

Appeal on fluoride definition adjourned

THE Crown was "sneaky and self-serving" in the way it passed a regulation in an attempt to cut off an avenue of challenge for anti-fluoridation campaigners, the Court of Appeal has been told.

Lawyer Lisa Hansen told the court yesterday that lobby group New Health NZ had significant concerns about the way fluoridation chemicals were not "medicines" under the Medicines Act.

The regulation was the result of a judge's suggestion, even though he found that when the chemicals were added to water in the recommended quantities, fluoride was not a medicine.

Hansen said the Crown had been sneaky and self-serving in introducing the regulation. It was peremptory, perfunctory, and lacked transparency.

The Crown passed the measure to deprive New Health of its appeal rights, Hansen said.

As a result, another case, this time challenging the validity of the regulation, was filed in the High Court. It is not expected to be heard until August or September.

But in the meantime New Health, an interest group set up to promote the "best interests and health freedoms of consumers", appealed against the ruling

that the fluoridation chemicals were not a medicine.

The Crown wanted the appeal dismissed on the ground there was now a valid regulation so the issue was moot.

The chemical did not have to first be a medicine for a regulation to be introduced to put the matter beyond doubt, Crown lawyer Jane Foster said.

The appeal was to be heard yesterday, but the Court of Appeal adjourned it, saying the issue was currently moot.

Fluoride is added to water to reduce and prevent tooth decay but opponents say adding it to a public water supply is uncontrolled "mass medicating".

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