

Poland | Life Sciences | Planned changes in regulations concerning dietary supplements

Bill amending the Act on Food and Nutrition Safety

The principles of the bill amending the Act on Food and Nutrition Safety, including changes in the regulation of dietary supplements, have been published in the list of government activities. The purpose of the amendment is to improve the supervision of the dynamically developing market of these products, including their advertising, presentation and marketing. Below we present the key legislative themes and principles of the bill, which is scheduled to be adopted by the government in the fourth quarter of 2022.

The bill sets forth the rules for the presentation and advertising of dietary supplements, taking into account the protection of consumers' health and life and aiming to increase public knowledge on the rational use of these products. According to the authors of the bill, in the absence of comprehensive regulation in this area, people who buy or take dietary supplements are currently at risk of being misled about the action and properties of these products. Furthermore, many do not distinguish between dietary supplements and medicines or treat the former as substitutes for a balanced diet and a healthy lifestyle.



Advertising and presentation of dietary supplements - new requirements and prohibitions

The introduction of new regulations governing the advertising and presentation of dietary supplements is to be part of the response to the problems mentioned above. According to the government's announcement, the bill will include:

- an obligation to include a **disclaimer** when presenting or advertising a dietary supplement stating that: „A dietary supplement is a foodstuff whose purpose is to supplement the normal diet. A dietary supplement has no medicinal properties.“;
- a **ban on using images of authorities** and experts in the field of medical and health sciences in advertisements, including, above all, medical professionals, as well as objects and activities that may be associated with them;
- a restriction of the target group – it will be forbidden to direct advertising at **children under 12 years of age**;
- regulating the issue of so-called **umbrella brands** and strengthening the **ban on advertising that is misleading** as to the properties of the dietary supplement, e.g. by using a common element of the name, a graphic or trademark, a graphic shape or packaging of the supplement using similarity with the designation of a medical device or a medicinal product;
- the **physical separation of medicinal products and dietary supplements** offered in pharmacies and other outlets;
- restrictions on the **manner and place of conducting presentations or advertising** of dietary supplements - this is to cover, with exceptions, educational institutions and pharmacies



Marketing

In addition, the bill proposes changes to the procedure for notifying the Chief Sanitary Inspector about the first marketing of certain foodstuffs.

Under the planned legislation, the Inspector will be empowered to set a time limit for the submission of an opinion from a scientific body or the Office for Registration of Medicinal Products, while the notifier will be required to inform the Inspector of the fact that an opinion has been requested from the relevant scientific body or the Office for Registration of Medicinal Products if an investigation procedure has been initiated. Failure to submit an opinion or information by the deadline will result in the foodstuff being deemed to be non-compliant and its qualification as a food supplement being incorrect.



Quality certificates

Another novelty to be introduced by the bill is the possibility of using in the labelling, presentation or advertising of dietary supplements a voluntary graphic mark confirming the quality and safety of the product based on an analysis of its composition.

This mark could be used after appropriate laboratory tests have been carried out and an opinion obtained from a scientific body confirming that the composition of the supplement complies with food and dietary supplement safety requirements.



Financial penalties

The bill also includes provisions on penalties and fines to ensure that they are effective, proportionate and act as a deterrent. The published principles of the bill indicate a stricter approach and an increase in the maximum limits of fines for breaching the Act on Food and Nutrition Safety.

According to the bill, the authority to impose penalties will be passed from the state provincial sanitary inspector to the district or border sanitary inspector.



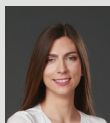
[Bill page in the government activities list](#)

At this stage, the exact wording of the bill is not yet known. We will keep you informed of any updates. In the meantime, if you have any questions, please feel free to contact us at:



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