
INFORMATION NOTE

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

1. Background

1.1 The Bills Committee on Undesirable Medical Advertisements (Amendment) (No.2) Bill 2004, at its meeting on 24 February 2005, requested the Research and Library Services Division to provide additional information on how the United States, the United Kingdom and Taiwan regulate claims relating to:

- (a) regulation of body sugar or glucose and/or alteration of the function of the pancreas, including regulating blood sugar, suppressing or reducing the absorption of glucose, reducing the blood sugar level, increasing the metabolism of body sugar, being suitable for diabetic patients, being against blood sugar, being suitable for people with high blood sugar, improving the function of the pancreas, and stimulating the secretion of insulin;
- (b) regulation of blood pressure, including regulating blood pressure, controlling blood pressure, reducing blood pressure, and being suitable for people with high blood pressure; and
- (c) regulation of blood lipids or cholesterol, including preventing high blood lipids, helping to maintain normal blood lipids, lowering blood lipids, reducing or regulating cholesterol, balancing blood cholesterol, excreting cholesterol in the blood vessel outside the body, and being suitable for people with high blood lipids or high cholesterol.⁽¹⁾

Note: (1) The European Union is not included in the study, as the regulation of the claims concerned has not been discussed in the draft European Union regulation entitled *Regulation of the European Parliament and of the Council on nutrition and health claims made on foods*.

Table — Regulation of Claims relating to Regulation of Body Sugar or Glucose including Alteration of Functions of the Pancreas, Regulation of Blood Pressure and Regulation of Blood Lipids or Cholesterol in the United States, the United Kingdom and Taiwan

Claims	The United States ⁽²⁾	The United Kingdom ⁽³⁾	Taiwan
Regulation of body sugar or glucose and/or alteration of the function of the pancreas, including regulating blood sugar, suppressing or reducing the absorption of glucose, reducing the blood sugar level, increasing the metabolism of body sugar, being suitable for diabetic patients, being against blood sugar, being suitable for people with high blood sugar, improving the function of the pancreas, and stimulating the secretion of insulin	Apart from the phrase "reducing the blood sugar level" which is a disease claim, if the rest of the claim can be substantiated that it is truthful and not misleading, it can be made for dietary supplements.	All except the phrase "being suitable for diabetic patients" are considered as medicinal claims and cannot be made for food supplements.	The claim is a health maintenance claim under the Health Food Control Act. It can be made for health food products if it is supported by scientific assessments and expressed in ways approved by the Department of Health.
Regulation of blood pressure, including regulating blood pressure, controlling blood pressure, reducing blood pressure, and being suitable for people with high blood pressure	This is a disease claim and cannot be made for dietary supplements.	This is a medicinal claim and cannot be made for food supplements.	In accordance with the Health Food Control Act and the Food Sanitation Control Act, the claim is prohibited.

Table — Regulation of Claims relating to Regulation of Body Sugar or Glucose including Alteration of Functions of the Pancreas, Regulation of Blood Pressure and Regulation of Blood Lipids or Cholesterol in the United States, the United Kingdom and Taiwan (cont'd)

Claims	The United States ⁽²⁾	The United Kingdom ⁽³⁾	Taiwan
Regulation of blood lipids or cholesterol, including preventing high blood lipids, helping to maintain normal blood lipids, lowering blood lipids, reducing or regulating cholesterol, balancing blood cholesterol, excreting cholesterol in the blood vessel outside the body, and being suitable for people with high blood lipids or high cholesterol	This is a disease claim and cannot be made for dietary supplements.	All except the phrase "helping to maintain normal blood lipids" are considered as medicinal claims and cannot be made for food supplements.	The claim is a health maintenance claim under the Health Food Control Act. It can be made for health food products if it is supported by scientific assessments and expressed in ways approved by the Department of Health.

Notes: (2) Information provided by the Food and Drug Administration.

(3) Information provided by the Food Standards Agency.

Prepared by Diana WONG, Michael YU and Simon LI
18 April 2005
Tel: 2869 9372

Information notes are compiled for Members and Committees of the Legislative Council. They are not legal or other professional advice and shall not be relied on as such. Information notes are subject to copyright owned by the Legislative Council Commission (the Commission). The Commission permits accurate reproduction of the information notes for non-commercial use in a manner not adversely affecting the Legislative Council, provided that acknowledgement is made stating the Research and Library Services Division of the Legislative Council Secretariat as the source and one copy of the reproduction is sent to the Legislative Council Library.

References

1. *Department of Health*. (2005) Available from: <http://www.doh.gov.tw/cht/index.aspx> [Accessed 11 March 2005].
2. *Joint Health Claims Initiative*. (2005) Available from: <http://www.jhci.org.uk/> [Accessed 31 March 2005].
3. *Medicines and Healthcare Products Regulatory Agency*. (2005) Available from: <http://www.mhra.gov.uk/> [Accessed 31 March 2005].
4. *United States Food and Drug Administration*. (2005) Available from: <http://www.cfsan.fda.gov> [Accessed 14 March 2005].