Division of Dockets Management
Food and Drug Administration
Department of Health and Human Services
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

Citizen Petition to Require English Language Labeling on
Boiron Oscillococcinum Drug Packaging and Website

The undersigned submit this petition under Section 502(c) of the Federal Food, Drug, and Cosmetic Act (“the Act”) to request the Commissioner of Food and Drugs to issue a warning letter to Boiron USA (“Boiron”) requiring the company to label the contents of its homeopathic flu treatment drug product, “Boiron Oscillococcinum,” in English, pursuant to Section 502(c) of the Act and 21 C.F.R. § 201.15(c)(1).

A. Action requested

The undersigned hereby request the Commissioner of Food and Drugs to issue a warning letter to Boiron requiring the producer to list the ingredients of Boiron’s homeopathic drug product, “Boiron Oscillococcinum,” in plain English on the product label and on Boiron’s website. The undersigned further request that the Commissioner take appropriate measures in the event that Boiron fails to comply with this requirement.

B. Statement of grounds

Section 502(c) of the Act and its implementing regulation, 21 C.F.R. § 201.15(c)(1), together require that under normal circumstances, all words, statements, and other information required to appear on product labeling shall appear in the English language.

Section 502(c) of the Act requires that information required to appear on product labels must be displayed in such a manner “as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.” The Section’s implementing regulation, 21 C.F.R. § 201.15(c)(1), explicitly forbids the use of non-English language labeling, except under certain circumstances that do not obtain in this instance. Specifically, it provides that required information on product labels “shall appear thereon in the English language” (provided, however that “articles distributed solely in the Commonwealth of Puerto Rico or in a Territory where the predominant language is one other than English, the predominant language may be substituted for English”). 21 C.F.R. § 201.15(c)(1).

In addition, the Food and Drug Administration’s Compliance Policy Guide Sec. 400.400, “Conditions Under Which Homeopathic Drugs May Be Marketed,” states explicitly that pursuant to Section 502(c) of
the Act and 21 C.F.R. § 201.15(c)(1), “the industry is required to translate these names [of homeopathic ingredients] from Latin to their common English names as current labeling stocks are depleted, or by June 11, 1990, whichever occurs first.”

Boiron’s package labeling for its homeopathic flu remedy, Boiron Oscillococcinum, lists the product’s alleged active ingredient in Latin, “Anas barbariae hepatis et cordis extractum” rather than the English translation: “extract of Muscovy Duck liver and heart”. A copy of the product’s package labeling is attached hereto as Exhibit A. Boiron also lists Boiron Oscillococcinum’s alleged active ingredient solely in Latin on the product’s website, http://www.oscillo.com/about/facts-about-oscillo/, a copy of which is attached hereto as Exhibit B.

By failing to list the product’s alleged active ingredient in the English language, Boiron is in violation of Section 502(c) of the Act and 21 C.F.R. § 201.15(c)(1).

The ordinary consumer is highly unlikely to understand Boiron’s obscure Latin description of the product’s alleged active ingredient. Among other confusions that may result from Boiron’s use of Latin, some consumers may be led to purchase Boiron Oscillococcinum on the mistaken belief that its alleged active ingredient consists not of mere extract of duck liver and heart, but of other medication that has been scientifically proven to treat the flu and flu-like symptoms.

Requiring Boiron to comply with Section 502(c) of the Act and its implementing regulation will help ensure that customers make informed decisions when determining whether to purchase Boiron Oscillococcinum. The undersigned urge the Commissioner to issue a warning letter to Boiron advising the company that it must list the product’s ingredients in plain English on the product’s packaging and on Boiron’s website. The undersigned further request that the Commissioner take appropriate measures in the event that Boiron should fail to comply.

C. Environmental impact

Nothing requested in this petition will have an impact on the environment.

D. Economic impact

The only potential loss of income that might result from the requested action is to the manufacturers and distributors of Boiron Oscillococcinum. There would be savings to consumers who would not purchase the product if it were properly labeled.

E. Certification

The undersigned certify that, to the best knowledge and belief of the undersigned, this petition includes all information and views on which the petition relies, and that it includes representative data and information known to the undersigned which are unfavorable to the petition.

[Signatures]

Ronald A. Lindsay, President & CEO
Center for Inquiry
3965 Rensch Road
Amherst, NY 14226
(716) 636-4869 ext. 215

Barry Karr, Executive Director
Committee for Skeptical Inquiry
3965 Rensch Road
Amherst, NY 14226
(716) 636-4869 ext. 217
Exhibit A

Photo of Ingredient Listing on Boiron Oscillococcinum Product Label
Exhibit B