



Medicines (Related Products (Exempted Foods)) Amendment Regulations 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 26th day of August 2013

Present:

His Excellency the Governor-General in Council

Pursuant to sections 94(1)(b) and 105 of the Medicines Act 1981, His Excellency the Governor-General makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) 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 by these regulations.

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Regulations

- 1 Title**

These regulations are the Medicines (Related Products (Exempted Foods)) Amendment Regulations 2013.
- 2 Commencement**

These regulations come into force on 30 August 2013.
- 3 Principal regulations**

These regulations amend the Medicines (Related Products (Exempted Foods)) Regulations 2003 (the **principal regulations**).
- 4 Regulation 4 amended (Certain foods not related products)**
 - (1) Revoke regulation 4(1) to (3).
 - (2) After regulation 4(5), insert:

“(6) This regulation is revoked on the close of 17 January 2016.”
- 5 New regulation 4A inserted (Certain foods that comply with Standard 1.2.7 are not related products)**

After regulation 4, insert:

“**4A Certain foods that comply with Standard 1.2.7 are not related products**

“(1) A food is not a related product for the purposes of the Medicines Act 1981 if—

 - “(a) a health claim is made in relation to it; and
 - “(b) that claim is made in a manner that complies with Standard 1.2.7.

“(2) In this regulation,—

“**health claim** has the same meaning as in clause 2 of Standard 1.2.7

“**Standard 1.2.7** means Standard 1.2.7—Nutrition, Health and Related Claims of the Australia New Zealand Food Standards Code—

- “(a) set out in 3 *New Zealand Gazette* 91 at 93 on 18 January 2013; and
- “(b) notified in 42 *New Zealand Gazette* 1211 at 1250 on 11 April 2013; and
- “(c) that came into force on 9 May 2013.”

Rebecca Kitteridge,
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, which come into force on 30 August 2013, amend the Medicines (Related Products (Exempted Foods)) Regulations 2003 by excluding certain foods that have a health claim (as defined in Standard 1.2.7—Nutrition, Health and Related Claims of the Australia New Zealand Food Standards Code) made in relation to them from being related products for the purposes of the Medicines Act 1981.

They also amend regulation 4 by—

- revoking subclauses (1) to (3), which ceased to have effect on 20 December 2004; and
- inserting a *new subclause (6)*, which provides that regulation 4 is revoked on the close of 17 January 2016. Regulation 4(4) and (5) concerns Standard 1.1A.2 of the Australia New Zealand Food Standards Code. That Standard is a transitional standard that operates concurrently with Standard 1.2.7 for 3 years. At the end of those 3 years, on 17 January 2016, Stand-

ard 1.1A.2 will cease to operate and, accordingly, regulation 4
will cease to have effect and will be revoked.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 29 August 2013.
These regulations are administered by the Ministry of Health.
