

Mark Drakeford AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MB/MD/1157/15

Bethan Jenkins AM  
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*Dear Bethan,*

Thank you for your question to the Minister for Finance and Government Business, during Business Questions on the 24th of February, regarding how sports drinks and supplements are regulated.

Your question refers to both enforcement and regulation. As the specified incident refers to what is presumably an unintentional contamination, this would be an issue of enforcement. Accountability for enforcement lies with the local enforcement authorities (Environmental Health and Trading Standards).

However, with regard to the specific question on regulation, there is no specific legislation on foods intended to meet the expenditure of intense muscular effort, especially for sports people, so General Food Law applies.

EU 178/2002 (General Food Law) aims to protect human health and consumers interests in relation to food. Food business operators are required to comply with this legislation which relates to the safety of food, traceability, notification of food safety incidents and withdrawal and recall of unsafe food. The main requirements are:

- Food must not be unsafe, i.e. it must not be injurious to health or unfit for human consumption;
- Labelling, advertising and presentation of food must not mislead consumers;
- Food businesses must be able to identify the businesses from whom they have obtained food, ingredients or food-producing animals and the businesses they have supplied with products, and produce this information on demand; and
- Unsafe food must be withdrawn from sale or recalled from consumers if it has already been sold.

Food supplements are regulated in the UK under the EC Food Supplements Directive 2002/46/EC and EC Regulation 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods as well as all other applicable food law. This Directive is implemented into national law by The Food Supplements (Wales) Regulations 2003 (as amended). The Regulations prescribe the list of vitamins and minerals that may be added to food supplements. They do not prescribe substances other than vitamins and minerals in food supplements, but any other ingredients used must be safe for human consumption and not be injurious to health.

Best wishes,

Mark.

**Mark Drakeford AC / AM**

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CC: Minister for Finance and Government Business