



August 25, 2020

The Honorable Stephen Hahn, Commissioner
and
Steven Tave, Director
Office of Dietary Supplement Programs
and
Patrizia Cavazzoni, Deputy Center Director for Operations
Center for Drug Evaluation and Research

Food and Drug Administration
10001 New Hampshire Ave
Hillandale Bldg., 4th Floor
Silver Spring, MD 20993
and
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Hahn, Director Tave, and Deputy Center Director Cavazzoni:

The Center for Science in the Public Interest (CSPI) urges the U.S. Food and Drug Administration (FDA) to issue warning letters and pursue enforcement action against the manufacturers, distributors, and retailers of tianeptine, an unapproved antidepressant that stimulates opioid receptors.

Tianeptine is a substance that is not approved as a drug for any use, does not qualify as a dietary ingredient, is not an approved food additive, and is not generally recognized as safe.¹ Any dietary supplement containing tianeptine is considered adulterated under the Federal Food, Drug, and Cosmetic Act, and therefore cannot be sold in the United States.²

In this request, we are joined by Brandon Lackey, Chairperson, Alabama Association of Christian Recovery Ministries—Alabama's largest residential recovery network with the capacity to care for more than 3000 persons. Mr. Lackey, in his 19 years of recovery services work, continues to assist in providing comprehensive services to individuals battling drug abuse and addiction, alcohol abuse and other problems.

The members of his state-wide network have personally observed the widespread marketing of tianeptine throughout convenience stores in Alabama and the South. Mr. Lackey has been advocating for a state ban on tianeptine in Alabama. According to news reports, the Alabama State Committee of Public Health has moved to categorize tianeptine as a Schedule II drug,³ but Mr. Lackey remains concerned that the substance will continue to be sold as a supplement in other states.

Tianeptine is an addictive, synthetic chemical that mimics the euphoric high, toxicity, and strong withdrawal symptoms of opioids.⁴ According to the Centers for Disease Control and Prevention (CDC), tianeptine is known to have neurologic, cardiovascular, and gastrointestinal adverse

effects that can mimic opioid toxicity and withdrawal.⁵ The CDC has warned that people may abuse tianeptine for its opioid-like effects and has stated that the substance can lead to addiction and withdrawal symptoms similar to those of opioid withdrawal.⁶

The CDC also reports tianeptine use as a possible emerging public health risk, as there was an increase in reports of adverse reactions to tianeptine in the United States.⁷ Notably, the number of tianeptine exposure calls reported by U.S. poison control centers increased from five in 2014 to 81 in 2017.⁸ There were 470 tianeptine-related adverse events reports submitted to the FDA's Adverse Events Reporting System (the agency's adverse event reporting system for drugs and biologics) and the Center for Food Safety and Applied Nutrition (CFSAN) Adverse Event Reporting System (CAERS).⁹ These reports included at least 458 serious cases, of which 55 involved death.¹⁰ In 2019, more than double the amount of tianeptine-related cases were reported to the FDA as compared to the yearly average for the period of 1998-2018.¹¹

The FDA previously took enforcement action against other marketers of tianeptine, stating that supplements with tianeptine are adulterated.¹² And the FDA previously warned that consumers may inadvertently find themselves addicted to tianeptine, and that individuals should especially avoid tianeptine supplements claiming to treat opioid use disorder.¹³

In November 2018, the FDA issued warning letters to two companies for the illegal marketing of dietary supplements containing tianeptine,¹⁴ including TIANAA Red, TIANAA White, and TIANAA Green.¹⁵ In these letters, the FDA concluded that the offending companies were selling “adulterated dietary supplements” and “illegal[ly] marketing...products labeled as dietary supplements that contain tianeptine, a chemical compound that companies are illegally claiming treats opioid use disorder (OUD), pain and anxiety, and other unlawful and unproven claims.”¹⁶

Despite FDA's previous enforcement action,¹⁷ our market scan (*see* note 18 for methods)¹⁸ found that TIANAA Red and other tianeptine products continue to be widely available in Alabama and online. For example, Jack B. Goods outlet store, a company which was subject to the November 2018 FDA enforcement action for selling TIANAA products,¹⁹ continues to sell tianeptine as ZA ZA Red²⁰ and ZA ZA Silver.²¹ In addition, these products are listed, sold, and/or distributed by numerous companies, including MT Brands,²² M&J Distribution,²³ eBay,²⁴ and numerous brick-and-mortar retail locations, such as gas stations, vape stores, smoke shops, and supplement stores (*see* Appendix). On June 4, 2020, Mr. Lackey shared with CSPI several pictures and locations that demonstrate where tianeptine can be purchased (*see* Appendix).

Because many of the products containing tianeptine have similar bottling, labeling, and trade dress, we believe that many of these supplements are being manufactured and distributed by just a few companies. For example, TIANAA products—which was the subject of one of the November 2018 FDA enforcement letters for being adulterated with tianeptine—is distributed by MT Distribution (now MT Brands). ZA ZA Red, which lists tianeptine as an ingredient, is distributed by M&J Distribution with similar trade dress (*see* Figure 1).

Figure 1: Products Distributed by MT Brands and M&J Distribution



Enforcement action against supplements containing tianeptine should be given high priority as the supplements take advantage of a vulnerable population—*i.e.*, recovering or active drug users—during a nationwide opioid epidemic.

In fact, because sales of tianeptine have become so widespread in Alabama, State Representative Mike Holmes introduced a bill before the Alabama House that would ban the sale of tianeptine in Alabama.²⁵ The popularity of tianeptine increased in Alabama after its legislature prohibited the possession or sale of kratom²⁶—another substance that mimics opioid effects and that is the subject of FDA warnings.²⁷ As a result, it appears that there was an increase of tianeptine products being sold in stores in the state.²⁸

Many of the same companies involved in selling tianeptine, also manufacture, distribute, and sell kratom.²⁹ Although many of these companies do not explicitly advertise their kratom or tianeptine products as opioid alternatives or addiction treatment, it is clear that these companies are specializing in supplements that are heavily abused by individuals who use opioids or are recovering from opioid addiction.

Because FDA has issued enforcement letters but has yet to eliminate tianeptine sales, the agency should continue to make enforcement action against these supplements a priority. We respectfully urge FDA to immediately request enforcement action from the Department of Justice against companies that continue to market, sell, and distribute products with tianeptine.

Specifically, the FDA should work with federal, state, and local officials—including the state governors, health officers, and attorneys general—to determine which companies are involved in the tianeptine market and the appropriate action needs to be taken to remove these dangerous products from the market. We thank you for your efforts in this matter.

Sincerely,

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Regulatory Counsel
Center for Science in the Public Interest

Laura MacCleery
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cc:

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Notes

¹ U.S. Food & Drug Administration (FDA). *Tianeptine in Dietary Supplements*. November 2018. <https://www.fda.gov/food/dietary-supplement-products-ingredients/tianeptine-dietary-supplements>. Accessed July 6, 2020.

² *Id.*

³ Sell, Mary. *State moves to ban antidepressant sold in convenience stores, can mimic opioids*. July 17, 2020. WBRC. <https://www.wbrc.com/2020/07/17/state-moves-ban-antidepressant-sold-convenience-stores-can-mimic-opioids/>. Accessed August 4, 2020.

⁴ Center for Disease Control and Prevention (CDC), *Characteristics of Tianeptine Exposure Reported on National Poison Data System – United States, 2000 – 2017*, MORBIDITY AND MORTALITY WEEKLY REPORT, Aug. 3, 2018, <https://www.cdc.gov/mmwr/volumes/67/wr/mm6730a2.htm>; Tharwat El Zahran, et al., *Characteristics of Tianeptine Exposure Reported on National Poison Data System – United States, 2000 – 2017*, 67 MORBIDITY AND MORTALITY WEEKLY REPORT 815, Aug. 3, 2018, <https://www.cdc.gov/mmwr/volumes/67/wr/pdfs/mm6730a2-H.pdf>.

⁵ CDC. *Characteristics of Tianeptine Exposure Reported on National Poison Data System – United States, 2000 – 2017*. Aug. 3, 2018, <https://www.cdc.gov/mmwr/volumes/67/wr/mm6730a2.htm>.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ FDA. *FDA Adverse Events Reporting System (FAERS): TIANEPTINE & Tianeptine Sodium*. March 21 2020. <https://fis.fda.gov/sense/app/d10be6bb-494e-4cd2-82e4-0135608ddc13/sheet/45beeb74-30ab-46be-8267-5756582633b4/state/analysis>. Accessed July 27, 2020; FDA. *CFSAN Adverse Event Reporting System (CAERS)*. July 29, 2020. <https://www.fda.gov/food/compliance-enforcement-food/cfsan-adverse-event-reporting-system-caers#files>. Accessed July 31, 2020.

¹⁰ *Id.* (Only FAERS distinguished which cases were serious and involved death).

¹¹ *Id.* (1998-2018 Average = 19.95; 2019 Reports = 49).

¹² FDA. *FDA warns marketers of products labeled as dietary supplements that contain tianeptine for making unproven claims to treat serious conditions, including opioid use disorder*. November 2018. <https://www.fda.gov/news-events/press-announcements/fda-warns-marketers-products-labeled-dietary-supplements-contain-tianeptine-making-unproven-claims>. Accessed May 15, 2020; *E.g.*, FDA. WARNING LETTER Atomixx MARCS-CMS 576505. April 2019. <https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/atomixx-576505-04102019>. Accessed June 5, 2020.

¹³ FDA. *Tianeptine in Dietary Supplements*. NOVEMBER 2018. <https://www.fda.gov/food/dietary-supplement-products-ingredients/tianeptine-dietary-supplements>. Accessed July 6, 2020.

¹⁴ *See id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ On July 31, 2020, CSPI staff searched Google Shopping for “Tianeptine Supplements,” which produced two pages of results. The results included supplements with and without tianeptine [why are we mentioning this? And by doing so it allows the interpretation that some of the non-tianeptine supplements are marketed for opioid withdrawal], and supplements marketed for opioid withdrawal relief, anxiety relief, and brain support. The Google Shopping search included a listing for ZA ZA Red Extra Strength on JackBGoods.com. Although the ingredients for this supplement are not listed on their website and the picture doesn’t include the ingredient list, pictures from another listing of ZA ZA Extra Strength’s labeling lists tianeptine as an ingredient (*See Appendix*). The July 2020 Google Search results also listed two other ZA ZA products sold by JackBGoods.com, ZA ZA Red-Shot-Feel Good-Be Happy in 2.0 fl oz bottles and a 12-pack of 2 fl oz pack. The product labels pictured in these listings also did not include tianeptine. However, CSPI staff then searched JackBGoods.com for “tianeptine,” which did not produce any results, and “ZAZA,” which included the aforementioned ZA ZA Red products as well as a ZA ZA

Silver Extra Strength. The image in the products listing includes tianeptine as an ingredient. The Google Shopping results for “Tianeptine Supplements” also included ads for puretianeptine.com and tianeptinesupply.com, which sell tianeptine powders. On July 31, 2020, CSPI staff searched Ebay for “Tianeptine,” which did not result in any supplement listings, and “ZAZA,” which produced 4,279 listings. When filtered to include only results tagged as dietary supplements, 34 Ebay listings remained, including listings for ZAZA Red Extra Strength and ZAZA White Extra Strength/

¹⁹ FDA. *Warning Letter Jack B Goods Outlet Store*. November 7, 2018. <https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/jack-b-goods-outlet-store-566674-11072018>.

²⁰ Jack B Goods Outlet Store. *Product Listing: Za Za Red*. <https://www.jackbgoods.com/health-and-wellness/herbal-supplements-50/zaza-red-plus-extra-strength-increase-alertness-focus-energy-15-ct-bottle-15-700mg.html> Accessed June 22, 2020. (Although the online retailer’s listing does not list tianeptine as an ingredient, other listings, included in this appendix, lists tianeptine as an ingredient).

²¹ Jack B. Goods. *Product Listing: ZAZA Silver Extra Strength - Increase Alertness / Focus / Relaxation 15 CT Bottle (15-700mg)*. <https://www.jackbgoods.com/health-and-wellness/herbal-supplements-50/zaza-silver-extra-strength-increase-alertness-focus-relaxation-15-ct-bottle-15-700mg.html?search=zaza>. Accessed July 31, 2020.

²² According to its webpage (<https://mtbrands.com>), MT brands lists its address as 912 S.E. 46th Lane. Suite 204. Cape Coral, FL 33904. A [Google Street View](#) of that address shows a storefront with the name “MT Distribution LLC.” There is no company under either name listed with that address in Florida’s Division of Corporations database

(<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResults?inquiryType=Address&searchTerm=912%20SE%2046th%20Lane>). Accessed June 5, 2020. According to MT Brands’ Facebook Post on October 16, 2019, the company was formally operated under the name MT Distribution®. (See https://www.facebook.com/MTBrandstm/posts/2453960608178008?_tn=-R. Accessed June 8, 2020). The Tianaa Red bottle includes the phone number, (888) 254-0924 (see Appendix). The Better Business Bureau’s profile for M.T. Lotz, LLC lists this number as its contact number as well. In its response to consumer’s reviews, the company states that it is the distributor of Tianaa. See, Better Business Bureau. *M.T. Lotz, LLC*. <https://www.bbb.org/us/fl/cape-coral/profile/not-elsewhere-classified/mt-lotz-llc-0653-90217126>. Accessed August 19, 2020.

²³ M&J Distribution is listed as the distributor on the labeling for Za ZA Red, which lists tianeptine as an ingredient (See appendix). Although the labeling indicates that M&J Distribution is located in Villa Rica, GA 30180, the Georgia Corporations Division’s database (<https://ecorp.sos.ga.gov/BusinessSearch>) does not list a company matching the name, M&J Distribution, to an address in Villa Rica, GA 30180.

²⁴ E.g., Ebay user tymo_6229. *Product Listing. Zaza red Extra strength.(1 bottle of 15 capsule) total 15 capsule!*. https://www.ebay.com/itm/Zaza-red-Extra-strength-1-bottle-of-15-capsule-total-15-capsule-/223926513943?trksid=p2385738.m4383.144720.c10&nordt=true&rt=nc&orig_cvip=true. Accessed June 22, 2020.

²⁵ Controlled substances, relating to Schedule II, adding certain named chemical compounds of Tianeptine, AL HB6, § 20-2-25 am’d (2019); <https://legiscan.com/AL/text/HB6/id/2060693>.

²⁶ Privett, Greg. *WAAY 31 I-Team Investigation: Tianaa Dangers*. WAAY. March 12, 2019. <https://www.waaytv.com/content/news/WAAY-31-I-Team-Investigation-Tianaa-506954431.html>. Accessed July 23, 2020.

²⁷ FDA. *FDA and Kratom*. September 2019. <https://www.fda.gov/news-events/public-health-focus/fda-and-kratom>. Accessed June 5, 2020.

²⁸ Ward , Hannah. *Sheriff’s Office warning about an addictive drug being sold in gas stations*. WSFA12 News September 13, 2018. <https://www.wsfa.com/2018/09/13/sheriffs-office-warning-about-an-addictive-drug-being-sold-gas-stations>. Accessed July 27, 2020. (“We have seen a transition where Kratom has not been as problematic for us in the state of Alabama thanks to our lawmakers who a couple of years ago made this illegal to buy sell or consume in the state of Alabama,” [Captain Clay] Hammac explains. ‘But now another product is popping up more often to fill that void. So some of the same

concerns that we had and expressed to our law makers about Kratom we are starting to see resurface with Tianna,' Hammac states.”).

²⁹ *E.g.*, See MT Brands. *The Devil's Kratom*. <https://mtbrands.com/the-devils-kratom/>. Accessed June 5, 2020.; *E.g.*, Jack B' Goods Outlet Store. Product Listing: *Thai Kratom*. <https://www.jackbgoods.com/health-and-wellness/herbal-supplements/powers-herbal-suppliments/remarkable-herbs-100-all-natural-thai-powder-8oz.html>.

Appendix

Examples of Tianeptine Retailers:

CSPI has received reports that supplements with Tianeptine are commonly sold online and throughout Alabama vape, tobacco, and gas station retailers, such as SAMCO, Shell, Chevron and BP. Below are several examples, addresses, and pictures of retail shops selling Tianeptine supplements. Please note that these are only a small sample of the locations where Tianeptine can be sold.

Shell Gas Station
1488 Montgomery Hwy,
Vestavia Hills, AL 35216



SAMCO Gas stations
in Anniston, Alabama



Jack B. Goods Outlet Stores

<https://www.jackbgoods.com/health-and-wellness/herbal-supplements-50/zaza-red-plus-extra-strength-increase-alertness-focus-energy-15-ct-bottle-15-700mg.html>

Jack B Goods Outlet Store Smart Search

CATEGORIES SURVIVAL GEAR OUTDOOR GEAR HEALTH & WELLNESS BOATING & WATER SPORTS

Home » Health & Wellness » Herbal Supplements 50 » ZAZA Red Plus Extra Strength - Increase Alertness / Focus / Energy -15 CT Bottle (15-700mg)

ZAZA Red Plus Extra Strength - Increase Alertness / Focus / Energy -15 CT Bottle (15-700mg)

Shipping Information
Click Here / Press for More Info >>

Quick Ship Item
This product ships within 1 Business Day. Orders placed before 10am CST Monday-Friday, Ships Same Day!

Free Priority Shipping
This product qualifies for FREE USPS Priority Mail (2-3 Days) Shipping. Products totaling \$49 or more ship Free Site-Wide.

ZaZa Inc.
Product Code: ZaZa-RED-ES-700
Reward Points: 30
Availability: Quick Ship - 1 Business Day

\$29.95
Plus, orders of \$49 or more Ship Free!
Price in reward points: 1500

Quantity Discounts
3 or more \$25.95
6 or more \$23.79
12 or more \$22.95

<https://www.jackbgoods.com/health-and-wellness/herbal-supplements-50/zaza-silver-extra-strength-increase-alertness-focus-relaxation-15-ct-bottle-15-700mg.html?search=zaza>

Jack B Goods Outlet Store SEARCH

CATEGORIES SURVIVAL GEAR OUTDOOR GEAR HEALTH & WELLNESS BOATING & WATER SPORTS

Home » Health & Wellness » Herbal Supplements 50 » Search » ZAZA Silver Extra Strength - Increase Alertness / Focus / Relaxation 15 CT Bottle (15-700mg)

ZAZA Silver Extra Strength - Increase Alertness / Focus / Relaxation 15 CT Bottle (15-700mg)

Shipping Information
Click Here / Press for More Info >>

Quick Ship Item
This product ships within 1 Business Day. Orders placed before 10am CST Monday-Friday, Ships Same Day!

Free Priority Shipping
This product qualifies for FREE USPS Priority Mail (2-3 Days) Shipping. Products totaling \$49 or more ship Free Site-Wide.

ZaZa Inc.
Product Code: ZaZa-SL-ES-700
Reward Points: 30
Availability: Quick Ship - 1 Business Day

\$29.99 ~~\$27.99~~
Price in reward points: 1500

Quantity Discounts
3 or more \$25.95
6 or more \$23.95
12 or more \$22.95

WARNING
KEEP OUT OF REACH OF CHILDREN
Quantity per container: 15 Capsules

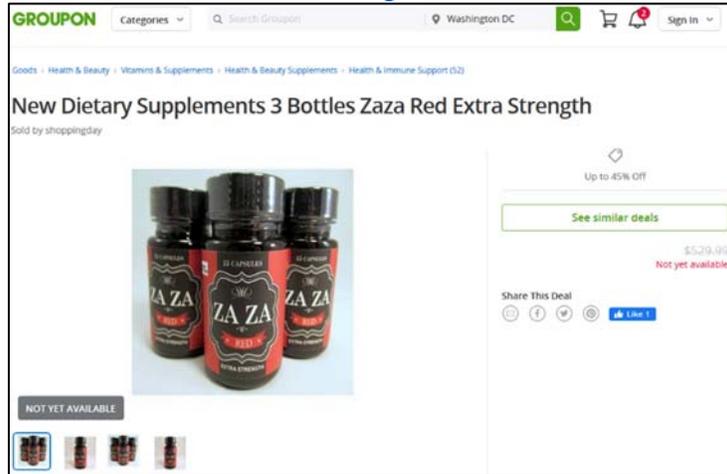
Supplement Facts
Serving Size: 1 Capsule
Servings per container: 15

	Amount per serving	% of Daily Value
Proprietary Blend	700mg	†
Tianeptine		
Phenibut		
Piper Methysticum		

† Daily Values Not Established
Other Ingredients: May contain vegetable capsules and vegetable stearate used in manufacturing.
Storage: Keep in a cool dry place

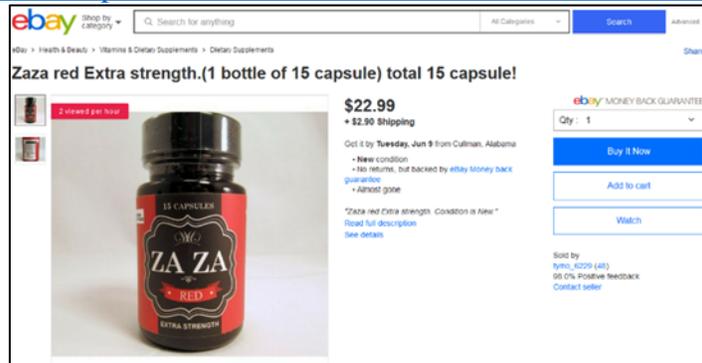
Groupon:

<https://www.groupon.com/deals/gg-mp-new-dietary-supplements-3-bottles-zaza-red-extra-strength>



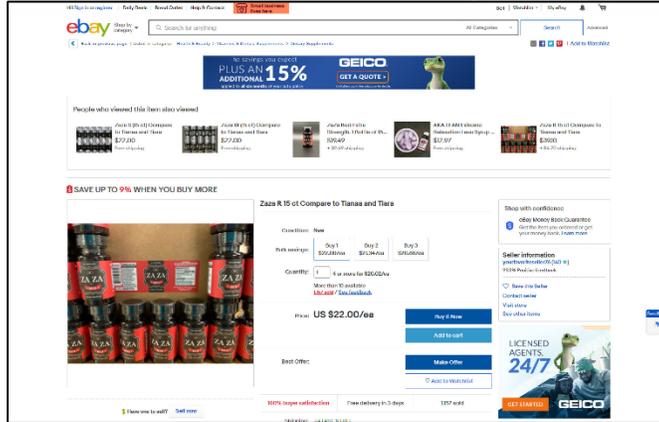
Ebay:

https://www.ebay.com/itm/Zaza-red-Extra-strength-1-bottle-of-15-capsule-total-15-capsule-/223926513943?trksid=p2385738.m4383.l44720.c10&nordt=true&rt=nc&orig_cvip=true



Ebay (Cont'd):

<https://www.ebay.com/itm/Zaza-R-15-ct-Compare-to-TIANAA-and-Tiara/164093414285?hash=item2634bacb8d:g:FdYAAOSwff5eUg5n>



The picture above lists tianeptine as an ingredient and M&J distribution as the distributor.