



## HFMA UPDATE

by Graham Keen,  
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# Hobson's choice

**A**s I write this month's article, I am not long back from a near-perfect holiday in the north-eastern United States, part of which took us to one of our favourite cities – Washington DC. It is a city currently mired in the most divisive and bitter Presidential election yet seen and the relative calm of our own post-Brexit 'turmoil' will seem as nothing compared to the global impact of what the US people are about to make their own decision about.



If you ever think that our own political allegiances here in the UK are overly-partisan, it pales when compared to the extraordinary "my party right or wrong" position that prevails over the 'pond'. By the time you read this you will know the result but with a week to go it seems to me that it could go either way.

So, when I got back to the UK and found that we were not in some kind of post-EU oblivion, and that the wheels were actually still turning, it really brought home to me that we ought to remain calm and keep the British peoples' Brexit decision very much in perspective.

On that front, the key legal challenge to the triggering of Article 50 was heard in the High Court recently, and it was the first serious test of Theresa May's authority as Prime Minister. Interestingly, actually crucially, early in the hearing the judges indicated their interest in

knowing whether (i) once triggered, Article 50 may be stopped, and (ii) whether there can be a conditional triggering of Article 50. The legal arguments are finely balanced, and constitutional experts appear to be split evenly on how the case will go. Whichever way the Court decides, the losing side in this case is likely to launch an appeal. The Court has not given a set date for their judgement, however, legal experts have said they expect the decision to be handed down within two to three weeks to

allow for the Supreme Court to have time to hear an appeal.

HFMA representatives recently attended a Regulatory Delivery (RD, formerly the BRDO – Better Regulation Delivery Office) Business Reference Panel workshop relating to Brexit and its implications. As well as receiving updates on the new BEIS department (the Government department formerly known as BIS) and other RD developments, the meeting set a foundation for future engagement with panel members on Brexit. Invited officials from other Government departments spoke at the workshop, including Mike Archer representing the Europe Directorate at BEIS, as well as the Department for EXIT, and he said that the panel would be invaluable for understanding what's needed in the upcoming negotiations, what legislation is requiring change, and the challenges and opportunities presented by Brexit.

Rosa Wilkinson, for the Department for International Trade (DfIT), advised us that the Trade Policy Group is looking at strategy, the future relationship with the EU, and is trying to evaluate the most important markets in future. It was

possible that free trade agreements (FTAs) established under the EU might be 'grandfathered' across, with more bespoke deals following later. DfIT encouraged everyone to provide insights, stating that the UK didn't want to be perceived as a 'Rogue Nation'. It is clear that these are still very early days but the HFMA is taking steps to be involved early, and the key message is that the Panel will be a valuable conduit for conveying HFMA views, and those of this industry, on Brexit.

In a new development, HFMA members will be very aware that our involvement in the Food Standards and Labelling Business Expert Group (BExG) has been an invaluable mechanism for filling the void between industry and the enforcement community following the demise of LACORS. Now, a new BExG on 'Diet and Health' has been created, and it held its first substantive meeting in October. As you would expect, the HFMA is represented on this new Group, which in its first meeting alone discussed such diverse subjects as Nutrient Profiling, Sugar Reduction, the Government's Childhood Obesity Action Plan, the proposed Soft Drinks Industry Levy, SACN's work on saturated fat, Salt Targets and the Eatwell Guide!

In terms of the direction the group is taking, there was recognition that it was, to date, reacting to policy, so there needed to be more emphasis on driving policy. The industries that the group represented could make a difference to the health of the nation not only in relation to fat, sugar, and salt, but also essential micronutrients. From this industry's perspective, it was gratifying to hear that the Micronutrients and Health All-Party Parliamentary Group, for which HFMA provides the secretariat, was commented upon as being key in identifying issues for

future policy development.

Finally, the HFMA has been regularly updating its members over the last year on the Food Standards Agency's Month of Action (MoA) on Food Supplements conducted in October 2015. We have also been in discussions with the FSA on its proposed new Strategy for Herbs and Food Supplements, which has been driven in part by the findings from the MoA above, and also other issues related to these sectors, for example, the recent issue relating to the contamination of certain foods with pyrrolizidine alkaloids. We have been liaising closely with the FSA to ensure that these reports are balanced and pragmatic, and also that any media activity resulting from them can be sensibly reported.

We have received positive reassurances from the FSA that the findings from the MoA in 2015 had now been finalised and would not be the subject of a public statement or press release, and at a recent meeting, the author of the FSA's new Herbs and Food Supplements Strategy document gave a short presentation about the work she has been conducting. We have just received an embargoed copy of the Strategy document and have been asked to provide comments by November 4, and I hope to be able to report further on this in upcoming columns.

You can hopefully tell from this article that there continues to be a lot happening and that the HFMA continues to work tirelessly to be this industry's strongest advocate. If you want to know more, I'll be happy to hear from you. **hfb**

To help us in our efforts to protect this industry and benefit from the gold-standard advice we provide, join the HFMA at the earliest opportunity. To learn more about our activities, please contact [graham@hfma.co.uk](mailto:graham@hfma.co.uk).

HFMA membership is vital to ensure that your company keeps abreast of the fast-changing regulatory environment. The HFMA is the UK's best source of information and most effective defender of our industry's interests. To help the HFMA defend your business at this most critical time contact [hfma@hfma.co.uk](mailto:hfma@hfma.co.uk) or call 020 8481 7100.

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