

Montreal, May 29, 2024

Dear Sir/Madam:

Subject: Comments on Division 31 of Part 4 of Bill C-69, An Act to implement certain provisions of the budget tabled in Parliament on April 16, 2024

The ASPQ is an independent non-profit organization bringing together members of the public and partners to make sustainable health a priority. In the interest of better protecting Canadians, our organization wishes to share its comments and recommendations about the possible application of the *Budget Implementation Act* (C-69). Regarding the application of Division 31 of Part 4 of the bill (amending the *Food and Drugs Act*), the ASPQ recommends the following:

1. Apply the restrictions proposed in section 30.01 to natural health products, and place restrictions on the promotion and marketing of those that pose a health risk.

Not only are natural health products (NHPs) for weight loss (e.g., appetite suppressants, fat burners, metabolism modulators, laxatives, etc.) more often than not ineffective for long-term weight loss, but they also pose risks to physical and mental health. Over the years, the ASPQ has highlighted three types of issues related to these products, particularly with regard to:

- a. their regulation** - The ASPQ encourages you to review the [brief on fees for NHP compliance activities](#) and the [brief on NHP labelling](#) [both in French only].
- b. their health effects** - The ASPQ encourages you to review the [report on the hepatotoxicity of NHPs for weight loss](#), as well as the reports on the program *La facture* on [NHPs for weight loss](#) and on [diet products from multi-level marketing companies](#) [all in French only].
- c. their marketing** - The ASPQ encourages you to review the [Quebec portrait of online advertising for WLPSMs](#) [in French only].

These products are widely advertised and easily accessible to the most vulnerable segments of the population, as there is little regulatory oversight governing the marketing of these products. The power to further regulate (e.g., regarding the point of sale, labelling, packaging or advertising) is necessary in cases where such products pose a health risk. Additional regulations may be useful for protecting certain vulnerable populations. For example, in April 2024, the State of New York banned the sale of weight-loss and muscle-building supplements to minors.

2. Maintain and use the power to issue restrictions proposed in section 30.01 to prevent the inappropriate use and promotion of therapeutic products.

The ASPQ supports the facilitation of conditional importation and sale in the event of shortages. However, the government and its departments must be vigilant and ensure that health-protecting conditions are actually issued and followed, particularly with respect to promotion and advertising.

For example, in recent months, there has been immense interest in Canada for the therapeutic product Ozempic, whose appetite-suppressant properties result in weight loss, initially indicated for those with type 2 diabetes. It became apparent that online platforms have been making it easy to obtain a prescription for this drug, without a full and thorough examination by healthcare professionals.

Considering the risks this drug poses for certain individuals, particularly those with eating disorders, the proposal to be able to issue conditions on all aspects of marketing makes sense. The relevant government agencies must set conditions governing marketing, such as restrictions on advertising and sales, to prevent and adequately absorb a shortage, but also to protect public health.

3. Make orders, regulations and notices of consultation accessible and transparent.

This is essential to allow stakeholders to react in a timely and effective manner in order to protect the public.

Our concern about certain weight-loss methods

Nearly half of Quebecers have tried to lose weight in the past year, and one in five reports being obsessed with weight management.¹ As a result, the preoccupation with weight has become a social phenomenon that makes the use of weight-loss products, services and methods (WLPSMs) commonplace. The weight loss industry takes advantage of the public's vulnerability in order to falsely promote WLPSMs as the silver bullet for losing weight quickly or effortlessly, as illustrated in the [Quebec portrait of online advertising for WLPSMs](#).

These products and their marketing are not without consequences, since they can:

- reinforce or even spur on the preoccupation with weight;
- undermine the recommendations of Canada's Food Guide and overshadow healthy lifestyle choices; and

¹ Léger poll conducted in October 2023 for the ASPQ.

- encourage people to engage in behaviours that are potentially harmful to their health and well-being.

If you have any questions, please do not hesitate to contact us.

Yours sincerely,

A handwritten signature in blue ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Thomas Bastien.

Thomas Bastien
ASPQ Executive Director