



# Medicines (Related Products (Exempted Foods)) Regulations 2003

Dame Sian Elias, Administrator of the Government

## Order in Council

At Wellington this 15th day of December 2003

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to sections 94(1)(b) and 105 of the Medicines Act 1981, Her Excellency the Administrator of the Government, acting on the advice of the Minister of Health tendered after consultation with the organisations and bodies that appeared to the Minister to be representative of persons likely to be substantially affected, and on the advice and with the consent of the Executive Council, makes the following regulations.

### Contents

1	Title	4	Certain foods not related products
2	Commencement	5	Revocation
3	Expiry		

## Regulations

### 1 Title

These regulations are the Medicines (Related Products (Exempted Foods)) Regulations 2003.

## 2 Commencement

These regulations come into force on 15 January 2004.

## 3 Expiry

These regulations expire with the close of 13 August 2007.

## 4 Certain foods not related products

- (1) Until 20 December 2004, a food is not a related product for the purposes of the Medicines Act 1981 if the food—
  - (a) complies with subclauses (e) to (i) of clause (19) of Standard A1 of Volume 1 of the Australia New Zealand Food Standards Code; and
  - (b) is a food to which clause 1(4) of Standard 1.1.1 of the Australia New Zealand Food Standards Code applies.
- (2) Subclauses (e) to (i) of clause (19) of Standard A1 of Volume 1 of the Australia New Zealand Food Standards Code are set out in—
  - (a) *Commonwealth of Australia Special Gazette* No S 533, 4 November 1998; and
  - (b) *Commonwealth of Australia Special Gazette* No S 518, 1 November 1999; and
  - (c) *Commonwealth of Australia Periodic Gazette* No P 16, 17 August 2000; and
  - (d) *Commonwealth of Australia Gazette* No FSC 2, 20 June 2002.
- (3) Clause 1(4) of Standard 1.1.1 of the Australia New Zealand Food Standards Code is set out in—
  - (a) *Commonwealth of Australia Periodic Gazette* No P 30, 20 December 2000; and
  - (b) *Commonwealth of Australia Gazette* No FSC 3, 28 June 2002.
- (4) A food that complies with paragraphs (e) to (i) of clause 3 of Standard 1.1A.2 of the Australia New Zealand Food Standards Code is not a related product for the purposes of the Medicines Act 1981.
- (5) Standard 1.1A.2 of the Australia New Zealand Food Standards code is set out in—
  - (a) *Commonwealth of Australia Gazette* No FSC 3, 28 June 2002; and

- (b) *Commonwealth of Australia Gazette* No FSC 9, 31 July 2003.

## 5 Revocation

The Medicines (Related Products (Exempted Foods)) Regulations 2002 (SR 2002/208) are revoked.

Diane Morcom,  
Clerk of the Executive Council.

---

### Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations revoke and replace the Medicines (Related Products (Exempted Foods)) Regulations 2002, which were due to expire with the close of 13 February 2004.

The regulations permit, until the close of 13 August 2007, the making of certain health claims in respect of certain foods. The foods include a range of vegetables, breads, breakfast cereals, and orange juices. The claims are about the health benefits of increased maternal consumption of folate. The claims would otherwise be contrary to provisions in the Medicines Act 1981 that restrict, or prohibit without the consent of the Minister of Health, the sale, distribution, or advertisement of foods in respect of which claims of a therapeutic purpose are made.

Apart from extending the expiry date of the permission to make folate claims, the regulations update references to the applicable food standards provisions.

The regulations come into force on 15 January 2004.

---

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 18 December 2003.

These regulations are administered in the Ministry of Health.

---