

22 November 2004

Chairman of the Bills Committee
Legislative Council

Dear Madam,

Undesirable Medical Advertisements (Amendment) (No. 2) Bill 2004

We would like to submit views of the Pharmacists from the Society of Hospital Pharmacists of Hong Kong regarding the Undesirable Medical Advertisements (Amendment) (No. 2) Bill 2004.

First, we are in support of the initiative taken by the Department of Health to address the complaints made by the Public over the past years due to the misleading or exaggerated claims of the "health food" and to propose the Undesirable Medical Advertisements (Amendment) (No. 2) Bill 2004.

However, members of the Society of Hospital Pharmacists of Hong Kong would like the Bills Committee to consider the following views:

1. The safety and health of public of Hong Kong should not be compromised by the trade and put the public at risk, even "less risk" stated by the Expert Committee.
2. The groups of health claims prohibited should include (i) slimming or fat reduction of the body, (ii) regulation of body immune system against diseases, (iii) promotion of detoxification as these 3 groups are the main concerns of the public.
3. For instance, it is well documented that obesity is one of the risk factors of diabetes, cardiovascular disease and rheumatoid arthritis, etc. The misleading or exaggerated claims of slimming or fat reduction health food products may also cause harm as a result of either the improper self-medication itself, or the delayed proper treatment the consumer should receive. In fact, most of the adverse events reported recently are related to the slimming or fat reduction health food products.
4. It is lack of scientific evidence to draw a conclusion that these 3 above-mentioned claims pose relatively lesser risk to public health.
5. The public would need to know how would the Department of Health decide and based on what criteria and rationale would the Department of Health regulate other "health food" products of claims introduced in future.
6. Please clarify the future role of the Expert Committee. Would they still play an advisory role to the Director of Health for future amendments and health food products inclusion in the UMAO.

7. Injectable and topical forms of health products of the reviewed groups of claims should also be prohibited.
8. For any subsequent amendments on the schedules, the Director of Health should seek public and the relevant healthcare professionals' opinions on the proposed amendment before publishing in the Gazette.

We strongly feel that the ultimate solution would be to implement a product registration system for all health products. The gist of the matter should not be what type of claims people make, but whether the claims are not supported by scientific evidence, or would be misleading to the public at large due to exaggeration. The control should be on the products and not just on the claims. For that matter, many claims you proposed to prohibit could actually be reasonably made if there is good evidence to support them. It would be unfair for those genuinely effective products not to be able to make such claims.

It is our mission to help promote the health of the people of Hong Kong. We feel that controlling health claims would only be an intermediate measure. Both the promotion (claims) and the sale of any products which would affect the health of the public should come under professional control within a legal framework.

Yours faithfully

CHUI, Chun Ming William
Education Director
The Society of Hospital Pharmacists
of Hong Kong