

Something fishy in these oils?

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OTTAWA—A California lawsuit aims to push companies that make and sell fish oil supplements to be more upfront about their ingredients, claiming testing showed some brands contain high levels of carcinogenic industrial chemicals.

The lawsuit, filed in California Superior Court in San Francisco on Tuesday, alleges six U.S. manufacturers and two drugstore companies failed to warn the public that products made from fish, shark or cod liver oil – long touted as a source of Omega-3 fatty acids – contained PCB compounds known to cause cancer.

Omega-3 fatty acids are promoted by nature-loving fringe groups and mainstream medical professionals alike as having wide-ranging health benefits and the irony of the allegations in the lawsuit was not lost on those who filed it.

"People buy fish oil supplements to improve their health, not to put it at risk, so it's particularly important that they know about this," David Roe, one of the attorneys involved in the lawsuit, told a telephone news conference from San Francisco Tuesday. "The people buying these fish oil products are not being told that the PCBs are there."

It was unclear Tuesday which products are available in Canada. Health Canada was unable to say whether it had studied the issue.

The lawsuit is based on California law that requires companies to warn consumers about exposure to chemicals that are known to cause cancer, gender-bending birth defects and reproductive harm.

The plaintiffs, California non-profit organization Mateel Environmental Justice Foundation and two environmentalists from New Jersey, had laboratories test 10 of the more than 100 products on the market for polychlorinated biphenyl (PCB) compounds

The results varied widely, ranging from just 12 nanograms (billionths of a gram) per recommended daily dose in one product to more than 850 nanograms in another.

The U.S. Food and Drug Administration does not have standards across the board for PCB contamination, so Roe said consumers can turn to a California law "designed to catch things that fall through the federal safety net."

The Safe Drinking Water and Toxic Enforcement Act of 1986, more commonly referred to as Proposition 65, calls for a warning on any product containing a daily exposure rate to PCBs above 90 nanograms. That would put only three of the products over the legal threshold, but the plaintiffs note that level pertains only to cancer warnings.

The Council for Responsible Nutrition, the main dietary supplement industry association, said the lawsuit was creating a false sense of alarm.

"I think what these plaintiffs have uncovered is maybe some variability between products, which is something perhaps the industry could address, but these levels are not unsafe and they erroneously have given the impression that this is a safety issue when clearly it is not," Dr. Andrew Shao, senior vice-president of scientific and regulatory affairs for the group, said in an interview Tuesday.

Shao noted PCBs are everywhere in the environment and the FDA tolerance limit for fish found in the market or grocery store, at 2,000 parts per billion, vastly exceeds the standard for fish oil.

There is no standard safety limit for reproductive toxicity; the law says that when the state fails to provide a standard, industry must set its own. Industry has done that, but Roe said it generally tests for only seven of the 209 chemicals in the PCB family and so consumers have no real guideline to follow when shopping for fish oil supplements beyond the rule of thumb that a product with fewer toxins is safer.

Roe does not believe that industry guideline should stand up in court and that is why the lawsuit claims all manufacturers with nonzero levels of PCBs have violated the law for not including that information on their labels.

Chris Manskey, one of the plaintiffs, noted some of the product labels included claims the pills had been screened or treated for PCB compounds. The plaintiffs plan to continue testing other products and publish the results on the website FishOilSafety.com.

BRANDS TESTED

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

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