

Dangerous Herbal Supplement Damages Liver of Healthy, Active Woman

Mary Smith (not her real name), age 49, has been a kindergarten teacher for over 25 years. She and her husband have one child, age 16. An extremely healthy individual, Mary was very active in outdoor sports that included snow skiing, roller skiing, kayaking, and biking. About two years ago, in an effort to enhance her health, Mary began taking an herbal supplement. The active ingredient in the supplement so completely damaged her liver that she eventually required a transplant. Her life expectancy is substantially decreased and her activities drastically limited in order to reduce risk of infection.

When Mary stopped by a local, well-known health-food store in her hometown, she asked the sales person about a natural herbal supplement that claimed to increase energy and vitality. The sales person recommended the product, boasting of the product's healthful properties. Ingredients in the product included yerba mate and blue-green algae, herbs that had been reported to be poisonous to the liver. Mary purchased the product and began taking the supplement on a regular basis, following the recommendation on the product's label. Despite reports submitted to the U. S. Food and Drug Administration and the U. S. Center for Disease Control on the potentially harmful effects of the ingredients, the supplement contained no warning label.

For information on this and other herbal supplement cases, visit our website at:

www.SearcyLaw.com

This was not the first time that a herbal supplement advertised as a health-inducing product contained ingredients that were harmful. In 2003, FDA banned ephedra due to documented deaths associated with certain herbal supplements that contained this active ingredient. After the ban, the distributor had to reformulate their product. The industry replaced ephedra with herbal supplements such as yerba mate and blue-green algae. These two ingredients have been found to cause great harm to the liver. Published medical reports document these two herbal supplements are responsible for hepatic failure and acute necrosis of the liver, often with fatal consequences. In addition, the FDA found that the supplement used by Mary Smith had been contaminated by pesticides in the manufacturing process and the product was recalled.

The health food industry selling these products continues to market and promote their products as totally safe. They claim the products are extensively researched. The manufacturers and distributors present themselves to the public as experts in natural food supplements and the benefits derived from taking such supplements. The public expects these companies to be truthful in their presentations and to disclose warnings of any potentially harmful side effects. Instead, the harmful side effects are hidden or minimized by these companies, the benefits of the products are lauded and consumers are harmed.

As a result of the liver transplant required due to the damage caused by the herbal supplement, Mary Smith's immune system has been compromised. She must limit contact with children, pets, and crowded public places due to a high risk of infection.



Mary Smith was a healthy, active, outdoor-sports enthusiast, concerned about maintaining her health. Responding to a local health-food store's claims about the energy and vitality found in herbal supplements sold by the store, she bought the supplement, followed the recommended dosage, and ended up with a poison that compromised her immune system and damaged her liver. A liver transplant was required to save her life. Despite FDA and USCDC cautions on the harmful effects of these supplements, there were no warning labels on the product.

Her life expectancy is now only five to ten years, well below the normal life expectancy of 25 or more years for a woman of her age. She is disabled and can no longer safely work. For the remainder of her life, she will require intensive medical monitoring of the immunosuppressant medications she must take because of the liver transplant. Economic analysis demonstrates she will incur over \$5 million in medical expenses, lost wages, and other damages. In November 2007, Mary asked SDSBS attorney **David Kelley** to represent her in an action filed against the distributors of the herbal supplements. A partial settlement was reached in May 2008 with one of the distributors, and action continues against other defendants. ■