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Regulation of Food Supplements Trade in Senegal.

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ABSTRACT

Currently, food supplements benefit a high level of trust among consumers. Their use by society is not restricted, and their promotion is often a source of false information and deception. The objective of our work is to study trade regulation of food supplements marketed in Senegal by Forever living and Organo Gold. This is a retrospective study of oral food supplements with high-rotation, marketed by Forever and Organo Gold. A data collection questionnaire was administered to managers of both companies. Data were compared with current regulations and case law. Forever and Organo gold are selling "Ginko plus and Reishi" food supplements that meet drug definition by presentation and function. However, these companies are managed by non-pharmacists, who hold the majority of shares, and are not subject to any marketing conditions. Labeling of Ginko Plus and Ganoderma has limits on consumer information and health claims. Also, products are subject to a promotional campaign which can be harmful to consumers. In Senegal, there is no specific regulatory framework for food supplements. Thus, Forever and Organo Gold can be attacked for offense of illegal practice of pharmacy. Therefore, they must comply with the safety requirement, which would consist of a prior declaration to the regulatory authority, of labeling model and the nutritional status of food supplements used.

Keywords: Food supplement - Forever living - Organo gold - Ginko - Reishi - Ganoderma

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INTRODUCTION

Food is a very important part of health. In the 5th century before Jesus Christ, Hippocrates said, "Let your diet be your main medicine"¹. Thus, the idea of preventing disease through a healthy balanced diet has grown and flourished for many food categories related to health: functional foods, dietary supplements².

Currently, food supplements consumption is associated with a notion of health benefits, and have a strong confidence among consumers³. In Senegal, the subject is still very poorly documented, and distribution by companies within the company is not subject to any restrictions. However dietary supplements promotion is often a source of misinformation and deception. Also, examples from the scientific literature show that they may present risks to consumers health. Therefore marketing of such products must meet a security requirement⁴ in the consumer area. Thus, it is important to question existence of a legal framework trade in such products. Our objective is to study food supplements trade regulation in both companies Forever living products and Organo Gold.

SCOPE OF THE STUDY

Forever living products

Forever Living Products International is a US company founded in 1978 by Rex Maughan, and is headquartered in Scottsdale, Arizona. It manufactures and markets food supplements and cosmetics based on Aloe Vera. Through a network of over 10 million distributors in over 150 countries, the company recorded a turnover of over 2.5 billion dollars annually. The company is based in Senegal since October 2002, located at the heart of 3 VDN. It was officially established as Directorate General on 1 May 2004 and administered by Mr. Gregg Maughan and Dustin Greene.

Organogold

The company was founded in 2008 by Bernie CHUA who is a Filipino of Chinese origin. The company currently operates in 35 countries around the world. It sells new gift type of food supplements varieties of coffees and teas; many other products such as soap, capsules and a body lotion. However, all products of the company contain Ganoderma Lucidum, a fungus with many therapeutic properties. Sibérou group represent Organo gold in Senegal.

MATERIALS AND METHOD

This is a retrospective study, conducted from January 1th, 2013 to December 31th 2013. in Forever living product and Organo Gold. Within the two structures, we were interested by food supplements presented in oral form and high-rotation. A questionnaire was administered to managers of both companies for data collection.

Data Collection and Analysis

Information was first collected on establishments characteristics, marketing conditions including food supplements composition, labeling and promotion. Then, data were compared with those of the regulations in force, but also of case law judgments in this matter.

RESULTS AND DISCUSSION

Characteristics of establishments

Both companies (Table I) carry out pharmaceutical activities through import and distribution of products with therapeutic properties. However, they are not subject either to the marketing conditions⁵ of dietary supplements⁶ or to the respect of authorized nutrients⁷. Moreover, in these companies, the majority of capital or shares is held by non-pharmacists; which not comply to article L.596 of Book V⁸.

Food supplements trade

Food supplements composition

For Organogold, most of products identified (Table III) are based on a fungus *Ganoderma lucidum* known for its therapeutic properties. Regarding to Forever products (Table II), they contain extracts of plants (leaves of Ginko Biloba), vitamins and minerals; but especially a mushroom (Reishi). Indeed, Ginko plus, which is a combination of Reishi and Ginko Biloba leaves, can be described as a drug by function, because of substances known for their pharmacological properties⁹. Reishi is known for its antioxidant and antihistaminic activities¹⁰, platelet anti-aggregation activity linked to triterpenes and polysaccharides¹¹⁻¹². This finding doesn't comply to community decision, which excludes food supplements containing plants with exclusively therapeutic use¹³



Table I: Nature and activities of establishments

Establishments	Forms of exploitation	Activities	Company addresses
Forever living product	Limited liability company	Import	Lot 129 Sacré cœur 3, sise à la North Clear path Dakar, Senegal.
Organogold	Partnership		Import/distribution 527 Sicap Baobab Dakar, Senegal

Source: Data collected from both companies

Table II: Oral forms available at Forever

S Nos	Denomination	Composition
1	Nature- Min	Vitamins: Minerals: Calcium, phosphorus, iodine, iron, magnesium, manganese, copper, zinc, selenium, chromium, vanadium, molybdenum, seabed natural deposits.

2		Honey 26% Chia doré (<i>Salvia hispanica</i>) 14% Ginseng of Orient 4% Ginseng of Sibery 2% Vitamin C
3	Fields of Green	Vitamin A (Bêta carotène), E, K Wheat grass (<i>triticum aestivum</i>) Barley (<i>Hordeum vulgare</i>) Honey, Cayenne pepper (<i>Capsicum frutescens</i> L.) Alfalfa (<i>Medicago sativa</i>)
4	Echinacea Supreme	<i>Echinacea: herbs and roots</i> <i>Extracts of grape seed (Vitis vinifera)</i>
5	Absorbent C	Vitamin C Oat bran (<i>Avena sativa</i> L.) Papaya Bioflavanoids and Papaya Powder (<i>Carica papaya</i>) Honey Forever Sorbitol
6	Lycium Plus	Lycium extract (<i>Lycium barbarum</i>) Licorice extract (<i>Glycyrrhiza glabra</i> L.)
7		<ul style="list-style-type: none"> • Ginkgo Biloba Leaf Extracts • Reishi mushrooms • Schisandra berries • Fo Ti

Source : Data collected on Forever oral forms leaflet

Table III: Oral forms available at ORGANOGOLD

S Nos	Denominations	Composition
1	Spore powder 100% bio	<i>Ganoderma</i> Spore powder, Vegetable cellulose
2	Ganoderma 100% bio	<i>Ganoderma lucidum</i> , Vegetable cellulose
3	Mycellium 100% bio	<i>Ganoderma lucidum</i> mycélium, Vegetable cellulose
4	Grapseed	Grapeseed Oil, Vegetable Cellulose

Source: *Ganoderma oral forms leaflet*

Labeling and promotion of food supplements

Labeling

Ginko Plus label does not comply with the consumer Code, which states that it must imperatively be labeled "food supplement" and indicate a certain amount of information¹⁴. Concerning 100%

Organic Ganoderma label, it mentions health claims which could refer to therapeutic use (Table IV), such as "reduced bad cholesterol"; "Reishi helps to prevent obesity"¹⁵. However, a health claim must not contain a therapeutic mention¹⁶. Indeed, judges deduce from the following, that products presented as able to activate weight loss and develop physical performance are drugs¹⁷. Moreover, the Supreme Court sentenced Mr. Jean-P, December 4, 2001 for pharmacy illegal practice, after marketing in his company, dietary supplements able to treat in particular, osteoporosis and inflammation¹⁸. In addition, certain mandatory information are not included in the label, particularly " a warning to warn young children"¹⁹.

Table IV: Label of Ganoderma 100% BIO.

Health claims	Content
Anti-aging	" Reishi contains a lot of antioxidants ,which fights aging effects and helps the body to maintain a better youth "
Energy	" Reishi improves our body energy as well as that of our mind "
Skeleton	"Eating Reishi mushrooms every day helps to preserve bone density"
Cholesterol	" Reishi helps to reduce cholesterol, also improves good and bad cholesterol ratio by reducing bad cholesterol rate"
Obesity	" Reishi helps to prevent obesity by stopping glucose movement"

Source: Ganoderma 100% BIO leaflet

Promotion

Forever living Product and Organo-gold use flyers and media to promote their products. Therefore, these two companies can be attacked for pharmacy illegal practice when their products (Ginko biloba and Ganoderma lucinum) are subject to promotional campaigns, and also for health claims. The Supreme Court considered 'that plants which Michael X ... praised the healing properties in his writings or television programs meet drug definition by presentation²⁰.

CONCLUSION

In Senegal, both companies Forever and Organo Gold carry out pharmaceutical activities and are administered by non-pharmacists. Dietary supplements marketed by both companies contain substances known for their pharmacological properties. Moreover, products are subject to promotional campaigns, but also for health claims. Therefore, regulator will have to invite these companies to register their products in order to comply with community decision and to protect consumers.

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