

ANH-USA Sues FDA Over Censorship of Government-Backed Nutrition Science

Lawsuit challenges FDA's rejection of lawful nutrient-disease claims as unconstitutional and in violation of the First Amendment

ALEXANDRIA, VA, UNITED STATES, January 22, 2026 /EINPresswire.com/ -- The Alliance for Natural Health USA (ANH-USA) announced today that it has filed a federal lawsuit against the U.S.

Food and Drug Administration (FDA) after the agency rejected on December 23, 2025, ANH-USA's landmark petition to allow 114 truthful, science-based nutrient-disease health claims sourced directly from federal government agencies.



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Robert Verkerk PhD

The lawsuit contends that the FDA violated the plain meaning of the authoritative statement provisions of the Food, Drug, and Cosmetic Act, the Constitutional Avoidance Doctrine, and the First Amendment by suppressing these claims.

ALLIANCE FOR NATURAL HEALTH USA et al v. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES et al Case # 1:26-cv-00169

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Jonathan Emord, Esq., ANH's General Counsel, said, "FDA has apparently still not learned the lesson of the landmark 1999 health claims decision of the U.S. Court of Appeals in *Pearson v. Shalala*, that it may not suppress health claims unless it marshals empirical evidence that they are false and that no claim qualification will suffice to eliminate potential misleadingness. Instead, it has refused to follow *Pearson v. Shalala* and is now asked to be accountable for that failing."

The case asserts the First Amendment right of dietary supplement sellers and consumers to

access nutrient-disease risk reduction information at the point of sale that is already published on federal agency websites. Following *Pearson v. Shalala*—that was argued by Emord—the FDA lacks authority under the Commercial Speech Doctrine and Constitutional Avoidance Doctrine to censor its sister agencies’ statements on these 114 nutrient-disease relationships.

ANH-USA’s petition compiled over 5,000 pages of peer-reviewed research from agencies like the National Institutes of Health (NIH), including the Office of Dietary Supplements, and the Centers for Disease Control and Prevention (CDC). These agencies describe their materials as science-based and reliable for public health—yet the FDA deems the same statements “not authoritative” for food or supplement labels.

“The latest health figures are disturbing,” said Robert Verkerk PhD, Executive & Scientific Director of ANH-USA. “CDC data shows 76% of U.S. adults have at least one chronic condition, rising to 93% among those over 65. Of these, nearly 4 of every 5 are suffering from multiple chronic conditions. Our FDAMA strategy directly aligns with the Administration’s MAHA agenda, yet HHS under Secretary Kennedy continues to limit public access to familiar agency health information at the point of sale. We’ll fight this every step.”

ANH-USA argues that demanding irrefutable evidence before allowing claims is unreasonable and blocks informed health choices. Scientific uncertainty is inherent—even for drugs—as a 2020 Stanford meta-study of Cochrane reviews by Ioannidis and colleagues showed. “Censorship of health information is the enemy of healthy choices,” added Dr. Verkerk. “Our lawsuit aims to dismantle FDA barriers and enable transparent, science-based communication that empowers consumers.”

The stakes extend beyond labels: Many censored relationships target conditions like diabetes, cardiovascular disease, and inflammation, fueling billions in pharmaceutical sales. While drugs dominate, the FDA blocks access to safe, affordable nutrient science from government sources.

“A win over FDA in this case will usher into the market 114 vital nutrient-disease risk reduction claims at the point of sale, enabling consumers to better exercise informed choice in their quest to improve their own health and that of their families,” Emord continued. “Allowance of nutrient-disease risk reduction information to reach consumers is an indispensable component of the MAHA agenda, vital to reducing the risk of chronic disease in America and extending the human lifespan. Ironically, FDA currently stands foursquare against that part of the MAHA agenda, acting contrary to the transparency we have been promised by Secretary Kennedy and Commissioner Makary.”

ANH-USA seeks court enforcement of FDAMA and the First Amendment, restoring Americans’ right to truthful, science-based health information about foods and supplements at the point of sale.

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EDITOR'S NOTES

[Press release at filing \(Sept 4, 2025\):](#)

[Press release following FDA decision to deny petition \(Jan 8, 2026\):](#)

About the Alliance for Natural Health USA

www.anh-usa.org | Truth. Access. Freedom.

Short-form: Founded in 1992, the Alliance for Natural Health USA (ANH-USA) is a leading health-freedom advocacy organization working to protect Americans' access to science-based natural health options and truthful information about foods and dietary supplements.

Longer-form: Founded in 1992, the Alliance for Natural Health USA (ANH-USA) is one of the nation's leading natural health advocacy organizations. Based in the Washington, DC area, ANH-USA works to protect and expand Americans' health freedom—defending the right to access science-based natural health options and the right to receive truthful, non-misleading information about foods, dietary supplements, and integrative approaches to health.

ANH-USA advances its mission through policy advocacy, scientific and legal analysis, education, and strategic litigation. For more than three decades, ANH-USA has been at the forefront of efforts to push back against regulatory overreach, protect consumer choice, and restore a prevention-oriented, evidence-informed approach to public health. ANH-USA is closely affiliated with the UK-based, Alliance for Natural Health International (www.anhinternational.org) that shares a similar mission, working internationally.

The organization was part precedent-setting lawsuits in the USA that expanded free speech about the benefits of supplements, including permitting consumers to learn that folate supplementation during pregnancy helped prevent neural tube defects in the unborn child. In the US, Europe, and beyond, ANH has continued to champion free speech about natural products so more consumers can be empowered with the wide range of information needed to make the best choices for their health.

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