

## **CALL TO ACTION on use of botanicals in supplements and functional foods**

### **Access to traditional herbal medicinal products is about to change in Europe. Forever.**

#### **Unless we all do something to prevent it happening!**

As a supporter of natural medicine, you are already aware of the vital role that herbal preparations can play in food supplements and fortified foods. What you may not know is that many, if not all, of the herbal preparations that you have become accustomed to using—or in some cases rely on using—are about to become illegal. Even if you are not users of traditional herbal products, such as those from Chinese or Ayurvedic medicine, many individual herbs that are used in food supplements alongside vitamins and minerals, will no longer be available after April 2011.

#### **The THMPD: A turning point in natural healthcare**

On 1 April 2011, the Traditional Herbal Medicinal Products Directive (THMPD) comes into full force. Many herbal products, which are currently classified and sold as food supplements, must be registered by this date in order to remain on sale. Unfortunately, the registration process is extremely complex and expensive, and has such severe quality-control requirements, that it is simply not an option for many companies and their products. The consequences of the THMPD sound like some kind of April Fool's Day joke: overnight, thousands of herbal products will become illegal, and your ability to access them as you see fit will be severely restricted.

#### **A three-pronged approach to the problem**

The THMPD is only one aspect of the challenges we face as the result of new legislation. There are, in fact, three broad areas that affect the use of herbs in Europe, each of which requires a different response. For detailed information, read the full [Position Paper](#).

#### ***1. Judicial review of the THMPD: our first priority***

Help us to help you – urgently! The THMPD is not suitable for its intended purpose, which is why not a single product from the ancient systems of traditional Chinese medicine or Ayurveda has yet been registered.

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The Directive needs to be amended as a matter of priority – and the case must be heard well before 1 April 2011. Our legal advice shows that a judicial review of the THMPD may succeed on several grounds. However, only a concerted effort by all those with an interest and passion for natural medicine can prevent the THMPD from being fully implemented in its present form. Make no mistake: such an outcome would seriously set back our freedom of health choice, perhaps forever.

**Does the judicial review of the THMPD affect me?**

The answer is “Yes” if you are in any way reliant on or a user of herbal products or supplements that include herbal ingredients! Will you be there to see natural medicine safeguarded for the future?

See ANH ‘[call to action](#)’ video. Contact [info@anhinternational.org](mailto:info@anhinternational.org) for more information or call +44 (0)1306 646 600.

***2. Changing the EU food supplement regime***

Most herbal products, even those used in herbal medicine, have until now been sold as food supplements in many EU Member States. However, the current food supplement regime for herbal products needs improving, for several reasons:

- Classification as medicines of herbal products previously sold as food supplements
- Under the Novel Food Regulation, a food or herbal preparation is considered ‘novel’ and banned from sale if it cannot be proven that one or more of its constituents were used significantly within the EU prior to May 1997
- The Nutrition and Health Claims Regulation is set to ban health claims on many herbal products, thus limiting informed consumer choice.

We are working to keep the food supplement regime as wide open and inclusive as possible after 1 April 2011. Our initial priorities are to get more herbal products onto approved lists, to reduce inappropriate medicinal or novel food categorisation by national authorities and instate a level playing field between approaches used in different EU Member States.

***3. A new framework is needed for the use of herbal products***

The THMPD is specifically intended for products sold over-the-counter or in health stores without the supervision of a practitioner, and it applies only to treatment of minor ailments. Even if products could be registered easily and for a reasonable cost, these limitations would exclude a very large proportion of herbal products prescribed by practitioners. A more rational system of regulation is needed, and our partners at the European Benefyt Foundation have been working hard to develop one for over a year. With the project nearly complete, we must now begin to build support from the European Parliament for this new, viable regulatory framework.

We need your help now with lobbying Members of the European Parliament and representatives of Member State governments. Let your voices be heard and show MEPs that this issue is of huge concern. Now is not the time to sit on the sidelines!

Again, please help us to help you! Find out how you can assist with much-needed lobbying by contacting our Campaign Administrator, Sophie Middleton, at [sophie@anhinternational.org](mailto:sophie@anhinternational.org) or call +44 (0)1306 646 600.