Seven Easy Steps to Assess Non-Compliance of a Food Supplement

Three easy immediate checks of the label

1. If a product is labelled as 'Dietary Supplement', it is non-compliant.
   All food supplements must be labelled with 'Food Supplement'.

2. If the product follows the nutritional information table with 'Other ingredients', listing the carriers and other additives etc., it is non-compliant.
   ALL ingredients (including the active ingredients) must be listed under the heading 'Ingredients' in descending order by weight of input. Active ingredients must be quantified either separately under an appropriate heading or within the ingredients list itself.

3. If the quantity of vitamins A, D or E is given solely or principally as 'IU', it is non-compliant.
   The quantity of these vitamins must be stated on food supplement labels using the applicable units:
   vitamin A 'µg RE'; vitamin D 'µg'; vitamin E 'mg α-TE'.
   Although the voluntarily declaration of quantity in IU may sometimes be provided, this must not take priority.

Four easy checks requiring the use of lists

4. The only permitted vitamins and minerals for use in food supplements are listed in Annex I of Directive 2002/46/EC on food supplements, as amended (for the EU[1] and NI[2]) and in Schedule 1 of The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (for GB[3]). If the product contains vitamins or minerals other than those listed (*e.g.* vanadium), it is non-compliant.
   The permitted vitamins and minerals, as of August 2023, are listed in Appendix I of this document.

5. The only permitted vitamin and mineral sources for use in food supplements are listed in Annex II of Directive 2002/46/EC on food supplements, as amended (for the EU and NI) and in Schedule 2 of The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (for GB). If the product contains vitamin or mineral sources other than those listed (*e.g.* potassium glycinate complex), it is non-compliant.
   The permitted vitamin and mineral sources, as of August 2023, are listed in Appendix II of this document.

6. Certain ingredients have been determined to be novel foods requiring authorisation before they can be permitted for use (*e.g. Acacia rigidula*). These ingredients are listed in the EU novel food catalogue, which also includes the status of a number of other ingredients that may be not novel in food supplements only or not novel in all foods. The catalogue is not exhaustive, but if any of the ingredients stated as novel are present in a product, it is non-compliant, unless proof can be provided by the company that the ingredient falls under one of the few exceptions stated. Outcomes of official investigations into novel food status are published for the EU and for GB. In addition, GB has a register of the novel foods that have been authorised for use in GB.
   - ***EU novel food catalogue**: https://ec.europa.eu/food/food-feed-portal/screen/novel-food-catalogue/search*
   - ***EU outcomes of novel food consultations**: https://food.ec.europa.eu/safety/novel-food/consultation-process-novel-food-status_en*
   - ***GB novel foods register**: https://data.food.gov.uk/regulated-products/novel_authorisations*
   - ***GB outcomes of novel food consultations**: https://www.food.gov.uk/business-guidance/outcomes-on-novel-food-consultations*

[1] European Union
[2] Northern Ireland
[3] Great Britain

7. If the product bears health claims, these should relate only to those authorised via Regulation 1924/2006 on nutrition and health claims (including disease risk reduction claims) and present on the EU Register on nutrition and health claims (for the EU and NI) or on the Great Britain nutrition and health claims register (for GB). Certain on-hold claims are also permitted. Claims which refer to preventing, treating or curing a disease or illness are not permitted.
   This can be a complicated issue. UK guidance on claims can be found from the Department of Health and Social Care (DHSC), the Committee of Advertising Practice (CAP) and the Medicines and Healthcare products Regulatory Agency (MHRA).

   - ***EU Register of nutrition and health claims**: https://ec.europa.eu/food/food-feed-portal/screen/health-claims/eu-register*
   - ***Great Britain nutrition and health claims register**: https://www.gov.uk/government/publications/great-britain-nutrition-and-health-claims-nhc-register*
   - ***DH Guide to compliance with Regulation (EC) 1924/2006 on nutrition and health claims made on foods**: https://www.gov.uk/government/publications/nutrition-and-health-claims-guidance-to-compliance-with-regulation-ec-1924-2006-on-nutrition-and-health-claims-made-on-foods*
   - ***DHSC guidance and spreadsheet relating to 'on hold' health claims**: https://www.gov.uk/government/publications/nutritional-and-health-claims-legislation-bulletins-2014*
   - ***CAP/ASA Advice and Resources**: https://www.asa.org.uk/advice-online/food-general-health-claims.html*
   - ***MHRA Borderline products: how to tell if your product is a medicine**: https://www.gov.uk/guidance/borderline-products-how-to-tell-if-your-product-is-a-medicine*

(The links are current as of January 2024. However, we have no control over other agencies relocating their web pages. Therefore, if any of the links do not work, search in your web browser for the document name)

APPENDIX I

List of permitted vitamins and minerals for use in food supplements and the units by which they should be quantified (as of January 2024)

Taken from Annex I of Directive 2002/46/EC as amended (EU[1] and NI[2]) and Schedule 1 of The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (GB[3])

Vitamins

Vitamin A (µg RE)
Vitamin D (µg)
Vitamin E (mg a-TE)
Vitamin K (µg)
Vitamin B1 (thiamin) (mg)
Vitamin B2 (riboflavin) (mg)
Niacin (mg NE)
Pantothenic acid (mg)
Vitamin B6 (mg)
Folic acid (µg)
Vitamin B12 (µg)
Biotin (µg)
Vitamin C (mg)

Minerals

B
Boron (mg)

C
Calcium (mg)
Chloride (mg)
Chromium (µg)
Copper (mg)

F
Fluoride (mg)

I
Iodine (µg)
Iron (mg)

M
Magnesium (mg)
Manganese (mg)
Molybdenum (µg)

P
Phosphorus (mg)
Potassium (mg)

S
Selenium (µg)
Silicon (mg)
Sodium (mg)

Z
Zinc (mg)

[1] EU: European Union
[2] NI: Northern Ireland
[3] GB: Great Britain (England, Scotland, Wales)

APPENDIX II

List of permitted vitamins and mineral sources for use in food supplements (as of January 2024)

Taken from Annex II of Directive 2002/46/EC as amended (EU[1] and NI[2]) and Schedule 2 of The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (GB[3])

VITAMINS

Vitamin A
- Retinol
- Retinyl acetate
- Retinyl palmitate
- Beta-carotene

Vitamin D
- Cholecalciferol
- Ergocalciferol

Vitamin E
- D-alpha-tocopherol
- DL-alpha-tocopherol
- D-alpha-tocopheryl acetate
- DL-alpha-tocopheryl acetate
- D-alpha-tocopheryl acid succinate
- Mixed tocopherols (F)
- Tocotrienol tocopherol (F)

Vitamin K
- Phylloquinone (phytomenadione)
- Menaquinone (F)

Vitamin B1 (Thiamin)
- Thiamin hydrochloride
- Thiamin mononitrate
- Thiamine monophosphate chloride
- Thiamine pyrophosphate chloride

Vitamin B2 (Riboflavin)
- Riboflavin
- Riboflavin 5′-phosphate, sodium

Niacin
- Nicotinic acid
- Nicotinamide
- Inositol hexanicotinate (inositol hexaniacinate)
- Nicotinamide riboside chloride

Pantothenic acid
- D-pantothenate, calcium
- D-pantothenate, sodium
- Dexpanthenol
- Pantethine

Vitamin B6
- Pyridoxine hydrochloride
- Pyridoxine 5′-phosphate
- Pyridoxal 5′-phosphate

Folate (folic acid)
- Pteroylmonoglutamic acid
- Calcium-L-methylfolate
- (6S)-5-methyltetrahydrofolic acid, glucosamine salt

Vitamin B12
- Cyanocobalamin
- Hydroxocobalamin
- 5′-deoxyadenosylcobalamin
- Methylcobalamin

Biotin
- D-biotin

Vitamin C
- L-ascorbic acid
- Sodium-L-ascorbate
- Calcium-L-ascorbate (F)
- Potassium-L-ascorbate
- L-ascorbyl 6-palmitate
- Magnesium L-ascorbate
- Zinc L-ascorbate

[1] EU: European Union
[2] NI: Northern Ireland
[3] GB: Great Britain (England, Scotland, Wales)

MINERALS

Boron

- Boric acid
- Sodium borate

Calcium

- Calcium acetate
- Calcium L-ascorbate
- Calcium bisglycinate
- Calcium carbonate
- Calcium chloride
- Calcium citrate malate
- Calcium salts of citric acid
- Calcium gluconate
- Calcium glycerophosphate
- Calcium lactate
- Calcium pyruvate
- Calcium salts of orthophosphoric acid
- Calcium succinate
- Calcium hydroxide
- Calcium L-lysinate
- Calcium malate
- Calcium oxide
- Calcium L-pidolate
- Calcium L-threonate
- Calcium sulphate
- Calcium phosphoryl oligosaccharides

Chloride

- Any of the listed chloride salts

Chromium

- Chromium (III) chloride
- Chromium enriched yeast (F)
- Chromium (III) lactate trihydrate
- Chromium nitrate
- Chromium picolinate
- Chromium (III) sulphate

Copper

- Cupric carbonate
- Cupric citrate
- Cupric gluconate
- Cupric sulphate
- Copper l-aspartate
- Copper bisglycinate
- Copper lysine complex
- Copper (ii) oxide

Note: the ingredient may be listed as 'copper...', in which case the company should be able to confirm the source used is cupric (where relevant)

Fluoride

- Calcium fluoride
- Potassium fluoride
- Sodium fluoride
- Sodium monofluorophosphate

Iodine

- Potassium iodide
- Potassium iodate
- Sodium iodide
- Sodium iodate

Iron

- Ferrous carbonate
- Ferrous citrate
- Ferric ammonium citrate
- Ferrous gluconate
- Ferrous fumarate
- Ferric sodium diphosphate
- Ferrous lactate
- Ferrous sulphate
- Ferric diphosphate (ferric pyrophosphate)
- Ferric saccharate
- Elemental iron (carbonyl + electrolytic + hydrogen reduced)
- Ferrous bisglycinate
- Ferrous l-pidolate
- Ferrous phosphate
- Ferrous ammonium phosphate
- Ferric sodium edta
- Iron hydroxide adipate tartrate (nano)*
- Iron (ii) taurate

Note: the ingredient may be listed as 'iron...', in which case the company should be able to confirm the source used is ferrous or ferric (where relevant)

* **Authorised for use in NI and EU only**

Magnesium

- Magnesium acetate
- Magnesium l-ascorbate
- Magnesium bisglycinate
- Magnesium carbonate
- Magnesium chloride
- Magnesium citrate malate
- Magnesium salts of citric acid
- Magnesium gluconate
- Magnesium glycerophosphate
- Magnesium salts of orthophosphoric acid
- Magnesium lactate
- Magnesium l-lysinate

Magnesium hydroxide
Magnesium malate
Magnesium oxide
Magnesium l-pidolate
Magnesium potassium citrate
Magnesium pyruvate
Magnesium succinate
Magnesium sulphate
Magnesium taurate
Magnesium acetyl taurate

Manganese

Manganese ascorbate
Manganese l-aspartate
Manganese bisglycinate
Manganese carbonate
Manganese chloride
Manganese citrate
Manganese gluconate
Manganese glycerophosphate
Manganese pidolate
Manganese sulphate

Molybdenum

Ammonium molybdate (molybdenum (VI))
Potassium molybdate (molybdenum (VI))
Sodium molybdate (molybdenum (VI))

Phosphorus

Any of the listed phosphates that provide a sufficient quantity

Potassium

Potassium bicarbonate
Potassium carbonate
Potassium chloride
Potassium citrate
Potassium gluconate
Potassium glycerophosphate
Potassium lactate
Potassium hydroxide
Potassium l-pidolate
Potassium malate
Potassium salts of orthophosphoric acid
Potassium sulphate

Selenium

L-selenomethionine
Selenium enriched yeast [F]
Selenious acid
Sodium selenate
Sodium hydrogen selenite
Sodium selenite

Silicon

Choline-stabilised orthosilicic acid
Silicon dioxide
Silicic acid [F]
Organic silicon (monomethylsilanetriol)

Sodium

Sodium bicarbonate
Sodium carbonate
Sodium chloride
Sodium citrate
Sodium gluconate
Sodium lactate
Sodium hydroxide
Sodium salts of orthophosphoric acid
Sodium sulphate

Zinc

zinc acetate
Zinc l-ascorbate
Zinc l-aspartate
Zinc bisglycinate
Zinc chloride
Zinc citrate
Zinc gluconate
Zinc lactate
Zinc l-lysinate
Zinc malate
Zinc mono-l-methionine sulphate
Zinc oxide
Zinc carbonate
Zinc l-pidolate
Zinc picolinate
Zinc sulphate

[F] The ingredient must be in the form specified in Annex II of Directive 2002/46/EC as amended (EU and NI)/as per the Guidance notes on legislation implementing Directive 2002/46/EC on food supplements (GB)

NOTE: Synonyms might be used in the ingredients list for some of these substances