

# DO YOU SELL OR SUPPLY FOOD SUPPLEMENTS?

## KNOW YOUR LEGAL OBLIGATIONS

This leaflet is for businesses such as gyms, fitness suites, health shops and tanning salons which sell or supply food supplements. The information below will help you understand what is required of a business selling or supplying food supplements.

In the UK most products described as food supplements (such as vitamins, minerals or amino acids) are regulated as foods and subject to the provisions of general food law such as the Food Safety Act. If you sell food supplements you must register as a Food Business Operator (FBO) with your local authority.

## YOUR RESPONSIBILITIES AS AN FBO

- Ensure that all food (**including supplements**) you sell is safe for consumption.
- Buy from **reputable suppliers**. A reputable supplier for example will be registered with their local authority and supply fully referenced invoices/receipts. Only buy food supplements over the internet if you are confident that the supplier is reputable.
- Beware of **counterfeit products**, particularly on the internet, when the product price is considerably cheaper than from other suppliers.

- **Keep traceability records.** You must be able to identify businesses you have bought food supplements from, or sold them to. You must retain documents such as invoices and delivery notes, and produce this information for enforcing authorities on demand.
- Ensure that the food supplements you sell are **labelled correctly**. If not, contact your supplier and arrange for the return of the products.
- **Ensure that any products you sell are not harmful to the customer.** Under the Sale of Goods Act you will be liable to pay damages to customers if the product is harmful.
- If you import and sell goods from other countries outside of the EU **you are legally responsible** for all aspects of these goods. This includes the composition, safety and labelling of the products. If you do not check that products are compliant this could result in prosecution as well as claims from customers.

In addition to these responsibilities FBOs must also comply with specific food supplements legislation.

## HOW SHOULD FOOD SUPPLEMENTS BE LABELLED?

Under the Food Information (Wales) Regulations 2014 and Food Supplements (Wales) Regulations 2003 food supplements must be labelled with certain information including:

- The product must be labelled as **“food supplement”** and not ‘dietary supplement’
- the name and address of the **manufacturer, packer or importer** into the European Union
- a **list of ingredients**, including common allergens which must be emphasised
- **conditions for use**, including information on the recommended daily dosage and **a warning not to exceed this**
- **storage instructions** including a statement that that the product should be **stored out of the reach of young children**
- a **‘use by’** or **‘best before’** date

- a **nutritional declaration** containing the names and amounts of the vitamins, minerals or other substances such as amino acids, fatty acids or plant extracts, that form the primary part of the product
- a **statement** that food supplements should not be used as a substitute for a varied diet.

Further information can be found at:

<http://gov.wales/topics/health/improvement/nutrition/nutrition/?lang=en>

## NUTRITION AND HEALTH CLAIMS

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FBOs must ensure that any nutrition (e.g. ‘low fat’) or health claims (e.g. ‘maintains healthy cholesterol levels’) on food supplements packaging complies with relevant legislation (Nutrition and Health Claims Regulations (Wales) 2007 (as amended)). You can check whether claims are approved for use via the following link.

<http://ec.europa.eu/nuhclaims/>

Be aware of any claims made on the label of products, such as ‘reduces fatigue’, ‘train harder’, ‘train longer’, ‘increase in energy and recovery’, ‘boosts physical performance’, ‘formulated for quick absorption’ which may not be approved for use.

## DANGEROUS PRODUCTS

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### DNP in Fat-burning and Slimming Pills

DNP (Dinitrophenol) is an industrial chemical that is **not fit for human consumption**. When consumed, DNP can be **extremely dangerous** to human health, and can even lead to coma or death. ‘Fat-burner’ products containing DNP appear to be marketed at those looking to lose weight, as well as those in the bodybuilding community. **Supplying products containing DNP is illegal** and can result in the seizure of products and legal action against the business.

**Products to look out for:** Dinosan, Solfo Black, Nitrophen, Aldifen, Chemox, Yellow Magic

**If you find products containing DNP contact the Food Standards department of your local council.**



## DMAA in Supplements

DMAA (Dimethylamylamine) is an ingredient often described as a “natural” stimulant. It has many claimed functional uses including as a body building or a weight loss aid. DMAA use (especially in combination with other ingredients such as caffeine) **can elevate blood pressure and lead to cardiovascular problems, and has also been linked with stroke and death**. The Medicines & Healthcare products Regulatory Agency (MHRA) typically regards products containing DMAA to be medicinal products and will take appropriate action when products are found. It is an offence to sell, supply or to advertise a medicinal product which does not have a marketing authorisation.

**Products to look out for:** Black Widow, Get Ripped, Jack’d Upd, Stimerex, Tiger Claw

**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>

**If you find products containing DMAA contact MHRA (Borderline Section) at:** [borderline\\_medicine@mhra.gsi.gov.uk](mailto:borderline_medicine@mhra.gsi.gov.uk)

If you require any further advice, please contact the Food Standards department of your local council.

**If you have information about food crime, contact the Welsh Food Fraud Co-ordination Unit on 01545574118 or email [foodfraudwales@ceredigion.gcsx.gov.uk](mailto:foodfraudwales@ceredigion.gcsx.gov.uk)**