

14 September 2016

To our clients and friends

INFORMATION LETTER

Concerning Amendments to the Republic of Kazakhstan's Legislation in the Sphere of Dietary Supplements Circulation and Advertising

In June 2016, the Republic of Kazakhstan ("RK" or "Kazakhstan") adopted new normative legal acts regulating the issues of circulation and advertising of dietary supplements ("DS"), including the Circulation Rules¹ and the Advertising Rules². Please see below the most significant amendments caused by these normative legal acts.

1. DS Concept

According to the Circulation Rules, understood as DS are "components of natural substances or substances identical to natural meant for separate consumption or incorporation into food products for the purpose of enrichment thereof or disease prevention, except for parapharmaceutical products."

Please note that the Health Code³, Circulation Rules and Advertising Rules contain different definitions of the DS concept, and it is only the Circulation Rules which establish that the DS concept does not include parapharmaceutical products. In case of any controversies, provisions of the Health Code will prevail.

2. Procedure for DS Circulation in Kazakhstan

According to the Circulation Rules, it is not allowed to sell DS in Kazakhstan, if:

- they failed to pass state registration;
- their shelf life has already expired;
- there are no proper sale conditions;
- there is no label thereon, or in a situation where information on a label does not conform to the information stated when passing state registration;
- there is no information on a label that is to be specified in accordance with requirements of the technical regulations 022/2011 of the Customs Union "Food Products in Terms of Marking Thereof."

DS prepackaging, packing, marking, storage, transportation, disposal and destruction requirements are to be defined by the Circulation Rules in accordance with requirements of the technical regulations of the Customs Union.

¹ Order No. 297 of the RK Minister of National Economy "On Approval of the Dietary Supplements Circulation Rules" dated 30 June 2016.

² Order No. 284 of the RK Minister of National Economy "On Approval of the Dietary Supplements Advertising Rules" dated 24 June 2016.

³ RK Code No. 193-IV "On Public Health and Healthcare System" dated 18 September 2009.



3. DS Advertising Rules

In addition to general advertising requirements established by the Advertising Law⁴ and Health Code, Kazakhstan introduces special regulations pertaining to DS advertising as follows.

DS advertising is to contain the following information:

- trade name;
- information about active components being a part of the composition;
- key indications for use;
- dosage and administration;
- key side effects;
- key contraindications;
- specific indications in relation to children, pregnant women, lactation period;
- purchasing terms;
- descriptive and clear recommendations on administration;
- name and address of a manufacturer and person authorized by the manufacturer to accept claims in the RK;
- number and date of issuing the state registration certificate.

The following information is to be mandatorily specified in DS advertising intended for tele and radio channels or Internet sources: trade name; descriptive and clear recommendations on administration; number and date of issuing the state registration certificate; and specific indications in relation to children, pregnant women and lactation period.

The Advertising Rules prohibit as follows:

- advertising of DS not registered in the RK and Eurasian Economic Union;
- dissemination and placement of DS advertising in public transport or organizations that have nothing to do with prescription, use and sale thereof;
- represent DS in advertising as unique, most effective and safe;
- cause speculations that the effectiveness of the advertised DS treatment is guaranteed and its administration will not cause any side effects.

In each case DS advertising is to be accompanied by a warning that the advertised object is not a medicine.

Should you have any additional questions in connection with this Information Letter, we would be happy to provide more detailed information.

Best regards,
AEQUITAS Law Firm

⁴ RK Law No. 508-II "On Advertising" dated 19 December 2003.