

HEALTH POLICY BRIEFING: REGULATIONS

Decision to reclassify energy drinks puts children at risk, claim opposition critics

Health Canada, industry stand by decision to reclassify energy drinks as a 'food product' and boost caffeine levels.

By VICTOR RYAN

Recent steps by the federal government to reform regulations on energy drinks and traditional medicines are raising opposition concerns that the government is putting consumer safety at risk.

Since the first energy drinks were placed on the market in Canada in 2004, the beverages have always been sold as a Natural Health Product (NHP). This meant that, until very recently, energy drinks were not required to provide the nutritional facts or list of ingredients on its label.

However, in October 2011 Health Minister Leona Aglukkaq (Nunavut, NU) announced that energy drinks would be classified as a food product, requiring the companies that make the drinks to be held accountable to the Canadian Food Inspection Agency (CFIA).

"I believe today's changes will be especially helpful to the parents of teenagers who regularly consume energy drinks," said Ms. Aglukkaq at the announcement.

However, opposition critics have decried the announcement as a sign of the government's lack of interest dealing with children's use of energy drinks.

"I think the federal government has really let us down on the energy drinks," said Liberal Hedy Fry (Vancouver Centre, B.C.), her party's health critic. "Children are extremely vulnerable to heart palpitations and arrhythmia. If you add it [energy drinks] to alcohol, it is actually quite significant—even in adults those are the kinds of things you need to have warning labels for because they can cause heart problems, even death."

Said Ms. Fry: "The federal government knows this, they were told this by their scientific panel, and they ignored it. It bothers me when they let something as simple as that fall through the cracks."

The scientific panel Ms. Fry refers to is the Expert Panel on Caffeinated Energy Drinks convened by Health Canada in

2010. Among the panel's recommendations was a name change from energy drinks to "stimulant drug-containing drinks" and a ban on consumption by persons under 18 years old. While the panel recommended Health Canada keep energy drinks in the NHP category, they were reclassified shortly after the report was released.

Along with the decision to categorize energy drinks as a food product, Health Canada has also decided to enforce a cap on caffeine levels in energy drinks at 400 milligrams per litre. This would place the energy drink cap at double the limit for colas, and 80 milligrams per litre above the expert panel recommendation.

NDP MP Libby Davies (Vancouver East, B.C.), her party's health critic, said the cap is not strong enough for these drinks.

"I was disappointed to see that the minister decided to bow to industry demands and introduced ineffective regulations for sale of energy drinks. I believe we need to regulate the level of caffeine in energy drinks to ensure they are below the maximum acceptable level outlined by Health Canada's expert panel," said Ms. Davies in an email.

"Instead of adopting the panel's recommendation to curb caffeine levels, [Minister Aglukkaq] announced the caffeine content could be over twice the acceptable level. I worry that soft regulations will still allow children to consume unsafe levels of caffeine and harm their overall growth and development," Ms. Davies said.

Industry leaders say the amount of caffeine in energy drinks is not excessive. The Canadian Beverage Association represents energy drink companies in Canada. Its president, Justin Sherwood, said that the caffeine in energy drinks is still relatively minimal.

"I think it's a good idea that there's a cap because it will provide clarity to consumers as to exactly how much caffeine is in the product, but at the same time, I'm surprised our members' products are being singled out as opposed to taking a look at all the sources of where Canadians



Photograph by Victor Ryan, The Hill Times

get their caffeine, like coffee and tea," Mr. Sherwood told The Hill Times.

Mr. Sherwood added that a lack of proper information is the cause of the current controversy around energy drinks.

"[Energy drinks] are not very well understood and they're new in Canada and that creates a lot of misinformation around the category that has been circulated. So what happens is that people draw information from the international media about a product that's not even available in Canada and create a controversy about it," said Mr. Sherwood.

While energy drink's switch from natural health product to food product has been criticized, NHP's are not immune from controversy.

A Dec. 13, 2011 editorial in the Canadian Medical Association Journal entitled, "No regulatory double standard for natural health products," called for NHP's to be regulated on par with pharmaceuticals. It says the current regulations allow substandard products onto the marketplace.

In an email, Health Canada's rebutted the article.

"The Natural Health Products regulations help assure the safety of Canadians while also promoting access to a wide range of products. Health Canada assesses each Natural Health Product for quality, safety and efficacy before it is issued a product licence. Products that claim to treat more serious disease require higher levels of evidence to support their safety and efficacy," stated Health Canada.

Last month another regulatory shake-up was announced for Health Canada. Ms. Aglukkaq announced the formation of a National Advisory Committee on Traditional Chinese Medicines (TCMs).

"This committee will provide Health Canada with advice on current and emerging issues related to Traditional Chinese Medicines (TCMs) such as the importation, sale, and use of TCMs in Canada; and novel TCMs," said a representative from Health Canada. "Health Canada recognizes that a growing number of Canadians rely on Natural Health Products, including traditional Chinese medicines, to maintain and improve their health. More than 1,400 traditional Chinese medicines are currently available for sale in Canada."

With the recent formation of the Traditional Chinese Medicines Committee and Health Canada's energy drink regulations scheduled to be implemented within the next two years, Health Canada's new regulations will play a large role in the success or failure of these growing industries.

Mr. Sherwood said he is hopeful that the outcome of new regulations will be good for the energy drink industry in Canada.

"It's a niche market, but it's still important," said Mr. Sherwood. "We need clear regulations for consumers so that they can make the decision whether or not to buy."

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Opportunity is knocking...

Health care is the #1 priority of Canadians, according to recent polls. The members of the Health Charities Coalition of Canada (HCCC) applaud the leadership of the First Ministers in addressing the need for change in health care and health innovation, building on the commitment from the Federal Government to provide continued funding for health.

There is a pressing opportunity to work together to ensure Canadians receive equitable and timely access to the full continuum of care, regardless of where they live in Canada, ultimately resulting in a healthier and more productive society.

HCCC members pledge our assistance to ensure change for a better future in health. Let's work together at all levels of government to ensure that the voices of patients and all Canadians impacted by the health system are included as we embrace this change. We all have a role to play. Opportunity is knocking... **let's embrace it together.**



Alzheimer Society of Canada – Amyotrophic Lateral Sclerosis Society of Canada (ALS Canada) – The Arthritis Society – Canadian Breast Cancer Foundation – Canadian Cancer Society – The Canadian Continence Foundation – Canadian Diabetes Association – Canadian Foundation for AIDS Research – Canadian Hospice Palliative Care Association – Canadian Liver Foundation – Canadian Lung Association – Canadian Orthopaedic Foundation – Crohn's and Colitis Foundation of Canada – Cystic Fibrosis Canada – Easter Seals Canada – The Foundation Fighting Blindness – Heart and Stroke Foundation of Canada – Hope Air – Huntington Society of Canada – Kidney Cancer Canada – The Kidney Foundation of Canada – Lymphoma Foundation Canada – Multiple Sclerosis Society of Canada – Osteoporosis Canada – Ovarian Cancer Canada – Parkinson Society Canada – Patients' Association of Canada – Prostate Cancer Canada

HEALTH POLICY BRIEFING: INVESTING IN HEALTH CARE

Feds committed to maintaining basic tenets of universal, publicly-funded health care

Our government is committed to strengthening Canada's health system, and my priority as the federal minister of Health is to work with my provincial and territorial colleagues towards a system that is not only more sustainable, but one that achieves better and lasting results for Canadians.

By HEATH MINISTER LEONA AGLUKKAQ

PARLIAMENT HILL—Every day, Canadians rely on our health-care system to provide high-quality care based on need, not ability to pay. Our system continues to serve Canadians well, but it needs to adapt to deal with the challenges of an aging society, rapid technological change and fiscal realities. Our government is committed to strengthening Canada's health system, and my priority as the federal minister of Health is to work with my provincial and territorial colleagues towards a system that is not only more sustainable, but one that achieves better and lasting results for Canadians. We are committed to reaching this goal by maintaining the basic tenets of universal, publicly-funded health care as embodied in the Canada Health Act.

Improving health care requires teamwork, and Canadians are best served when governments work together. As our government has stated publicly, we want to work with provinces and territories to ensure that there is accountability and that we achieve meaningful outcomes for the significant investments we're collectively making in health care.

The process to move beyond the 2004 Health Accord began last November when I met with my provincial and territorial colleagues in Halifax. At that time we discussed our respective priorities and challenges and our common focus on health care system renewal.

In December, my colleague, Finance Minister Jim Flaherty announced a major investment of long-term, stable, predictable funding for health care that will continue to increase to record levels. This investment gives governments a solid foundation on which we can improve the system and provide access to high quality care in a way that is sustainable into the future.

Over the last few weeks I have had the opportunity to meet individually with several provincial and territorial ministers of health to consider how we can best work together to deliver on our collective commitment to a health system that provides all Canadians with timely access to the health care they need. Based on these discussions, I believe that as health ministers, there is a great deal more that unites us than divides us.

Performance measurement and reporting are increasingly used across leading health systems internationally to drive system change. I believe we can do more in Canada to coordinate our efforts to develop comparable measures and performance reporting. There is already considerable work underway across Canada to monitor and measure health-care system performance and outcomes, such as through provincial quality councils, as well as through national organizations like the Health Council of Canada and the Canadian Institute for Health Information. This is a strong foundation on which we can build.

The federal government respects provincial and territorial jurisdiction in the delivery of health-care services, but I want to emphasize that I am always interested in exploring potential partnerships with provinces and territories to support their health-care transformation agenda. And if we have any federal tools and levers that can be helpful, we will also consider using them as a catalyst for change.

We have already demonstrated over the past few years that working in partnership with governments, health-care providers and Canadians can produce tangible results. We've made progress in reducing wait-times, increasing the number of doctors and nurses, and implementing electronic health records.

Our government also provides considerable support to find new and better ways of preventing or treating illness, and better ways of delivering health care. We've also shown national leadership on strategies to address cancer and mental health. We have invested over \$1-billion annually in innovation through the Canadian Institutes of Health Research, Canada Health Infoway, the Canadian Agency for Drugs and Technologies in Health and other programs supporting research, health human resources and technology assessment. These investments are contributing to a more adaptable and sustainable system and I am open to exploring how we can use these assets to better support provincial and territorial needs.

I was pleased to recently announce an initiative to make health care even more efficient and effective. Through the Canadian Institutes of Health Research, we will invest \$35-million to support a large-scale, innovative research project in community-based primary health care in collaboration with the provinces and international partners.

The funding provides up to 13 research teams to take a careful look at some of the existing primary health-care systems in Canada and in other countries. The teams will assess various factors that affect access to primary health care. In particular, they will examine how to improve chronic disease prevention and management, and how to improve access to care and reduce inequalities in health outcomes experienced by vulnerable populations. We can learn from the successful



Photograph by Jake Wright, The Hill Times

Health files: Health Minister Leona Aglukkaq, pictured on Jan. 31 in Ottawa with Gary Goodyear, minister of state for science and technology, where they announced \$67.5-million funding into a 'personalized medicine' health-care strategy.

models and improve quality of health care and the quality of life for all Canadians.

While in Saskatchewan, I also announced federal funding for another initiative that will go a long way to improve health care in that province by putting more health-care professionals in the field.

We will invest more than \$2.6-million over five years to help internationally-educated health-care professionals to become licensed to practice in Saskatchewan. This funding supports two projects in Saskatchewan's health human resources strategy and addresses the challenge of attracting and retaining qualified health professionals. This five-year project is expected to assist more than 200 employees of Saskatchewan's health regions.

These two recent announcements are a testament to our government's commitment to work with provinces and territories to make Canada's health system more efficient and

sustainable, as well as to improve accountability and deliver better results to Canadians. But rather than impose a federal view of what changes need to be made in health care, we are looking to support provinces and territories as they move forward with their respective health care transformation agendas.

Improvements in health and health care across the country have occurred, and will continue to be necessary. Governments, health care partners, First Nations and Inuit, and all Canadians are best served in achieving necessary changes by working collaboratively towards a common objective. Together, I believe we can reach our goal of Canada being among the countries with the healthiest people in the world.

Canada's federal Health Minister Leona Aglukkaq also represents Nunavut.
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Une occasion rêvée...

Les soins de santé sont la priorité numéro un des Canadiens, selon de récents sondages. Les membres de la Coalition canadienne des organismes de bienfaisance en santé (CCOBS) félicitent les premiers ministres d'avoir répondu résolument au besoin d'apporter des changements dans les soins de santé et d'innover dans le domaine de la santé. Ils ont, en effet, réagi sans tarder à la suite de l'engagement du gouvernement fédéral à continuer à financer les dépenses de santé.

Nous devons saisir immédiatement cette occasion de travailler tous ensemble afin que les Canadiens bénéficient d'un accès équitable et rapide à tout le continuum des soins, indépendamment de leur lieu de résidence au Canada, ce qui, au bout du compte, crée une société plus saine et plus productive.

Les membres de la CCOBS s'engagent à œuvrer au service d'un avenir meilleur pour la santé. Travaillons tous ensemble, à tous les paliers de gouvernement, afin de tous les patients et les Canadiens affectés par le système de santé se fassent entendre sur la voie du changement où nous nous avançons. Nous avons tous un rôle à jouer. Une occasion se présente... **saisissons-la tous ensemble.**



Association canadienne de soins palliatifs – Association canadienne du cancer du rein – Association canadienne du diabète – Association des Patients du Canada – Association pulmonaire du Canada – Cancer de la prostate Canada – Cancer de l'ovaire Canada – Fibrose kystique Canada – La fondation lymphome Canada – Fondation canadienne de recherche sur le SIDA – Fondation canadienne des maladies inflammatoires de l'intestin – Fondation canadienne du cancer du sein – Fondation canadienne du foie – La fondation canadienne du rein Canada – Fondation d'aide aux personnes incontinentes (Canada) – Fondation des maladies du cœur du Canada – Fondation orthopédique du Canada – La fondation lutte contre la cécité – La Société d'arthrite – Société Alzheimer du Canada – Société canadienne de la sclérose en plaques – Société canadienne de la sclérose latérale amyotrophique (SLA Canada) – Société canadienne du cancer – Ostéoporose Canada – Société Huntington du Canada – Société Parkinson Canada – Timbres de Pâques du Canada – Vols d'espoir