

15 December 2021

s 9(2)(a)

By email: s 9(2)(a)
Ref: H202116752

Dear s 9(2)(a)

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health (the Ministry) on 24 November 2021 for information regarding sports supplements. Medsafe is providing a response to each part of your request below.

In the last five years, how many sports supplements in the New Zealand market have been notified to Medsafe?

Can you please provide a breakdown per year?

What are the names of the supplements?

The term 'sports supplement' is not defined in either the Medicines Act 1981 or the Dietary Supplements Regulations 1985. Medsafe does not use this terminology when recording complaints and investigations relating to products. Medsafe primarily uses the Medicines Act to carry out investigations and take actions. This means that any sports supplement for which a therapeutic claim is made, or which contains a scheduled substance is investigated as an unapproved medicine. While some sports supplements may be marketed as dietary supplements, some are marketed as 'supplemented foods' under the NZ Food (Supplemented Food) Standard 2016 administered by the Ministry for Primary Industries (MPI).

Medsafe has performed searches of its database and close to 1800 investigations were identified in the requested time period that potentially related to sports supplements. In order for Medsafe to provide a full response each of these investigations would need to be reviewed to identify if it involved a sports supplement. Therefore, this part of your request is refused under section 18(f) of the Act, as providing a response would require substantial collation and research. This is considered 'substantial' as it would have a significant and unreasonable impact on Medsafe and its ability to carry out critical operations.

What drugs/illegal products did they contain?

What action was taken in response to each case?

Medsafe can confirm that in the time period requested, thirteen different products were seized (removed from the New Zealand supplier) because they contained scheduled substances and/or made therapeutic claims.

The relevant information is set out in the table below:

Year	Number notified to Medsafe	Names of supplements	Drugs / Illegal supplements	Action Taken
2016	1	Blackstone Labs Dust V2 Cotton Candy	Yohimbine	Seizure
2017	10	Noexplode Monster stack NMDA GHREM Animal Test Prime Nutrition Fat Burner Lipo 6 Animal Cuts Thermadex RC Resurrect	Mucuna puriens DHEA Yohimbine Bark 3,3- diiodothyronine Synephrine DMAE Theophylline	Seizure
2018	Nil	Nil	Nil	Nil
2019	2	Thunderstorm Ultra Vortex pre- workout	Octodrine methyhexanamine 1,3 DMAA	Seizure
2020	0	Nil	Nil	Nil

Other actions that were taken if the product was not seized include:

- The complaint may have been referred to MPI if the product was identified as a supplemented food
- In at least one instance an overseas regulator was notified as the advertising was on an overseas website
- The company was contacted and required to make advertising or website changes, or
- The product was withdrawn from the market. (Information on product recalls is publicly available at www.medsafe.govt.nz/hot/Recalls/RecallSearch.asp)

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Ministry website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Yours sincerely



Chris James
Group Manager
Medsafe