

Health and Therapeutic Claims for Health Fruit & Vegetable Juices

Concern is increasingly being expressed by consumers, industry and regulatory agencies about 'therapeutic' and 'health' claims being made for some fruit and vegetable juice products.

Therapeutic and health claims can only be made in relation to therapeutic products. Health juices are at this time classed as **foods** and therefore cannot make health or therapeutic claims; foods are only permitted to do so in limited circumstances.

The Complementary Healthcare Council (CHC) and Direct Selling Association of Australia (DSAA) provide the following advice to assist product marketers, distributors and retailers ensure they deal with legally compliant products.

Therapeutic Product

Products may make therapeutic claims if they are regulated as therapeutic goods under the *Therapeutic Goods Act 1989*. These products are easily identified with a unique identifier on the label - AUSTL xxxxxx.

Foods

The *Australia New Zealand Food Standards Code* (the Code) is adopted in each State/Territory under relevant food/health legislation and restricts the health claims allowed to be made by foods (refer to http://www.foodstandards.gov.au/_srcfiles/Standard_1_1A_2_Health_Claims_v891.pdf for more detailed information).

The Code does not allow health or therapeutic claims to be made for fruit/vegetable juice products. Industry members are reminded of their **LEGAL LIABILITY** in relation to these products. It is also an **OFFENCE** under the relevant State/Territory food legislation to **distribute, sell or advertise food** that is in breach of the Code. Significant penalties apply for breaches under each State/Territory's food legislation.

Trade Practices/Fair Trading

The Australian Competition and Consumer Commission (ACCC) released a statement in response to this issue, "*The ACCC is particularly concerned about the growing use of health claims widely used to promote fruit juice, smoothie and related juice products being sold in juice bars.*" "*These claims about certain ingredients may not exist, cannot be substantiated or, in fact, may adversely impact on a consumer or their diet*".

The ACCC administers the *Trade Practices Act 1974* (TPA) which prohibits misleading or deceptive conduct, unconscionable conduct and the making of false representations in relations to the sale of goods and services (refer to [http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/64B577CE9C975827CA25736E002303C9/\\$file/TradePrac1974Vol1_WD02.pdf](http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/64B577CE9C975827CA25736E002303C9/$file/TradePrac1974Vol1_WD02.pdf) for more detailed information). Although the TPA applies to corporations, similar fair trading legislation enacted in each State/Territory also applies to individuals and businesses.

The CHC and DSAA would like to emphasise the importance of these standards and regulations. If you have any queries or comments related to this topic, please do not hesitate in contacting either Trixi Madon trixi.madon@chc.org.au or John Holloway john.holloway@dsaa.asn.au.



Complementary Healthcare
Council of Australia

Sustainable Health and Enhanced Wellness... naturally



Direct Selling Association
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