

This leaflet has been prepared by the FSA in partnership with your local District Council



# DO YOU SELL OR SUPPLY FOOD SUPPLEMENTS?

## KNOW YOUR LEGAL OBLIGATIONS

Consumers, because of their lifestyles or for other reasons may choose to supplement their intake of some nutrients through food supplements.

To ensure a high level of protection for consumers and to facilitate their choice, the products that will be put onto the market must be **SAFE** and bear **CLEAR** and **ACCURATE LABELLING**. Businesses selling products that are unsafe or incorrectly labelled may be **prosecuted**.

This factsheet is aimed at businesses such as importers, wholesalers, distributors, gyms, fitness suites, health shops and retail units etc., that sell or supply food supplements. The information below will help you understand what is required of a business selling or supplying food supplements.



## WHAT IS A FOOD SUPPLEMENT?

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A food supplement is ‘**any food for the purpose of which is to supplement the normal diet and which is a concentrated source of a vitamin or mineral or other substance with a nutritional or physiological effect, alone or in combination and is sold in dose**’.

Dose form means a form such as capsules, pastilles, tablets, pills, sachets of powder, ampoules of liquids, drop dispensing bottles and other similar forms of liquids or powders designed to be taken in measured small unit quantities.

## HOW SHOULD FOOD SUPPLEMENTS BE LABELLED?

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**Food supplements must be labelled with:**

- The name of food
- A list of ingredients, headed by the word “ingredients”, and in descending order of weight
- A list of any of the following allergenic ingredients and their derivatives: **Cereals** containing gluten, namely: wheat (such as spelt and Khorasan wheat), rye, barley, oats or their hybridised strains, **Crustaceans, Eggs, Fish, Peanuts, Soybeans, Milk, Nuts** namely: almonds hazelnuts, walnuts, cashews, pecan nuts, Brazil nuts, pistachio nuts ,macadamia or Queensland nuts, **Celery, Mustard, Sesame seeds, Sulphur dioxide, Lupin, Molluscs**
- The quantity of certain ingredients in the ingredients list or categories of ingredients expressed as a percentage. For example, if an ingredient is given in the name of the product, it must be expressed as a percent of the whole product in the list of ingredients.
- Net quantity
- An indication of minimum durability, e.g. best before date
- Any special storage conditions and/or conditions of use
- Name or business name and address of the food business operator

- A nutritional declaration
- The words **“food supplement”** must appear on the label. The term **“dietary supplement”** is non-compliant.
- The name of the category of any vitamin or mineral or other substance with a nutritional or physiological effect which characterises the product or an indication of the nature of that vitamin or mineral or other substance, e.g. terms “vitamin”, “mineral”, “amino acid”, “fatty acid”.
- The proportion of the product recommended for daily consumption (e.g. number of tablets, capsules, scoops etc)
- **A warning not to exceed the stated recommended daily dose**
- A statement to the effect that food supplements should not be used as a substitute for a varied diet
- **A statement to the effect that the product should be stored out of the reach of young children**
- The amount of any vitamin or mineral (or other substance with a nutritional or physiological effect) which is present in the product – the amount must be in numerical form.
- The measurement of vitamins and minerals must be either milligrams or micrograms. The amount given must be per portion of the product as recommended on the label and must be an average amount based on the manufacturer’s analysis.
- Details on labels of food supplements must not mention, express, or imply that a balanced and varied diet cannot provide appropriate quantities of nutrients.

**The above information must be:**

- On the packaging, or
- On a label attached to the packaging, or
- On a label which is clearly visible through the packaging.

## NUTRITION AND HEALTH CLAIMS

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Any nutrition and health claims made on the labelling need to comply with the requirements of the Nutrition and Health Claims Regulations (Northern Ireland) 2007. The EU Register of Nutrition and Health Claims list all currently permitted claims and can be found online at <http://ec.europa.eu/nuhclaims/>

## FAT BURNING/SLIMMING PILLS

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**2,4-Dinitrophenol (DNP)** is an industrial chemical that is **not fit for human consumption** and is not permitted in foodstuffs. DNP has been marketed on the internet as a slimming aid and has been **linked with deaths** since 2003. 'Fat-burner' products containing DNP appear to be marketed at those wanting to lose weight, as well as those in the bodybuilding community, as a quick way of burning fat by speeding up the metabolism to a dangerously fast level. When consumed, DNP can be extremely dangerous to human health, possibly leading to **coma and death**. Signs of acute poisoning can include nausea, vomiting, restlessness, flushed skin, sweating, dizziness, headaches, rapid respiration and irregular heartbeat. Consuming lower amounts over longer periods could lead to cataracts and skin lesions and impact on the heart and nervous system. **Supplying food products containing DNP is illegal** and can result in the seizure of products and legal action against the business.



**DNP is also known as: 2,4-dinitrophenol, Dinosan, Dnoc, Solfo Black, Nitrophen, Aldifen, Chemox, yellow magic**

## DMAA IN SUPPLEMENTS

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**DMAA, known as 1,3-dimethylamylamine** is an ingredient often described as a “natural” stimulant with many claimed functional uses including a body building aid, an athletic performance enhancer and a weight loss aid. DMAA is a stimulant, **for which a safe level for human consumption has not been established**. DMAA, especially in combination with other ingredients such as caffeine, can be a health risk to consumers. Ingestion of DMAA can elevate blood pressure and lead to cardiovascular problems ranging from shortness of breath and tightening in the chest to heart attack. **DMAA has also been linked with stroke and death**. Products containing DMAA have been withdrawn in various countries across the European Union and around the world. Some DMAA containing products are registered as medicines. It is an offence to sell, supply or to advertise a medicinal product which does not have a marketing authorisation. The Department of Health (DoH) are the enforcing authority for businesses supplying products containing DMAA, in Northern Ireland.

**Where DMAA is present in a product it may be listed on the packaging as: 1,3-dimethylamylamine, DMAA, geranium extract, geranine, methylhexanamine, 4-methylhexane-2-amine. A list of commercial products listing DMAA on their label can be found at:**

<http://hprc-online.org/dietary-supplements/files/dmaa-list-020316-pdf>



Claims such as ‘Reduce fatigue’, ‘train harder’, ‘train longer’, ‘increase in energy and recovery’, ‘boost their physical performance’, ‘Formulated for quick absorption’ are health claims which may not be approved claims for certain products.

# YOUR RESPONSIBILITIES

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- **You must ensure that all food that you sell is SAFE.** Food is deemed unsafe if it is injurious to health or unfit for human consumption.
- Buy from **reputable suppliers** and maintain invoices and specifications for the products supplied to you in order to demonstrate the traceability of where products have been supplied from. Only buy food supplements over the internet if you are confident that the supplier is reputable.
- Ensure that the food supplements that you sell are labelled correctly. If not, contact your supplier and arrange for the return of the products and/or for the products to be labelled correctly.
- If you supply supplements or other foodstuffs on to establishments, you must maintain details of such transactions, e.g. delivery docket/ invoices detailing the products supplied, the business supplied to, date of transaction and details of your business as the supplier. These records must be maintained and made available to enforcing authorities on demand.
- **It should be noted that prosecutions can result in substantial fines and in more serious cases imprisonment of up to 2 years.**

For advice, please contact the environmental health department of your local district council. If you have information relating to food crime, contact the National Food Crime Unit (NFCU) on Food Crime Confidential: 020 7276 8787 or email [foodcrime@foodstandards.gsi.gov.uk](mailto:foodcrime@foodstandards.gsi.gov.uk)