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# Lotions, potions and Food Law





# Food

“A food is any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans”

*Article 2 Regulation (EC) 178/2002*





# Food

## Not included;

- Feed
- Live animals unless prepared for placing on the market
- Plants prior to harvesting
- Medicinal products
- Cosmetics
- Tobacco and tobacco products





# Medicine



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“Any substance or combination of substances presented as having properties for treating or preventing disease in human beings”

Council Directive 2001/83 EC (as amended)





# Medicine



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“Any substance or combination of substances which may be used in or administered to human beings either with a view to restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action, or to making a medical diagnosis”

Council Directive 2001/83 EC (as amended)





??????????



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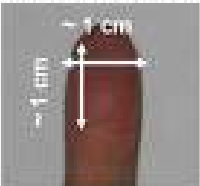


# Borderline products

- MHRA borderline section determines if a product is a medicine

“Does the product contain pharmacologically active substances or make medicinal claims?”

Rule of thumb



it's not a medicine – it's a food”





# Help

- Medicines

<http://www.mhra.gov.uk/Howweregulate/Medicines/Doesmyproductneedallicence/Borderlineproducts/index.htm>

- Foods for particular nutritional use

<http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/parnutsguidancenotes>

- Supplements

<http://www.food.gov.uk/safereating/chemsafe/supplements/>

“or just pick up a phone”





# An end to cancer?





# Apricot Kernels

- Available from high street retailers and over the internet
- Usually chewed or ground and added to coffee (because they are vile tasting)
- Advice ranged from consuming between 10 and 50 kernels per day





# The claims

- It can cure cancer – cancer sufferers have overcome the condition by eating apricot kernels alone
- Full of vitamin B17, which targets the cancer cells
- Can prevent recurrence of cancer following remission
- It can also reduce constipation





# The truth

- Vitamin B17 (amygdalin) forms hydrogen cyanide in the gut
- The kernels can contain  $>2,000\text{mg/kg}$  cyanide
- Consumption as instructed could result in breaching the TDI by more than 5 times
- In some cases the lower threshold for lethal exposure was reached



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# Is it a food?

- MHRA stated that kernels would only be considered medicines if they presented themselves as treating or curing a medical condition
- Product found on the UK high street did not claim medicinal properties – the websites did that
- If it's not a medicine – it's a food!



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# Action

- Article 14 (EC) 178/2002 – food shall not be placed on the market if it is unsafe
- Committee on Toxicity reviewed evidence and determined that consumption of 1 -2 kernels per day at concentrations found would be acceptable
- Instructions on packaging changed to reflect this and product is legally available



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# Unfortunately

Websites still claim that the product cures cancer no matter what we say or the amount of media attention our messages receive



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# The miracle hiding under your sink



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# Miracle mineral solution

- A 28% solution of chlorine dioxide
- Mixed with citric acid and water then consumed
- Internet retail only



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# The claims

- It can cure;

HIV/AIDS	TB
Malaria	Herpes
Hepatitis	Pneumonia
H1N1 flu	Abscessed teeth
The common cold	Warts
Acne	Sore throats
Cancer	95% of all diseases

- The most powerful killer of pathogens known to man!





# The truth

- It is one of the most powerful killers of pathogens known!
- Acidified sodium chlorite is more commonly referred to as chlorous acid or industrial disinfectant
- Consumption as instructed could result in nausea, vomiting, diarrhoea and damage to the gut
- No evidence to support the claims other than straight from the mouth of Jim Humble himself



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# Is it a food?

- MHRA stated that despite the medicinal claims made, the product did not contain a pharmacologically active substance, therefore wasn't a medicine
- If it's not a medicine.....





# Action

- Article 14 (EC) 178/2002 – food shall not be placed on the market if it is unsafe
- Sodium chlorite not a permitted ingredient in food supplements
- Public warnings and press releases + me on the radio
- Contacting trading standards with UK based websites so that they can ‘have words’



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# Unfortunately



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MMS still supported on the internet and  
available from overseas

A small band of persistent and abusive  
followers

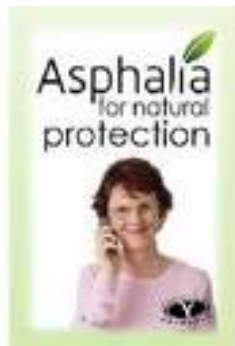




# Healthy cuttings



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# Asphalia

- Range of products containing berries, fruits, leaves and edible grasses
- Available over the internet and in health food stores
- Taken in capsule form



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# The claims

- It proves very effective for;
  - Anti – ageing
  - Improving sleep patterns
  - Improving complexion
  - Controlling weight
- Asphalia is not chemically polluted





# The truth

- What proof?
- *Festuca arundinacea* ( + others)
- Pb >3mg/kg



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# Is it a food?

- Doesn't contain any pharmacologically active compounds or substances
- Doesn't make any medicinal claims
- Food supplement it is, then



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# Action 2009

- Product range recalled from market in 2009 (except pet food) following Court case brought by Torfaen due to presence of novel food ingredient
- Breaches of;
  - Novel food regulations
  - Food supplement regulations
  - Food labelling regulations



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# Action 2010/2011

- One batch of Asphalia for Natural Sleep recalled from market due to lead contamination
- Breaches of;
  - Contaminants in food regulations (3mg/kg)
  - General food law (Art 14)





# Unfortunately

Still able to make claims...

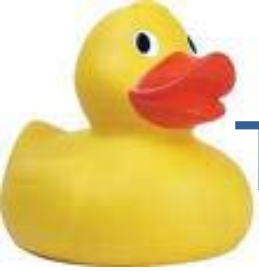
for now

- draft Commission Regulation authorising and refusing to authorise certain health claims made on foods
- From 1<sup>st</sup> March, the ASA will regulate marketing messages on manufacturer's own websites (including testimonials)



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# The trouble with the internet...



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- Can only take action against UK based websites – but where are they?
- Can't take action against claims made on third party websites, social sites etc
- There are many desperate people with debilitating or life threatening conditions out there and many others willing to take advantage
  - Some are acting in good faith but unaware of the rules





And let's not forget..

## The Enterprise Act

OFFICE OF FAIR TRADING

### Enforcement of consumer protection legislation

Guidance on Part 8 of the Enterprise Act



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*Fin*

Hefin Davies

Tel: 029 2067 8928

Email: [hefin.davies@foodstandards.gsi.gov.uk](mailto:hefin.davies@foodstandards.gsi.gov.uk)

