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FDA defeated in federal court over censorship of truthful health claims

by Mike Adams, the Health Ranger, NaturalNews Editor

(NaturalNews) Health freedom has just been handed a significant victory by the United States District Court for the District of Columbia, which ruled last week that the U.S. Food and Drug Administration (FDA) violated the First Amendment rights of a nutritional supplement company when it censored truthful, scientifically-backed claims about how **selenium** can help reduce the risk of **cancer**.

See the ANH announcement at: <http://www.anh-usa.org/court-finds-...>

Essentially, the FDA applied its **doctrine of censorship** to these selenium supplements in the same way it oppresses truthful and scientifically-supported health claims across all dietary supplements. The purpose of the FDA's censorship of truthful information about the health benefits of dietary supplements, as NaturalNews readers already know, is to *keep the American people nutritionally illiterate* and protect the profits of the pharmaceutical industry.

In this court case, *ALLIANCE FOR NATURAL HEALTH, et al. vs.*

KATHLEEN SEBELIUS, et al., the judge ruled that the FDA violated the First Amendment rights of the plaintiffs by restricting their free speech about the anti-cancer benefits of their selenium supplements.

As explained by health freedom attorney Jonathan Emord who argued the case before the Court:

"The decision... reaffirms that FDA is subject to the strictures of the First Amendment in its evaluation of health claims and it faults FDA for failing to follow that standard, holding its suppression of the selenium-cancer risk reduction claims unconstitutional."

Emord goes onto explain:

"The Court concludes that the FDA... has not provided any empirical evidence, such as 'studies' or 'anecdotal evidence,' that consumers would be misled by... plaintiffs' claims were they accompanied by qualifications. Moreover, the explanation the FDA offers to demonstrate that plaintiffs' claims are misleading – that the claims leave out pertinent information – is not support for banning the claims entirely..."

Attorney Jonathan Emord from *Emord & Associates* is widely regarded as one of the most successful and influential attorneys battling the FDA over free speech and health freedoms.

View my video interview with Jonathan Emord here: <http://www.youtube.com/watch?v=kbJS...>

(The video quality is poor, but it's the best we could capture at the Health Freedom Expo.)

Emord is also the author of a hugely important book that I strongly recommend. It's called *Global Censorship of Health Information*, and you can find it here: <http://www.amazon.com/Global-Censor...>

What it means for health freedom

The upshot of this decision is that the FDA has just been handed a significant defeat that will set a precedent for other dietary supplement companies to make their own truthful, scientifically-supported

health claims.

The FDA, of course, recognizes no law other than its own, so it will likely continue to try to terrorize nutritional supplement companies with its usual threats of imprisonment of company founders and seizure of products unless companies voluntarily agree to comply with the FDA's censorship schemes. However, this court decision may finally turn the tide against the FDA's campaign of ignorance that has, for decades, sought to keep the American people nutritionally illiterate while suppressing the dietary supplements industry.

But achieving a lasting victory over the FDA will require nutritional supplement companies to stop being intimidated by the FDA and start making truthful, scientifically-supported claims -- and then stand behind those claims with a commitment to sue the FDA if they are threatened with censorship. Until now, most nutritional supplement and vitamin companies have been so intimidated by the FDA that they dared not challenge the FDA's authority -- even when they knew the FDA was flat-out wrong!

The FDA, you see, can always threaten a company using "terrorism-style" tactics such as sending threatening letters that promise to arrest the owners, imprison them, destroy their business, seize their customer records, confiscate their inventory, etc. These tactics have all been used by the FDA to threaten health product companies operating in the United States. See how the FDA runs its own criminal extortion racket right here: http://www.naturalnews.com/024567_h...

Read about how the FDA kidnaps people from other countries in order to incarcerate them for their non-crimes in the USA: http://www.naturalnews.com/027750_G...

Or view more articles about the FDA here: http://www.naturalnews.com/the_FDA.html

These Gestapo-style FDA tactics have been frighteningly effective, given that most U.S. companies don't have the financial resources to engage in a lengthy legal battle with the FDA in order to stand up for their First Amendment rights. That's why this victory by the Alliance for Natural Health is so important: It provides a legal wedge by which other companies can now begin to stand up for their own First Amendment rights, too.

This could be the beginning of the end of FDA censorship of truthful, scientifically-supported health claims.

What we want: Free Speech, not fraudulent speech

As the editor of NaturalNews, I want to be perfectly clear what we stand for here. I do not support a Wild West approach to free speech about supplements where any company can claim anything they want whether it's true or not. That can get entirely out of hand, and it would only encourage the kind of marketing fraud we now see rampant in the pharmaceutical industry.

What I support is **truthful health claims** that can be backed by a minimum of three articles published in peer-reviewed science journals. This threshold of scientific credibility is high enough to avoid outright fraudulent quack claims while still allowing truthful claims to be reasonably met through scientific inquiry. If such a rule were adopted, it would open the industry to making a wealth of truthful claims about the beneficial effects of foods, herbs and supplements.

The FDA's current oppression of health claims about cherries and walnuts, for example, would cease. Both the FDA and FTC have been attempting to suppress the truth about cherries for many years, intimidating cherry product companies with all sorts of threats to try to force them to remove any links to scientific information about the health benefits of cherries. To learn more, see: <http://www.naturalnews.com/019366.html>

The federal government has also declared war on truthful speech about the health benefits of **walnuts**. Read more here: http://www.naturalnews.com/028879_c...

Why Free Speech can save America from sick-care bankruptcy

Most U.S. consumers have no idea that the FDA is operating as a *rogue agency*, attempting to destroy nutritional knowledge and intentionally keep consumers in the dark about the health benefits of natural products.

Given that our nation's sick-care system is driving us all into bankruptcy, it would seem more important than ever to allow consumers to learn how to prevent disease and improve their own health through safe, natural and low-cost therapies involving healing foods and nutritional supplements.

In fact, I would argue that any nation that expects to have a viable economic future **MUST** protect free speech for its health products companies. If Big Pharma and the disease industry is allowed to monopolize all health knowledge while oppressing truthful health claims on competing products, it will only drive that nation into **medical bankruptcy**. Coincidentally, that is exactly where America is today: Living under an oppressive, monopolized sick-care system that attempts to criminalize truthful speech about the health benefits of natural products. See my CounterThink Cartoon entitled, *The New Mr. America*: http://www.counterthink.com/The_New...

And yet natural products are the solution to America's health care problems! Read my special report: **Nutrition Can Save America!** right here (it's free): http://www.naturalnews.com/028879_c...

There's no question about it: America will be happier, healthier, stronger and more financially solvent if we **end FDA censorship** and take steps to **protect the First Amendment rights** of nutritional supplement companies.

NaturalNews will continue to work alongside the Alliance for Natural Health to help make this dream a reality. You can learn more about the ANH at <http://www.anh-usa.org>

The European branch of this organization is found at <http://www.anh-europe.org>

Please consider supporting the ANH. It is, in my opinion, one of the most important and effective health freedom organizations on the planet. They are doing fantastic work and they need your financial support to continue fighting (and winning!) these battles against FDA ignorance, tyranny, censorship and oppression. {SubscribeHealthRangerBlock}

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