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Lawsuit claims PCBs found in 10 fish oil supplements; product labeling sought

By **JONDI GUMZ**

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SANTA CRUZ - People buying certain fish oil supplements to get the benefit of omega-3 fatty acids are ingesting chemicals banned in 1979, according to environmental advocates who filed a lawsuit Monday aimed at forcing manufacturers to warn consumers.

The lawsuit names five makers of supplements found to contain polychlorinated biphenyl compounds, drugstores CVS and Rite Aid, which sell those products, and Omega Protein Inc., of Houston, which touts itself as the world's largest producer of omega-3 fish oil.

Attorney David Roe filed the suit in San Francisco Superior Court contending Proposition 65, a law he helped write, requires consumers to be warned when products contain toxic ingredients above the limit deemed safe by regulators.

Some of the tested supplements exceed California's daily limit for PCBs by a factor of 10 in terms of the cancer risk, Roe said.

A limit has not been set for the risk of birth defects. The U.S. Environmental Protection Agency has been studying that risk for 20 years, said co-plaintiff Benson Chiles, director of the Coastal Ocean Coalition in New Jersey.

"Our message to the public is: 'Buyer beware,'" Chiles said.

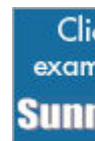
Manufacturers of the supplements contest the results of the tests, saying their products are safe.

Two companies whose products were tested issued swift responses.

Twinlab's chief science officer, Greg Grochoski, said the two Twinlab Norwegian cod liver oils tested are distilled to reduce impurities such as PCBs and meet government standards.

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"Twinlab cannot comment on the validity or accuracy of the test results referenced in a press release" issued by the California plaintiffs, added spokesman Justin Boone, noting Twinlab products were reported as having among the lowest levels of impurities.



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Stephen McCauley of public relations firm Porter Novelli responded for Pharmavite LLC, which makes Nature Made fish oil supplements, saying its products comply with all federal laws as well as "the stringent industry standards" set by the Council for Responsible Nutrition, a trade group.

"PCBs are ubiquitous within the environment, which means that all fish - whether fish found in oceans and rivers or fish oil supplements - contain at least trace amounts of PCBs," said Erin Hlasney of the Council for Responsible Nutrition. "The lawyers are using California's Prop. 65 statute to bring attention to their case by attempting to frame this as a public health concern, when in reality, fish oil has enjoyed decades of safe use."

Chris Manthey, a Surfrider volunteer in New Jersey and one of the plaintiffs, said, "Many of them say their supplements have been 'treated' to remove or reduce PCBs. 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."

The tests, done by a California lab at a cost of \$1,000 per product, measured PCBs two ways, according to the plaintiffs.

One way determines daily exposure to PCBs by looking at all 209 separate compounds in the PCB chemical family. The second way looks at toxicity based on the 12 most toxic compounds in the PCB family.

Some supplements did better on one test than the other. Now Foods cod liver oil and salmon oil were high in daily exposure to PCBs and lower on the toxicity measure. Nature Made cod liver oil was high in terms of the toxicity measure and lower in terms of daily exposure if taken as directed.

Roe said more expensive products did not necessarily get better results.

The plaintiffs, which include the Mateel Environmental Justice Foundation of Eureka, said they selected products based on a survey by the Environmental Defense Fund of fish oil purification practices at 75 companies.

"We were not cherry-picking," said Manthey, noting the exposure level for Now Foods shark liver oil was low.

Scott Daniel, marketing communications manager at Now Foods, said the company has been investigating the concerns raised by environmental advocates for months.

"The current testing methods for PCBs are highly variable and incomplete," Daniel said. "There are no universal standards to test for the 209 different compounds that are included under the term PCB. However, we believe we are in compliance with the most widely followed industry and regulatory standards."

Daniel recommended consumers choose products made from small fish with short life spans, such as anchovies and sardines.

Solgar and GNC, manufacturers of other products named in the lawsuit, did not respond immediately.

New Leaf Community Market, a local organic health food chain, has been stocking nine brands of fish oil supplements at its Felton store, but once vitamins manager Tracy Frankl heard about the lawsuit, she pulled Twinlab's emulsified Norwegian cod liver oil off the shelf.

"We don't want to sell a product we don't feel is safe," said New Leaf co-owner Scott Roseman.

He said New Leaf would talk to fish oil manufacturers about their products and their labeling.

Three local companies make supplements with fish oil, but none was tested for this lawsuit.

"We feel consumers should have access to accurate information about environmental contaminants and that complete

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transparency around freshness and purity is very, very important," said Tiffany Diehl, strategic project manager at Nordic Naturals in Watsonville.

The company has participated in third-party testing and posts results on its Web site, she said.

Marci Clow, senior product research director at Rainbow Light in Santa Cruz, declined to comment and Threshold Enterprises of Scotts Valley did not immediately respond.

Soquel resident Madelaine Hairrell, who takes fish oil to lower cholesterol, was surprised by the findings.

"It may change the way I take supplements," she said. "I look on the labels to see which is the most natural and unpolluted. I try to get the best quality I can afford."

10 PRODUCTS TESTED

n Nature Made cod liver oil and odorless fish oil; manufacturer Pharmavite LLC in Northridge

n Twinlab Norwegian cod liver oil and emulsified Norwegian cod liver oil; manufactured in American Fork, Utah

n Now Foods shark liver oil, double strength cod liver oil and salmon oil; manufactured in Bloomingdale, Ill.

n Solgar 100 percent pure Norwegian shark liver oil complex and Norwegian cod liver oil; manufactured in Leonia, N.J.

n GNC liquid Norwegian cod liver oil; manufactured in Pittsburgh

Lab tests of these 10 fish oil supplements containing omega-3 fatty acids found they contain some of the 209 polychlorinated biphenyl compounds known to cause cancer and birth defects.

PCBs became subject to California's Prop. 65 warning requirement in 1989 for cancer and in 1991 for birth defects. Once widely used in electrical transformers, PCBs were banned by Congress in 1979, but the Great Lakes and the Hudson River remain contaminated despite cleanup efforts. The chemical, which was made to last a long time without breaking down, accumulates in the food chain.

SOURCE: www.fishoilsafety.com

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