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Dear Ms Young,

Re: Guidance notes on implementing Directive 2002/46/EC on food supplements

Thank you for the opportunity to comment on the draft guidance notes on legislation implementing Directive 2002/46/EC on food supplements. I apologise for getting our comments to you slightly late and hope that they can still be taken into account.

As you will be aware, Which? (formerly Consumers' Association) has been very supportive of this legislation and welcomes these regulations to implement its provisions within the UK.

We have the following comments on the guidance notes, which are aimed at ensuring that they are as clear as possible.

Regulation 5

Question 9

The response to question 9 suggests that a company wanting further advice on what constitutes a 'natural source' should contact the secretariat of the EFSA's Scientific Panel on Food Additives, Flavourings, Processing Aids and Materials in Contact with Foods. This is the first time that reference is made to the European Food Safety Authority (EFSA) in the document, so it would be helpful to explain what it is, and how a company should go about contacting the relevant person.



Question 11

The response to this question states that 'For those substances for which purity criteria are not set out in existing EC legislation, until the Community adopts purity criteria, generally acceptable purity criteria recommended by international bodies may be used. It should be explained which 'international bodies' are being referred to here.

Question 16

The response to question 16 refers to FAO/WHO expert consultation guidance on application of risk analysis to food standards issues. It would be helpful to be explicit that this means the Food and Agriculture Organisation and the World Health Organisation and to give a specific reference for the guidance. As you will be aware, FAO and WHO have carried out a series of expert consultations on issues related to risk analysis and Codex has also adopted working principles for risk analysis. It is therefore important to be clear which guidance companies should consult. We also suggest that the full name of JECFA is set out. Along similar lines, we also suggest that 'parnuts' is explained on page 10 as use of these terms assumes a certain level of understanding of EU legislation and international expert consultations and standards that some companies may not have.

Regulation 6(2)(f) and 6(3)(a-e)

Question 44

The response to question 44 states that any appropriate unit may be used when labelling vitamins or minerals not listed in schedule 1 or for non vitamin or mineral ingredients of food supplements. It would be helpful if the Food Standards Agency (FSA) could provide some guidance here in order to help ensure that these substances are labelled consistently, enabling consumers to compare between products.

Question 47

The response to question 47 states that in the absence of European rules on tolerances, which will be set by Standing Committee procedure, 'generally-accepted tolerances may continue to be used'. It would be helpful to explain what these generally accepted tolerances are.



Confirmation of the amount present

As you will be aware, we have previously drawn the FSA's attention to the lack of a standard method for testing the levels of vitamins and minerals in multi-vitamin and multi-mineral supplements. We have shared the results of previous testing that we carried out for Health Which? magazine, and which were contested by the supplements industry, with the FSA. This resulted in the FSA commissioning research to establish reliable, validated methods to confirm the levels of vitamins and minerals in food supplements. This issue was also highlighted by the Expert Group on Vitamins and Minerals (EVM) in its report. We understand that this research should be completed shortly, if it has not been already. The guidance notes should therefore specify testing methods that are considered appropriate.

Upper Safe Levels

It is important that the guidance notes are comprehensive and address all relevant aspects in the same document to the extent possible. It will therefore be importance to include relevant guidance on Safe Upper Levels once this is agreed.

I hope that these comments are helpful. Please let me know if you have any queries or would like to discuss any aspect of our response in more detail.

Sue Davies
Principal Policy Adviser