



# Bulletin Board

News, information and comment

The voice of  
the natural health  
industry



## Just how 'confidential' is confidential?

In 2005 my company, along with many others, submitted data to the EU Commission to obtain approval for the addition of a key nutrient to Annex II of the Food Supplements Directive. This process, once approved, would then permit the substance to be marketed in the EU as a food supplement. I am happy to say that this submission was successful, as were some 40 other substance submissions made at that time in conjunction with the HFMA and via the UK Food Standards Agency. As part of the submission, and following the advice of the Commission, any proprietary data that is confidential to the submitter was presented separately and clearly labelled as confidential. It was quite reasonably assumed at the time that this data would be protected by the Commission and not disclosed.

In June 2017, I was rather surprised to receive an email from the Commission, requesting permission to release this confidential information into the public domain and giving just five days' notice! If it did not receive a response within this time then the information would automatically be



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released into the public domain. In the discussion that followed, I asked for some information as to who was requesting release of the companies' confidential information, only to be informed that this information was, in itself, confidential! Needless to say, I rejected the request for release.

It had been 12 years since the original submission, and thankfully the contact details that allowed me to receive the Commission's latest request hadn't changed. If they had, this data would now no longer be confidential and I would not have even been aware that it had been released.

In my response to the Commission, I clearly indicated that I was surprised that it even considered such a request when they knew that the data was confidential, and suggested that there should be some duty of care in the handling of such information. As I have

indicated, some 40 other substances were submitted, and many of those also with confidential data. I wonder how much of this data is still truly confidential?

In discussion with the Commission, it cited Regulation 1049-2001 regarding public access of information to justify non-release of such data. It now appears that this document introduces, retrospectively, a 30-year period after which confidential data is then released into public ownership. However, no such timeframe was set when the original data was provided in 2005; at that time it was assumed, not unreasonably, that 'proprietary' would mean proprietary in perpetuity.

I will certainly be more vigilant in the future, and will be following closely what Brexit may bring, when the Commission's jurisdiction over UK no longer applies. Or perhaps that information is also 'confidential'?

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## Getting the best from the HFMA

### The right connections

Like many UK business sectors, the natural products industry relies on an extensive network of industry experts, advisors and business leaders to support and promote its business needs. The HFMA provides its members with a full calendar of varied industry events, giving members who are new to the UK market an opportunity to help establish important contacts, and providing established UK businesses with a mechanism to strengthen vital professional relationships and network with key industry stakeholders.

Members can also benefit from key contacts within the Department of Health, the Medicines & Healthcare Products Regulatory Agency, the Food Standards Agency and the Department for Environment, Food & Rural Affairs, as well as MPs, MEPs, UK Ministers and the EU Commission.

## News ...

### Synbiotics are all the rage

The celebrity endorsements for natural products came in thick and fast this month, as no sooner had *Friends* star Jennifer Aniston professed again her love of apple cider vinegar as a weight loss staple, than Victoria Beckham shared her preference for vegan liquid aminos and bee pollen as part of her children's snack routine. The star stated that the second natural snack had '22 amino acids, 12 vitamins and 28 minerals'.

While it is encouraging to see high-profile media figures bringing natural sources of nutrition to the foreground, it is the responsibility of the industry to use these endorsements responsibly, alongside strong research, to further the shared goal of helping a nation to be healthier.

## NEWS ... UNDER THE INFLUENCE

As well as keeping members up-to-date on important regulatory and legislative developments and national health news, the HFMA is increasingly reporting all the latest developments in the world of influencer marketing and blogging.

The recent HFMA Social Media Seminar shed a little more light on a media set which many brands find increasingly difficult to infiltrate: health and fitness bloggers.

In a panel comprising Amanda Fulton of Ginger Mum, Hannah Anderson of Hannah and Fitness, Holly Daffurn of *Natural Mumma* Magazine and Andrew Parker of PNDA Fitness Blog, key outtakes included the need for brands to form long-term relationships with bloggers and the intricacies of paid-for endorsements and their need to retain some impartiality.

The bloggers discussed the need for brands to respect

their craft in the same way as traditional journalists and keep budget reserved for blogger campaigns, as well as working hard to keep their own brand blogs up-to-date with relevant and more editorial-focused content, rather than relying on sales-focused messaging to keep consumers engaged. For more information on the HFMA's seminars and upcoming events, visit [www.hfma.co.uk/media-events/](http://www.hfma.co.uk/media-events/)