

## **NEWS: Enforcement of the Medicines Act 1981**

Medsafe is the organisation responsible for the regulation of medicines and safe use of medicines in New Zealand.

Following the decision by government mid last year not to pursue with legislation that would have enabled the government to form a joint agency with Australia to regulate therapeutic products, Medsafe have begun to actively enforce the 1981 Medicine Act, restricting the marketing and promotion of natural remedies and supplements.

### Background Information

The Medicines Act 1981 is the legislation that defines and regulates medicines.

A *medicine* is defined as a ‘product that is supplied and used for a therapeutic purpose.’

The term *therapeutic purpose* is defined in section 4 of the act and includes but is not limited to:

- Treating or preventing disease
- Treating hair loss
- Assisting with general ailments such as pain and inflammation
- Effecting contraception
- Altering the shape, structure or weight of the human body
- Preventing or interfering with the normal operation of a psychological function

In order to promote a supplement or natural remedy as having a ‘therapeutic purpose’, it must be registered and approved as a ‘medicine’. Advertising and supply of a ‘medicine’ that has not been approved for supply in New Zealand is illegal.

At present very few dietary supplements or remedies, used widely by nutritionists and medical herbalists alike, have been registered and approved as a ‘medicine’ (this involves an application process, application fee and evaluation of the product). Therefore, any promotion of the ‘therapeutic benefits’ of such products is deemed illegal.

### What this means for Natural Health Practitioners

In short, what this means is that natural health practitioners are permitted to formulate and dispense supplements and natural remedies provided that they do not make any therapeutic claim for that product. The exception being if that supplement or remedy has been approved as a medicine and consent has been given for you to advertise, sell and/ or distribute the product as a medicine.

The implication of this is that product labels, advertising material, supporting literature, websites etc. don’t contain any therapeutic claims or reference to therapeutic purposes.

Please refer to the attached file for information published by Medsafe on what constitutes a therapeutic benefit or claim.