

ABSTRACT

Owing to the positive relationship between health food products, good health and reduced health care expenses, such products should remain available to the people what want to use them. Currently Macao SAR has no legal definition of health food products. There is also no specific legislation governing these products in place. In addition, several independent departments are involved in regulating health food products. In the absence of a statutory control mechanism, ambiguous responsibilities, lack of regulatory coordination and existence of loopholes are not difficult to see. These result in infiltration of counterfeit products, exaggerative promotion of health and medicinal claims so as to cheat and mislead the public in return for massive profit, which might present significant or unreasonable risk of injury or illness to people. Facing all these problems, the Legislative Council urged the government to set up a legal regulatory framework specifically designed for health food products in 2002 health policy address and debate. For years, legislators and health associations have also been requesting government to respond quickly to the rapidly growing problems arising from health food products.

In the current regulatory system, prepackaged food and products carrying health claims are subject to different degrees of control according to various regulations in Macao SAR. This study aims at comparing different regulatory mechanisms with a focus on the legislations in order to explore the existing problems in the current legal systems for controlling health food products in Macao SAR. United States of America, mainland China and Taiwan province are selected in the study because each of them adopts a regime that is unique for the regulation of health food products and similarities exist in terms of label claims and product types between Macao SAR, mainland China and Taiwan province.

Research results showed that although Macao SAR has a general regulatory framework governing health food products, absence of a general legislation as well as involvement of multi-authorities obviously undermine the effectiveness of her regulatory capacity. In mainland China and Taiwan province, rigid control of health food products has been placed by the government on regulation of manufacture, pre-market assessment, post-market vigilance, substantiation of health and related claims and regulation of advertisement, etc. Besides lack of legislation, Macao does not have precautionary measures in place for successfully safeguarding the safety of health food products and interests of consumers, which leads to a variety of loopholes in the regulatory regime. It is therefore suggested that government of Macao SAR should introduce specific regulation, registration system and setting up a regulatory body for controlling health food products.

Key words: health food products; regulation; legal system; Macao Special Administrative Region (Macao SAR)