

**SUBMISSION ON THE PROPOSED CHANGES TO THE REGULATION OF  
DIETARY SUPPLEMENTS  
NZFSA DISCUSSION PAPER 02/07**

The New Zealand Food & Grocery Council (the FGC) represents the major processed food manufacturers and suppliers in New Zealand. It welcomes the opportunity to comment on the Discussion Paper “Proposed Changes to the Regulation of Dietary Supplements” (the Paper).

### **GENERAL COMMENTS**

The FGC agrees that it is timely that a review of the Dietary Supplements Regulations is being undertaken because the range of products now being marketed as Dietary Supplements is far different from the range of products that were on the market when the Dietary Supplement Regulations 1985 came in to effect in 1987.

The FGC was supportive of the proposed changes outlined in the NZFSA’s “Proposed Changes to the Dietary Supplements Regulations 1985” Discussion Paper released in 2004. The FGC’s views outlined in the submission it presented in respect of that Paper have not changed.

The FGC agrees the regulations do not provide adequate control for the products that currently fall within the ambit of the Dietary Supplements Regulations. The fact that food type dietary supplements (FTDS) are not subject to the same rigorous controls as other food products is of concern, particularly as a significant percentage of the population consume such products. Given the rigor and safety assessments to which Applications and Proposals under the Australian New Zealand Food Standards Code (the Code) are subjected before they are approved as safe and fit for purpose, it is essential and equitable that FTDS should be subject to the same safety assessments and legislative requirements.

### **SPECIFIC COMMENTS**

#### **The Proposal. Section 6**

The FGC agrees with the proposed approach taken in respect of FTDS, therapeutic type dietary supplements and foods containing intoxicating substances. The proposal to regulate FTDS under a new set of regulations the Complimentary Food Regulations (Proposed

Regulations) to provide transitional regulatory coverage is, the FGC submits, a sound approach.

The FGC believes however that the Proposed Regulations must be aligned with the Australian New Zealand Food Standards Code (the Code) not “aligned as much as possible”. In addition the Proposed Regulations should not only ensure alignment with the compositional and labelling requirements but also the same safety assessments to which all foods that fall within the ambit of the Code are subjected.

### **Interpretation. Section 7.1**

For the reasons noted above in respect of the Proposal, the FGC submits, the second bullet point in 7.1 should state “The purpose of defining “appropriate permission” is to ensure alignment with the Code”. The words “to the maximum extend possible” should therefore be deleted.

### **Purpose. Section 7.2**

The purpose as outlined in Section 7.2 is supported.

### **Inclusions. Section 7.4**

The FGC submits that further consideration is required as to what qualifies for inclusion as a “complimentary food”. For example what would happen to a complimentary food that qualifies because appropriate standards are under development and/or amendment by FSANZ or appropriate standards are to be developed or amended but are awaiting Food Regulation Policy Guidelines but these do not in fact eventuate?

In respect of the third bullet point there should be a caveat that the manufacturer/supplier must provide evidence as to the safety of the product.

### **Exclusions. Section 7.5**

The FGC is supportive of the exclusions as listed in this Section.

### **Questions Raised (Page 12)**

The FGC agrees inclusions and exclusions should apply to imported foods.

Comments in respect of Question 2 are covered above.

### **Questions. Section 7.7.2**

The same level of evidence of safety and requirements on manufacturers should apply to complimentary foods as apply to foods under the Code.

### **Labelling. Section 7.7.3 and Safety Section 7.7.4**

As already noted above the FGC submits there are no reasons why complimentary foods should not be required to meet the same labelling and safety requirements of the Code.

### **Quality Assurance. Section 7.8**

Similarly it should be a requirement that manufacturers and suppliers of complimentary foods are encouraged to adopt Food Control Plans (or their equivalence) as quickly as possible.

### **Transitional Provisions. Section 7.9**

The FGC recognises, for many products, that in order to meet the requirements of the proposed regulations a reasonable timeframe will be needed to make the necessary changes. A minimum of eighteen months; preferably twenty-four months should be allowed. A stock in trade provision will also be necessary.

### **CONCLUSION**

The FGC supports the Proposal that FTDS should be regulated under the Complimentary Food Regulations.

It believes however that there must be consistency of food legislation trans-Tasman and therefore it is hoped the Complimentary Food Regulations will be a short-term measure. The regulation of complimentary foods should be incorporated into the Code as soon as possible.



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