

Feds say Bayer colon supplement makes bogus claims

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The United States government accused Bayer of making scientifically unproven statements about the health benefits of a popular probiotic on Friday, claiming the German pharmaceutical giant was in contempt of court.

In a filing lodged in New Jersey, the Justice Department requested a fine of \$25,000 per day against Bayer, alleging it had breached a 2007 judgement against the firm over a similar issue involving another product.

The Justice Department filing sought to "halt consumers' continuing loss."

In 2007, the firm which invented aspirin, was ordered to pay \$3.2 million over claims made without evidence regarding the anti-cancer benefits of its multivitamin "One A Day Men's."

The Justice Department argued the 2007 judgement should also apply to the firm's probiotic "Phillips' Colon Health", launched in 2008, which purports to "prevent, treat and cure" constipation, diarrhea, gas and bloating.

The government said there was no "competent and reliable scientific evidence" to support the claims made by Bayer over the product.

"The United States estimates consumers have spent hundreds of millions

of dollars for this product. Because of Bayer's widespread, unsubstantiated efficacy claims in violation of this Court's 2007 Order, consumers should be compensated for their loss," the 37-page Justice Department filing said.

"Bayer is required to abide by a longstanding court order to back up claims it makes about the products it sells," said assistant US Attorney General Stuart Delery for the department's Civil Division.

"The Department of Justice will not tolerate companies that seek to gain an unfair advantage over their competitors by promoting to consumers unsubstantiated claims about the health benefits of their products."

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