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SPECIAL REPORT

New Zealand: Supplemented Food Standard

By David Panasiak*

After a long wait, amendment to the New Zealand Dietary Supplements Regulations 1985 came into effect on 31 March 2010. These became effective immediately and removed permission for foods to be dietary supplements. Transitional provisions for a period of two years relating to food-type dietary supplements have been built into the new Supplemented Food Standard which came into effect at the same time. ([Http://www.nzfsa.govt.nz/policy-law/legislation/food-standards/index.htm](http://www.nzfsa.govt.nz/policy-law/legislation/food-standards/index.htm))

The new Supplemented Food Standard brings the New Zealand system closer to the dual system in Australia, where there are foods and therapeutics and nothing in between. Dietary supplements will now be restricted to therapeutic-type products similar to complementary medicines in Australia. New Zealand Supplemented Foods would be illegal foods if they were produced in Australia or imported into Australia from anywhere except New Zealand. The mutual recognition treaty between the two countries means that, as food products in New Zealand, they could be exported to Australia and sold with impunity. In his article on the NZFSA website, Chief Executive Andrew McKenzie (<http://www.nzfsa.govt.nz/publications/ce-column/2010/2010-03-ce-web-column-dsr.htm>) states that the new standard will bring labelling of food-type dietary supplements into line with the more stringent requirements of foods under the Australia New Zealand Food Standards Code (ANZFS). Labelling of Supplemented foods will more closely resemble other foods with the exception that they must carry the name "Supplemented Foods" prominently on the pack to distinguish them from other foods. Of course, the effectiveness of this new regime will only be as good as the enforcement efforts undertaken by the NZFSA. Enforcement of the Dietary Supplements Regulations has been sadly missing for a number of years, but this may change.

It has long been requested that the Dietary Supplements Regulation be updated to include more modern sweeteners – acesulphame K and sucralose in particular – even though it has been evident that some products on

the market contained these substances, albeit illegally. Proposed amendments were first circulated in a discussion paper in 2004 and then resurrected in 2007. The 2004 amendments were much simpler, with proposed new permissions for sweeteners among other minor changes. The 2007 amendment went much further and suggested the whole separation of food-type and therapeutic-type dietary supplements, in preparation for the then proposed Joint Australia New Zealand Therapeutics Agency; this proposed agency died during gestation. However, the Supplemented Food Standard covering food-type dietary supplements and the amended Dietary Supplements Regulations 1985 go a long way to making the New Zealand and Australia regulatory systems more compatible.

The labelling and composition requirements for Supplemented Foods will resemble the requirements of the Food Standards Code and, importantly, food hygiene and safety measures under the NZ Food Act will apply to supplemented foods. There is still a huge gap between the formidable requirements for complementary medicines in Australia and minimal requirements for dietary supplements in New Zealand. However, that is a matter for the Australian Therapeutics Administration and MedSafe in New Zealand to resolve. Until that is done, dietary supplements will remain illegal imports into Australia.

Supplemented Foods are defined as products that are represented as food that have been somehow modified – perhaps by the addition of substances not normally permitted in general foods, or added in quantities not permitted in general foods – to perform a physiological role beyond the mere provision of nutrition. Although many aspects of the Australia New Zealand Food Standards Code (ANZFS) have been adopted by reference into the Supplemented Food Standard, certain foods may NOT be Supplemented Foods – formulated meal replacements or formulated supplementary foods (Standard 2.9.3), formulated caffeinated beverages (Standard 2.6.4). Interestingly, sports foods (Standard 2.9.4) are not excluded. Other exclusions are dietary supplements, medicines, controlled substances and alcoholic beverages or intoxicating foods.

In an explanatory note the New Zealand Food Safety Authority (NZFSA) made it clear that the Supplemented Food Standard is seen, by the Authority at least, as a temporary solution until a Supplemented Food Standard is adopted into the ANZFS. Personally I think the wait will be longer than the wait for this 'interim' standard. The Australia New Zealand Food Regulation Ministerial Council is still working on a policy

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See www.foodliaison.com.au

guideline on the intent of Part 2.9 (Special Purpose Foods) of the ANZFS (http://www.health.gov.au/internet/main/publishing.nsf/Content/foodsecretariat-pgdev)

The New Zealand Supplemented Food Standard appears to be at odds with this process and also possibly pre-empts the Council of Australian Governments In-

dependent Review of Food Labelling Law and Policy (http://www.health.gov.au/internet/main/publishing.nsf/Content/mr-yr10-dept-dept25022010.htm). However, New Zealand is a sovereign country and has the right to regulate food as it sees fit. New Zealand has been patiently waiting for Australia to regulate Dietary Supplements with no apparent progress.

Global Food Supplement Associations Meet to Define World Regulation

The global food supplement industry recently gathered in Istanbul for the Annual Meeting of the International Alliance of Dietary/Food Supplement Associations (IADSA) to address the scientific and regulatory issues shaping the future of legislation across the world in the sector.

The meeting brought together members from Asia, Europe, Latin America, Russia and the United States to establish priorities for action. It was agreed that:

- The IADSA Scientific Programme would be extended to cover the substantiation of claims and best practice in the regulation of botanical ingredients in supplements
- That a global framework for good manufacturing practice (GMP) would be developed. This will bring together elements of existing GMPs from across the world
- That cooperation would continue with governments across Asia and Latin America as priorities

- That IADSA should monitor closely developments in the EU, and particularly on the health claims Regulation, in view of the global importance of the EU in regulation.

Peter Zambetti, the newly elected Chairman of IADSA, highlighted the importance of harnessing the combined expertise and networks of the members across the world.

"IADSA is an organisation that continues to move from strength to strength," said Peter Zambetti. "We have to move forward on engaging in more education and training for decision-makers, whether in government or science.

"It is vital that whatever regulatory and policy solutions are arrived at across the world, the interests of the whole supplement sector are protected".

The next annual meeting will be held in Anaheim, to coincide with the Natural Products Expo West Trade Show.

See www.iadsa.org

The editors of *World Food Regulation Review* invite readers to contribute articles about food regulation to be considered for by-lined publication. We are interested in updates on regulatory, legislative, or legal developments from around the world, as well as longer analytical articles on current topics in the regulation of the food and agriculture industries. While the publication maintains an emphasis on food safety, the scope of coverage also includes trade policy and environmental concerns. Prospective authors should contact Bob Yorke, Managing Editor, World Food Regulation Review, Research Information Ltd., Grenville Court, Britwell Road, Burnham, Bucks. SL1 8DF, UK. Tel: +44 (0)1628 600499. Fax: +44 (0)1628 600488. Email: bobyorke@researchinformation.co.uk. If submitting an article via e-mail, please attach it as a file prepared in plain text, Microsoft Word or Rich Text format.

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