

Open Letter To MPs:

Medsafe Defies The Intent of Parliament

3rd October 2016

The intent of Parliament is to improve public health and reduce risk, but in an extraordinary act of defiance and bureaucratic empire building Medsafe has just issued an update (September 2016) on the proposed Natural Health Products bill in which it acknowledges the serious concerns of industry, the public, and natural health practitioners, but in essence proposes to pursue its own agenda regardless.

What has happened?

Medsafe has permitted thousands of chemicals and synthetic substances which differ from their natural counterparts and pose health risks for the public. At the same time Medsafe has restricted or banned many hundreds of Chinese, Indian, Maori, and other herbs which have been used safely in traditional medicine for thousands of years.

How has this happened?

Medsafe has applied two different principles in assessing ingredients, neither of which is scientifically valid. For synthetic substances, Medsafe has used the principle of *substantial equivalence*—if it appears to be similar, approve it. For herbs, Medsafe has used the principle of *doubt*—if little is known about a herbal substance in modern medical practice, restrict it (NB the use of this rule has been rejected by EU courts).

Why is this dangerous for public health?

Many substances already approved by Medsafe have been banned overseas because they pose risks to health (see appended list). *So many synthetic substances have been approved that even coloured fizzy drinks sold in supermarkets qualify as natural health products* (See www.youtube.com/watch?v=_CAh-19ZmKw). So many traditional herbs have been restricted that a great many people who rely on natural health products (NHPs) to help maintain health will be seriously affected. More than 50% of the NZ population use NHPs

Why has this happened?

Medsafe has adopted decisions taken in foreign countries who have different laws from NZ. Medsafe has also joined ICMRA—an international coalition seeking to control Natural Health Products (for more info view www.youtube.com/watch?v=_q5AIzMyMDM)

Why does this run against scientific trends?

Research published during the last 15 years has shown that healthy diet and herbal supplements play a key role in maintaining health. Simultaneously research shows that many synthetics, chemicals, additives, and even pharmaceuticals pose a serious risk to health. A report prepared in the EU has found that NHPs are 45,000 times safer than prescribed drugs. In this light, controls on NHPs run counter to evidence. Medsafe should be encouraging healthy choices not restricting them.

Why is the Natural Health Products Bill unworkable?

Medsafe has no expertise in natural health. There are over 100,000 edible plants with medicinal uses, it would be absurd, impossible, and hugely costly to attempt to control what until now has been regarded as food. Moreover there is no evidence of risk to the public. Of course food is healthy, but that doesn't mean that it should be controlled as medicine.

Is the NZ natural health product industry concerned about the bill?

The scientific sector of the NHP industry is very concerned. This bill will force many companies out of business who are dedicated to public health *naturally*. They have formed a new industry body to oppose the bill called the Natural Health Alliance (see: www.naturalhealthalliance.co.nz). It is true that a few companies feel that the bill will knock out their competitors and give them a monopolistic advantage, but this is not in the public interest nor is it intended by Parliament.

Why are natural health practitioners concerned about the bill?

Many natural health practitioners will be unable to advertise their services or use traditional remedies they know to be effective.

Why is the Natural Health Products Bill confusing?

There has been no attempt to reconcile the provisions of the Natural Health Products Bill and the existing Medicines Act. If an NHP provider proves that his product has therapeutic value, the law as it stands will mandate that the product should be registered as a medicine—a very costly process that will severely restrict its distribution, sale, and use.

Can the Natural Health Products Bill be fixed?

Existing laws already protect the public, regulate manufacturing standards, and require labels. The NHP industry has always liaised closely with regulators to ensure these standards work. The proposed NHP bill is a regulatory bill which would give carte blanche to Medsafe to alter regulations as they see fit and even contains a provision that anyone unfairly treated cannot seek redress in a court of law. Moreover it remains the case that no evidence of risk from natural health products has been presented to Parliament, therefore the whole case to regulate them collapses. *The bill in its present form does not serve public health, it amounts to regulatory empire-building and should be dropped.*

Under the existing Bill of Rights, there is no provision to protect the right of the individual to make health choices. The only relevant provision is a *right to life*. The Natural Health Products bill will erode even this right, since in many cases serious ill people rely on NHPs. I am sure you will agree that in the light of accumulating evidence of the critical role fresh foods play in maintaining health, Parliament should be very careful about passing legislation which will hand control of foods, plants, and medicinal herbs to medical regulators who lack any credible expertise in natural medicine or commitment to its use.

The proposals put forward by Medsafe demonstrate a flagrant disregard for the intent of Parliament to improve public health. I would be happy to travel to Wellington along with industry leaders and health practitioners to discuss our concerns more fully with you.

Yours sincerely

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Dr Hatchard is formerly Natural Health Products Director at Genetic ID, a global food testing company

Supporting evidence and information—please review:

- **Suspected Toxic Additives to be Permitted by Medsafe under the NHP Bill** (attached)
- **Video: How will the Natural Health Products Bill Affect Us?** www.youtube.com/watch?v=_CAh-l9ZmKw
- **Video: New Global restrictions on Natural Health Products.** www.youtube.com/watch?v=_q5AizMyMDM