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STATUTORY INSTRUMENTS

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**2003 No. 1387**

**The Food Supplements (England) Regulations 2003**

**Prohibitions on sale relating to composition of food supplements**

5.—(1) Subject to paragraph (3), no person shall sell a food supplement in the manufacture of which a vitamin or mineral has been used unless that vitamin or mineral—

- (a) is listed in column 1 of Schedule 1; and
- (b) is in a form which—
  - (i) is listed in Schedule 2, and
  - (ii) meets the relevant purity criteria.

(2) The relevant purity criteria for the purposes of paragraph (1)(b)(ii) are—

- (a) the purity criteria, if any, specified by Community legislation for the use of the substance in question in the manufacture of food for purposes other than those covered by Directive 2002/46; or
- (b) in the absence of such purity criteria, generally acceptable purity criteria for the substance in question recommended by international bodies.

(3) In the case of a vitamin or mineral which is not listed in column 1 of Schedule 1 or is not in a form listed in Schedule 2, the prohibitions in paragraph (1) shall not apply until 1st January 2010 if—

- (a) the substance in question was used in the manufacture of a food supplement which was on sale in the European Community on 12th July 2002;
- (b) a dossier supporting use of the substance in question was submitted to the Commission by the Food Standards Agency or a member State other than the United Kingdom by 12th July 2005; and
- (c) the European Food Safety Authority has not given an unfavourable opinion in respect of the use of that substance, or its use in that form in the manufacture of food supplements.