National Council of Women of New Zealand
Te Kaunihera Wahine O Aotearoa

National Office
Level 4 Central House
26 Brandon Street
PO Box 25-498
Wellington 6146
(04) 473 7623
www.ncwnz.org.nz

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Submission to the New Zealand Food Safety Authority on the Proposed Changes to the Regulation of Dietary Supplements

The National Council of Women of New Zealand (NCWNZ is an umbrella organisation representing 42 Nationally Organised Societies NOS) and National Members. It has 31 branches throughout the country attended by representatives of those societies and some 150 other organisations and individual members. This submission has been prepared by the Consumer Affairs Standing Committee.

The function of NCWNZ is to work for the well being of women, the family and the community at local, national and international levels through research, study, discussion and action.

The Council as the spokesperson for these women's groups has had a long term interest in the development of Food Safety Standards and Dietary Supplements and has written a number of submissions relating to the regulation of these products. Primarily NCWNZ's concern has been with the protection management of health and safety risks from a consumer perspective.

NCWNZ has appreciated the opportunity to keep our members informed of the work being undertaken by the New Zealand Food Safety Authority (NZFSA) and values the involvement. Because of time constraints and a short response timeframe for this submission, we were unable to consult widely with our membership on this Discussion Document outlining the proposed changes to the Regulation of Dietary Supplements.

The nucleus group of the Consumer Affairs Standing Committee of NCWNZ and other interested members have received the above document and submitted their views and opinions. The committee is pleased that Dietary Supplements – both food-type and therapeutic-type, are being reviewed and endorses the proposed changes to the regulations as set out in the discussion document.

Responses from members included:

(7.2) ...Purpose

- Agreement that increasing numbers of consumers are buying supplements without adequate information being made available and the type of products being sold under the Regulations has extended well beyond the intended coverage and contain substances that claim to have therapeutic benefit. The proposed changes would bring these products under the regulatory umbrella of the trans-Tasman therapeutics regulatory agency as complementary medicines and this was considered to be of paramount importance for consumer safety and protection.
- Agreement that it is imperative for Dietary Supplements to be monitored and regulated in the interest of public health and safety. This is deemed necessary to prevent interactions with other prescriptions drugs and to give assurance to the consumer about safety and quality; also many food-type dietary supplements are unsuitable for use by certain population groups (children, pregnant and lactating women and others at risk).

- Concern was expressed in a few responses that many consumers are unaware of the health hazards of "overdosing" on vitamins and minerals and of self-medicating with alternative type health remedies and supplements.
- Responses agreed that the regulations were outdated and in need of reform. Where there is existing consumer support for products, e.g. health bars/yoghurts with added vitamins or minerals or bio-active substances which have been available for some time without causing safety concerns, i5t was agreed it is necessary to ensure a suit able regulatory environment to allow the continued sale and manufacture of these food-type dietary supplements and provide regulatory coverage as proposed.

(7.3) Scope

- Agreement that a panel of food and therapeutic experts should be established to make an assessment where the regulatory status of a prduct may be in doubt.

(7.4) Inclusions

- Agreement that if food products do not meet the requirements of the Code then they may be a complementary food if the factors outlined for inclusion are met.

(7.5) Exclusions

- Responses supported the proposal to regulate therapeutic-type dietary supplements as therapeutic products and food products marketed as having 'a therapeutic use or purpose' should be excluded.
- It was agreed that inclusion and exclusion criteria should apply to all imported food as outlined in the proposed changes and that the criteria are appropriate for all dietary supplements. Labelling provisions of any imported food must meet standards that apply in New Zealand to minimise potential harm arising from misuse. Nutritional content and additives should be clearly shown on the label and written in English and include allergens that may be in the product.
- Some responses questioned the availability and control of food-type Dietary Supplements containing alcoholic substances and recommended strict regulation of these products (particularly as they may be available to the under 18 age group) and considered they should not be eligible as dietary supplements.

(7.7.2) Vitamins, Minerals and Nutritive substances

- Members did not feel sufficiently qualified to comment on the questions relating to Vitamins, Minerals and Nutritive substances in terms of levels of evidence of safety. It was agreed that limits that exceeded those permitted in the Code, or not currently addressed in the Code should be made by the food and therapeutic experts panel to address and decide on required levels of evidence of safety, use of warning labels or advisory statements and requirements for manufacturers to hold this evidence.

(7.7.3) Labelling

- Responses endorsed the proposed changes to the Regulations as submitted to the NZFSA in the discussion document 2004 and again stressed the importance of improved labelling of all food-type Dietary Supplements and fully agree with the proposals and mandatory labelling requirements as outlined in 7.7.3. This would provide necessary protection for public health and safety and consumer information and be clearly labelled as a "Complementary Food".

(7.7.4)..Safety

- Responses considered that there were no reasons/circumstances that would allow consideration for complementary foods to not be required to meet the safety standards. This would also apply to imported foods as they may contain contaminants and natural toxicants and micro-organisms that pose a risk to human health.

(7.7.5) Premarket assessment
(7.7.6) Prohibited and restricted substances
(7.8) Quality Assurance
(7.8.1) Sanctions and Compliance

- All responses agreed with proposals outlined in these sections of the document.

(7.8) A few responses questioned who would be responsible for the ongoing checking of Dietary Supplements to ensure labelling continues to be accurate and nutritional content and additives meet the required levels as claimed. Will these standards be monitored regularly and tested under requirements of Food Control plans or equivalents under the Domestic Food Review?

(7.9) Transitional Provisions

- It was agreed that 12 months would be a reasonable transition time to accommodate changes to labelling and composition for products currently being sold as food-type dietary supplements in the interests of public health and safety.

NCWNZ thanks the NZFSA for the opportunity to comment on this discussion document and looks forward to following the progress of the proposed changes to the Regulation Dietary Supplements and involvement in further consultation in 2007.

Christine Low
National President

Jan Brown
Convenor, Consumer Affairs Standing Committee