Regulations for Registration of Health Food

According to the official document released on June 11, 2007 (Wei Shu Shi Zi No.0960403068)

According to the amendment released on July 17, 2017 (Wei Shou Shi Zi No.1061300590)

I. Introduction

1. These Regulations are set forth pursuant to the Paragraph 1 of Article 7 of the Health Food Control Act (hereinafter referred to as "Act") for the purpose of maintaining the consistency of the registration review.
2. Requirements of the application and review principles regarding supplementary documents, appeal are as follows.
   (1) Documents:
      a. The application shall comply with the Regulations for Application of Health Food Permit. The applicant shall prepare all relevant documents and prudently examine them. If the application documents or information are found to be seriously fraudulent or untrue, the application can be rejected.
      b. If the application includes relevant research or tests such as human subject research, animal testing, radiation experiment, etc., certificates and documents required in the Human Subjects Research Act, the Animal Protection Act, the Ionizing Radiation Protection Act shall be submitted respectively. To ensure that the research and tests are ethical and scientific, the relevant regulations can be referred to. For example, the Regulations for Good Clinical Practice and the Good Laboratory Practice for Nonclinical Laboratory Studies (GLP).
      c. The assessment of the execution of the application shall comply with the requirements of the current assessment method. If the assessment is carried out before the revision of the assessment method, unless otherwise announced, the applicant shall apply for the registration within 2 years from the effective date of the revision announcement in order to use the previous assessment method.
      d. If the scale of the assessment does not meet the announced requirement, the application can be rejected. (For example, the number of subjects, screening conditions, species, age and quantity of animals, test period, test items, etc.)
      e. The assessment report shall be a tailored report for the application. Report writing (such as format, unit, case) shall conform to scientific literature writing standards.
      f. Certificates and documents certifying that the institution that conducts the test is approved/examined, or the certificates certifying that the laboratory meets the requirements of good laboratory practices could be attached.
      g. A principal investigator must have a professional related background

and research work unless otherwise prescribed.

(2) If the documents for the application are insufficient, the applicant should submit the required supplementary documents in two months each for the preliminary and secondary review. If the supplementary documents cannot be prepared accordingly and timely, the applicant can apply for an extension of one additional month in time. The extension is granted for once only. If the supplementary documents cannot be submitted in time (with or without extension), the central competent health authority shall reject the application in accordance with the Paragraph 3 and 6 of the Regulations for Application of Health Food Permit.

(3) In the case that approval is not given to applications, the applicant may clearly state reasons and submit an application for re-examination within six months; provided that only one application for re-examination is allowed.

(4) In the case of re-execution of the assessment, the differences between the previous and current test and the repeatability of the new test shall be specified.

3. The classification of health food safety assessment is basically based on the classification stated in health food safety assessment methods. In short, the category 1 and category 2 are conventional raw materials, and the category 3 and category 4 are unconventional raw materials. Regarding the division between the category 1 and the category 2, generally, the conventional raw materials that are not extracted and concentrated by conventional methods should be put in category 2. The edible Chinese medicine materials that are not classified as "the medicine materials that can be used for food" are sorted into category 2. According to the product composition, risk characteristics and food-related regulations, more information of safety assessment or the improvement of safety level might be imposed.

II. Preliminary review in accordance with the Subparagraph 1, Paragraph 3, Article 3 of the Act

4. Review criteria for the original copy of the toll-manufacture contract:

(1) The application products, the applicant and the toll-manufacturer shall all be specified in the contract.

(2) The contract shall be valid.

5. Review criteria for the original copy of specifications and quantity of ingredients:

(1) The specifications shall be issued by the manufacturer with the specifications of effective ingredients specified.

(2) Sources and specifications of all ingredients (including quality control and sanitation testing of the ingredients) and inspection reports shall be included. The attached report shall have the signature and date of the executor and the approver. The process, extraction solvent, concentration method and concentration times of extracted and concentrated ingredients shall be indicated. In the case of food additives, copies of food additive registration license shall be attached. In the case of compound food additives, the

formula shall be indicated. When there are capsule shells, the formula of the capsule shall be attached in addition to preceding requirements.

(3) If raw materials are purchased from foreign countries, test reports, manufacture process and certificates of legal factory shall be submitted.

(4) Certificates of origin or microorganism evaluation reports of all strains shall be submitted. Strain identification reports shall be submitted in the case of the lactic acid bacteria products. In addition, if the strain is isolated, its safety classification should be at least category 2.

(5) In the case of edible Chinese medicines, medicinal plant assessment reports shall be submitted.

(6) The products and ingredients shall comply with relevant sanitation standards.

(7) The food additives (including solvent) used in the ingredients and products shall comply with the relevant provisions on food additives.

(8) When the strain of lactic acid bacteria product and the drug are of the same source, the usage, dosage and labeling should be properly distinguished from the drug. The recommended daily intake should not be equal to or higher than the drug.

6. Review criteria for the original copy of the safety assessment report:

(1) The report shall be the original copy.

(2) The product for which a new application has been made and the originally-tested product shall be identical.

(3) Relevant literature with Chinese description, underline and index labels shall be attached for products with a safety category of 1.

(4) For products with a safety category of 2 or higher, relevant reports shall be attached in accordance with the health food safety assessment method.

(5) The safety assessment report shall be signed by the principal investigator and the test executor for future reference.

(6) In the case of animal testing, a written consent from the Institutional Animal Care and Use Committee shall be provided. When the principal investigator and the test executor are different, a written consent from the Institutional Animal Care and Use Committee of the executing institution shall be provided.

(7) The pathological section report attached shall be interpreted and signed by veterinarians or physicians with animal pathology background for future reference. Clear and colored photo of tissue slices shall be attached.

(8) The attached report shall contain complete data of all test subjects for verification.

7. Review criteria for the original copy of the health care effect assessment report:

(1) The report shall be the original copy.

(2) The product for which a new application has been made, namely the final product, and the originally-tested product shall be identical.

(3) The health care effect assessment report shall be signed by the principal investigator and the test executor for future reference.

(4) If the report is derived from human subject research:

a. Physicians shall be involved. Consent form the Human Research Ethics Review Board, proposal (Implementation methods of the study subjects and the basic information such as the weight, age, screening conditions of subjects shall be included.), consent from the subjects, screening conditions, diet instruction and diet record shall be submitted.
b. Safety assessment test shall be carried out before the implementation of the human subject research to derive the test dosage that is safe enough for humans.

(5) In the case of animal testing, a written consent from the Institutional Animal Care and Use Committee shall be provided. When the principal investigator and the test executor are different, a written consent from the Institutional Animal Care and Use Committee of the executing institution shall be provided.

(6) The pathological section report attached shall be interpreted and signed by veterinarians or physicians with animal pathology background for future reference. Clear and colored photo of tissue slices shall be attached.

(7) The attached report shall contain complete data of all test subjects for verification.

8. Review criteria for the original copy of identification report on ingredients with health care effect of a product and its examination method employed:
   (1) Three batches of results shall be reported, of which at least two batches of inspection shall be completed within three years. All three batches shall be manufactured by the factory production line.
   (2) The test method should be consistent and relevant information such as the validation shall be attached in accordance with the "Review Form of Chemical Inspection Method for Health Food Registration" and "Review Form of Microbial Inspection Method for Health Food Registration".
   (3) The announced or recommended test methods shall be preferred. If other test method is adopted, literature and comparison shall be attached to support that the method used is the same as or better than the announced or recommended methods.
9. Review criteria for the original copy of test report on the ingredient stability of a product and its health care effect:
   (1) Proposals and result reports shall be submitted.
   (2) The proposal shall contain basic product information (such as product name, packaging, color, etc.), test conditions, analysis items, and analysis methods.
   (3) Three batches of results shall be presented in the result reports mentioned in point (1), of which at least two batches of inspection shall be completed within three years. All three batches shall be manufactured by the factory production line.
   (4) The assessment method shall be specific and relevant information such as validation shall be attached.
   (5) Products in capsules or tablet forms shall be subject to disintegration test. Capsules shall also be subject to brittleness test.

10. Review criteria for the original copy of the summary of manufacturing process: The summary shall be issued by the manufacturer. The extraction solvent, concentration method and concentration times of extracted or concentrated products shall be indicated. The solvent used in the process shall comply with related food regulations.
11. Review criteria for the original copy of the documentary evidence of good manufacturing practices:
    (1) Domestic products:
        a. General provisions：Establishing the quality procedure according to the Guide to Good Manufacturing Practice for Health Foods.
        b. Specific provisions: Documents regarding control of the manufacturing process, quality control documents or quality control flowchart shall be submitted.
        c. If the health foods are manufactured along with other medications, a certificate proving that the factory can manufacture both drug and food products shall be submitted. If health food and medicine are produced in different production plants, the factory floor plan shall be attached as evidence.
    (2) Imported products: According to the Subparagraph 2, Paragraph 1, Article 15 of the Regulations for Application of Health Food Permit, the full text of the good manufacturing practices regulations of the country of origin, quality control plan, and official certificate of compliance with such regulations shall be submitted.
    (3) If the manufacturer has certificates issued by other quality control system, it may submit the copy of relevant documents to prove that it has the ability to implement the good manufacturing practices for health foods.
    (4) If two or more manufacturing plants are involved in the manufacture process, documents regarding the good manufacturing practices for health foods of each manufacturing plant shall be submitted respectively.
12. Review criteria for the original copy of sanitary specifications and its test report:
    (1) Three batches of inspection results and inspection methods shall be presented, of which at least two batches of inspection shall be completed within three years.
    (2) The contents of the report shall comply with the sanitation standards of health food, including indicators such as general traits, general indicator bacteria, and limit on pathogens, heavy metal and arsenic.
    (3) Those ruled by the Sanitation Standard for Foods shall also comply with it.
13. Review criteria for the original copy of general nutrients analysis report:
    (1) Three batches of inspection results and inspection methods shall be presented, of which at least two batches of inspection shall be completed within three years.
    (2) The analysis report shall contain capsule shells if the product includes capsule.

(3) The unit measuring the nutrients shall be specified with the conversion method of each serving specified.

14. Review criteria for relevant research reports and literature:
    (1) Chinese description, underline and index labels shall be included in literature.
    (2) Translated version provided by registered translation agency shall be submitted if the literature is written in neither Chinese nor English.
    (3) The research reports and literature of similar domestic and foreign are provided to support the safety, efficacy, stability of the product and clarify the inspection methods. The literature shall conform to the general ethical standard for academic work.

III. Secondary review in accordance with the Subparagraph 1, Paragraph 1, Article 3 of the Act

15. Health care effect assessment report shall be derived from the actual trial of the products. The safety assessment report shall be derived from the final products under the following principles.
    (1) The no-observed-adverse effect level (NOAEL) shown on the safety assessment report can be used to calculate the safety of recommended intake.
        a. Products of safety category 3 or above shall have no adverse effect at a dose greater than or equal to 100 times of the recommended human intake.
        b. In principle, the products of safety category 2 in the solid forms of capsule, tablet, powder, or liquid products with a recommended daily intake of 100 mL (or less), their no-observed-adverse effect level shall be greater than 60 times no adverse effect dose should be greater than or equal to the recommended intake of 60 times of the recommended human intake. If the daily recommended intake of the product is higher than the aforesaid, the no-observed-adverse effect level shall be greater than or equal to 30 times of the recommended intake.
        c. The health food review committee of the central competent health authority may comprehensively evaluate the animal feeding limit and the formula (such as consumption limit and quantity of each ingredients), process (such as manufacture methods of raw materials and products, whether the concentration and purification of specific ingredients are involved), characteristics and consumption method of the product. If necessary, no-observed-adverse effect level may be required to be greater than or equal to 100 times of the recommended intake.
    (2) The safety assessment report shall be derived from the final products. If the feeding limit (including concentration) exceeds the prescribed limit but still fails to meet the requirements mentioned in the preceding paragraph, additional testing may be required on raw materials or ingredients of the product.

(3) If the product used in the safety assessment is not final product, there shall be sufficient evidence to prove the relevance of the tested product and final products. Description regarding necessity and rationality shall be attached.

16. If the assessment method used in the test report is slightly different from the method announced by the FDA (such as the measurement method), the scientific basis of the method shall be attached for the assessment. If the assessment method used in the test report is not designated by the FDA (such as health care effect items or assessment mode), the applicant can first follow “Guide on proposal of health care effect assessment methods of health food" and provide related information. After passing the evaluation, the applicant may be notified to accept the examination of the investigation and registration cases.
17. Health care effect assessment report that is published in academic journals are preferred. If the assessment report has not been published, it shall be completed by institutions with public credibility, or by the company itself if the research ability and impartiality of the company can be supported.
18. (Deleted)
19. If human subject research is involved in the health care effect assessment, the product may be marked with the term "confirmed by human subject research". In the case of animal testing, the product shall be marked with the term "confirmed by animal testing".
20. The attached safety and effect assessment report shall contain complete data of all test subjects for verification.

    The samples in the assessment report shall be fixed subjects/test animals, and the data shall not be deleted arbitrarily. Appropriate statistical methods shall be used to analyze the experimental data.
21. If the ingredients or raw materials used in the application products are novel, the safety assessment report or the health care effect assessment report shall not be published by the institutions that develop the same ingredients or raw materials.
22. In general, if the application is approved but the health care effects are not clearly identified, the quality control marker ingredients may be shown instead.
23. (Deleted)
24. If the formula of a registered health food is subject to change due to health concepts or other reasons, the following regulations shall be followed.
    (1) In the case of change of flavor and pigment, an application for change of the formula can be made.
    (2) Generally, the change of flavor or pigment can be exempted from another health care effect assessment. A new application shall be filed to the health food review committee anyway. The committee will determine whether the change effects the health care effect claim. If an approval is granted, no new license will be issued.
    (3) The change of formula mention in two preceding paragraph shall be replacement instead of addition of ingredients.
25. If human subject research is used in the health care effect assessment test, appropriate experimental design and control shall be set. A dietary record during

the research shall be kept. Subjects who are on medication shall be avoided.

The effective dose of animal experiments can be used to calculate the effective dose tested in the human subject research.

If the effective dose of animal experiment is different from that of recommended intake for humans, relevant literature shall be further provided to prove the effectiveness of the intake.

26. (Deleted)
27. (Deleted)
28. A Chinese translation translated by a registered translation agency shall be included if the documents, literature or dossiers are written in foreign languages other than English. If the documents are written in simplified Chinese, a traditional Chinese version shall be submitted. Applicants may translate the simplified Chinese documents on their own.

    Testing methods and validation reports shall be presented in traditional Chinese.
29. When applying for the formula of health food, the manufacturer should try to conform to the dietary principle of less oil, less sugar and less salt.
    (1) Edible oil products shall not be applied for health food if they have no special healthful ingredients, formula or innovation.
    (2) With the recommended daily intake of product, the refined sugar added shall not exceed 25 grams, and a notice, “The recommended intake of this product is ○○ g/ml, and the amount of refined sugar is ○○ grams. Please pay attention to calorie intake." shall be shown.

IV. Preliminary review in accordance with the Subparagraph 2, Paragraph 1, Article 3 of the Act

30. Review criteria for the application shall conform to the second, fourth, fifth, and eighth to fourteenth point of this regulation.