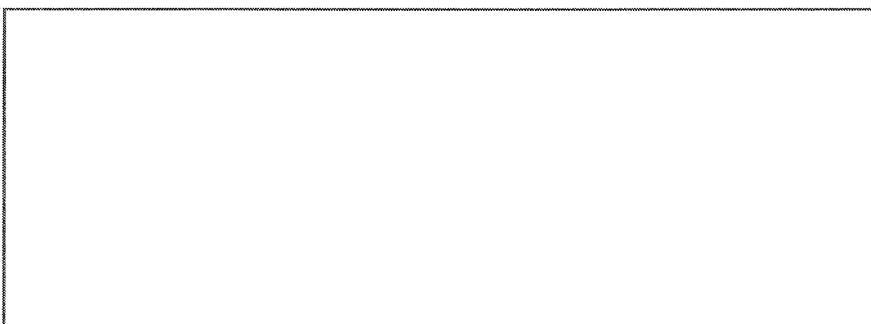


[Redacted]  
**From:** [Redacted]  
**Sent:** 15 May 2019 10:30  
**To:** Finance Foodsuppl  
**Cc:** [Redacted]  
**Subject:** FW: consultation on VAT treatment of food supplement products

Dear Finance

We are responding to this consultation as the regulator of medicines in Ireland. Our comments below are made in this context only, as the pricing of food supplements or consideration of factors relevant to pricing are not within our remit.

If you have any queries please don't hesitate to contact me.



**ZeroGains.ie: a HPRA campaign to raise awareness of the dangers of using anabolic steroids.**

#### HPRA COMMENTS ON DEPARTMENT OF FINANCE CONSULTATION ON VAT TREATMENT OF FOOD SUPPLEMENTS

- Under 'Scope of the Consultation' there is reference to products 'classified as medicines' as being outside the scope of this consultation. We suggest keeping to the terminology used later in the document 'products authorised/licensed by the HPRA' as the classification of products can be dependent on a number of product-specific factors, including for example the label content
- Regarding products 'licensed/authorised by the HPRA', we presume this includes registered herbal and homeopathic medicines but this is not made clear in the consultation. We would be happy to review the terminology used in the final statement to avoid any future confusion.
- Option 3 proposes a reduced VAT rate only for food supplement products that are recommended for intake by the Department of Health. Folic acid and vitamin D products are mentioned as examples and while the rationale behind this is reasonable, it is not clear whether this would apply to any multi-ingredient product containing the recommended levels of folic acid or vitamin D or just to pure folic acid / vitamin D supplements. There would be many multi-ingredient products which would not be suitable for pregnant or breastfeeding women or children that could contain these substances or to which these substances might be added if it was a mechanism to reduce the applicable rate of VAT.
- While option 3 might be workable with some clarifications, option 4 seems particularly problematic as it seeks to create a distinction between different types of food supplements and to apply different VAT rates depending on the type of food supplement / intended use. This may be difficult to apply in practice because there are no agreed definitions of some of the categories mentioned such as 'sports supplements', 'slimming aids' or 'cosmetic supplements'. Even if definitions were created, they could give rise to detailed discussion or debate with companies in relation to the category assigned to individual products.