



Department
of Health &
Social Care

Minutes – Advisory Committee on Borderline Substances

11 July 2023 | Department of Health and Social Care, 39 Victoria Street, London

Attendees:

Alison Smith (AS) - Chair
Rosemary Stennett (RS)
Anne Daly (AD)
Ghazala Yousuf (GY)
Sarah Britton (SB)
Charlotte Ellerton (CE)
Emma Emmerson (EE)
Stuart Lakin (SLk)

Amit Arora (AA)
[REDACTED]
Clare Denning (CD)
[REDACTED]
Liz Stockley (LS)
Mark Perkins (MP)

Apologies:

[REDACTED]
Stephen Lewis (SL)
Emily Walters (EW)
Una Cuthbert (UC)
Andrea Hilton (AH)
Ian R White (IRW)
Natalie Yerlett (NY)

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1. Introductions and apologies

There were apologies from DW, SL, EW, UC, AH, IRW, NY.

AS introduced observers Clare Denning, Dietetic Prescribing Lead at Rotherham and Liz Stockley, Chief Executive Officer at the British Dietetic Association. Mark Perkins, Head of Strategic Category Management at NHS England was also in attendance to deliver an item on the agenda.

2. Declaration of interests

AS read out the declaration of interests. The interests declared are at appendix A.

3. Minutes of the 13 and 14 March 2023 meeting

There were minor typo and spelling amendments raised. The minutes were otherwise agreed.

❖ Secretariat to redact and publish the minutes from March 2023.

There was an update on some of the actions from the meeting:

- **Arrange ministerial letter for Evelyn Ward.** Evelyn left the Committee at the end of May. The Secretariat is working to complete this action.

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- [REDACTED]
- **Work programme.** A revised work programme has not been published yet. Given the existing work and the status of that work, the secretariat will take time to consider when the next work programme should be introduced.

- **Proforma for acceptability studies.** This has been mentioned to industry but the secretariat has not put a proposal to industry yet. It is waiting for the right time to do this as work has just restarted with industry to standardise the ACBS indications.

4. **Business**

S40 a. **ONS Consultation ([REDACTED])**

A copy of the draft consultation report was circulated with the meeting papers.

The Committee was informed the report is almost complete. Discussions are ongoing with relevant stakeholders to finalise the recommendations but that any amendments will only be to ensure the recommendations are deliverable. The overall purpose of those recommendations will remain as in the draft report.

The Committee was pleased with the report and happy to approve it on this basis.

[REDACTED] informed that the next step would be to share the report with the British Specialist Nutrition Associate for comment. After that, the report will be given to the Department of Health and Social Care and it shall produce the Government's response to the report, including the decision of whether to accept the Committee's recommendations.

S35 b.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

c. **Weight loss shakes (Alison Smith)**

Following testing at pilot sites, NHS England has announced patients will be able to receive weight loss shakes for the management of diabetes on the NHS. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

SB mentioned that she is part of a NICE working group that is drafting guidance on obesity, which may provide the relevant criteria. SB agreed to share a draft of the NICE guidance. The ACBS should prepare to advise the Government on these products if applications from manufacturers start appearing.

- ❖ SB to share a draft of the NICE guidance on obesity.

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d. **Meeting date for July 2024 ([REDACTED])**

The Committee agreed to schedule a meeting for 16 July 2024.

- ❖ Secretariat to schedule the meeting.

5. Product submissions

Product submissions were discussed. A record of this conversation is at appendix B.

6. Application form amendments

The Chair informed members that it had been agreed with industry to add application form amendments as a new standing item to the agenda. This is to ensure the application form is continually developed and remains fit for purpose – the previous application form was unchanged for a long time and eventually became problematic to use and it required a lot of time to develop the new form.

Industry and the Secretariat had separately proposed amendments. The following list shows the outcome of the Committee’s deliberations on the amendments.

- ❖ Secretariat to implement relevant amendments at the earliest opportunity.

Proposed Amendment	Decision
An insertion at 2.6.1.1. to create a space for manufacturers to respond to ACBS feedback.	Accept.
An insertion at 2.6.3 to have an optional rationale for the application.	Reject – There should be no optional fields. The application should be the rationale for the product.
Amend the wording of 4.2 to remove the word ‘powdered’ because there may be non-	Reject – Only powdered products can be reconstituted. Non-powder products would

powdered products that need to be made-up.	require diluting so a new category is probably needed.
An insertion at 5.1.1 to include an additional tick box for 'No change in nutritional profile' for cases where there is a formulation change to a product but this does not affect the nutritional profile.	Accept.
An insertion at 7.5 to have an optional rationale for the clinical evidence.	Reject – Manufacturers do not need to provide a rationale for the clinical evidence. The studies will either be relevant or not.
Amendments to the 5.1 nutritional profile spreadsheet to clarify which columns are used for current and comparator or amended formulations, and also so that changed values are automatically highlighted in amended formulations to make assessment easier.	Accept.

7. Submissions processed mid-term

Appendix 2 of the meeting papers provided detail on the submissions processed mid-term. No amendments or comments were raised.

Table of actions

Action	Responsible
❖ Secretariat to redact and publish the minutes from March 2023.	Secretariat
❖ Share a draft of the NICE guidance on obesity.	SB
❖ Secretariat to schedule the meeting for July 2024.	Secretariat
❖ Implement application form amendments at earliest opportunity	Secretariat

Appendix A – Declarations of interest

Name	Name of organisation	Nature of interest
Anne Daly	Arla, APR, Cambrook, Nutricia, Promin, Vitaflo	I have worked with several companies on advisory panels, giving lectures, research. Any monies are given to the IMD hospital research accounts

Appendix B – Product submissions

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* Resubmission