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Some “healthy” fish oil supplements come with serious chemical contamination; lawsuit to force warnings

Huge range between best and worst brands tested so far, with more results to come; consumers can minimize risk by knowing the facts

SAN FRANCISCO, March 2--Some fish oil capsules sold as health supplements for their Omega-3 fatty acids content have illegally undisclosed and unnecessarily high levels of contamination with polychlorinated biphenyl (PCB) compounds, according to a lawsuit filed today in California court.

“Consumers who want the health benefits of fish oil shouldn’t also have to take the health risks of an extremely toxic man-made chemical,” said David Roe, one of the attorneys for the plaintiffs. “And they don’t have to, since preliminary test results show that some fish oil brands have only 1/70th as much PCB contamination in them as others.”

The lawsuit names eight makers and sellers of fish oil, shark oil, fish liver oil and shark liver oil supplements that have PCB contamination above the so-called “safe harbor” limits set for human PCB consumption under California’s Proposition 65. That law requires consumers to be warned about such exposures. Proposition 65, passed as a ballot initiative by a 2:1 margin in 1986, has a consistent history of forcing consumer products to eliminate toxic chemical ingredients or reduce them below published “safe harbor” limits.

“While looking at the industrial fishing operations of controversial Omega Protein, we found that the industry seems very aware that fish oil supplements can be high in PCBs,” said Chris Manthey, one of the plaintiffs. “That’s why many of them say their supplements have been ‘treated’ to remove or reduce PCBs,” he said. “But since they don’t say how much PCB contamination is still left, even consumers who choose ‘treated’ supplements can’t know what PCB levels they’re swallowing along with their daily omega-3.”

“The industry knows very well about the PCB problem in fish oils and widely markets its supplements as already treated for PCB contamination,” said Benson Chiles, also a plaintiff in the case. “They have no excuse for what we’ve been finding.”

(MORE)

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Page 2

The third plaintiff is the Mateel Justice Foundation, a successful enforcer of Prop. 65 in numerous contexts. Today’s suit was filed in San Francisco Superior Court, according to lead attorney William Verick. More information is available at www.fishoilsafety.com.

The initial defendants named, in alphabetical order, are: CVS Pharmacy, Inc.; General Nutrition Corp. (GNC); Now Health Group, Inc.; Omega Protein, Inc.; Pharmavite LLC (Nature Made brand); Rite Aid Corp.; Solgar, Inc.; and TwinLab Corp.

Plaintiffs are conducting more tests and expect to add other companies to the legal action, if and when test results of their fish oil products show levels of PCB contamination that should have been warned about under California law. “We will keep testing more fish oil products, so consumers can make the best possible choices,” said Roe.

Highly persistent man-made chemicals once widely used in the electricity industry, PCBs were banned for “open” uses that might expose people to them as long ago as 1973, and Congress banned their manufacture for all uses in 1979. The Great Lakes and the Hudson River are still massively contaminated with PCBs after decades of cleanup work; 14,000 people in Japan were poisoned by chickens fed with PCB-contaminated rice bran oil; and numerous studies have shown the toxic effects of PCBs on babies’ development, reproductive interference, and cancer causation.

PCBs were officially listed as known carcinogens and known reproductive toxins in California two decades ago, making them subject to the state’s warning requirement. The brand name products and test results that prompted the lawsuit are shown in the charts below, both as total daily exposure to PCBs and “toxicity-weighted” exposure.

Note on “toxicity-weighted”: A few of the 209 compounds in the PCB family (PCB congeners) act in the same way that dioxin does, both as carcinogen and as reproductive toxins, and it’s possible to measure PCB toxicity in dioxin-equivalent terms.

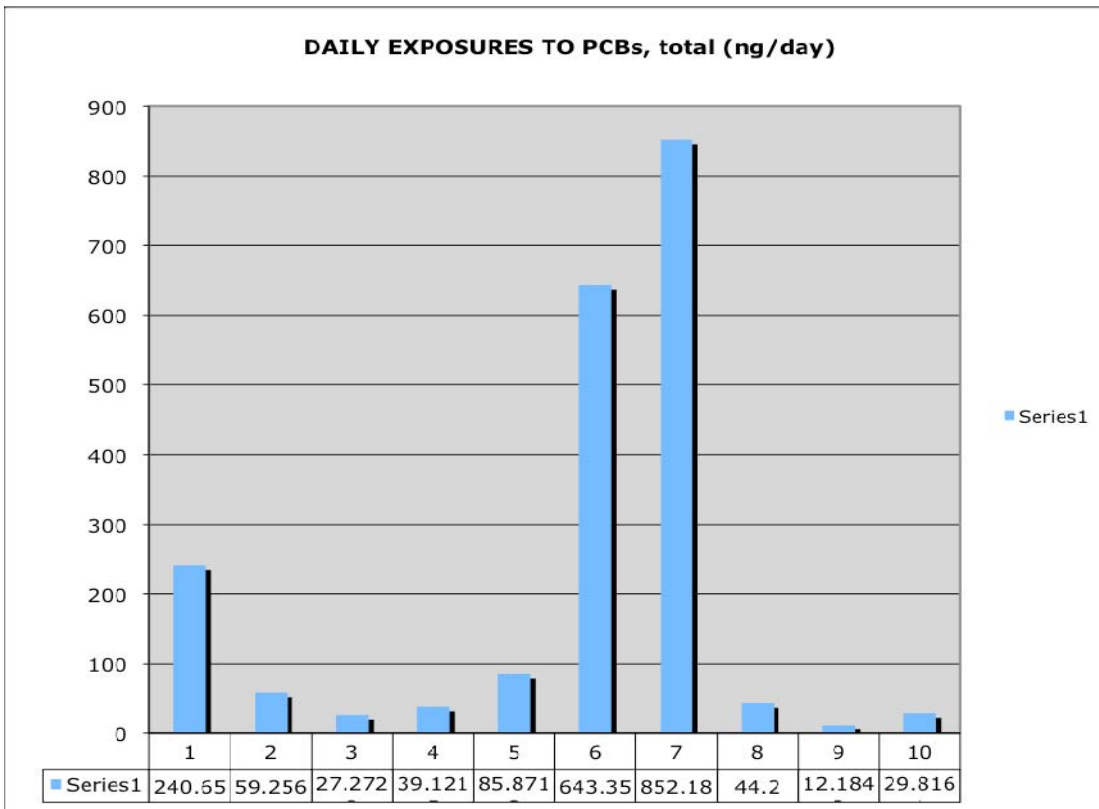
The World Health Organization has set equivalence factors for 12 PCB congeners that are the most chemically similar to dioxins, using the single most toxic dioxin compound of all (2,3,7,8 TCDD) as the standard.

The results in the second chart below are therefore expressed as equivalents to 2,3,7,8 TCDD. But only 12 of the 209 PCB congeners can be counted this way, because those 12 are the only ones that dioxin-equivalence factors have been calculated for. So this second measurement is precise, but incomplete.

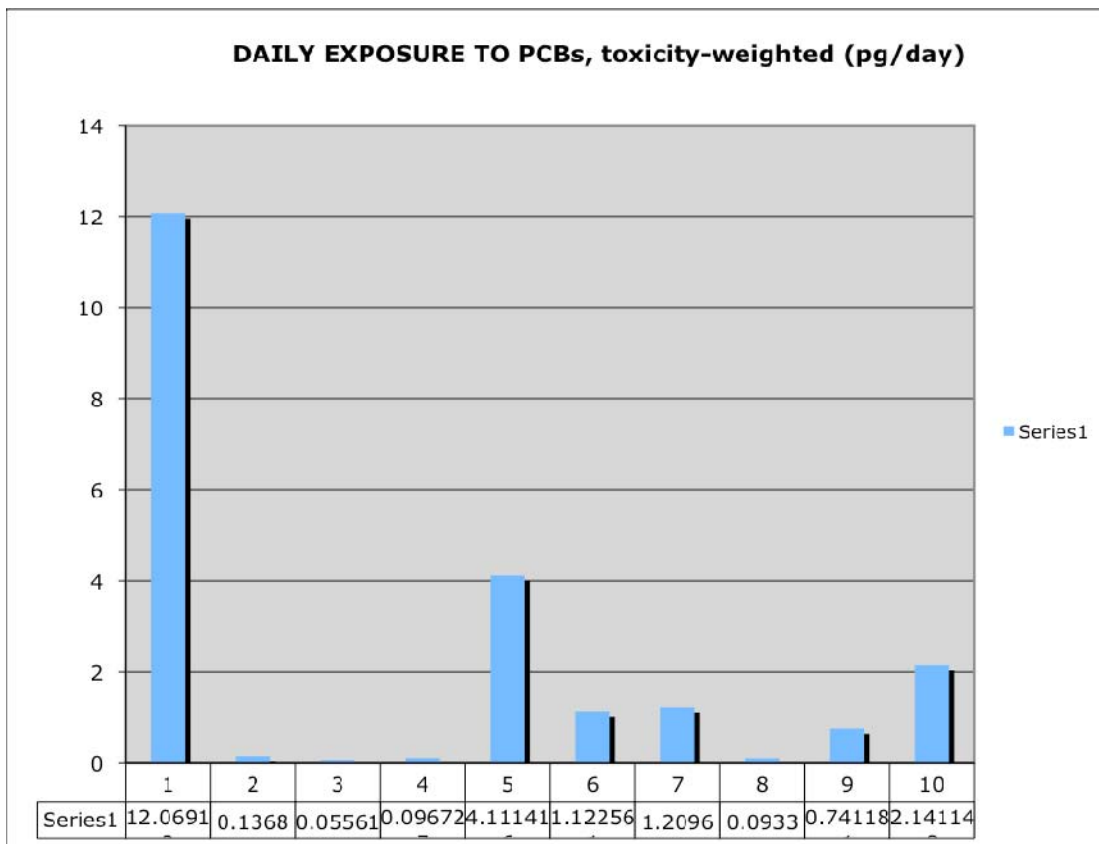
KEY TO TEST RESULTS

(see charts on facing page)

1. Nature Made Cod Liver Oil
2. Nature Made Odorless Fish Oil
3. TwinLab Norwegian Cod Liver Oil
4. TwinLab Emulsified Norwegian Cod Liver Oil
5. Now Foods Shark Liver Oil
6. Now Foods Double Strength Cod Liver Oil
7. Now Foods Salmon Oil
8. Solgar 100% Pure Norwegian Shark Liver Oil Complex
9. Solgar Norwegian Cod Liver Oil
10. GNC Liquid Norwegian Cod Liver Oil



Ratio of highest to lowest = 70:1. ng/day = nanogram per day = billionths of a gram per day (the usual measurement unit for total PCBs)



Ratio of highest to lowest = 240:1. pg/day = picogram per day = trillionths of a gram per day (the usual measurement unit for dioxin-equivalent toxicity).