

MPI policy statement on extending the Dietary Supplements Regulations

The Food (Continuation of Dietary Supplements Regulations) Amendment Bill will extend the expiry date of the Dietary Supplements Regulations 1985 (the Regulations) by 5 years, from 1 March 2021 to 1 March 2026.

The Bill's objective is to maintain consumer access to New Zealand dietary supplements until a fit-for-purpose regulatory regime is expected to fully commence.

Dietary supplements encompass a growing range of health and wellness products taken in a range of edible dose forms, such as vitamin and mineral supplements, capsules of omega-3 fish oils and glucosamine tablets. The Regulations govern the composition and labelling of dietary supplements, including some specific risk-mitigating measures, such as maximum daily doses for specific vitamins and minerals, and prohibiting misleading statements and therapeutic claims.

The Regulations expire on 1 March 2021, before a new natural health products regime is likely to be in place. If the Regulations expire in the absence of a replacement scheme, dietary supplements will be regulated by the general laws applying to food. These general laws do not address the specific health risks associated with dietary supplements. One likely impact would be an increase in the risk of unsafe and unsuitable dietary supplements being sold. Also, a large proportion of dietary supplements sold at present would be likely to be deemed non-compliant with the general laws and would not be allowed to be sold as dietary supplements. These impacts would adversely affect businesses and consumers.

The Bill will–

- provide certainty for industry and consumers (ie, maintain the market of dietary supplements until a fit-for-purpose regulatory regime is expected to fully commence so that consumers maintain access to dietary supplements); and
- maintain existing safety measures for dietary supplements until a fit-for-purpose regulatory regime is expected to fully commence; and
- maintain New Zealand's current reputation as a supplier of dietary supplements.

The Bill achieves the objective by amending the 2 sections of the Food Act 2014 that implement an expiry date for the Regulations.