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NU SKIN

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Secretariat

Consultation on Regulation of Health Claims

3/F Public Health Laboratory Centre

382 Nam Cheong Street

Kowloon

Dear Sirs/Madams,

Views and Comments on the Proposed Regulation of Health Claims

Nu Skin Enterprises Hong Kong, Inc. (NSEHK), a wholly owned subsidiary of Nu Skin Enterprises, which has health supplement products marketed in 34 countries worldwide. As industry leader, NSEHK would like to take this opportunity to put forward its opinions on the subject matter. NSEHK is not in favor of adding a new health claims schedule in the extent Undesirable Medical Advertisements Ordinance (UMAO).

Insufficient Evidence for Regulation

NSEHK supports the principle of Department of Health in protecting public health. However, NSEHK has great doubt on the necessity of implementing the new regulation without knowing the number of complaints of misleading or exaggerated claims, which have led to health damages.

Inappropriate Legal Framework

NSEHK is convinced that the UMAO is comprehensive enough to regulate claims because it has jurisdiction over all types of products and services. Advertisement defined in the Ordinance also embraces all forms of advertisement. UMAO is not an appropriate piece of legislation for controlling health claims. It is designed to regulate disease claims. While health food/supplements are not medicine, their claims inherit much lower health risk, if any, than misleading disease claims. Hence, the level of control should not be as tight as for disease claims.

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Unfair Approach

Although the intention of the new regulation is to get rid of irresponsible claims, but at the same time eradicates rational health claims. As such, it imposes unfairness to those ethical enterprises, which have self-regulated voluntarily.

Demotion of Research & Development

NSEHK has strong view on unreasonable inhibition of health claim of a product, which actually possesses scientific evidence to make such claim. If research results cannot be used in promoting product benefits, then there is no incentive to invest in research & development. Eventually good quality and advanced health supplements will not be available to the health conscious consumers. Good quality health supplements have been shown to improve the long-term health and well being of individuals. Healthy individuals will stay out of the secondary and tertiary health care system, which significantly reduces the burden of health care expenditure in the public hospitals and clinics.

Consumers' Right

Inhibition of proper health claim virtually deprives consumers of the right to know the exact functions and benefits of a product, which in turn interferes their right of making free choices.

Recommendation

Firstly, public education is the best avenue to raise awareness and instill proper concepts of misleading or exaggerated claims into the general public so that they can make own judgment on supplements. In the long run, such approach is more comprehensive, effective, and thorough than the piece meal type of regulation.

Secondly mandatory cautionary label on supplement products can be implemented within a short time to prompt consumers to seek medical attention if they do suffer from diseases.

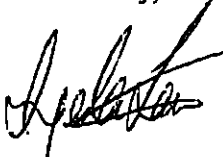
Lastly, a pre-marketing evaluation system for health food/supplements can significantly enhance the monitor and control of misleading/exaggerated health claims.

Conclusion

NSEHK does not agree to the overall approach of the proposed regulation on health claims on the basis that health claims should not be controlled as disease claims.

Consumers have the right to know the proper information of a product they buy it. The impact of the proposed regulation to the consumers, the industry, the economy, and the integrated health care delivery system should not be underestimated or not considered carefully when implementing the proposed regulation.

Yours truly,



Angela Lau

General Manager

Nu Skin Enterprises Hong Kong Inc

CC: Dr. Yeoh Eng - kiong, IP, Secretary for Health, Welfare and Food

Mrs. Selina Chow, Legislative Council, Wholesale & Retail

Ms. Pamela Chan, JP, Consumer Council

Hon Michael Mak Kwok-fung, Chairman, Health Panel, Legislative Council