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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

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August 3, 2026

Jerry Ross
Botanic Tonics
13105 E 61st St, Suite A
Broken Arrow, OK 74012

Dear Mr. Ross,

I write with concerns about your company's sale of kratom, your statements about product safety, and your financial ties to the Trump Administration. Scheduling decisions have far-reaching implications for public health, criminal justice, and ongoing scientific research. They are far too consequential to be influenced by partisan politics and campaign contributions. They should never be the subject of handshake deals between industry and the President's cabinet.

Until July 1, a banner appeared on the homepage of your company's website, front and center: **"ANNOUNCEMENT: FDA reinforces safety of natural leaf kratom."**¹

ANNOUNCEMENT: FDA reinforces safety of natural leaf kratom →

feel free.

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This is a false statement that in no way reflects the FDA's position on kratom. The FDA has never reinforced the safety of natural leaf kratom, and the agency maintains an active webpage about kratom which unequivocally states the following:

- "There are no prescription or over-the-counter drug products containing kratom or its known alkaloids that are legally on the market in the U.S."
- "Kratom is not appropriate for use as a dietary supplement."

¹ Botanic Tonics, <https://botanictonics.com/> (accessed June 25, 2026 and July 2, 2026)

- “FDA has warned consumers not to use kratom because of the risk of serious adverse events, including liver toxicity, seizures, and substance use disorder (SUD).”
- “FDA is also aware of cases involving neonatal abstinence syndrome, in which newborns experienced withdrawal signs such as jitteriness, irritability, and muscle stiffness following prolonged exposure to kratom prior to birth.”
- “There are no FDA-approved kratom drug products or over-the-counter drugs containing kratom that are legally on the market in the U.S. FDA continues to warn consumers not to use kratom because of the risk of serious adverse events, including liver toxicity, seizures, and substance use disorder (SUD).”²

These clear warnings are incompatible with your false assertion that the FDA has “**reinforce[d] [the] safety of natural kratom.**” I was glad to see this banner removed from your website earlier this month, but its presence and its removal invite further questions.

In addition to my concerns about the public health impact of false statements like this one, I also write concerning reports that members of President Trump’s cabinet have abused their government positions to stifle kratom’s competitors and to enrich themselves in the process. For example, Secretary of Homeland Security Markwayne Mullin has advocated for restrictions on kratom’s synthetic competitors while holding a sizable financial stake in Botanic Tonics.³ This is corruption.

I have long supported careful consideration of any evidence that kratom may have therapeutic potential. In 2016, the Drug Enforcement Administration (DEA) announced hasty plans to schedule kratom without an adequate notice and comment process, and I asked the former DEA Administrator to delay and reconsider the agency’s scheduling decision.⁴ I believed then, as I do now, that decisions of this magnitude must be made with a rigorous review of evidence and input from the medical research, law enforcement, and substance abuse treatment communities, and not simply handed out as favors to wealthy donors. The DEA backed down from its plan to schedule kratom in 2016. However, in the decade since then, we have not seen a body of peer-reviewed research supporting the safety of kratom or identifying breakthrough clinical uses. The nation’s leading addiction specialists are telling us that more and more patients with opioid use disorder developed the condition by first using kratom products.⁵ Clinicians say that kratom “is

² U.S. Food and Drug Administration, *FDA and Kratom*, December 2, 2025, <https://www.fda.gov/news-events/public-health-focus/fda-and-kratom>

³ Kenneth P. Vogel and Christina Jewett, *How an Addictive Gas Station Drug Found Allies in Trump’s Cabinet*, New York Times, June 15, 2026, <https://www.nytimes.com/2026/06/15/us/politics/kratom-trump-administration.html>

⁴ Senators Booker, Gillibrand, and Wyden, Letter to U.S. Drug Enforcement Administration Acting Administrator Charles P. Rosenberg, September 29, 2016, <https://kratomanswers.org/wp-content/uploads/2022/07/Booker-Gillibrand-Wyden-kratom-letter.pdf>

⁵ Andrew Kolodny, ‘It’s an opioid’: My patients are becoming addicted to this ‘supplement,’ Washington Post, July 14, 2026, <https://www.washingtonpost.com/opinions/2026/07/14/kratom-is-an-opioid-dea-should-regulate-it-like->

increasing the prevalence of opioid use disorder,” and that “[b]eing able to buy an opioid at a convenience store is going to make the opioid crisis worse.”⁶ Kratom has been banned in eight states, but is elsewhere sold freely in gas stations and smoke shops; in more than a dozen states, there is no minimum age required for purchase.⁷ And the Food and Drug Administration (FDA) continues to unequivocally warn consumers not to use kratom because of the risk of serious adverse events, including liver toxicity, seizures, and substance use disorder (SUD).⁸

The U.S. Senate Finance Committee has jurisdiction over Medicare, Medicaid, the Children’s Health Insurance Program, and dozens of health and human services programs that are heavily burdened by addiction and disease. As the Committee’s Ranking Member, I am opening an investigation into the kratom industry, your company’s relationship with Secretaries Kennedy and Mullin, and what it all means for U.S. public health and taxpayer-funded healthcare.

On July 1, the DEA announced a plan to temporarily schedule 7-OH products with certain concentrations, and three additional 7-OH derivatives, as Schedule 1 substances illegal for purchase and sale for two years.⁹ This regulatory action is exactly what Secretary Mullin wants: it will remove Botanic Tonics’s synthetic competitors from shelves so that your products gain market share and his investment soars. I am concerned that this announcement is grounded in politics rather than in science. After the DEA’s July 1 announcement, you removed the website banner discussed above, and you replaced it with a banner announcing the DEA’s action:

ANNOUNCEMENT: DEA SCHEDULES 7-OH →

feel free.

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When users click this new banner, they are taken to a page with more misinformation: “**Natural kratom leaf enjoys inherent consumer trust though centuries of safe use...synthetic 7-OH products bear absolutely no resemblance to the natural kratom leaf products...**”¹⁰ As you know, this is false, and the FDA’s website continues to make clear: “There are no FDA-approved kratom drug products or over-the-counter drugs containing kratom that are legally on the market in the U.S. **FDA continues to warn consumers not to use kratom** because of the risk of serious

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⁶ Eric Berger, More US states push to ban kratom drink deemed ‘gas-station heroin’, The Guardian, June 16, 2026, <https://www.theguardian.com/us-news/2026/jun/16/drink-kratom-bans>

⁷ Id. See also Global Kratom Coalition, Natural Kratom Regulation Map, 2026, <https://globalkratomcoalition.org/regulation-map>

⁸ U.S. Food and Drug Administration, FDA and Kratom, December 2, 2025, <https://www.fda.gov/news-events/public-health-focus/fda-and-kratom>

⁹ U.S. Department of Health and Human Services, HHS, *FDA Commend DEA Action Against Dangerous Enhanced 7-OH Products*, July 1, 2026, <https://www.hhs.gov/press-room/hhs-fda-support-dea-7-oh-scheduling.html>

¹⁰ Botanic Tonics, <https://botanictonics.com/> (accessed July 2, 2026)

adverse events, including liver toxicity, seizures, and substance use disorder (SUD).”¹¹ This misinformation needs to be removed from your website.

The Trump Administration claims that it wants to “Make America Health Again,” but its actions speak louder than its words. There is a two-pronged fakery at the heart of the MAHA movement: Secretary Kennedy casts doubt upon safe and effective remedies – like tylenol, the measles vaccine, or vitamin K for newborns – while cloaking risky and experimental products like kratom with a false allure of safety and “wellness.” Both prongs of this strategy are carried out by social media influencers, B-list celebrities, and self-dealing “entrepreneurs” who write big checks and make handshake deals with government officials. Meanwhile, curious teenagers become addicts. Kratom has been found in the bodies of thousands of overdose victims, both alone and in combination with opioids.¹² Doctors are seeing more patients develop addiction to kratom drinks, and addiction centers are seeing a new wave of patients seeking treatment for kratom addiction—to both natural and synthetic formulations.¹³ As we begin an investigation into the kratom industry, its impacts on U.S. public health, and its ties to the Trump administration, we look forward to your timely responses.

Please provide written responses to the following questions and inquiries by August 31, 2026:

1. Describe the difference(s) between the kratom products sold by Botanic Tonics and the 7-OH products sold by companies including Shaman Botanicals. If you rely on any published scientific research to support these distinctions, please share copies of that research.
2. Until July 1, 2026, the [Feel Free product website](#) contained a deceptive banner that stated: “**ANNOUNCEMENT: FDA reinforces safety of natural leaf kratom.**” Please explain when and why this banner was removed from your website.
3. As of July 2, 2026, a new website banner announces DEA’s proposed scheduling of 7-OH and takes users to a page that claims: “**“Natural leaf kratom enjoys inherent consumer trust though centuries of safe use...synthetic 7-OH products bear absolutely no resemblance to the natural kratom leaf products...”**”¹⁴ As discussed above, this statement is false. Please confirm that it has been removed from your website, or explain when it is scheduled for removal.

¹¹ U.S. Food and Drug Administration, *FDA and Kratom*, December 2, 2025, <https://www.fda.gov/news-events/public-health-focus/fda-and-kratom>

¹² Kenneth P. Vogel and Christina Jewett, *How an Addictive Gas Station Drug Found Allies in Trump’s Cabinet*, New York Times, June 15, 2026, <https://www.nytimes.com/2026/06/15/us/politics/kratom-trump-administration.html>; Suriaga AA, Tappen RM, McCurdy CR, Newman D, Grundmann O, Kelly JF. *The Associations of Kratom (Mitragynine), Opioids, Other Substances, and Sociodemographic Variables to Drug Intoxication-related Mortality.*, J Addict Med. 2025 May-Jun 01;19(3):306-313.

¹³ Sumathi Reddy, *What You Need to Know about Kratom*, Wall Street Journal, August 16, 2025, <https://www.wsj.com/health/wellness/kratom-supplement-safety-b63d0573>

¹⁴ Botanic Tonics, <https://botanictonics.com/> (accessed July 2, 2026)

4. The labels on Feel Free beverages now contain a warning that kratom “can become habit-forming and cause serious adverse health effects.”
 - a. How did you reach the decision that it was necessary to include this warning on your products?
 - b. What are the serious adverse health effects that Feel Free beverages can cause?
 - c. How do your products cause these serious adverse health effects?
 - d. When did you learn that your company’s products can cause these serious adverse health effects?
 - e. When did you begin marketing your products with this warning label about the serious adverse health effects?
 - f. What research has your company conducted to learn more about these serious adverse health effects?
5. When did you first meet Robert F. Kennedy, Jr.?
6. What conversations have you had with Robert F. Kennedy, Jr. about kratom, both before and since he became the U.S. Secretary of Health and Human Services?
7. Please list the date, amount, and recipient of every political campaign contribution or Political Action Committee contribution you have made during the last ten years.
8. Please list the date, amount, and recipient of every political campaign contribution or Political Action Committee contribution that Botanic Tonics or any of its affiliates or subsidiaries have made during the last ten years.
9. Why did you donate to Secretary Kennedy’s presidential campaign after he had suspended his campaign and been selected for a cabinet position in the Trump Administration?
10. Ryan Niddel, the CEO of Diversified Botanics, has made publicly reported comments that the kratom industry’s support for members of the Trump Administration is “*not pay to play. It’s pay to have conversations. It’s pay to have a chance at the table.*” Is that a fair and accurate description of the campaign contributions you made to Secretary Kennedy’s former presidential campaign?
11. When did you first meet former Senator and current Secretary of Homeland Security Markwayne Mullin?
12. When did Secretary of Homeland Security Markwayne Mullin acquire a financial stake in Botanic Tonics?

13. Other than Secretary Mullin, please list the names of all government officials who hold, or have previously held, an ownership interest in Botanic Tonics.
14. Please list the names of all federal government officials who have met with you, with another employee of Botanic Tonics, or with a lobbyist hired by Botanic Tonics, since January 20, 2025.
15. What policy changes have you or your hired lobbyists asked federal government officials to make, or to oppose, since January 20, 2025?
16. What policy changes have you or your hired lobbyists asked state government officials to make, or to oppose, since January 20, 2025?
17. Have you or your hired lobbyists ever asked federal government officials to remove information about kratom from government webpages?

Sincerely,



Ron Wyden
United States Senator
Ranking Member, Committee
on Finance