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NEWS RELEASE

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NPA Says FTC and State of New York Overstepped Bounds in Prevagen Case

Files Amicus Brief to Support New York's Southern District Court Ruling

WASHINGTON, D.C. – The Natural Products Association (NPA) today filed an amicus brief with the U.S. Court of Appeals for the second circuit arguing that the Federal Trade Commission's (FTC) complaint against the manufacturer of memory supplement Prevagen runs contrary to established law regarding efficacy claims of dietary supplements.

"Natural products are foods, not chemicals, which means they should not be regulated like drugs," said Daniel Fabricant, Ph.D., President and CEO of NPA. "But this case demonstrates that the safety and claims of any dietary supplement must still be strongly supported by approved scientific methodology. NPA will continue to stand up for companies who follow the laws and provide natural alternatives for Americans who want them."

View NPA's Amicus brief [here](#).

FTC's Claims

The FTC's complaint generally made two claims: 1) that advertising statements cannot be based on analysis of a meaningful subgroup within the population of a randomized controlled trial; and 2) that Quincy claimed that Prevagen's active ingredient crosses the human blood-brain barrier.

NPA's Concerns

NPA and its members are concerned by the FTC's claims that all subgroups in a population should be required to substantiate structure/function claims of human dietary supplements and that subgroup data analysis cannot be used.

Conclusion

While NPA takes no position on the ultimate disposition of the case, NPA and its members urge this Court to reject any broad requirement that structure/function claims for human dietary supplements may only be substantiated using the expensive and burdensome RCTs and that subgroup analysis of the data generated is not acceptable.

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Natural Products Association

The **Natural Products Association (NPA)** is *the* trade association representing the entire natural products industry. We advocate for our members who supply, manufacture and sell natural ingredients



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or products for consumers. The Natural Products Association promotes good manufacturing practices as part of the growth and success of the industry. Founded in 1936, NPA represents approximately 1,000 members accounting for more than 10,000 locations of retailers, manufacturers, wholesalers and distributors of natural products, including foods, dietary supplements and health/beauty aids.

Natural Products Association: 440 1st Street, NW, Ste. 520, Washington, DC, 20001

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