

American Association of Chinese Herbs

美国中药学会 (AACH)

04/06/2017

Office of Legislative and Governmental Affairs
PO Box 997377, MS 0503,
Sacramento, CA 95899-7377

To: Office of Legislative and Governmental Affairs

Re. Aconite incident in San Francisco

To Whom It May Concern

We are council members of the American Association of Chinese Herbs (AACH) and American TCM Association (ATCMA), two non-profit academic organizations. AACH is specializing in research, quality control and application of Chinese herbs, and ATCMA is specializing in application of formulae research of Chinese herbs.

On March 10, CBS San Francisco had a report with the headline: “Two People Become Critical Ill after Drinking Tea from SF Chinatown Store”. It revealed that: “A lab test found that the tea contained aconite, a plant-based lethal poison.” Later on March 20, another news of “Women Dies After Drinking Deadly Chinatown Tea” was followed. We were saddened by the news. No conclusion of the real death cause has been made yet. As a group of professionals with several Ph.D., who have been strictly trained in both modern and traditional medicine in the East and West, we were willing to participate the investigation of the death to reveal the real cause of the death. We want to appeal that aconite itself is innocent.

Most people do not know that raw aconite is poisonous, but processed aconite is a safe and effective herb that can save lives of patients with chronic heart failure if used appropriately within indicated dosage. Many experienced traditional Chinese medicine (TCM) doctors use this herb to effectively treat heart diseases, pain, and chronic kidney disease.

Although aconite has been listed as a potentially unsafe herb that may be subjected to detention and/or may be required a permit to import,^[1] Chinese herbs are currently regulated as dietary supplements by the Food & Drug Administration (FDA). Therefore, many consumers assume that they are safe to use. As a result, safety issues have often occurred due to misuse or abuse by consumers or the sellers’ inappropriate advertisements. This raised a question that many TCM practitioners have concerned: Is the current regulation on the use of Chinese herbs appropriate?

It should be known that Chinese herbs, along with some animal and mineral sourced materials, are officially called Chinese Material Medical (CMM) in China. They have been used for several thousands of years in China. Chinese herbs represent the majority of CMM. Currently, among several thousands of CMMs, only 101 are listed as health foods, while 28 are listed as poisons by the Chinese medical authorities that include the raw aconite.

CMM plays the utmost important role in the practice of TCM. The following facts must be known when taking Chinese herbs:

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- (1) TCM treatment emphasizes syndrome differentiation. If it is not used for the right syndrome, side effects or even toxic reactions may occur. Aconite is usually prescribed for patients who have cold limbs or are averse to cold.
- (2) TCM treatment emphasizes compatibility. One of the major differences between modern Western drugs and Chinese herbal medicine is that the former is usually made of a single ingredient, while Chinese herbal medicine is mostly used in a formula. One main purpose of compatibility is for synergistic efficacy and/or attenuated side effects. The side effect of one herb can often be decreased or neutralized by another herb with the opposite effect. For example, aconite is often prescribed together with ginseng, licorice or dry ginger to reduce its toxic effect.
- (3) Processing before use is an effective method to attenuate the toxicity of some Chinese herbs. Processing can lead to quantitative and/or qualitative changes of chemical constituents of the raw materials. Consequently, the properties and functions of these herbs change. For example, aconite is from the collateral root of plant *Aconitum carmichaeli*. The main roots are used as aconitum. Aconitine has been known as the main poisonous component in both aconite and aconitum. Ancient Chinese found that toxicity of aconite and aconitum can be significantly reduced by boiling the materials in water for 2 hours or soaked in water for long time. This has been confirmed by modern studies that heating decomposes the structure of aconitine by breaking down its two ester bonds.
- (4) Similar to Western medicine, the toxicities of CMMs are related to the dose and the length of use. Increased dose or extended use may easily cause toxicity.
- (5) Chinese herbal formula should be prescribed by qualified TCM practitioners under the guidance of TCM theories and on the basis of TCM diagnosis. Herbs like aconite should be prescribed by trained practitioners with proper license, rather than sold as a dietary supplement that is available to everyone.

The unfortunate incidents with aconite in San Francisco could be due to any of the above reasons.

CMMs came to the U.S. in the late 1800s along with the first generation of Chinese immigrants. Since then, the use of Chinese herbs has saved lives not only in the Chinese American community, but also in the general public.

On the website of Offbeat Oregon History, there is an article titled "*Doc*" Hay, Oregon's pioneer Chinese herbalist" that starts with *Settlers in John Day in the late 1800s learned the healer of Kam Wah Chung could cure diseases others couldn't; all his patients survived the fatal Spanish Flu epidemic in 1919.* ^[4] (http://www.offbeatoregon.com/H005_DocHay.html)

However, some Chinese herbs have been banned in the past two decades for different reasons. A well-known case is ephedra, a commonly used Chinese herb that is very effective for treatment of common cold and cough. It was banned because it was tied to the death of the athlete Steve Bechler in 2003 who used it as a performance-enhancing agent. However, ephedra was never prescribed for this purpose in TCM.

Now the herbal tea containing aconite is again causing safety concerns over the use of Chinese herbs. How can we regulate herbs like ephedra and aconite that have saved countless people's lives but may also potentially cause harm due to misuse or abuse?

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AACH and ATCMA councils are composed of CMM and TCM experts. Most of us have Ph.D. degrees with experience in research or application of CMMs for several decades. To ensure the safe application of CMMs, we would like to offer the following recommendations to the California Department of Public Health and FDA:

- (1) Inviting experts of CMM research and application to set up a consultation group and work with the FDA, USDA and animal protection agency to discuss the effective and safe application of CMMs.
- (2) Establishing a special management team to propose new regulations for Chinese herbs, especially for herbs such as ephedra and aconite that are very effective in treating common diseases but have potential risk if being misused or abused.
- (3) Strengthening import management and providing FDA inspectors special training on identification of CMM materials.
- (4) Having accredited labs to analyze the imported CMM for safety.
- (5) Issuing licenses to those who are qualified to prescribe and sell certain CMMs such as ephedra and processed aconite.

CMMs are not only able to prevent, but also powerfully treat many acute and chronic diseases that current modern drugs fail to. A well-known example is the SARS outbreak happened in 2002 in China. TCM and CMM have made great contribution for Chinese becoming to the most populous nation in the world. Now we should let it serve people all over the world.

Sincerely Yours,

AACH and ATCMA council member

(Drafted by Willow Liu, the President of AACH, and corrected and approved by all council members of AACH and the president of ATCMA)

- [1] Sky Sturgeon, 2011. Sustainability Issues of Traditional Chinese Herbal Medicine- Part 1: Restricted Herb and Resource List. <https://www.mayway.com/pdfs/maywaymailers/Skye-Sturgeon-QM-Restricted-herbs-P1-10-2011.pdf>