



The Direct Selling Association of Hong Kong Limited

A member of the World Federation of Direct Selling Associations
www.hkdsa.org.hk

Dec. 10, 2013

**Opinion of Direct Selling Association of Hong Kong on
Legislative Proposals to Enhance the Regulation of Pharmaceutical
Products in Hong Kong by Legislative Council Panel on Health Services**

Pharmaceutical product in HK is defined as products for the diagnosis, treatment, mitigation or prevention of disease or its symptom. To protect the patients who need pharmaceutical for treatment of diseases, our trade association, as part of the HK community, supports the Legislative Council Panel on Health Services and HK Government to refine the control process to safeguard the health of patients. Besides suggestion on the control of poison drugs for diseases treatment, the Legislative Council Panel on Health Services proposes to have much stricter control including the registration and licensing of importers, wholesalers and retailers of non-poison drug products. On behalf of Direct Selling Association of Hong Kong, we would like to express our concern.

Direct Selling Association of HK, established in 1979, is a trade association of person-to-person marketing companies in Hong Kong. Direct Selling is the marketing of consumer goods and services directly to consumers generally in their homes or the homes of others, at their workplace and other places away from shops by a salesperson. At present, the member companies of the HKDSA have a total of over 170,000 independent distributors/business owners who retail products. Our member companies must offer a cooling-off period permitting customers to withdraw from the order within a minimum of seven (7) days. Most of our member companies carry vitamins and minerals supplements as well as other food supplements. Under the current Pharmaceutical & Poisons Ordinance (PPO), vitamins and minerals supplements in tablet/capsule form are being classified as pharmaceuticals and basically under non-poison drug catalog.

Please be noted that our member companies sell vitamins and minerals to healthy individuals for supplementation of nutrients. There is no claim on any diagnosis, treatment, mitigation or prevention of a disease or its symptom. Orange is a popular fruit in HK. In an orange, there is about 50mg vitamin C. If you sell a vitamin C tablet with a potency of 50mg, the product is now a non-poison drug in HK. It is an unreasonable product classification.



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There is no hesitation to have a strict control on a medication for heart diseases, kidney diseases, etc. However, what is the point to have a very complicated control system on those items which are actually food supplements for the fortification of nutrients of healthy individuals? The public has been hearing the excuse of government agencies on the shortage of administration resources. What is the benefit to use the limited resources for to inspect a product which is actually a food, not those items designated for patients?

In USA, vitamins and minerals supplements have been classified under food catalog since 1994 under the Dietary Supplements Health and Education Act (DSHEA). USA is not alone. In year 2010, Taiwan Department of Health removed the registration of vitamins and minerals products under pharmaceutical class if these products are not for disease treatment. Pharmaceutical licenses on vitamins and minerals were being cancelled. These products are now marketed as food supplements for vitamins and minerals supplementations. Taiwan Department of Health has announced a set of potencies limits for vitamins and minerals supplements. The response of public to the regulatory change is very positive.

It is a world trend to classify vitamins and minerals as food. CODEX ALIMENTARIUS, an organization under WHO/FAO who establish International Food Standards, announced the Guideline for Vitamins and Minerals Supplements in year 2005 (GUIDELINES FOR VITAMIN AND MINERAL FOOD SUPPLEMENTS, CAC/GL 55 - 2005). Many food regulations enforced by Food and Environmental Health Department of in HK are adopted from CODEX.

Our trade association wants to point out the followings.

1. Many non-poison drug products being classified under PPO are, in fact, not pharmaceutical. They are food supplements for healthy individuals.
2. Vitamins and minerals products are basically food supplements. These food supplements selling in HK are without any disease treatment indications and are wrongly classified under non-poison drug.
3. The tightening of the regulation of pharmaceutical products including the extensive control and registration of non-poison drug importers, wholesalers, and retailers is inappropriate and will substantially increase the operation complexity and cost in



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selling these food items.

4. There is no value for the government and is actually wastage of resources to have extensive control on non-poison drug items. The limited resources on regulatory control should be applied to those medicines which are used for disease treatment of patients.

In summary, our trade association urges the Legislative Council Panel on Health Services not to extend the complicated control on import/wholesale/retail of non-poison drug. Secondly, we urge LEGCO and Food and Health Bureau to modify the PPO to remove vitamins and minerals food supplements from pharmaceutical classification and control. Our trade association suggests having a guideline under food control, similar to those of USA and Taiwan, for vitamins and minerals supplements.