Evaluation of the Natural Health Products Program

The Treasury Board has a policy to evaluate government programs. Health Canada's Natural Health Products Program is currently being evaluated under this Treasury Board policy. The NHPPA was contacted as a "key informant" (their words), and I was invited to provide input on behalf of the NHPPA.

During the interview I discussed several themes for them to consider. I started with the history behind the NHP Regulations. The Regulations came about after a consumer rebellion against Health Canada's restriction of natural products by applying the chemical drug Regulations to push them off the market. The message from Canadians was clear: we wanted increased access to NHPs. Rather than "increase" our access, Health Canada drafted the NHP Regulations which have, and which will continue to have the opposite effect: the Regulations are restricting our access. If we wanted to increase our access to NHPs, we would have done what the United States did in response to their consumer rebellion. The U.S. classed NHPs as food, deemed them by law to be safe, and mandated that the FDA could not remove one from the market without evidence of harm. Health Canada did the opposite. In Canada NHPs are classed as drugs (not food like in the U.S.), are deemed to be unsafe (opposite of the U.S. deeming them by law to be safe), are deemed to be ineffective, and must be removed from the market unless they succeed in getting a licence from Health Canada.

I also discussed whether our NHP Regulations are safe. I can tell you that even the idea the Regulations may be unsafe appeared to be a new theme for them. I explained that no-one can point to a single death caused by an NHP in Canada, despite rather strict adverse reaction reporting since 1965. I then shared evidence that had come out in Court where it was clear the restriction of NHPs had caused death. I also shared other instances where people relied on NHPs for their very lives. I then moved onto the restriction of nattokinase as an example where there was not a single adverse reaction report in Canada and yet there is a total ban. I shared how in my opinion this ban has led and will continue to lead to deaths. My point in all of this was to drive home that their review is important as the NHP Regulations do affect health.

I shared with them the questions I had posed to the Standing Committee on Health when I was called as an expert witness on Bill C-420 (shortly before the NHP Regulations came into effect). In sharing with the Committee that there had never been a death in our history caused by an NHP, I then asked: if we come back in 10 years after the NHP Regulations have been in force (we are now at 11 years), how many lives will the Regulations have saved? The answer is of course zero. If there had not been a death we could point to since 1867 when we became a country, how could we expect even a single death in 10 years during which time we would be losing products. I then asked the Committee: if you let the Regulations come into force and we come back in 10 years, how many lives will the NHP Regulations have cost us? That was an

unpopular question for which I have been criticized. Unfortunately it is the one question that needs to be answered. It will not be.

We also spoke about how the Regulations have stifled innovation. I shared with them the background, effect, Court evidence and clinical trial evidence of a couple of NHPs developed before the Regulations that unquestionably have saved lives. I pointed out that these life-savers would not be developed today as our Regulations would prevent it. This necessitated a discussion on intellectual property rights, and how the Regulations have dramatically raised the bar for introducing truly innovative products.

I spoke about how the Regulations have empowered Health Canada to beef up its censorship of truthful health information. Health Canada has taken the position that manufacturers can only repeat the label claim authorized by Health Canada in the licensing process. Manufacturers who find themselves with truthful information that could literally save lives or lead to a tremendous reduction in suffering if shared, are prohibited from sharing it.

I also discussed how I am confident that the original intention was for the Regulations to drive many more small and medium manufacturers out of business by now. This has been slowed by the backlash years ago over Bill C-51 (the one to amend the Food and Drugs Act, not the Orwellian spy bill recently numbered Bill C-51), and by pressure created by groups like the NHPPA. I then discussed how we have not seen all the attrition we will see. I shared that cost recovery is still coming. I also shared how trade agreements like CETA could make our current Regulations moot.

When we were done the interview they shared that these points were new to them. I was left with mixed feelings. On the one hand I was alarmed that key questions like whether or not the Regulations were actually causing deaths was clearly not going to be addressed. On the other hand I was thankful that I had the opportunity to share them. It reminded me of when the NHPPA forced the Senate to call me as an expert witness on the *Consumer Product Protection Act*. I think I was one of three witnesses opposed to the Bill. It seems that common sense opposition is still rare in Canada (excepting NHPPA supporters).

I wanted to thank those of you who support the NHPPA as it is your support that creates the opportunity for us to be a voice. I am feeling that we are very shortly going to be experiencing some challenging times and I would like to encourage all of you to stick to your beliefs and be who you need to be to face yourself in the mirror each morning.