

Federal injunction filed against Brownwood Acres

By LINDA GALLAGHER

EASTPORT-In a 20 page federal document filed on February 12 in U.S. District Court by the Food and Drug Administration, local fruit company Brownwood Acres agreed to modify claims of the health benefits of one of the Eastport company's product lines.

According to the document, the agreement made between the FDA and Stephen DeTar, owner of Brownwood Acres, and business partner Robert Underwood, president of Brownwood's sister company Cherry Capital Services, came after a federal investigation showed the company made illegal claims about the health benefits of their Fruitfast products on an Internet website.

"Brownwood Acres Foods Inc. and related companies promoted a variety of fruit and dietary supplements on Web sites that contained numerous claims that their products could cure, mitigate, treat or prevent various dis-

eases including ... cancer, arthritis, gout, urinary tract infections, heart disease and Alzheimer's disease," the complaint states.

The document goes on to say that, according to FDA investigators, Brownwood's soft fruit gel capsules, juice concentrates and other products are considered new drugs under the Federal Food, Drug and Cosmetic Act. Under the act, any product is a drug if it is intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease.

The FDA went on to say that Brownwood listed health benefits on their websites without FDA approved scientific studies. The document states..."a health claim is a claim that food manufacturers put on conventional foods and dietary supplements that describe a relationship between the food and reducing a risk of a disease or health-related condition."

Please see Brownwood on page 2A

Tuesday, February 26, 2008

Brownwood

Continued from Front

Investigators first became aware of the claims in 2004 and subsequently contacted the company on numerous occasions over the next three years, according to the complaint, to change the language to comply with federal regulations.

In 2005, the U.S. Food and Drug Administration issued warnings to Brownwood Acres and 10 other northern Michigan fruit businesses against making "unproven claims."

Brownwood changed the language of their websites, the document says, only after being notified by the FDA last November of the federal agency's intent to file charges.

The Brownwood Acres website now carries a notice that statements made on the website have not been evaluated by the Food and Drug Administration,

and that their products are not "intended to diagnose, treat, cure or prevent any disease." Another website, www.fruitinstitute.org, says only that the site is under construction.

Neal Fortin, attorney for Brownwood Acres, told media last week that the FDA did not question the safety or quality of the Fruitfast products. The Eastport company may continue operations if the health claims are eliminated, he said.

In a joint press release issued last Tuesday, DeTar and Underwood said of the agreement and their products, "Because Fruit-Fast is a market leader, we believe the FDA is using this case as an enforcement example. We urge FDA to continue to provide guidance to the industry about acceptable statements for dietary supplements and will continue to work with the agency toward that goal."