

safe or **UNSAFE?**

Canada's risky Natural
Health Products Regulations

| Shawn Buckley

Geri was diagnosed with breast cancer 25 years ago. Since being diagnosed, she's been acutely aware of those with breast cancer. She has watched person after person succumb to the disease. In 25 years she has met just one person who has lived with it as long as she has. >



HEALTH

NO LONGER AVAILABLE

Although Geri had surgeries and radiation treatments, she has solid reasons to believe that the key to her longevity has been natural products recommended by her naturopathic doctors. When she spoke to me about her success, she was horrified that she could no longer get a key product because the manufacturer stopped shipping to Canada.

The manufacturer stopped because it ran afoul of the *Natural Health Products Regulations*. That manufacturer is not alone. A colleague has catalogued over 20,000 foreign products no longer available to stores in Canada because of the regulations.

Sadly, we are also losing Canadian products. The main cause of the loss is a licensing requirement. There are no reliable numbers for how many products will disappear because of this requirement. According to Health Canada, roughly 40 percent of licence applications are not successful. In addition there are many products where no attempt to get a licence has been made. Some of these have already disappeared. More will follow.

NOT AS EFFECTIVE

The licensing requirement can also lead to ineffective products. Sometimes to get a licence the manufacturer has to reduce the therapeutic ingredients. Some manufacturers have simply dropped products because making them to Health Canada's satisfaction would be, in the manufacturer's opinion, fraudulent. They do not want to sell a remedy they know will not work.

In theory we are going through this transition of requiring all natural products to be licensed for our protection. To get a licence one must satisfy Health Canada that the product is safe. One must also show that it is effective. All of this looks good on paper and it sells well to the public: surely the public needs to be protected from products whose safety and efficacy are unproven to Health Canada's satisfaction.

HEALTH CONSEQUENCES

Unfortunately, for people who rely on the products that will disappear, the effects of the regulations are anything but safe. I started this article with Geri's story because

she truly cannot understand why a natural remedy she relies on to stay alive is being taken away from her. She certainly does not feel protected or safe because of the regulations. She is not alone.

I am the president of a nonprofit organization called the Natural Health Products Protection Association (NHPPA) that's dedicated to protecting access to natural products. One of the NHPPA's primary concerns with the regulations is the health consequences to persons like Geri who lose access to natural remedies.

At the NHPPA, we have heard story after story from persons with serious conditions who simply could not manage with pharmaceutical drugs because they were either ineffective or the side effects could not be tolerated. They then came across a natural remedy and became well. We, at the NHPPA, think that if safety is the goal, then we need to take the risk of removing products that people rely on into account. We need to have an honest and balanced risk analysis.

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SAFE USE

We need to understand that the products we will lose are currently being safely used. Many have been safely used for decades, or in the case of some traditional remedies, for centuries. Many will continue to be freely used in the US once they are gone from Canada. And they have not been left on the market in either country due to lax regulators. Both Health Canada and the FDA in the US are aggressive at removing natural products from the market if they have any evidence of harm.

We are not losing natural remedies because of evidence of harm. We are losing them because the regulations are premised upon an assumption of danger. This assumption >

of danger needs to be balanced with an appreciation that taking remedies away also carries a risk.

DISREGARD FOR PROFESSIONAL OPINION

Another concern is that the licensing process overrides medical supervision. Doctors, be they medical or natural practitioners, are having their treatments undermined by the regulations. When a natural remedy fails to get licensed, or is targeted by Health Canada for other reasons, it can disappear from the market.

Health Canada expects such products to be removed without any regard for the number of people who are successfully using these products under the supervision of a health care practitioner. In many cases, Health Canada employees with no medical training are, in effect, making health decisions. By refusing licences, they are overriding the decisions of health care practitioners who rely on the products to manage patients.

This overriding of health care practitioners' management of patients is significant. However, it is just as significant when an individual's own health decisions are overridden by the removal of treatments. The paternalistic nature inherent in the licensing requirement is another concern of the NHPPA. There is an assumption that Health Canada knows more than you and/or your health care practitioner.

Once there is enforcement to remove all of the unlicensed products from the market, fully informed adults will be unable to take natural remedies that are not approved by Health Canada. It will not matter if these products are the only thing that works for them. It will not matter that their health care practitioners support the remedy. It will not matter that some will suffer without the



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remedies. This is problematic for anyone who believes they should have some control over their health.

CHARTER OF HEALTH FREEDOM

In an effort to address these problems and to bring some balance to the regulation of natural remedies, the NHPPA supports the *Charter of Health Freedom*. The Charter is a proactive law which, while giving the Government more teeth to address real dangers, would also require a balancing between an individual's need for a remedy and the State's goal of addressing real risks.

Canada is new at trying to regulate natural remedies. And although there are many positive parts to the current regulations, we need to readjust the law to take into account real need and the freedom to make educated personal health choices. We need to balance risk to create more success stories like Geri's. **a**

Shawn Buckley is a lawyer who works to protect access to natural health products. He is also president of the Natural Health Products Protection Association (nhppa.org).

CONCERNED?

Make a difference by:

- educating yourself
- supporting groups working to protect natural remedies
- signing the petition for the *Charter of Health Freedom* (charterofhealthfreedom.org)
- writing to your MP and the prime minister about your concerns