

THE CODEX THREAT TO AUSTRALIA - FACT OR FICTION?

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Over the last 3 years, information posted on the Internet has caused alarm amongst some ATMS members and consumers who use complementary medicines. The Internet information asserts that the Codex committee is engaged in limiting the supply of complementary medicines in western countries, including Australia.

ATMS head office has received numerous telephone calls, faxes, letters and emails enquiring about the impact of the Codex on complementary medicines, and what action ATMS was taking to prevent the demise of complementary medicines supply in Australia

What is Codex?

The Codex Alimentarius Commission (Codex) was established in 1963 between the Food and Agricultural Organisation (FAO) and the World Health Organisation (WHO) in order to develop standards for food quality and safety in international trade⁽¹⁾. As a result of the Uruguay Round of Multinational Trade Negotiations, the Codex standards became the preferred measures for international trade in food⁽¹⁾.

In many countries, food-borne illnesses cause many fatalities, as well as damage tourism, trade and commercial credibility of food suppliers. In recent years, representatives to the United National General Assembly, the FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade, the FAO/WHO International Conferences on Nutrition and the FAO World Food Summit have encouraged or committed their countries to adopt Codex standards on food quality⁽¹⁾.

In 1985, the United Nations General Assembly Guidelines for Consumer Protection stated⁽¹⁾:

When formulating national policies and plans with regard to food, Governments should take into account the need for all consumers for food security, and should support and, as far as possible, adopt standards from the Food and Agriculture Organisation...and the World Health Organisation's Codex Alimentarius...

The Australian Scene

In Australia, food standards are governed by Food Standards Australia and New Zealand (FSANZ). FSANZ regularly uses Codex Standards within Australian industry consultation papers⁽²⁾.

As food is one of Australia's important exports, Australia contributes to the development of the Codex standards for food. It is in Australia's trade interests to maximise the opportunities for Australia to influence the success of its food exports⁽²⁾.

Codex Australia has been established as part of the Department of Agriculture, Fisheries and Forestry. Codex Australia's function is to contribute to food standards undertaken by the Codex Alimentarius Commission. Information about Codex Australia is found at www.daf.gov.au

Therapeutic goods, which embrace herbal medicines, homoeopathic medicines, vitamins and minerals, are governed by the Therapeutic Goods Administration (TGA) which administers the *Therapeutic Goods Act 1989* and *Therapeutic Goods Regulations 1990* ie therapeutic goods law.

Australian therapeutic goods must conform to therapeutic goods law, not to food standards. The requirements for foods, whether required by Codex or not, have no relevance to therapeutic goods in Australia. Food standards do not apply to Australian therapeutic goods.

Australian therapeutic goods must be listed or registered on the Australian Register of Therapeutic Goods (ARTG), and must be compliant with the Code of Good Manufacturing Practice (cGMP). Australian therapeutic goods must comply with Australian therapeutic goods law. The Codex sets standards for food, not for Australian therapeutic goods.

What Are the Fears of Codex?

The alarming statements about the Codex diminishing the supply of Australian complementary medicines appear to be originating from two websites — one in the United Kingdom and the other in the United States of America. There is no concern about the Codex on the websites of Australian complementary medicine suppliers, simply because food standards do not apply to therapeutic goods.

It is of interest that the overseas websites are seeking donations from consumers in order to maintain its ongoing fight against the Codex. There is nothing improper in seeking funds for a campaign to protect one's interests, but such fund raising activities need to be grounded in true and accurate information, accountability, transparency and a publicly available independent audit of income and expenditure in accordance with Accounting Standards.

Some of the fears being disseminated about Codex are:

- *The right to choose one's vitamins, minerals and other supplements will end by June 2005.*

Comment: Codex only sets standards for food. In Australia, therapeutic goods are governed by therapeutic goods law, not food law. The TGA governs therapeutic goods, and FSANZ governs food. Codex Australia is part of the Department of Agriculture, Fisheries and Forestry, not the TGA.

- *Codex will drastically restrict vitamins, minerals and other supplements in many countries.*

Comment: In some countries, vitamins, minerals and herbal medicines are governed by food standards, and not therapeutic goods law. But this is not so in Australia.

It is unclear as to the real facts in other countries. On an international basis, regulation of complementary medicines has been occurring for decades, with Australia being a fore-runner in the establishment of a highly developed regulatory environment.

- *Australia is bound to follow the Codex standards, as Australia belongs to WHO.*

Comment: Codex standards do not automatically override domestic standards, even if the country is a member of WHO. Australian therapeutic goods law protects our complementary medicines from outside influences.

- *Codex aims to ensure it will be a criminal offence to supply dietary supplements without a prescription⁽³⁾.*

Comment: It is inconceivable that any country would adopt such a measure. It is in the financial and political interests of all Governments to encourage a health system where the average consumer takes responsibility and pays for their own wellbeing, thereby lessening the fiscal burden on a country's hospital and medical infrastructure.

- *These international developments are of increasing relevance to Australia, especially since the Pan crisis.*

Comment: It is incorrect to link a causal relationship between the Pan Pharmaceutical crisis of May 2003 and the Codex.

- *The TGA formed the Codex Alimentarius Commission.*

Comment: The TGA is one of the world-leading regulators of therapeutic goods, and has nothing to do with food.

Representation at the Codex meetings is on a country basis. National delegations are led by senior officials by their Governments. Australia's delegation to the Codex is led by Dr Gardner Murray, the Chief Veterinary Officer of Australia. The TGA has no role in any work undertaken by the Codex⁽⁴⁾.

References

- (1) Understanding the Codex Alimentarius. <http://www.fao.org/docrep/w9114e/W9114e02.htm>. Accessed on 6 August 2003.
- (2) Crosthwaite A. Tech Update: Codex. Complementary Healthcare Council, Canberra. 24 February 2005.
- (3) The Codex, the Pan Crisis and the Future of Alternative Medicines. <http://www.holistichealthtopics.com/HMG/codex.html>. Accessed on 15 July 2003.
- (4) Personal communication. Pio Cesarin, Director, Chemical and Non-Prescription Branch, TGA. 25 July 2003.

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