

CRN alleges industry intimidation by ConsumerLab.com

1/18/2005 - The Council for Responsible Nutrition (CRN) has called on the Federal Trade Commission (FTC) to investigate the business practices of ConsumerLab.com, alleging that it *"intimidates manufacturers to pay for its services"*.

In an open letter to FTC chairman Deborah Platt Majoras, Annette Dickinson, president of the CRN, claims ConsumerLab.com presents itself as a consumer watchdog but is in fact a for-profit company that solicits money from the manufacturers of supplements it plans to have tested.

In his response to Dickinson, ConsumerLab.com president Tod Cooperman said: *"What ConsumerLab.com is and what it does is clearly explained on our website and in our book and we do not violate any FTC regulations"*.

It is described on its website as *"the leading provider of independent test results and information to help consumers and healthcare professionals evaluate health, wellness, and nutrition products"*.

According to Dickinson ConsumerLab.com invites companies to enroll in its voluntary testing program for a fee. Those that pay are spared from having failing products publicly identified.

Those who choose not to pay may still have their products tested, and any failures are publicly identified. If their products pass, however, they are listed only in the subscriber section of the website, not in the free public section.

"ConsumerLab.com's entire business model is based upon threat and deception," said Dickinson.

Cooperman said: *"We publish our findings for all the products that we choose to test, whether they pass or fail. These reviews are conducted at ConsumerLab.com's sole cost and expense."*

"We also publish the names of products that pass our voluntary certification program and products are clearly marked as having participated in that program. These two programs allow us to test a greater number of products and provide more information to consumers. We 'demand payment' from no one."

Dickinson told **NutraIngredients-USA.com** that the council had been hearing complaints about ConsumerLab.com ever since it started trading, but that companies were unwilling to go on the record.

When ConsumerLab.com published a report on multivitamins last May, the CRN issued a press release saying it had some problems with it, but listed its members that had received positive results.

ConsumerLab.com asked the CRN to withdraw the press release, said Dickinson, because some of the companies listed *"did not have the right to be named"*. Confused by this, the CRN began to ask more questions of its members about their dealings with ConsumerLab.com and two agreed to supply the CRN with copies of their contracts in confidence.

Dickinson also said that the name ConsumerLab.com is misleading since it implies that it carried out the testing itself. In fact, the testing is outsourced to unidentified third party laboratories – a practice explained by Cooperman as necessary if the organization is to work with experts on the whole wide range of products tested.

"We are not criticizing the testing itself," Dickinson added. *"Most important is to reveal the methods and pass and fail criteria ahead of time. It would be best if they were they subject of discussion rather than being decided unilaterally"*.

Cooperman justified the non-disclosure of laboratories where tests are carried out on the grounds that several claim to have received threats of loss of business from supplements manufacturers in the past.