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October 30, 2026

A.G. Sulzberger
Publisher
The New York Times
New York, New York

RE: Formal Request for Significant Correction or Retraction of October 28, 2026, Article Mischaracterizing DEA Scheduling of 7-OH and Mitragynine Pseudoindoxyl

Mr. Sulzberger:

I am writing on behalf of the American Kratom Association (AKA) to formally request that *The New York Times* publish a prominent and substantial correction, or retract its October 28, 2026, article entitled *"Trump Administration Backs Down on an Opioid Ban After Kratom Industry Lobbying."*

The article presents a materially incomplete and misleading characterization of the Drug Enforcement Administration's revised scheduling rule for 7-hydroxymitragynine (7-OH) and mitragynine pseudoindoxyl (MGPI). It portrays the Trump administration's revised action as a retreat from efforts to control dangerous opioid products while failing to adequately explain the new regulatory framework, which combines the concentrations of these two potent opioid compounds and establishes an independent alkaloid-ratio requirement.

The most consequential omission is that the revised DEA proposal does not establish separate permissible concentration thresholds for 7-OH and MGPI. Instead, it establishes a single combined concentration threshold that applies to both compounds, whether present individually or together.

That distinction fundamentally changes how the regulation operates, and it is essential to an accurate understanding of the federal government's action.

The Revised DEA Proposal Establishes a Combined Concentration Limit for Two Potent Opioid Compounds

The original July 2026 DEA notice for the scheduling of 7-OH above specified concentration thresholds did not consider the presence of MGPI in trace amounts that exist in plant material prior to processing into a finished product. MGPI was placed into Schedule I without a threshold under a separate temporary scheduling order issued on August 26, 2026.

The October 14, 2026, revised notice creates a different regulatory framework by establishing a common concentration threshold that applies to 7-OH, MGPI, or the combined amount of both compounds when they are present in the same product.

Under the proposed standard, Schedule I controls would apply when:

> **First:** The amount of 7-OH or MGPI, individually or combined, exceeds 1 milligram per gram in a solid product or 1 milligram per milliliter in a liquid product.
>
> **Second:** Independently of the concentration threshold, the ratio of mitragynine to 7-OH, MGPI, or their combined amount falls below 100-to-1 by mass.

The concentration and ratio provisions are connected by the word “OR,” meaning that a product meeting either criterion would be subject to Schedule I controls.

This is an essential change that enhances the restrictions on these synthesized opioids, and the article failed to properly account for this change in the rule.

For example, a product containing 0.6 milligrams of 7-OH per gram and another 0.5 milligrams of MGPI per gram would have a combined concentration of 1.1 milligrams per gram.

That product would meet the proposed Schedule I concentration criterion, even though neither individual compound exceeds 1 milligram per gram. The manufacturer could not claim that each compound is entitled to its own separate 1 milligram-per-gram allowance.

The DEA's revised rule expressly prevents that interpretation by requiring the compounds to be counted together.

In other words, the proposed 1 milligram-per-gram or 1 milligram-per-milliliter threshold is a combined ceiling for both compounds, not an individual allowance for each.

That is a critical consumer protection provision missing from the Times' characterization of the action.

The Revised Rule Also Establishes an Independent 100-to-1 Alkaloid-Ratio Requirement

The revised rule goes further by adding a second, independent criterion that evaluates the relationship between mitragynine, the principal alkaloid of natural botanical kratom, and the combined concentrations of 7-OH and MGPI.

Under this requirement, a product containing either compound would be subject to Schedule I controls if the mass of mitragynine divided by the mass of 7-OH, MGPI, or their combined amount is less than 100.

This requirement provides an additional means of identifying products whose alkaloid composition has been altered beyond the proposed regulatory threshold.

For example, a product containing only 0.4 milligrams per gram of combined 7-OH and MGPI would nevertheless meet the scheduling criterion if it contained only 20 milligrams per gram of mitragynine.

The resulting ratio would be 50-to-1, below the required 100-to-1 standard.

Thus, remaining below the combined concentration threshold does not, by itself, prevent a product from being subject to Schedule I controls.

The original July proposal did not establish this independent ratio test that now substantially strengthens protections for consumers rather than weakening them.

The October revision adds that requirement while extending the combined concentration framework to MGPI.

This substantially changes the regulatory approach and cannot accurately be described simply as an increase in the permissible amount of 7-OH.

The Revised Standard Cannot Be Fairly Characterized as Simply Loosening Federal Opioid Controls

The revised framework establishes a unified test encompassing two separate opioid-active compounds. A manufacturer cannot avoid the concentration requirement by dividing the opioid content between 7-OH and MGPI.

Nor can a manufacturer necessarily avoid Schedule I controls simply by keeping the combined amount below the concentration limit, because the independent 100-to-1 ratio test will still apply.

These additional safeguards materially affect the products that would become subject to federal controls.

The appropriate characterization is that the DEA has revised its scheduling approach to use a combined concentration threshold for 7-OH and MGPI, together with an independent alkaloid-ratio threshold, rather than relying solely on the earlier 7-OH concentration provisions and a separate no-threshold MGPI listing.

That is a substantive regulatory revision that substantially strengthens enforcement on these illicit opioids, not the simple relaxation portrayed in the article.

Manufacturers remain subject to applicable federal requirements concerning adulteration, misbranding, product safety, and unlawful marketing practices. These distinctions are fundamental to understanding the federal government's action, yet they are obscured by the Times' characterization of a “political retreat.”

The Public Health Consequences of Inaccurate Reporting Are Significant

The American Kratom Association has advocated for enforceable limits on enhanced 7-OH concentrations since 2019, long before chemically manipulated 7-OH products became a major commercial market.

We strongly support federal action against dangerous chemically manipulated opioid products and have consistently urged policymakers to distinguish those substances from properly formulated natural botanical kratom.

The significance of the new combined threshold cannot be overstated.

Consumers, manufacturers, regulators, law enforcement officials, and state legislators need to understand that 7-OH and MGPI are not entitled to separate concentration allowances under the revised rule. Their combined amounts determine compliance with the concentration criterion, and the independent alkaloid-ratio test provides an additional basis for scheduling.

Mischaracterizing the revised rule as simply allowing higher levels of dangerous opioids into the marketplace may contribute to substantial public misunderstanding of federal drug policy.

That misunderstanding has consequences as state legislatures and local governments evaluate whether to regulate natural botanical kratom separately from chemically manipulated opioid products.

The role of responsible journalism is to explain the actual regulatory standard, including the elements that complicate a preferred political narrative.

Formal Request for Correction or Retraction

The American Kratom Association respectfully requests that *The New York Times* immediately review its October 28 article and publish a prominent correction that clearly explains the following facts:

1. The October DEA rule establishes a combined concentration threshold applicable to both 7-OH and mitragynine pseudoindoxyl, rather than separate concentration allowances for the two substances.
2. When both compounds are present, their combined concentrations are used to determine whether the 1 milligram-per-gram or 1 milligram-per-milliliter threshold is exceeded.
3. The rule establishes a second, independent 100-to-1 ratio requirement, under which a product may be subject to Schedule I controls even when its combined concentration remains below the absolute threshold.
4. The revised rule changes the scope of the earlier federal actions, but it enhances consumer protections and does not simply authorize manufacturers to increase opioid concentrations without regard to the combined amount and the product's alkaloid composition.

We further request that the Times revise the article's headline and central characterization to reflect accurately the regulatory substance of the federal action.

If the newspaper determines that these substantial omissions and mischaracterizations cannot be adequately corrected without fundamentally changing the central premise of the article, we request its full retraction.

We also request that an appropriate correction be communicated to outlets that have republished the article.

The scientific and regulatory record is readily available. The October 14 Federal Register notice plainly states the combined concentration and independent ratio requirements.

The October 9 announcements from HHS and DOJ explain the rationale behind those requirements.

There is no justification for leaving readers with an incomplete understanding of what the federal government has proposed.

The central issue is straightforward: the DEA's revised proposal does not provide separate concentration allowances for 7-OH and MGPI. It counts them together, and it adds an independent ratio test that can trigger Schedule I controls even below the combined concentration threshold.

Those are material regulatory facts that must be accurately communicated.

We respectfully request a prompt written response identifying the corrective action the Times intends to take.

Sincerely,



Mac Haddow
Senior Fellow on Public Policy
American Kratom Association

cc: Joseph Kahn, Executive Editor, The New York Times
Susan Wessling, Standards Editor, The New York Times

Supporting Authorities

1. Drug Enforcement Administration, *Schedules of Controlled Substances: Temporary Placement of 7-Hydroxymitragynine Above a Specified Threshold in Schedule I*, 91 FR 40917, July 6, 2026.
2. Drug Enforcement Administration, *Temporary Placement of Mitragynine Pseudoindoxyl, MGM-15, and MGM-16 in Schedule I*, August 26, 2026.
3. Drug Enforcement Administration, *Temporary Placement of 7-Hydroxymitragynine and Mitragynine Pseudoindoxyl Above a Specified Threshold in Schedule I*, 91 FR 65370, October 14, 2026, Docket DEA-1570.
4. U.S. Department of Justice, *Department of Justice Announces Updates to Emergency Scheduling Actions for 7-OH and Related Opioid Substances*, October 9, 2026, updated October 19, 2026.
5. U.S. Department of Health and Human Services, *HHS Recommends Science-Based Thresholds to Target Dangerous Enhanced Kratom Products*, October 9, 2026.