
INFORMATION NOTE

Supplementary Note on the Regulation of Health Food in the United States, the United Kingdom and the European Union

1. Background

1.1 The Bills Committee on Undesirable Medical Advertisements (Amendment) (No.2) Bill 2004, at its meeting on 17 January 2005, requested the Research and Library Services Division to provide additional information on how the United States, the United Kingdom and the European Union regulate claims relating to:

- (a) slimming or fat reduction of the body including fat burning, eliminating fat, controlling appetite, absorbing fat and eliminating fluid retention;
- (b) regulation of body immune system against diseases including cancers, chronic diseases and infection; or alteration of the effects of treatment, e.g. chemotherapy and radiotherapy; and
- (c) promotion of detoxification.

Table — Regulation of Claims Relating to Slimming or Fat Reduction of the Body, Regulation of Body Immune System and Promotion of Detoxification in the United States, the United Kingdom and the European Union

Claims	The United States ⁽¹⁾	The United Kingdom ⁽²⁾	The European Union ⁽³⁾
Slimming or fat reduction of the body including fat burning, eliminating fat, controlling appetite, absorbing fat and eliminating fluid retention	If the claim can be substantiated that it is truthful and not misleading, it can be made for dietary supplements.	Weight control claims are permitted if substantiated by robust evidence.	Slimming or weight control claims (e.g. "halves/reduces your calories intake") cannot be made for food supplements.
Regulation of body immune system against diseases including cancers, chronic diseases and infection; or alteration of the effects of treatment, e.g. chemotherapy and radiotherapy	This is a disease claim and cannot be made for dietary supplements.	Claims such as "boosting/strengthening the immune system" may be considered as medicinal claims if, in context, they tend to suggest that the products concerned may be administered with a view to modifying physiological function and having a significant impact on the metabolism. Such claims cannot be made for food supplements.	If the claim is vague, meaningless and not verifiable, it cannot be made for food supplements. Therefore, claims such as "reinforcing the body's resistance" and "having an harmonizing effect on your metabolism" are prohibited.
Promotion of detoxification	If the claim can be substantiated that it is truthful and not misleading, it can be made for dietary supplements.	Detoxification may be regarded as a medicinal claim unless it appears in isolation.	If the claim is vague, meaningless and not verifiable, it cannot be made for food supplements. Therefore, making a claim such as "purifying your organism" is prohibited.

Notes: (1) Information provided by the Food and Drug Administration.

(2) Based on information provided by the Joint Health Claims Initiative and the Food Standards Agency, as well as a guidance note entitled *A guide to what is a medicinal product* issued by the Medicines and Healthcare Products Regulatory Agency.

(3) Information based on the regulatory framework proposed in a draft European Union regulation entitled *Regulation of the European Parliament and of the Council on nutrition and health claims made on foods*.

References

1. *Joint Health Claims Initiative*. (2005) Available from: <http://www.jhci.org.uk/> [Accessed 4 February 2005].
2. *Medicines and Healthcare Products Regulatory Agency*. (2005) Available from: <http://www.mhra.gov.uk/> [Accessed 4 February 2005].
3. *United States Food and Drug Administration*. (2005) Available from: <http://www.cfsan.fda.gov> [Accessed 4 February 2005].

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