



24 February 2012

S12.01

Submission to the Health Committee on the Natural Health Products Bill no. 324-1

The National Council of Women of New Zealand (**NCWNZ**) is an umbrella organisation representing 51 nationally organised societies and national members. It has 23 branches throughout the country attended by representatives of those societies and some 150 other societies as well as individual members. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action.

This submission has been prepared by the NCWNZ Consumer Affairs Standing Committee, after consultation with the membership and the Parliamentary Watch Committee and using input gathered from many previous submissions on this topic over several years.

General Comments

- The market for natural health products has grown hugely in the past 20 years. There is widespread agreement from the NCWNZ membership that current regulations are not protecting consumers from misleading claims and potentially unsafe products.
- NCWNZ supports the Natural Health Products Bill which will establish a system for the regulation of low-risk natural health products in New Zealand – herbal remedies, traditional treatments, homeopathic remedies and dietary supplements.
- NCWNZ membership supports the establishment of a natural health products regulator within the Ministry of Health (Cl.8) and the appointment of a technical expert advisory committee (Cl.10)
- There was also agreement that regulatory-making powers should set labeling requirements, good manufacturing standards, and the standards of evidence required to make a claim of a health benefit. These standards should be to internationally recognised standards.
- It was also agreed that natural health products should be notified to an online register, and that the addition of new ingredients prior to marketing should be notified, as well as a list of prohibited ingredients and export certification. An appeals mechanism is also a necessary provision in the Bill.

- Some members expressed concerns that allowing some practitioners (e.g. Rongoa¹ Maori practitioners) to have exemption from notification and manufacturing requirements for certain categories of product, may present a health risk to the consumer.

Comments on the Bill

Part 1 Preliminary matters

Clause 6 Definitions of natural health product

Members agreed that the key aspects of the definition are comprehensive relating to what the product contains, how it is to be administered and the intended health benefits of the products. It was emphasised that these health benefits should be limited to 'low-level' claims that any product prevents or relieves the symptoms of only minor illnesses.

Clause 10 Advisory committee

Members agreed that an advisory committee to provide expert advice to the Authority should be established and function efficiently as proposed, and that the appointed committee members should have expertise in an area of knowledge that relates to or is relevant to natural health products. Some members considered that this committee should include not only technical experts but also representation from consumer or industry stakeholders. In some circumstances the latter should be consulted by the advisory committee.

Clause 10 (2) refers to 'not more than 8 members'. Some members suggested that a minimum number should also be provided to ensure a full range of expert advice. An Advisory Committee of 3 or 4 would comply with the law but may not cover all areas of expertise. Advisors should also include appropriate language speakers.

Clause 11 Product database

It was agreed that a natural health products database, established and maintained by the Authority, was a mandatory requirement. Only those ingredients included in the database must be used in products. A prohibited ingredients list is also recommended as proposed, (as set out in Clause 21) and should be established on the database and readily available to the public in multiple languages.

Clause 12 Sponsors resident in New Zealand

Members agreed strongly with the specification that sponsors must be resident in New Zealand.

Part 2 Regulation of natural health products

Clause 13 Product notification

¹ Rongoā Māori is the traditional healing system of Māori. It focuses on the oral transmission of knowledge, diversity of practice and the spiritual dimension of health. Rongoā Māori encompasses herbal remedies, physical therapies and spiritual healing.

NCWZN members agreed that a natural health product must not be distributed in New Zealand without a product notification having been completed for the product. The notification must be made to the Authority and completed by the sponsor in the prescribed manner. However, concern was expressed that natural health products may be imported and distributed without meeting those requirements e.g. Chinese traditional and other medications. These 'natural health products' may be contaminated, contain incorrect ingredients and dosage and undeclared prescription drugs of which the New Zealand resident sponsor may be unaware.

Clause 22 and Clause 23 New Ingredients

Natural health products are not subject to the same evidence-based scientific testing and regulation as conventionally prescribed medicine and some members considered this could be a concern and present health risks for the consumer. It was suggested by some that provision of scientific-based evidence about the expected benefits, side effects and risks of new ingredients should be a mandatory requirement before distribution. The clauses on New Ingredients make it imperative that the Advisory Committee has sufficient members to enable proper vetting of new ingredients.

Clause 24 Labelling

Responses strongly supported the requirement that natural health products that are distributed in New Zealand comply fully with the labeling requirements prescribed in the regulations. It was also emphasised that generic measurements, relating to the legibility and durability of the labeling of products, be a mandatory inclusion. Labels should be clearly readable by all New Zealanders with the use of strong colours and also include relevant warning statements where appropriate e.g. interaction with prescription medicines and allergic reactions to the products. The name, quantity of each active ingredient, and dose information must be clearly printed. The provision of leaflets in a variety of languages, with product information additional to that contained on the label on the container, was also recommended.

Many responses expressed concern about the labeling requirements prescribed in the regulations for the labeling of natural health products and questioned whether they included specific instructions as discussed above. Anecdotal information was received showing that some of the main New Zealand supermarket chains sell products such as cracker biscuits where the only labeling is in an Asian language. In addition, New Zealand's increasingly multi-ethnic population has seen the increase of Asian shops selling ethnic foodstuffs and products with Asian language labeling.

Clause 27 Code of practice for manufacture

Responses strongly supported a code of practice to address any potential risks in the manufacture of natural health products. This was considered essential for reference and consumer protection.

Clauses 36 to 40 Related to fees and penalties

NCWZN members support the sanctions and penalties prescribed in the above clauses. Advertisements for natural health products sold through online retailers and on websites have often claimed that supplements treat, prevent or cure a range of conditions – some serious. This advertising should be closely monitored by the Authority and Therapeutic Advertising Pre-selling System (TAPS) adjudicators, and should include radio, press and TV advertising. Sanctions and penalties should be applied to all who commit an offence.

Clause 46 Transitional provisions

It was agreed that transitional arrangements for products that were sold before the commencement of the Act should be provided for and comply with the requirements in subsection 3 (a) (b) (c).

Clear direction and information was considered necessary for consumers to avoid possible confusion when self-selecting natural health products during the transition time. A public education campaign about the new regulation – before the Bill is enacted and over the transition period – was considered advisable for industry, and to assist the consumer to become fully informed about changes.

Clause 48 Review of the Act

NCWZN supports the requirement that the Ministry of Health conduct a review of the policy of the Act no later than 5 years after the commencement of the Act.

Summary

NCWZN membership is supportive of the changes in the proposed legislation. The over-arching policy objective to have a New Zealand based regulatory scheme that is cost effective, regulates manufacture, supply and promotion with provisions of adequate and reliable information, will give consumers confidence that natural health products are safe, true to claim and true to label. NCWZN believes that this new system will need to be supported by robust monitoring and enforcement to ensure compliance with the regulations. To this end NCWZN proposes:

* That the Advisory Committee (CI 10) must be made up of a number (to a maximum of eight) great enough to ensure the depth of expertise needed for effectiveness.

* The product database (CI 11) must be available in all the main languages to give consumers access to product information - including details of the evidence companies use to support any therapeutic claims.

* A Complaints Service should be included – perhaps in Section 48 Ministry must Review Act. This would further enable consumers to report concerns about misleading advertising, potentially unsafe product, or poor quality of any other product. Such a service appears to have been omitted from the Bill.

NCWNZ thanks the committee for the opportunity to make a submission on the Natural Health Products Bill.

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