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Dear Sir/Madam

CHC Submission – Consultation Paper: Proposal P242 Food for Special Medical Purposes

Thank you for providing an opportunity for the complementary healthcare industry to comment on the consultation paper for Proposal 242 – Foods for Special Medical Purposes, dated 15 December 2010.

The Complementary Healthcare Council (CHC) is the leading peak body dedicated to representing the complementary healthcare products industry; this includes healthcare foods such as those outlined in this consultation paper. The CHC is unique in that it represents all stakeholder groups within the complementary healthcare industry such as manufacturers, importers/exporters, raw material suppliers, wholesalers, distributors, retailers, practitioners, consultants, direct marketers, multi-level marketers and consumers.

In principle, the CHC supports the preferred approach (option 2), specifically in having a discrete standard to enhance better regulation of such products and to protect consumer health and safety however, provides the following comments for consideration.

General Comments

- Any standard that is put in place for foods for special medical purposes must be enforced appropriately and effectively. One of the current concerns of the CHC in relation to food regulation is that it is not consistent or enforced appropriately. For the protection of consumers, the CHC suggests that enforcement powers be reviewed and enhanced before any new standards are implemented for foods.
- The provisions within the proposed standard are similar to that used for listed ‘practitioner only’ complementary medicines. These too are low risk however have parameters in place to ensure appropriate use and medical advice/supervision. The CHC suggests this model be used as a basis for the standard for foods for special medical purposes noting that they are targeted to a specific group of individuals with existing medical conditions.
- The CHC strongly suggests the definition of healthcare professional be expanded to be consistent with that defined in the *Therapeutic Goods Act 1989* which includes:
 - medical practitioners, psychologists, dentists, pharmacists, optometrists, chiropractors, physiotherapists, nurses, midwives, dental hygienists, dental prosthetists, dental therapists or osteopaths; or
 - persons who are:
 - (i) engaged in the business of wholesaling therapeutic goods; or
 - (ii) purchasing officers in hospitals; or

- *herbalists, homoeopathic practitioners, naturopaths, nutritionists, practitioners of traditional Chinese medicine or podiatrists registered under a law of a State or Territory.*

Noting that many naturopaths and other ‘complementary healthcare professionals’ prescribe products which will be captured under the proposed standard, and provide ongoing medical supervision, the CHC recommends inclusion of such professions into the standard.

- Given that foods for special medical purposes should be prescribed under ongoing medical supervision, the CHC supports the restriction of sale to outlets where a healthcare professional is present to provide such oversight. This is broader than the current proposed Clause 4 and must also include health food stores (where a healthcare professional is employed), naturopathic clinics etc.
- The CHC strongly supports that any health claims used on the label or advertising material for foods for special medical purposes, be supported by appropriate evidence which has been evaluated and approved.

Please do not hesitate in contacting me on any matters raised in this submission to discuss further.

Yours sincerely



Kristy Tomas
Scientific & Regulatory Affairs Manager
Complementary Healthcare Council of Australia

9 February 2011