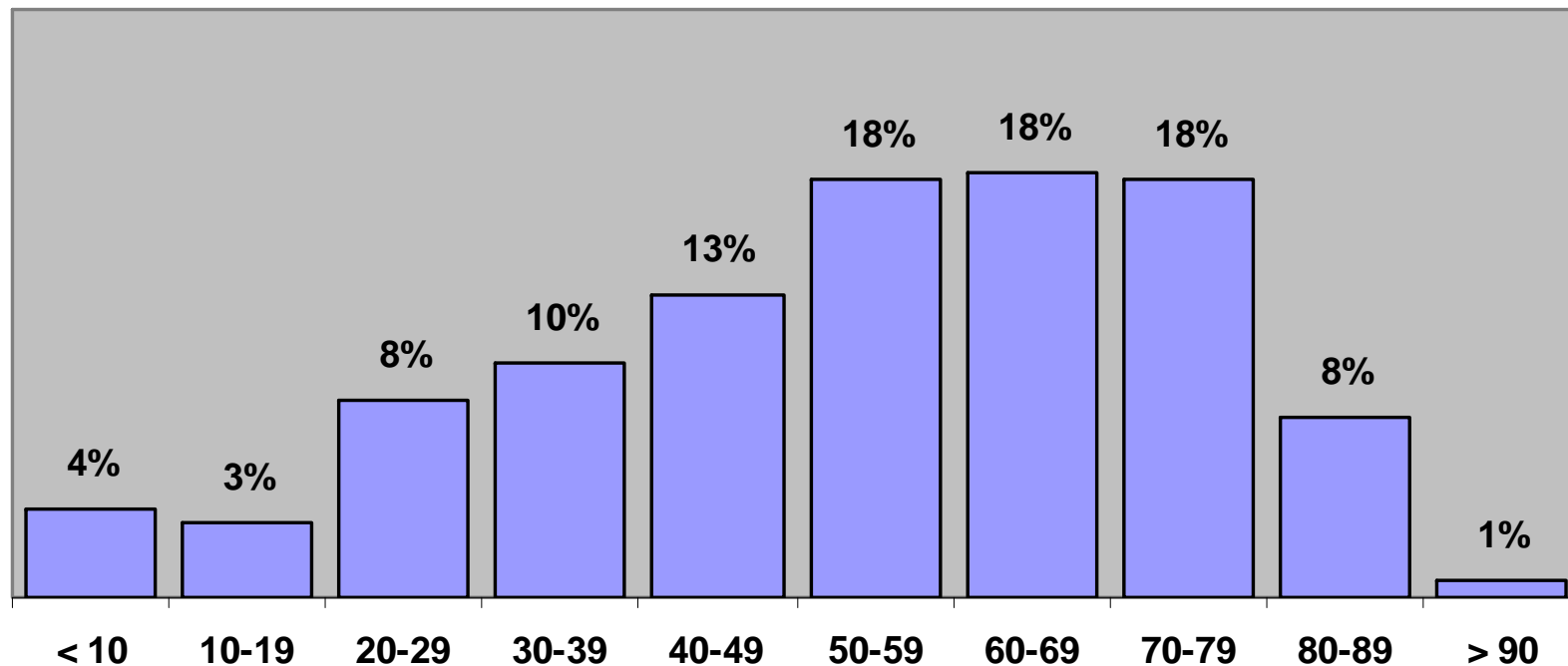
Gender (where stated; n=588)



DS Adverse Event Reports

January 1-June 30 2008

Age (where stated; n=433)

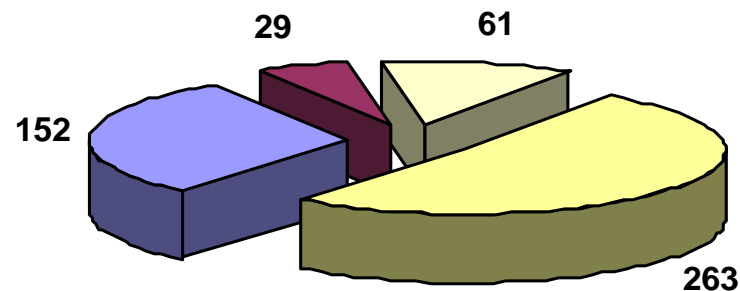


DS Adverse Event Reports

January 1-June 30 2008

- 65 reports w/ multiple products
- 28 reports ingredients unclear

Product Type, units (n=505)

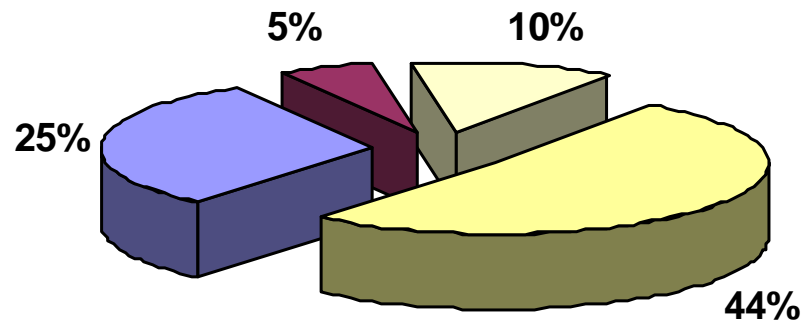


■ Vitamin/mineral ■ Herbal ■ Other primary ingred ■ Combination

DS Adverse Event Reports

January 1-June 30 2008

Product Type, % (n=598)



■ Vitamin/mineral ■ Herbal ■ Other primary ingred ■ Combination

DS Adverse Event Reports

January 1-June 30 2008

- **Most common (single product = 533) reports:**
 - **93 (17%): Total Body Formula**
 - **81 (15%): Bayer One A Day (all formulas)**
 - **25 (5%): Centrum (all formulas)**
 - **24 (5%): Flintstones Vitamins (all formulas)**
 - **25 (5%): Mainstream calcium products**

DS Adverse Event Reports

January 1-June 30 2008

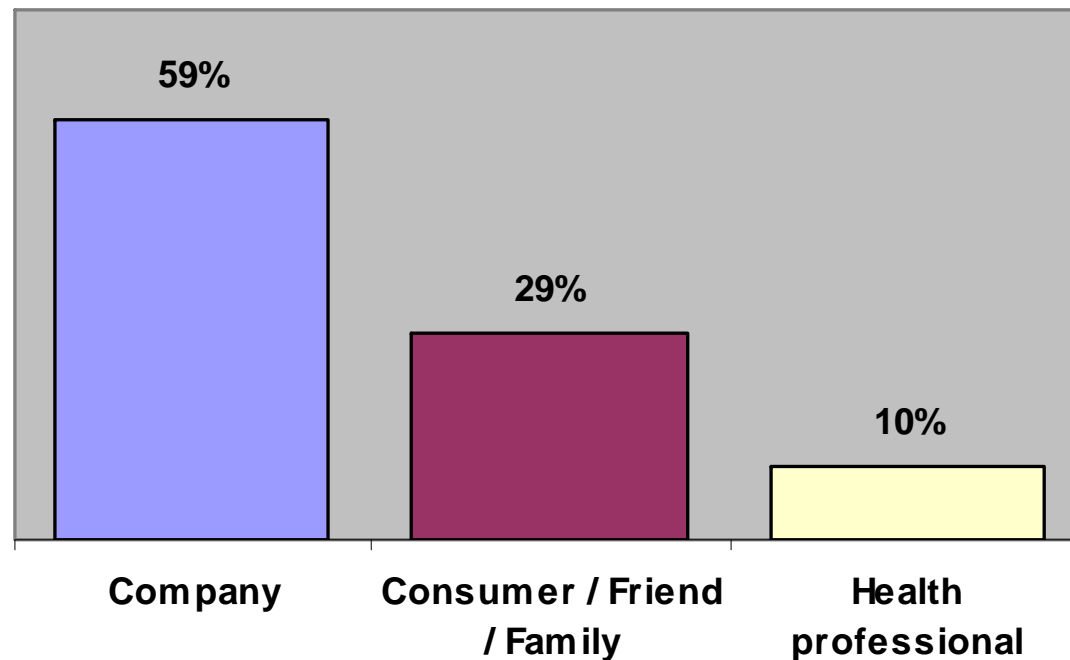
■ **93 reports for Total Body Formula**

- **26 AERs submitted from March 12-25; symptoms: significant hair loss, muscle cramps, diarrhea, joint pain and fatigue**
- **March 27: FDA issued consumer warning; excessive selenium / chromium**
- **64 additional reports after warning**
- **[3 with date unclear]**
- **“Serious”?**

DS Adverse Event Reports

January 1-June 30 2008

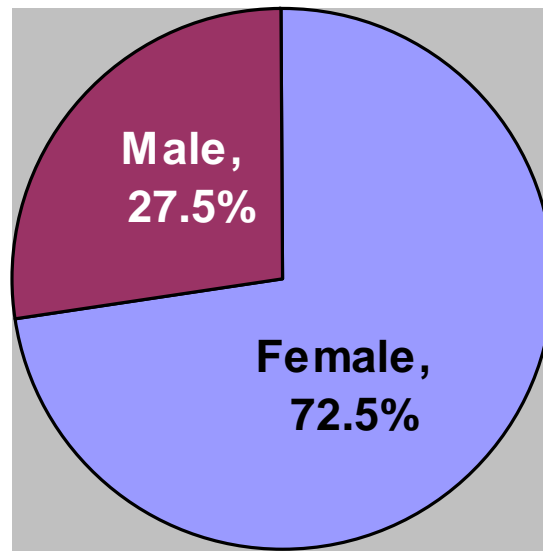
Reporter to FDA (n=598)



DS AERs by “responsible person”

January 1-June 30 2008 / n=355

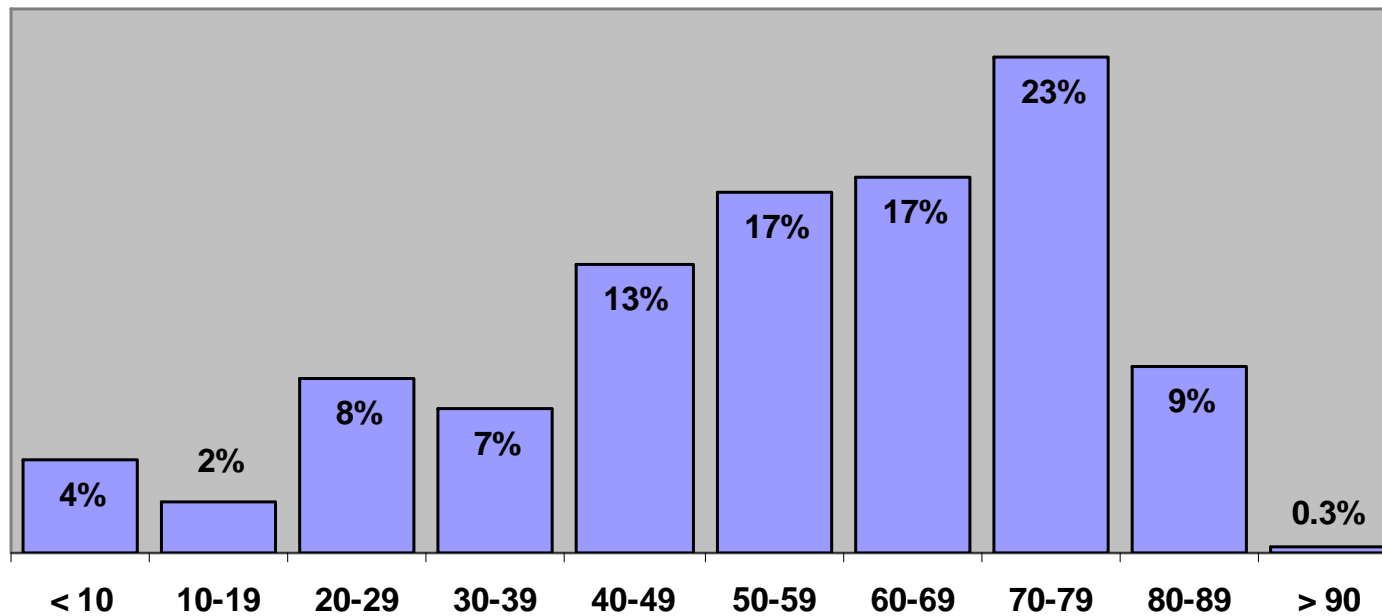
Gender (where stated; n=353)



DS AERs by “responsible person”

January 1-June 30 2008 / n=355

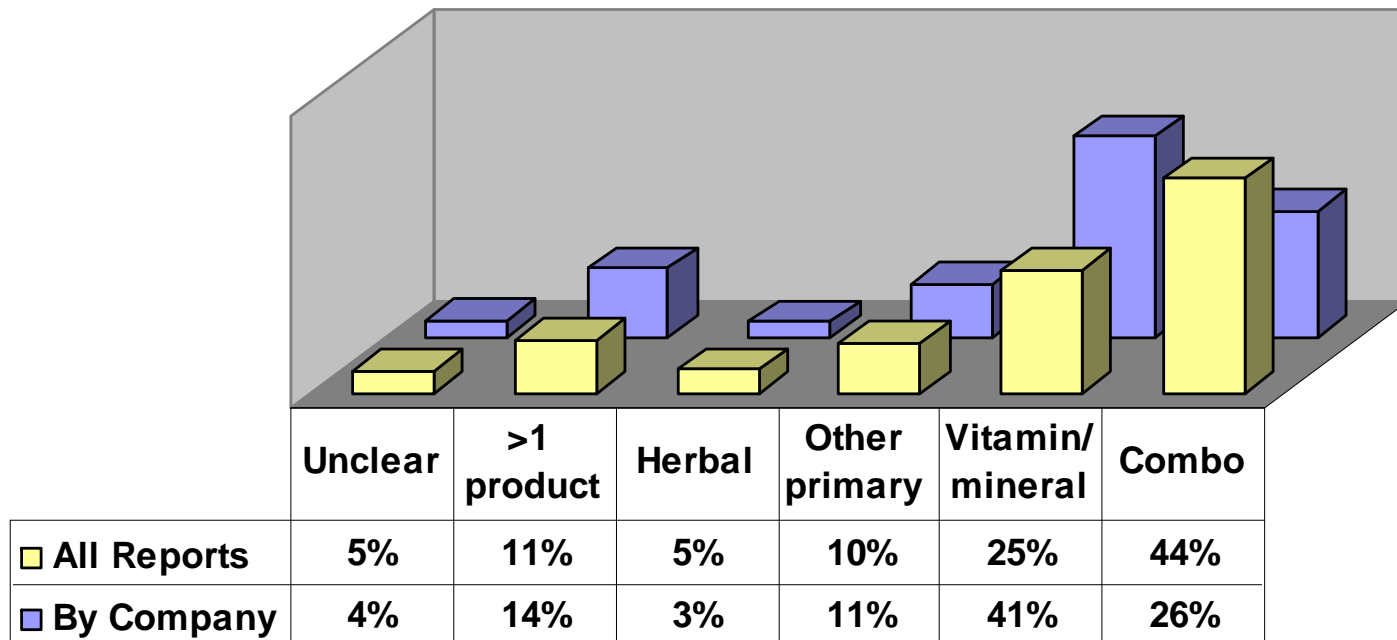
Age (where stated; n=302)



DS AERs by “responsible person”

January 1-June 30 2008 / n=355

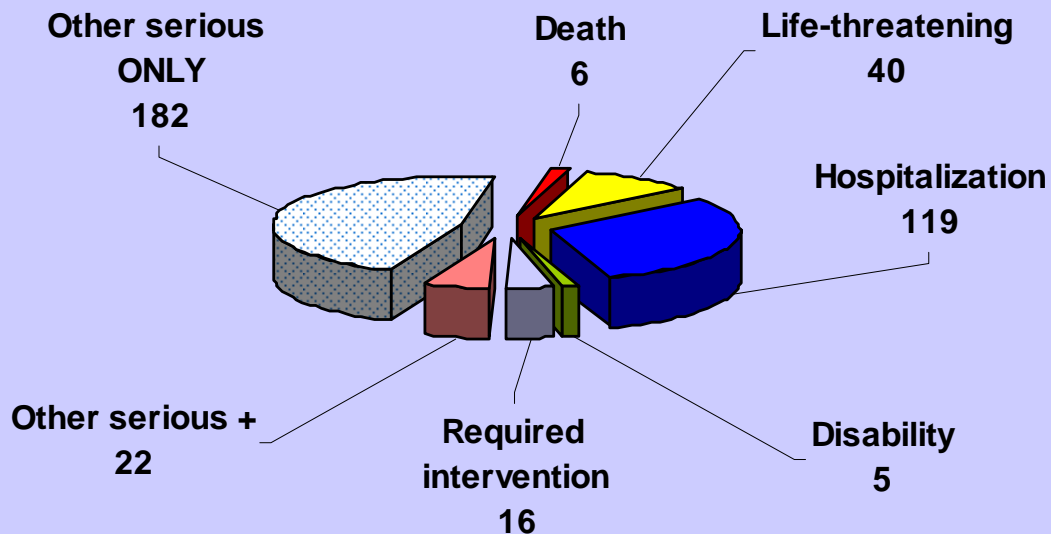
Product Types



DS AERs by “responsible person”

January 1-June 30 2008 / n=355

Outcomes Attributed to AE (MedWatch B2) (n=355; Okay to check >1)



DS AERs by “responsible person”

January 1-June 30 2008 / n=355

21 U.S.C. 379aa-1 (a)(2)	MedWatch 3500A (B2)	#	%
Death	Death	6	2%
A life threatening experience	Life threatening	40	11%
Inpatient hospitalization	Hospitalization - initial or prolonged	119	34%
Persistent or significant disability or incapacity	Disability or permanent damage	5	1%
Congenital anomaly or birth defect	Congenital anomaly / birth defect	0	n/a
Required intervention...	Required intervention...	16	5%
[no requirement to report other events]	Other serious (important medical events)	182	51%

DS & OTC Consumer Protection Act

- ❑ **“... the committee has limited the reporting requirement to the information FDA really needs: reports of death; a life-threatening experience; hospitalization; a persistent or significant disability or incapacity; a congenital anomaly or birth defect. In limiting the reporting system to serious events only, the committee recognizes that any broader reporting system could overburden manufacturers, consumers and the agency alike, generating information that may not be useful to the public health system at tremendous cost to all involved.”** [Senate Committee on Health, Education, Labor, and Pensions, Report 109-324](#)

Conclusions?

- ❑ **“Responsible persons” are complying**
 - ❑ **Some over-reporting**
 - ❑ **Some under-reporting?**
- ❑ **Consumers / health providers may still report**
- ❑ **Evidence of “signal generation” received and acted on by FDA (Total Body Formula)**
- ❑ **Majority of reports for combination and vitamin/mineral products**
- ❑ **Numbers small compared to drug AERs**

THANK YOU!

Michael McGuffin

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American Herbal Products Association

THE VOICE OF THE HERBAL PRODUCTS INDUSTRY