

Politics heats up summer '24—and I'm not talking the Presidential race!



Chevron reversal and the natural products industry: On June 28, the Supreme Court issued a momentous decision in *Loper Bright Enterprises vs. Raimundo* to reverse the 40-year-old Chevron opinion, which empowered administrative agencies to develop and draft regulations in what many have termed overreach of their statutory mandates. Essentially what Chevron said was: *“If in doubt, defer to the government because they’re the experts.”*

This has resulted in arbitrary and capricious attacks on makers of natural products. The government has unlimited resources to engage in costly and time-consuming litigation to clamp down on truthful claims and throttle the dissemination of health information. This has had a chastening effect on innovation in the natural products industry. For example, it has resulted in CBD products being relegated to a nether world of ambiguous regulation, stifling product development.

Nowhere does legislation empower them to do this, but the Federal Trade Commission has haphazardly made up a rule that, for a health claim to be allowed, it must be supported by at least two double-blind placebo-controlled trials—and it’s at the agency’s sole discretion what constitutes a “legitimate” study!

They can keep moving the goalposts until their adversaries say “uncle”, notching a

win for the regulatory state.

The Chevron reversal will undoubtedly open the door to legal challenges that will dismantle this regime of censorship via bureaucratic diktat.

As President of the Alliance for Natural Health, I'm encouraged by this development, and urge you to join our FreeSpeech4Health campaign. We'll keep you posted on new initiatives that are certain to follow in the wake of the Supreme Court's ruling.

Revolving door between FDA and BigPharma: It's long been recognized that former FDA officials play musical chairs with the pharmaceutical industry they once regulated. A lucrative career path for a young government employee whose salary horizons are limited by civil service brackets is to pay their dues for a while and learn the ropes at FDA, then jump to private industry where paydays are multiples higher. The insider knowledge they've acquired then helps them to "schmooze" regulators on behalf of industry.

Such is the case with Scott Gottlieb, former head of the FDA, who joined the board of Pfizer, and as of 2022 declared income of \$553,645 per year. He's not exceptional; since 2000, every FDA commissioner has gone on to corporate work after they left government.

Regulations prohibit "direct lobbying" of federal agencies by former employees. But a recent **BMJ exposé** reveals how agencies prompt outgoing employees with a pass to circumvent rules intended to thwart the revolving door.

A newly-disclosed internal FDA memo directed at outgoing officials informs them that, while they can't perform direct lobbying, they are free to work "behind the scenes" on behalf of companies.

A leading consumer advocate, Craig Holman, who works for Public Citizen, highlights this as "a critical, critical loophole" in U.S. revolving door policy.

Last month U.S. legislators introduced bills to close that loophole. One, provocatively titled the FAUCI act (Fixing Administrations' Unethical Corrupt Influence) would prevent government officials from joining corporate boards for eight years after public service.

We need more oversight to prevent the foxes from minding the henhouse at government agencies whose ostensible mission is to protect the public, free from industry conniving.

Suppressing research on the keto diet for psychiatric conditions: One of the most momentous podcast interviews I've ever recorded is with Chris Palmer, MD, a Harvard psychiatrist and researcher who is author of *Brain Energy*. Palmer contends that current treatments (drugs and talk therapy) for mental disorders are woefully inadequate; instead, we should be investigating the underlying metabolic basis for brain dysfunction. To this end, he has championed the use of the medical ketogenic diet in the treatment of psychiatric disorders.

I wrote a review of *Brain Energy* here.

Anecdotal reports abound of psychiatric patients obtaining relief from bipolar disorder, obsessive compulsive disorder, and schizophrenia with a keto diet. But formal studies are as yet scant. Earlier this year, a small pilot study at Stanford demonstrated the safety, feasibility and efficacy of a keto diet for mental

disorders.

Another study was about to be launched in Maryland, but according to a [Change.org petition campaign](#) initiated by Dr. Palmer:

“As the Baltimore Sun reports, the Maryland Health Secretary, Dr. Laura Herrera Scott, recently halted an ongoing, privately-funded inpatient study of a medical ketogenic diet for treating schizophrenia. This decision comes as a shock, given that the Department of Health’s own 16-week review of the study found no ethical or safety issues and the study is overseen by three regulatory and oversight boards. Led by expert researcher, Dr. Deanna Kelly, the trial is a landmark inpatient study of a ketogenic diet for psychotic illness and is a collaborative initiative with the Maryland Psychiatric Research Center and Spring Grove Hospital Center.”

We have no idea why an ostensibly reasonable and relevant study like this was black-balled, but I’ve long decried a concerted campaign by the media and the medical establishment to impugn the keto diet (see my recent newsletter article [“The War Against Keto”](#))

The opposition to keto is especially unfortunate in view of new studies that suggest it may be efficacious, too, in slowing the progression of Alzheimer’s Disease. One entitled [“Effects of ketogenic diet on cognitive function of patients with Alzheimer’s disease: a systematic review and meta-analysis”](#) found:

“Meta-analysis results showed that KD could effectively improve the mental state of the elderly . . . In summary, the good intervention effect and safety of KD are worthy of promotion and application in clinical treatment of AD.”

Therefore, I’ve signed the [Change.org petition](#) along with many of my most respected medical colleagues, and I urge you to do so as well. To date, over 20,000 of us have. It’s in the interest of the millions of Americans suffering psychiatric disorders for whom conventional treatments have brought only partial relief, too often accompanied by debilitating side effects.

(Meanwhile, my professional organization, the American Nutrition Association, offers course materials and certification in safe application of the ketogenic diet as part of medical nutritional therapy. It’s available to health practitioners [here](#).)

Free speech on trial: In a decision disappointing to free speech advocates, the Supreme Court ruled against plaintiffs who alleged that the U.S. government had pressured social media to squelch their posts. Rob Verkerk, Executive Director of the Alliance for Natural Health reports:

“ . . . pivotal to the case was whether ‘jawboning,’ where government officials informally persuade external entities to take action, did or didn’t take place. At the heart of the evidence was the Biden administration’s efforts in 2021 to curb COVID-19 vaccine misinformation, claiming it infringed on free speech rights.”

The case is particularly germane to health freedom advocates because it turns out that much of the throttled “misinformation” about natural immunity, Covid origins, vaccine mandates, the efficacy and safety of mRNA vaccines, the rationale for lockdowns, and the value of compulsory masking and the “six-foot rule” has turned out, in hindsight, to be *right*.

But the Supreme Court decision should not be construed as a vindication of government efforts to marshal social media to reinforce its narrative, and to quash dissenters. It was decided on a technicality—that the plaintiffs merely lacked

“standing” to bring suit. Justice Samuel Alito wrote for the minority in a dissent:

“ . . . this is one of the most important free speech cases to reach the Court in years. Freedom of speech serves many valuable purposes, but its most important role is protection of speech that is essential to democratic self-government and speech that advances humanity’s store of knowledge, thought and expression in fields such as science, medicine, history, the social sciences, philosophy and the arts. The speech at issue falls squarely into these categories . . . We now know that valuable speech was also suppressed . . . government officials may not coerce private entities to suppress speech, and that is what has happened in this case.”

It’s not over. Several related cases are due to be heard by the Supreme Court, including one brought by Robert Kennedy, Jr., that challenge censorship of health information. There’s good reason to expect that the Court will uphold plaintiffs in those cases. Stay tuned!