

HFMA Bulletin

Sukh Gill, director of regulatory affairs, supplier assurance and quality, Holland & Barrett International



Bouncing back like Tigger?

I have a long-standing interest in Better Regulation. BEIS recently consulted on this in the context of the report of the Taskforce on Innovation, Growth and Regulatory Reform (TIGRR). There are clearly opportunities for the UK to reform its regulatory approach outside of the EU in a way that supports the nutraceuticals and consumer health sector. In my view, any reforms should continue to seek to build on the outcomes sought by previous BEIS innovations of supporting prosperity whilst providing a high-level of consumer protection. Like the HFMA, I believe that legislation relating to the natural health industry – and, in some cases, just the way in which it is enforced – could be improved in a manner that leads to win-win outcomes for consumers, commerce and regulators.

Regulatory reform should be a hybrid approach of changing regulations where necessary, while leveraging existing relationships between business sectors and regulators (whether local or national) to evolve professional diligence under existing principles-based UK legislation to co-create regulatory codes. This is an approach advocated by Professor Christopher Hodges of Oxford University who is a leading light in Better Regulation recognized in the UK and internationally. There are many areas that would benefit from review, in particular relating to health claims, and supporting the positive role and importance of genuine consumer reviews.

EU attempts at designing and implementing regulation to drive competition

and innovation in this sector have failed, with societal consequences during the pandemic – pre-banning the industry from providing emerging evidence on the protective effects of vitamin D. The rub is that regulation has restricted data from being shared with consumers in certain commercial contexts in the EU while the information age marches on, meaning that information restricted in a commercial context is freely available on the web anyway. One has to question the value of that when we could simply move away from a pass/fail approach and return to a position where claims commensurate with the science would be permitted.

In anticipation of Brexit, the HFMA has well-developed thoughts on a nutrition and health claims code that could lead to the following positive outcomes: a high level of protection for consumers while facilitating well-informed consumer choice; facilitating research, innovation and international trade through recognition of other comparable regulatory approaches internationally; and providing additional 'eyes and ears' to promote proportionate compliance in the sector, whilst identifying rogue activity to more efficiently target finite regulator and enforcement resource.

This would incentivize investment in research that could be recouped through commercial activity, improve the health of the nation and allow the UK to bounce back – just like Tigger!

The views expressed by our columnists do not necessarily reflect the views of our editor or publishers