From:	MCEWEN, John
To:	MURPHY, Casey
Cc:	MCRAE, Cheryl; COOK, Jane; MCLAY, Nicole; TEOH, Kenneth; FRANCIS, Jenny
Subject:	FW: GRUNBIOTICS PTY LTD: NEUROFOLIN [CU-Legal.FID2423051] [DLM=For-Official-Use-Only]
Date:	Thursday, 6 September 2018 8:49:47 AM
Attachments:	image001.png image002.png RE Neurofolin SECUNCLASSIFIED (47.1 KB).msg [D17-972067] FMI Assessment Decision Letter - Neurofolin - Grunbiotics -....tr5 [D17-877034] FMI Assessment - Neurofolin October 2107.tr5 Letter to C Murphy - 29 July 2018.PDF

Dear Casey,
I followed up with Cheryl yesterday about the status of this product (Neurofolin) because both the product and the promotional pamphlet are still available at the Priceline Pharmacy in Manuka.
In addition to the ASMI complaint, I raised the issue of this being a therapeutic good and not a special food for depression with Larry Kelly several months ago.

Has there been any progress since the letter to you from Clayton Utz? I am sure that Jenny and Ken will be interested to note this involvement of this firm which has also been involved in the s 11C(1)(b) .

Regards

John McE

Dr John McEwen PSM
MBBS MSc MPS
Medical Adviser (part time)
Therapeutic Goods Administration
Mobile s22

From: MCRAE, Cheryl
Sent: Wednesday, 5 September 2018 4:59 PM
To: MCEWEN, John
Cc: COOK, Adam
Subject: FW: GRUNBIOTICS PTY LTD: NEUROFOLIN [CU-Legal.FID2423051] [SEC=UNCLASSIFIED]

John
As discussed

Dr Cheryl McRae
Assistant Secretary
Complementary & Over the Counter Medicines Branch

Medicine Regulations Division
Health Products Regulation Group
(incorporating the Therapeutic Goods Administration and the Office of Drug Control)
Department of Health

T: (02) 6232 8793
E: cheryl.mcrae@health.gov.au
Location: 136 Narrabundah Lane
Symonston ACT
PO Box 100, Woden ACT 2606, Australia

From: COOK, Adam
Sent: Sunday, 29 July 2018 9:36 PM
To: MCRAE, Cheryl
Cc: MURPHY, Casey; MACNAUGHTON, Emily
Subject: RE: GRUNBIOTICS PTY LTD: NEUROFOLIN [CU-Legal.FID2423051] [SEC=UNCLASSIFIED]

Hi Cheryl,

Correct. It's the one John McEwan questioning the Larry about a couple of months ago.

Recent email thread between Gunbiotics and ECT attached, along with our FMI Assessment and Decision Letter (referral to ECT). Judging by this latest letter, Casey spoke to Grunbiotics on Friday.

Emily and I can meet with Casey about it on Tuesday and provide any necessary information for Regulatory Compliance to decide on next steps and respond to Clayton Utz. I/we will keep you updated.

Adam

From: MCRAE, Cheryl
Sent: Sunday, 29 July 2018 6:03 PM
To: COOK, Adam
Cc: MURPHY, Casey
Subject: FW: GRUNBIOTICS PTY LTD: NEUROFOLIN [CU-Legal.FID2423051] [SEC=No Protective Marking] [SEC=UNCLASSIFIED]
Importance: High

Adam and Casey
What's the issue? Doesnt satisfy the Food Standard and is making theraputic claims??
Cheryl

Sent with BlackBerry Work
(www.blackberry.com)

From: Gerakiteys, Dean <dgerakiteys@claytonutz.com>
Date: Sunday, 29 Jul 2018, 5:20 pm
To: MURPHY, Casey <Casey.Murphy@health.gov.au>
Cc: MCRAE, Cheryl <Cheryl.McRae@health.gov.au>, Sibley, Cain <CSibley@claytonutz.com>
Subject: GRUNBIOTICS PTY LTD: NEUROFOLIN [CU-Legal.FID2423051] [SEC=No Protective Marking]

Dear Ms Murphy

Please see the attached correspondence on behalf of Grunbiotics Pty Ltd.

Regards

Dean Gerakiteys, Senior Associate
Clayton Utz
Level 15, 1 Bligh Street, Sydney NSW 2000 Australia | D +612 9353 4850 | F +612 8220 6700 | M s 11C(1)(a) |
dgerakiteys@claytonutz.com | **www.claytonutz.com**

From: MACNAUGHTON, Emily
To: COOK, Adam
Subject: RE: Neurofolin [SEC=UNCLASSIFIED]
Date: Tuesday, 12 June 2018 3:32:59 PM
Attachments: image001.png

Good afternoon Adam

Details of the therapeutic claims and screenshots of the webpage can be found in the FMI Assessment at D17-877934.

Namely, the webpage states:

- ��Neurofolin contains L-methylfolate, an active form of folate that addresses part of a complex deficiency found in people with depression. Unlike synthetic folic acid, L-methylfolate effectively crosses the blood-brain barrier to contribute to the synthesis of mood regulating neurotransmitters like serotonin and dopamine�
- Neurofolin is a food for special medical purposes for the dietary support of depression management. It contains 15mg of L-methylfolate, a form of folate that helps support the production of mood-regulating brain chemicals such as serotonin and noradrenaline. Neurofolin can be taken together with your current antidepressant therapy or alone, as advised by your healthcare professional.
- Once in the brain, it supports the production of serotonin and noradrenaline
- Neurofolin can be taken together with your current antidepressant therapy or alone, as advised by your healthcare professional.
- Unlike some tablet formulations, Neurofolin has been specifically formulated for the dietary support of depression management and contains 15 mg of L-methylfolate.

Best regards

Emily Macnaughton (BBiomedSc)(ANutr)
Scientific Evaluator / Food-Medicine Interface Coordinator

Listing Compliance | Complementary and OTC Medicines Branch
Medicine Regulation Division
Therapeutic Goods Administration | Australian Government Department of Health
PO Box 100, Woden ACT 2606, Australia
www.tga.gov.au
T: s22 | E: complementary.medicines@health.gov.au

From: COOK, Adam
Sent: Friday, 8 June 2018 9:37 AM
To: MACNAUGHTON, Emily
Cc: CHENG, Jenny
Subject: FW: Neurofolin [SEC=UNCLASSIFIED]

Hi Emily,

Do you have information from the FMI Assessment on this one regarding the therapeutic claims, particularly on the website? Could you let me know by Tuesday or Wednesday?

Thanks!

Adam

From: COOK, Adam
Sent: Friday, 8 June 2018 9:36 AM
To: MURPHY, Casey; BARCLAY, Sasha
Subject: RE: Neurofolin [SEC=UNCLASSIFIED]

Hi Casey,

Yes, I think we can provide something for you. Probably won't be until next week.

Adam

From: MURPHY, Casey

Sent: Friday, 8 June 2018 9:32 AM
To: BARCLAY, Sasha
Cc: COOK, Adam
Subject: FW: Neurofolin [SEC=UNCLASSIFIED]

Hi Sash,

Here's the response from Jamie at Grunbiotics.

In terms of timelines, are we able to wait for the Reg Affairs Officer to return at the end of this month?

Adam – in terms of Jamie's questions about the website, I believe COMB would be best placed to answer this question. Are we able to formulate a coordinated response?

Thanks

Casey Murphy
A/g Assistant Director
Senior Compliance Officer

Regulatory Practice, Education and Compliance Branch | Regulatory Practice and Support Division
Health Products Regulation Group
Australian Government Department of Health
T: s22 | M: s22 | E: s22 @health.gov.au
Location: Ground Floor, A Block, 136 Narrabundah Lane, Symonston, ACT
PO Box 100, Canberra ACT 2601, Australia

The Department of Health acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

From: Jamie Hughes [mailto:s 11C(1)(a)
Sent: Thursday, 7 June 2018 4:48 PM
To: MURPHY, Casey
Subject: Re: Neurofolin [SEC=UNCLASSIFIED]

Dear Casey,

I acknowledge receipt of your e-mail.

We will come back to you once we have been able to circulate the details of your e-mail to the relevant people on our side.

As mentioned when we first spoke, our head of regulatory affairs has just gone away on leave until the end of June.

In the interim, can you please provide specifics of the particular statements on our website that are considered to be non compliant so that we can review.

Regards,

Jamie

Jamie Hughes / Managing Director
s 11C(1)(a) / s 11C(1)(a)

Grunbiotics Pty Ltd
s 11C(1)(a)
Level 9, 401 Collins Street, Melbourne Victoria 3000, Australia
http://www.grunbiotics.com

http://www.grunbiotics.com

On Thu, Jun 7, 2018 at 9:56 AM, MURPHY, Casey <Casey.Murphy@health.gov.au>

wrote:
Dear Jamie,
Thank you for your time on the phone with regards to the product Neurofolin.
After consultation with our Complementary Medicines Branch at the TGA, it has been determined that this product does not meet the definition of food for special medical purposes for the following reasons:

- this product is not intended for exclusive or partial feeding; and
- depression does not cause a limited or impaired ability to take, digest, absorb, metabolise or excrete L-methylfolate.

Please see excerpt from the *Food Standard Australia New Zealand Act 1991*:

food for special medical purpose means a food that is: (emphasis added)

(a) specially formulated for the dietary management of individuals:

(i) **by way of exclusive or partial feeding**, **who have special medically determined nutrient requirements or whose capacity is limited or impaired to take, digest, absorb, metabolise or excrete ordinary food or certain nutrients in ordinary food**; **and**

(ii) **whose dietary management cannot be completely achieved without the use of the food;** and

(b) intended to be used under medical supervision; and

(c) represented as being:

(i) a food for special medical purposes; or

(ii) for the dietary management of a disease, disorder or medical condition.

In addition, it has been determined that the product meets the definition of a therapeutic good for the following reasons:

- based on the statements on the website, the goods, including presentation, meet the definition of therapeutic use since references are made to curing or alleviating a disease, ailment, defect or injury in persons and influencing, inhibiting or modifying a physiological process in persons.

Please see excerpt from the *Therapeutic Goods Act 1989*:
The definition of therapeutic use in subsection 3(1) of the Act states that (emphasis added):

therapeutic use means use in or in connection with:
(a) **preventing, diagnosing, curing or alleviating a disease, ailment, defect or injury in persons**; or
(b) **influencing, inhibiting or modifying a physiological process in persons**; or
(c) testing the susceptibility of persons to a disease or ailment; or
(d) influencing, controlling or preventing conception in persons; or
(e) testing for pregnancy in persons; or
(f) the replacement or modification of parts of the anatomy in persons.

As such, if you intend on manufacturing, advertising and supplying this product, you must have the product entered onto the Australian Register of Therapeutic Goods.
Here is some information for you: https://www.tga.gov.au/overview-supplying-

therapeutic-goods-australia
Can you please advise on how you would like to proceed with this matter?
Kind regards
Casey Murphy
A/g Assistant Director
Senior Compliance Officer
Regulatory Compliance and Support Section
Regulatory Practice, Education and Compliance Branch

Phone: 02 6232 8770
Email: casey.murphy@health.gov.au

Therapeutic Goods Administration
Department of Health
PO Box 100
Woden ACT 2606
www.tga.gov.au

Australian Government
Department of Health
Therapeutic Goods Administration

TGA internal use only

Food-therapeutic good interface product assessment[1]

Overview

Product name (include the ARTG # if relevant)	Neurofolin
Source (complaint, AFP, Customs, review, sponsor, state/territory etc)	Complaint
Details/background (Include copies of labels, advertising and any other relevant examples of presentation at Attachment 2 of this form)	The product is advertised as a Food for special medical purposes. The website includes the text 'Neurofolin is a product for dietary support in the management of depression. It may be used alone or with antidepressants under the supervision of a healthcare professional.' Product is a powder in a sachet that is added to water. Examples of presentation in attachment 2. http://www.neurofolin.com.au/
Manufacturer/supplier	Grunbiotics / Mylan
Summary of lab tests (if relevant)	
Ingredients (eg as listed on label, in advertising etc)	L-methylfolate

Assessment against Food-Therapeutic Goods Guidance Tool[2]

Question	Assessment outcome
Q1 – product for oral use?	Yes ☒ → Go to Q2 No ☐ → Go to Q6 to determine if therapeutic goods
Q2 – covered by a s7 declaration that it is therapeutic goods?	Yes ☐ → Therapeutic goods – end assessment No ☒ → Go to Q3

1 This form is designed to be used for assisting in the assessment of products at the food-therapeutic goods interface. It reflects the questions in the Guidance Tool (version May 2014). If consultation is required with other agencies (other than Customs or the AFP), use the Protocol.

2 A copy of the diagram from the Guidance Tool is at Attachment 3 of this form.

Q3 – covered by s7AA declaration?	Yes ☐ → Product is not therapeutic goods – end assessment No ☒ → Go to Q4

Question		Assessment outcome
Q4 - goods for which there is a standard?	Is the product "goods for which there is a standard" in the Food Standards Code?	Yes ☐ → Product is not therapeutic goods – end assessment No ☒ → Go to Q5
	Details of food standards considered and reasons why they are applicable or not:	Considered Standard 2.9.5 – Food for special medical purposes (as stated on the webpage to be the applicable standard) ***food for special medical purposes*** means a food that is: (a) specially formulated for the dietary management of individuals: (i) **by way of exclusive or partial feeding**, who have special medically determined nutrient requirements or whose capacity is limited or impaired to take, digest, absorb, metabolise or excrete ordinary food or certain nutrients in ordinary food; **and** (ii) **whose dietary management cannot be completely achieved without the use of the food**; and (b) intended to be used under medical supervision; and (c) represented as being: (i) a food for special medical purposes; or (ii) for the dietary management of a disease, disorder or medical condition. **Reasons considered as to why the goods didn't meet this food standard:** This product is not for exclusive or partial feeding (it is for supplement use). There is no known additional nutrient requirement for patients with depression and there is no limited capacity for absorption, etc. Dietary management for depression should be able to be achieved without the use of this good.
Q5 - "tradition of use" as food in Australia or NZ?	Q5(a) – What kind of goods is the product?	Mineral supplement – folic acid
	Q5(b) – What is the form in which the product is presented? (eg is it a herb in dried form or encapsulated or tea in a teabag?)	Powder to be mixed with water
	Q5(c) – Is there a use of the product as	Yes ☐ → Go to Q5(d)

	"food for humans" in Aus/NZ in that form?		No ☒ → Go to Q6
	Q5(d) – Is there a "tradition" of that use in Aus or NZ?		Yes ☐ → Product is <u>not</u> therapeutic goods – end assessment No ☒ → Go to Q6 **Folic acid is used as a supplement in fortified foods**
Q6 – within para (a) of definition of "therapeutic goods"	Q6(1) – determine what use <u>the product</u> appears to be for. Is the product: (If yes to (a), (b) or (c) go to Q6(2); if no to all, go to Q7)	(a) Represented in any way to be for therapeutic use? (If yes, describe.)	Yes, product is written to provide dietary support in the management of depression 'Neurofolin contains L-methylfolate, an active form of folate that addresses part of a complex deficiency found in people with depression.3,4 Unlike synthetic folic acid, L-methylfolate effectively crosses the blood-brain barrier to contribute to the synthesis of mood regulating neurotransmitters like serotonin and dopamine' (From website) Website also includes details on the 'mechanism of action' and contains extra information/therapeutic claims Compares itself to tablet but suggests it is specially formulated for dietary management of depression. http://www.neurofolin.com.au/
		(b) Likely to be taken to be for therapeutic use because of the way in which it is presented? (If yes, describe.)	Yes, sold in pharmacies, FAQs say is can be used either with or without antidepressants, does say to only use under a medical practitioners advice
		(c) Likely to be taken to be for therapeutic use for any other reason? (If yes, describe.)	Presentation and advertising appear medical in nature.
	Q6(2) – determine whether that use of <u>the product</u> is "therapeutic use" ie: (If yes to (a) & (b), or (c) & (d) then it is likely therapeutic goods; other-wise, go to Q7)	(a) Is any disease, ailment, defect, or injury identified? (If yes, describe.)	Depression
		(b) Is the product represented, presented or otherwise likely to be taken to prevent, cure or alleviate that disease, ailment, defect or injury? (If yes, describe.)	Yes, says it is for the management of depression
		(c) Is any physiological process in a person identified? (If yes, describe.)	Yes 'Neurofolin contains L-methylfolate which can directly cross the blood-brain barrier. Once in the brain, L-methylfolate aids in the synthesis of mood regulating neurotransmitters such as serotonin, noradrenaline and dopamine. These neurotransmitters assist with normal brain and psychological function'
		d) Is the product represented, presented or	Yes, to improve mood/brain function

		otherwise likely to be taken to influence, inhibit or modify that process? (If yes, describe.)	
Q7 - class of goods the sole/principal use of which is therapeutic use	Is the product in a class of goods the sole or principal use of which is, or ordinarily is, a therapeutic use? (If yes to (a), (c) & (d) then it is likely therapeutic goods; otherwise, go to Q8)	(a) Is the product in a class of goods?	Yes ☐ → Go to Q7(b) No ☒ → Go to Q8
		(b) What is the class of goods and what can that class of goods be used for?	
		(c) Does that class of goods have a therapeutic use, for instance, to prevent, cure or alleviate a disease, ailment, defect or injury, or influence, inhibit or modify a physiological process?	Yes ☐ → Go to Q7(d) No ☐ → Go to Q8
		(d) Is that use the principal or ordinary use of the product?	Yes ☐ → Product is therapeutic goods – end assessment No ☐ → Go to Q8

Q8 – biological or medical device?	Biological ☐ Medical device ☐ Neither biological or medical device ☒	(If biological or medical device, it is therapeutic goods; otherwise, it could be food)

Related assessments

Are there any previous food-therapeutic goods interface assessments that are relevant to this assessment?	Yes ☐ → Provide details below No ☒ → Go to Other advice/information section below
Details and outcome:	Refer to ECT

Summaries of other relevant advice/information

Source	
State/Territory agencies	

	Keltican: Determined likely to be a therapeutic good • The product is not covered by a food standard, specifically Food Standard 2.9.5 – Food for Special Medical Purposes. • The definition of food for special medical purposes means a food that is specially formulated for the dietary management of individuals… who have special medically determined nutrient requirements or whose capacity is limited or impaired… and whose dietary management cannot be completely achieved without the use of the food. o Uridine monophosphate is not an essential nutrient for humans required for complete dietary management. The quantity of vitamin B12 in the product would not be a sufficient dose to support a patient with a nutritional deficiency in vitamin B12. o Patients with spinal column syndromes, neuralgia and polyneuropathy are not known to have special medically determined nutrient requirements or have an impaired or limited capacity. The publication (provided to the TGA with the label and leaflet) indicates that the formulation is being used for the symptomatic relief (including pain management). • The product does not have a tradition of use as a food for human use in Australia or New Zealand in the form in which it is presented. • The product is likely taken to be for therapeutic use, based on the dosage form (capsule), directions for use, packaging and reference to spinal column syndromes, neuralgia and polyneuropathy on the label and leaflet.
TGA Food Medicine Internal Working group	Discussed at internal FMI working group: Emily Macnaughton, Freya-Waddington-Moon, Amanda Fuller
Others	

Outcome

Likely to be therapeutic goods?	Yes ☒ No ☐		
Summary of reasons for outcome	It did not appear to fit the definition of the food for special medical purposes as dietary levels can be achieved without the supplement. In that form L-methylformate does not have a tradition of being a food, only in other fortified food products as a supplement. Very high level of L-methylfolate in the product could be dangerous, The overall presentation of the goods suggests therapeutic purposes (website) rather than food supplement		
Assessor	Jacinta Watt	Date	20/10/2017
Comments/action items (eg RCU to write to supplier; alert to be published; proposal to remove from ARTG; contact state/territory/FSANZ etc)	Refer to the Regulatory Enforcement Section for action. Should be declared a therapeutic good, however the levels of L-methylfolate (derived from LEVOMEFOLATE CALCIUM I think), will be much higher than allowed for listed medicines		

Attachment 1 - Relevant definitions

Term	Source[3]	Definition
		<as add required>

[3] Common sources of definitions are likely to include legislation, legislative instruments and dictionaries

Attachment 2 - Examples of presentations/representations

Use this page to provide copies of labels, advertising and any other relevant examples of presentation.

Neurofolin®
For dietary support in the management of depression.

HOME ABOUT NEUROFOLIN ABOUT GRUNBIOTICS CONTACT REFERENCES

About Neurofolin

Neurofolin is a product for dietary support in the management of depression. It may be used alone or with antidepressants under the supervision of a healthcare professional.

Neurofolin contains L-methylfolate, an active form of folate that addresses part of a complex deficiency found in people with depression.

Unlike synthetic folic acid, L-methylfolate effectively crosses the blood-brain barrier to contribute to the synthesis of mood regulating neurotransmitters like serotonin and dopamine.

TERMS OF USE & PRIVACY POLICY

This website contains information which is targeted to a broad audience and may contain product details or information which may not comply with any legal process, regulation, registration or usage in your country of origin. Neurofolin® is a registered trademark of Grunbiotics Pty Ltd. Metafolin® is a registered trademark of Merck KGaA, Darmstadt, Germany.

GRÜNBIOTICS
Medical Nutrition. Improving Lives.

ABOUT US PRODUCTS PARTNER WITH US CONTACT US

NEUROFOLIN FOR DEPRESSION

Neurofolin®
For dietary support in the management of depression

Neurofolin contains L-methylfolate, an active form of folate that addresses part of a complex deficiency found in people with depression.

Unlike synthetic folic acid, L-methylfolate effectively crosses the blood-brain barrier to contribute to the synthesis of mood regulating neurotransmitters like serotonin and dopamine. This product has been developed under an exclusive relationship with Merck KGaA, Darmstadt, Germany

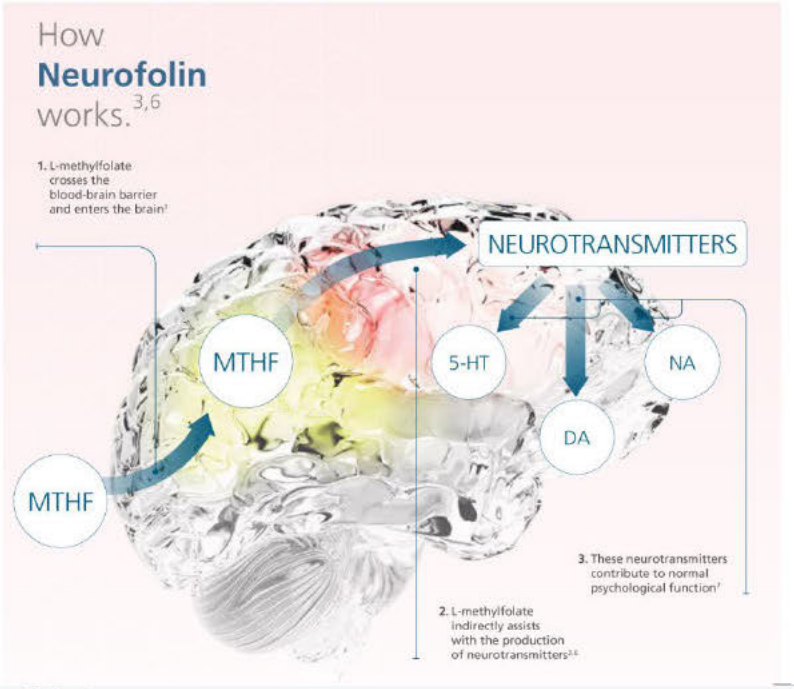
Neurofolin may be used alone or with antidepressants under the supervision of a healthcare professional.

LEARN MORE ABOUT NEUROFOLIN

GRUNBIOTICS PTY LTD
address | Level 42, Rialto South Tower
525 Collins Street, Melbourne, Vic 3000, Australia

phone | +613 8692-0006
email | info@grunbiotics.com

Terms of use & Privacy policy



MTHF	L-methylfolate
5-HT	5-hydroxytryptamine (serotonin)
DA	Dopamine
NA	Noradrenalin

Once in the brain, L-methylfolate helps to produce BH4, a cofactor in the production of monoamine transmitters such as serotonin, noradrenaline and dopamine. These neurotransmitters contribute to normal psychological function.[7]

Neurofolin®
For dietary support in the management of depression

HOME ABOUT NEUROFOLIN ABOUT GRUNBIOTICS CONTACT REFERENCES

Directions

Serving directions

One sachet daily. Add entire sachet to 200ml of water (may be chilled), stir vigorously for 30 seconds and drink immediately.

Precaution

Not for parenteral use. Use under medical supervision. Please consult your pharmacist, medical practitioner or dietitian for advice.

Do not take Neurofolin if you are hypersensitive to any ingredients listed in this product.

L-methylfolate may obscure detection of B12 deficiency.

Neurofolin should form part of a normal healthy diet.

Not suitable as a sole source of nutrition.

Not suitable for children under 12 years of age.

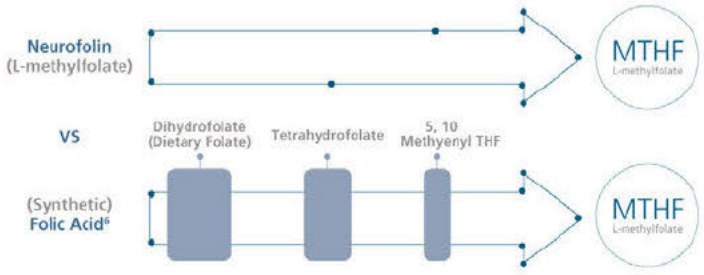
Neurofolin®
For dietary support in the management of depression

HOME ABOUT NEUROFOLIN ABOUT GRUNBIOTICS CONTACT REFERENCES

Folic Acid is not a substitute

L-methylfolate efficiently crosses the blood-brain barrier, and once in the brain, L-methylfolate aids in the synthesis of mood regulating neurotransmitters such as serotonin and dopamine. These neurotransmitters assist in normal brain and psychological function.[7]

Regular folic acid is synthetic, and it is unable to cross the blood-brain barrier. The body must first convert folic acid into L-methylfolate via the process outlined below.[7]



Neurofolin®
For dietary support in the management of depression.

About Food for Special Medical Purposes

In Australia Neurofolin is classified as a Food for Special Medical Purposes (FSMP) and is regulated by Food Standards Australia and New Zealand.

Products in this category are used to manage the diets of people with certain disorders or medical conditions, and they are intended for people whose nutritional requirements cannot be met by consuming standard food alone.

These products do not require a prescription, but must be used under the guidance of a healthcare professional.

Neurofolin®
For dietary support in the management of depression.

HOME ABOUT NEUROFOLIN ABOUT GRUNBIOTICS CONTACT REFERENCES

Nutritional Information

Each sachet of Neurofolin (4.5g) contains

Energy	36KJ (9 Cal)
Protein	Less than 0.1g
Fat	Less than 0.1g
-Saturated	Less than 0.1g
Carbohydrates	1.0g
-Sugars	0.2g
-Galactose	0g
Sodium	396mg

Vitamins

L-methylfolate calcium (as Metafolin®)	15mg
Cyanocobalamin (B12)	1mg

Ingredients

Food acid (citric acid), mineral salts (sodium bicarbonate, sodium carbonate), glucose syrup solids (rice), inulin (from chicory), natural flavour, sweetener (sucralose), vegetable gum (xanthan gum), natural colour (safflower extract), vitamins (L-methylfolate calcium, cyanocobalamin).

Sodium in this product must be included in calculations for a low sodium diet.

Contains no artificial preservatives, artificial colours or artificial flavours.

Does not contain dairy, peanuts or soy.

Suitable for vegans.

Made in Australia from imported ingredients.

Neurofolin®
For dietary support in the management of depression.

HOME ABOUT NEUROFOLIN ABOUT GRUNBIOTICS CONTACT REFERENCES

Where can I buy Neurofolin?

Stockists

Neurofolin is only available in pharmacies.

Australian distributor

Neurofolin is exclusively distributed by Mylan Health throughout Australia.

Mylan

Neurofolin®

HOME ABOUT NEUROFOLIN ABOUT GRUNBIOTICS CONTACT REFERENCES

About Grünbiotics

Grünbiotics is an Australian biotechnology company that develops Medical Nutrition products that improve the quality of life for people with chronic diseases and specific health conditions. We believe in a therapeutic approach that comprehensively addresses the individual's needs and results in a better treatment outcome.

Through collaboration with top-tier pharmaceutical companies and research institutes, Grünbiotics develops new innovative IP protected products that are based on strong clinical and scientific evidence. The products are typically recommended by doctors, pharmacists and other healthcare professionals as part of a comprehensive treatment plan, and are available in pharmacies without needing a prescription.

Grünbiotics' focus is on Medical Nutrition that has strong applications for large healthcare markets with significant unmet needs, in both developed and emerging markets, with an emphasis on the Asia Pacific region.

Grünbiotics is based in Melbourne and proudly manufactures in Victoria, Australia.

For more information www.grunbiotics.com

GRÜNBIOTICS

Frequently Asked Questions

Who can use Neurofolin?

Neurofolin is for the dietary management of depression. Healthcare professionals may recommend this product for people with depression who are taking antidepressant medication as well as for those people who are not taking antidepressants.

Can Neurofolin be taken by people who are not taking antidepressants?

Yes. Neurofolin may be taken alone or with antidepressant medication under the supervision of a healthcare professional.

How does Neurofolin work?

Neurofolin contains L-methylfolate which can directly cross the blood-brain barrier. Once in the brain, L-methylfolate aids in the synthesis of mood regulating neurotransmitters such as serotonin, noradrenaline and dopamine. These neurotransmitters assist with normal brain and psychological function.

How is Neurofolin different to tablet forms of L-methylfolate?

Unlike some tablet formulations, Neurofolin has been specifically formulated for the dietary management of depression with 15mg of L-methylfolate.

How is Neurofolin different from folic acid?

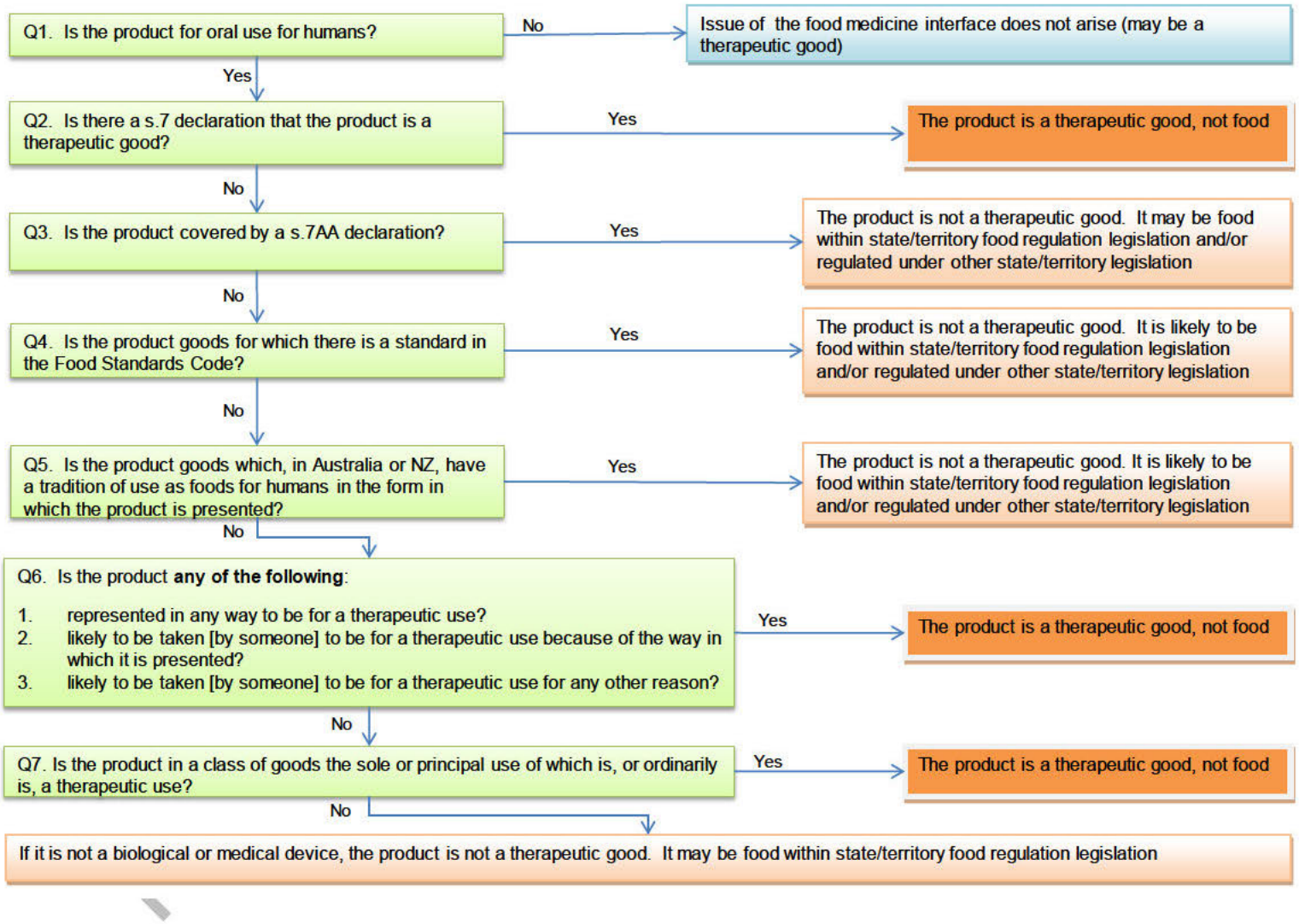
L-methylfolate is an active form of folate that can cross the blood-brain barrier. Once in the brain it assists with the normal production of neurotransmitters, like serotonin and dopamine. Regular folic acid cannot cross the blood-brain barrier and must first be converted to L-methylfolate in the body before it can enter the brain.

How should people take Neurofolin?

Take one sachet daily by adding it to 200ml of water (may be chilled), stir vigorously for 30 seconds and drink immediately.

Attachment 3 – Flow chart

GUIDANCE TOOL DIAGRAM – IS THE PRODUCT A "THERAPEUTIC GOOD"?



Australian Government

Department of Health

Therapeutic Goods Administration

MINUTE

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To:	Daniel Black Regulatory Investigations and Enforcement Section Regulatory Practice, Education and Compliance Branch	**Date**:	27/11/2017
From:	Emily Macnaughton Listing Compliance Section Complementary & OTC Medicines Branch	**TRIM**:	D17-877034

Dear Daniel,

FOOD MEDICINE INTERFACE ASSESSMENT

Following referral to us, the product **Neurofolin** was assessed to determine whether it is a food or therapeutic good for the purposes of the *Therapeutic Goods Act 1989* (the Act).

Below, I provide information about:

A. My decision

B. Material considered in decision making

C. The reasons for my decision

A. My decision

Based on the information available to us at this time and our assessment of the good, I find that **Neurofolin** is a therapeutic good for the purposes of the Act.

B. Material considered in decision making

I have considered the following material in coming to my decision:

a. The website of the goods[1]

b. The *Therapeutic Goods Act 1989* (The Act)[2]

[1] Neurofolin. (2017). [online] Available at: http://www.neurofolin.com.au [Accessed 27 Nov. 2017].

[2] A copy of the Act can be accessed from http://www.comlaw.gov.au

c. The *Food Standard Australia New Zealand Act 1991* [3]

d. Our assessment of the good using the Food Medicine Interface Guidance Tool[4]

C. The reasons for my decision

The full basis of my decision is set out in my assessment using the Food Medicine Interface Guidance Tool (**Attachment 1**). I provide a summary of the key facts as follows.

The definition of 'therapeutic goods' in subsection 3(1) of the Act states that (emphasis added):

> ***therapeutic goods*** means goods:
>
> (a) that are represented in any way to be, or that are, whether because of the way in which the goods are presented or for any other reason, likely to be taken to be:
>
> (i) **for therapeutic use**; or
>
> (ii) for use as an ingredient or component in the manufacture of therapeutic goods; or
>
> (iii) for use as a container or part of a container for goods of the kind referred to in subparagraph (i) or (ii); or
>
> (b) included in a class of goods the sole or principal use of which is, or ordinarily is, a therapeutic use or a use of a kind referred to in subparagraph (a)(ii) or (iii);
>
> and includes biologicals, medical devices and goods declared to be therapeutic goods under an order in force under section 7, **but does not include**:
>
> (c) goods declared not to be therapeutic goods under an order in force under section 7; or
>
> (d) goods in respect of which such an order is in force, being an order that declares the goods not to be therapeutic goods when used, advertised, or presented for supply in the way specified in the order where the goods are used, advertised, or presented for supply in that way; or
>
> (e) **goods (other than goods declared to be therapeutic goods under an order in force under section 7) for which there is a standard (within the meaning of subsection 4(1) of the *Food Standards Australia New Zealand Act 1991*);** or
>
> (f) **goods (other than goods declared to be therapeutic goods under an order in force under section 7) which, in Australia or New Zealand, have a tradition of use as foods for humans in the form in which they are presented**; or
>
> (g) goods covered by a determination under subsection 7AA(1) (excluded goods); or
>
> (h) goods covered by a determination under subsection 7AA(2) (excluded goods), if the goods are used, advertised, or presented for supply in the way specified in the determination.

---

[3] A copy of the *Food Standards Australia New Zealand Act 1991* can be accessed from https://www.legislation.gov.au/Series/C2004A04193

[4] A copy of The Food Medicine Interface Guidance Tool can be accessed from https://www.tga.gov.au/food-medicine-interface-guidance-tool-fmigt

A 'standard' as defined by *Food Standard Australia New Zealand Act 1991* ('the FSANZ Act') includes standards included in the Australia New Zealand Food Standards Code. I considered *Standard 2.9.5 - food for special medical purposes*, which includes the following definition for food for special medical purposes:

> '***food for special medical purpose'*** means a food that is: (emphasis added)
>
> (a) specially formulated for the dietary management of individuals:
> (i) **by way of exclusive or partial feeding, who have special medically determined nutrient requirements or whose capacity is limited or impaired to take, digest, absorb, metabolise or excrete ordinary food or certain nutrients in ordinary food; and**
> (ii) **whose dietary management cannot be completely achieved without the use of the food;** and
> (b) intended to be used under medical supervision; and
> (c) represented as being:
> (i) a food for special medical purposes; or
>
> (ii) for the dietary management of a disease, disorder or medical condition.

The ingredient of **Neurofolin** is listed on the label as *L-methylfolate* in a dissolvable powder form. As this product is not intended for exclusive or partial feeding, depression does not cause a limited or impaired ability to take, digest, absorb, metabolise or excrete *L-methylfolate*, and dietary requirements of *L-methylfolate* can be achieved with food I find that this product does not fit under this standard.

It is my finding that there is not an applicable standard for the goods.

The dosage form of the goods is 'powder'. There is no tradition of use of the goods as 'food for humans' in Australia or New Zealand in this dosage form.

The definition of 'therapeutic use' in subsection 3(1) of the Act states that (emphasis added):

> ***therapeutic use*** means use in or in connection with:
>
> (a) **preventing, diagnosing, curing or alleviating a disease, ailment, defect or injury in persons**; or
>
> (b) **influencing, inhibiting or modifying a physiological process in persons**; or
>
> (c) testing the susceptibility of persons to a disease or ailment; or
>
> (d) influencing, controlling or preventing conception in persons; or
>
> (e) testing for pregnancy in persons; or
>
> (f) the replacement or modification of parts of the anatomy in persons.

The website of the goods makes a variety of statements (see assessment D17-877034) that were considered against the definitions of *therapeutic goods* and *therapeutic use*.

Based on the statements on the website, I find that the goods, including presentation, meet the definition of therapeutic use since references are made to curing or alleviating a

disease, ailment, defect or injury in persons and influencing, inhibiting or modifying a physiological process in persons as seen above.

Further, paragraph (a) of the definition of a therapeutic good specifically states (emphasis added) *'goods… that are represented in any way to be, or that are, whether because of the way in which the goods are presented or for any other reason, likely to be taken to be for* ***therapeutic use****'.*

Taking into consideration the above points, it is my finding that **Neurofolin** does not meet a standard under *Food Standards Australia New Zealand Act 1991,* does not have a tradition of use as food for humans, and does meet the definition of a therapeutic good under the Act.

Therefore, based on my finding above and the current information available to us, I consider **Neurofolin** to be a therapeutic good.

Please do not hesitate to contact me if you have any further queries regarding this matter.

Yours faithfully

Emily Macnaughton
Complementary and OTC Medicines Branch
Complementary.medicines@health.gov.au
s22 [redacted]

27 November 2017

Attachment 1- Food Medicine Interface Guidance Assessment- D17-877034

Australian Government
Department of Health
Therapeutic Goods Administration

TGA internal use only

Food-therapeutic good interface product assessment[1]

Overview

Product name (include the ARTG # if relevant)	Neurofolin
Source (complaint, AFP, Customs, review, sponsor, state/territory etc)	Complaint
Details/background (Include copies of labels, advertising and any other relevant examples of presentation at Attachment 2 of this form)	The product is advertised as a Food for special medical purposes. The website includes the text 'Neurofolin is a product for dietary support in the management of depression. It may be used alone or with antidepressants under the supervision of a healthcare professional.' Product is a powder in a sachet that is added to water. Examples of presentation in attachment 2. http://www.neurofolin.com.au/
Manufacturer/supplier	Grunbiotics / Mylan
Summary of lab tests (if relevant)	
Ingredients (eg as listed on label, in advertising etc)	L-methylfolate

Assessment against Food-Therapeutic Goods Guidance Tool[2]

Question	Assessment outcome
Q1 – product for oral use?	Yes ☒ → Go to Q2 No ☐ → Go to Q6 to determine if therapeutic goods
Q2 – covered by a s7 declaration that it is therapeutic goods?	Yes ☐ → Therapeutic goods – end assessment No ☒ → Go to Q3

1 This form is designed to be used for assisting in the assessment of products at the food-therapeutic goods interface. It reflects the questions in the Guidance Tool (version May 2014). If consultation is required with other agencies (other than Customs or the AFP), use the Protocol.

2 A copy of the diagram from the Guidance Tool is at Attachment 3 of this form.

Q3 – covered by s7AA declaration?	Yes ☐ → Product is not therapeutic goods – end assessment No ☒ → Go to Q4

Question		Assessment outcome
Q4 - goods for which there is a standard?	Is the product "goods for which there is a standard" in the Food Standards Code?	Yes ☐ → Product is not therapeutic goods – end assessment No ☒ → Go to Q5
	Details of food standards considered and reasons why they are applicable or not:	Considered Standard 2.9.5 – Food for special medical purposes (as stated on the webpage to be the applicable standard) ***food for special medical purposes*** means a food that is: (a) specially formulated for the dietary management of individuals: (i) **by way of exclusive or partial feeding**, who have special medically determined nutrient requirements or whose capacity is limited or impaired to take, digest, absorb, metabolise or excrete ordinary food or certain nutrients in ordinary food; **and** (ii) **whose dietary management cannot be completely achieved without the use of the food**; and (b) intended to be used under medical supervision; and (c) represented as being: (i) a food for special medical purposes; or (ii) for the dietary management of a disease, disorder or medical condition. **Reasons considered as to why the goods didn't meet this food standard:** This product is not for exclusive or partial feeding (it is for supplement use). There is no known additional nutrient requirement for patients with depression and there is no limited capacity for absorption, etc. Dietary management for depression should be able to be achieved without the use of this good.
Q5 - "tradition of use" as food in Australia or NZ?	Q5(a) – What kind of goods is the product?	Mineral supplement – folic acid
	Q5(b) – What is the form in which the product is presented? (eg is it a herb in dried form or encapsulated or tea in a teabag?)	Powder to be mixed with water
	Q5(c) – Is there a use of the product as	Yes ☐ → Go to Q5(d)

	"food for humans" in Aus/NZ in that form?		No ☒ → Go to Q6
	Q5(d) – Is there a "tradition" of that use in Aus or NZ?		Yes ☐ → Product is <u>not</u> therapeutic goods – end assessment No ☒ → Go to Q6 **Folic acid is used as a supplement in fortified foods**
Q6 – within para (a) of definition of "therapeutic goods"	Q6(1) – determine what use <u>the product</u> appears to be for. Is the product: (If yes to (a), (b) or (c) go to Q6(2); if no to all, go to Q7)	(a) Represented in any way to be for therapeutic use? (If yes, describe.)	Yes, product is written to provide dietary support in the management of depression 'Neurofolin contains L-methylfolate, an active form of folate that addresses part of a complex deficiency found in people with depression.3,4 Unlike synthetic folic acid, L-methylfolate effectively crosses the blood-brain barrier to contribute to the synthesis of mood regulating neurotransmitters like serotonin and dopamine' (From website) Website also includes details on the 'mechanism of action' and contains extra information/therapeutic claims Compares itself to tablet but suggests it is specially formulated for dietary management of depression. http://www.neurofolin.com.au/
		(b) Likely to be taken to be for therapeutic use because of the way in which it is presented? (If yes, describe.)	Yes, sold in pharmacies, FAQs say is can be used either with or without antidepressants, does say to only use under a medical practitioners advice
		(c) Likely to be taken to be for therapeutic use for any other reason? (If yes, describe.)	Presentation and advertising appear medical in nature.
	Q6(2) – determine whether that use of <u>the product</u> is "therapeutic use" ie: (If yes to (a) & (b), or (c) & (d) then it is likely therapeutic goods; other-wise, go to Q7)	(a) Is any disease, ailment, defect, or injury identified? (If yes, describe.)	Depression
		(b) Is the product represented, presented or otherwise likely to be taken to prevent, cure or alleviate that disease, ailment, defect or injury? (If yes, describe.)	Yes, says it is for the management of depression
		(c) Is any physiological process in a person identified? (If yes, describe.)	Yes 'Neurofolin contains L-methylfolate which can directly cross the blood-brain barrier. Once in the brain, L-methylfolate aids in the synthesis of mood regulating neurotransmitters such as serotonin, noradrenaline and dopamine. These neurotransmitters assist with normal brain and psychological function'
		d) Is the product represented, presented or	Yes, to improve mood/brain function

		otherwise likely to be taken to influence, inhibit or modify that process? (If yes, describe.)	
Q7 - class of goods the sole/principal use of which is therapeutic use	Is the product in a class of goods the sole or principal use of which is, or ordinarily is, a therapeutic use? (If yes to (a), (c) & (d) then it is likely therapeutic goods; otherwise, go to Q8)	(a) Is the product in a class of goods?	Yes ☐ → Go to Q7(b) No ☒ → Go to Q8
		(b) What is the class of goods and what can that class of goods be used for?	
		(c) Does that class of goods have a therapeutic use, for instance, to prevent, cure or alleviate a disease, ailment, defect or injury, or influence, inhibit or modify a physiological process?	Yes ☐ → Go to Q7(d) No ☐ → Go to Q8
		(d) Is that use the principal or ordinary use of the product?	Yes ☐ → Product is therapeutic goods – end assessment No ☐ → Go to Q8

Q8 – biological or medical device?	Biological ☐ Medical device ☐ Neither biological or medical device ☒	(If biological or medical device, it is therapeutic goods; otherwise, it could be food)

Related assessments

Are there any previous food-therapeutic goods interface assessments that are relevant to this assessment?	Yes ☐ → Provide details below No ☒ → Go to Other advice/information section below
Details and outcome:	Refer to ECT

Summaries of other relevant advice/information

Source	
State/Territory agencies	

	Keltican: Determined likely to be a therapeutic good • The product is not covered by a food standard, specifically Food Standard 2.9.5 – Food for Special Medical Purposes. • The definition of food for special medical purposes means a food that is specially formulated for the dietary management of individuals… who have special medically determined nutrient requirements or whose capacity is limited or impaired… and whose dietary management cannot be completely achieved without the use of the food. o Uridine monophosphate is not an essential nutrient for humans required for complete dietary management. The quantity of vitamin B12 in the product would not be a sufficient dose to support a patient with a nutritional deficiency in vitamin B12. o Patients with spinal column syndromes, neuralgia and polyneuropathy are not known to have special medically determined nutrient requirements or have an impaired or limited capacity. The publication (provided to the TGA with the label and leaflet) indicates that the formulation is being used for the symptomatic relief (including pain management). • The product does not have a tradition of use as a food for human use in Australia or New Zealand in the form in which it is presented. • The product is likely taken to be for therapeutic use, based on the dosage form (capsule), directions for use, packaging and reference to spinal column syndromes, neuralgia and polyneuropathy on the label and leaflet.
TGA Food Medicine Internal Working group	Discussed at internal FMI working group: Emily Macnaughton, Freya-Waddington-Moon, Amanda Fuller
Others	

Outcome

Likely to be therapeutic goods?	Yes ☒ No ☐		
Summary of reasons for outcome	It did not appear to fit the definition of the food for special medical purposes as dietary levels can be achieved without the supplement. In that form L-methylformate does not have a tradition of being a food, only in other fortified food products as a supplement. Very high level of L-methylfolate in the product could be dangerous, The overall presentation of the goods suggests therapeutic purposes (website) rather than food supplement		
Assessor	Jacinta Watt	Date	20/10/2017
Comments/action items (eg RCU to write to supplier; alert to be published; proposal to remove from ARTG; contact state/territory/FSANZ etc)	Refer to the Regulatory Enforcement Section for action. Should be declared a therapeutic good, however the levels of L-methylfolate (derived from LEVOMEFOLATE CALCIUM I think), will be much higher than allowed for listed medicines		

Attachment 1 - Relevant definitions

Term	Source[3]	Definition
		<as add required>

[3] Common sources of definitions are likely to include legislation, legislative instruments and dictionaries

Attachment 2 - Examples of presentations/representations

Use this page to provide copies of labels, advertising and any other relevant examples of presentation.

Neurofolin®
For dietary support in the management of depression.

HOME ABOUT NEUROFOLIN ABOUT GRUNBIOTICS CONTACT REFERENCES

About Neurofolin

Neurofolin is a product for dietary support in the management of depression. It may be used alone or with antidepressants under the supervision of a healthcare professional.

Neurofolin contains L-methylfolate, an active form of folate that addresses part of a complex deficiency found in people with depression.

Unlike synthetic folic acid, L-methylfolate effectively crosses the blood-brain barrier to contribute to the synthesis of mood regulating neurotransmitters like serotonin and dopamine.

TERMS OF USE & PRIVACY POLICY

This website contains information which is targeted to a broad audience and may contain product details or information which may not comply with any legal process, regulation, registration or usage in your country of origin. Neurofolin® is a registered trademark of Grunbiotics Pty Ltd. Metafolin® is a registered trademark of Merck KGaA, Darmstadt, Germany.

GRÜNBIOTICS
Medical Nutrition. Improving Lives.

ABOUT US PRODUCTS PARTNER WITH US CONTACT US

NEUROFOLIN FOR DEPRESSION

Neurofolin®
For dietary support in the management of depression

Neurofolin contains L-methylfolate, an active form of folate that addresses part of a complex deficiency found in people with depression.

Unlike synthetic folic acid, L-methylfolate effectively crosses the blood-brain barrier to contribute to the synthesis of mood regulating neurotransmitters like serotonin and dopamine. This product has been developed under an exclusive relationship with Merck KGaA, Darmstadt, Germany

Neurofolin may be used alone or with antidepressants under the supervision of a healthcare professional.

LEARN MORE ABOUT NEUROFOLIN

GRUNBIOTICS PTY LTD
address | Level 42, Rialto South Tower
525 Collins Street, Melbourne, Vic 3000, Australia

phone | +613 8692-0006
email | info@grunbiotics.com

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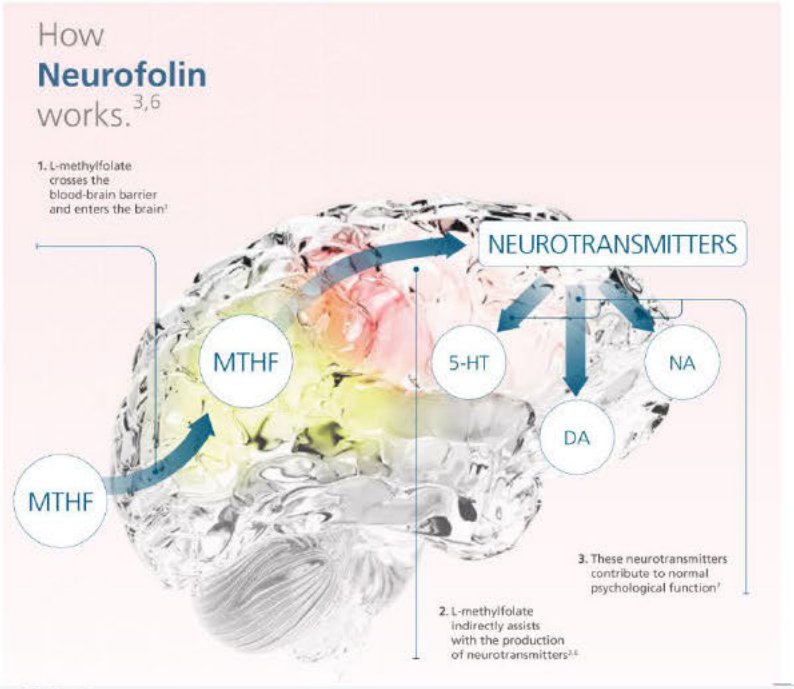


MTHF	L-methylfolate
5-HT	5-hydroxytryptamine (serotonin)
DA	Dopamine
NA	Noradrenalin

Once in the brain, L-methylfolate helps to produce BH4, a cofactor in the production of monoamine transmitters such as serotonin, noradrenaline and dopamine. These neurotransmitters contribute to normal psychological function.[7]

Neurofolin®
For dietary support in the management of depression

HOME ABOUT NEUROFOLIN ABOUT GRUNBIOTICS CONTACT REFERENCES

Directions

Serving directions

One sachet daily. Add entire sachet to 200ml of water (may be chilled), stir vigorously for 30 seconds and drink immediately.

Precaution

Not for parenteral use. Use under medical supervision. Please consult your pharmacist, medical practitioner or dietitian for advice.

Do not take Neurofolin if you are hypersensitive to any ingredients listed in this product.

L-methylfolate may obscure detection of B12 deficiency.

Neurofolin should form part of a normal healthy diet.

Not suitable as a sole source of nutrition.

Not suitable for children under 12 years of age.

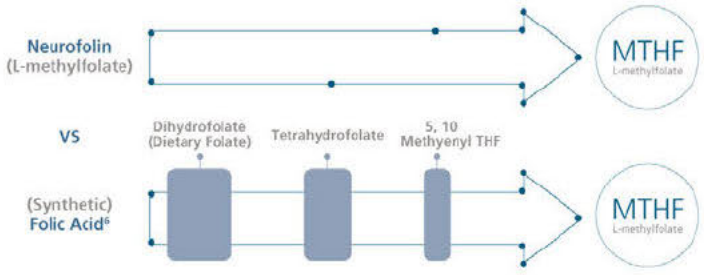
Neurofolin®
For dietary support in the management of depression

HOME ABOUT NEUROFOLIN ABOUT GRUNBIOTICS CONTACT REFERENCES

Folic Acid is not a substitute

L-methylfolate efficiently crosses the blood-brain barrier, and once in the brain, L-methylfolate aids in the synthesis of mood regulating neurotransmitters such as serotonin and dopamine. These neurotransmitters assist in normal brain and psychological function.[7]

Regular folic acid is synthetic, and it is unable to cross the blood-brain barrier. The body must first convert folic acid into L-methylfolate via the process outlined below.[7]



Neurofolin®
For dietary support in the management of depression.

About Food for Special Medical Purposes

In Australia Neurofolin is classified as a Food for Special Medical Purposes (FSMP) and is regulated by Food Standards Australia and New Zealand.

Products in this category are used to manage the diets of people with certain disorders or medical conditions, and they are intended for people whose nutritional requirements cannot be met by consuming standard food alone.

These products do not require a prescription, but must be used under the guidance of a healthcare professional.

Neurofolin®
For dietary support in the management of depression.

HOME ABOUT NEUROFOLIN ABOUT GRUNBIOTICS CONTACT REFERENCES

Nutritional Information

Each sachet of Neurofolin (4.5g) contains

Energy	36KJ (9 Cal)
Protein	Less than 0.1g
Fat	Less than 0.1g
-Saturated	Less than 0.1g
Carbohydrates	1.0g
-Sugars	0.2g
-Galactose	0g
Sodium	396mg

Vitamins

L-methylfolate calcium (as Metafolin®)	15mg
Cyanocobalamin (B12)	1mg

Ingredients

Food acid (citric acid), mineral salts (sodium bicarbonate, sodium carbonate), glucose syrup solids (rice), inulin (from chicory), natural flavour, sweetener (sucralose), vegetable gum (xanthan gum), natural colour (safflower extract), vitamins (L-methylfolate calcium, cyanocobalamin).

Sodium in this product must be included in calculations for a low sodium diet.

Contains no artificial preservatives, artificial colours or artificial flavours.

Does not contain dairy, peanuts or soy.

Suitable for vegans.

Made in Australia from imported ingredients.

Neurofolin®
For dietary support in the management of depression.

HOME ABOUT NEUROFOLIN ABOUT GRUNBIOTICS CONTACT REFERENCES

Where can I buy Neurofolin?

Stockists

Neurofolin is only available in pharmacies.

Australian distributor

Neurofolin is exclusively distributed by Mylan Health throughout Australia.

Mylan

Neurofolin®

HOME ABOUT NEUROFOLIN ABOUT GRUNBIOTICS CONTACT REFERENCES

About Grünbiotics

Grünbiotics is an Australian biotechnology company that develops Medical Nutrition products that improve the quality of life for people with chronic diseases and specific health conditions. We believe in a therapeutic approach that comprehensively addresses the individual's needs and results in a better treatment outcome.

Through collaboration with top-tier pharmaceutical companies and research institutes, Grünbiotics develops new innovative IP protected products that are based on strong clinical and scientific evidence. The products are typically recommended by doctors, pharmacists and other healthcare professionals as part of a comprehensive treatment plan, and are available in pharmacies without needing a prescription.

Grünbiotics' focus is on Medical Nutrition that has strong applications for large healthcare markets with significant unmet needs, in both developed and emerging markets, with an emphasis on the Asia Pacific region.

Grünbiotics is based in Melbourne and proudly manufactures in Victoria, Australia.

For more information www.grunbiotics.com

GRÜNBIOTICS

Frequently Asked Questions

Who can use Neurofolin?

Neurofolin is for the dietary management of depression. Healthcare professionals may recommend this product for people with depression who are taking antidepressant medication as well as for those people who are not taking antidepressants.

Can Neurofolin be taken by people who are not taking antidepressants?

Yes. Neurofolin may be taken alone or with antidepressant medication under the supervision of a healthcare professional.

How does Neurofolin work?

Neurofolin contains L-methylfolate which can directly cross the blood-brain barrier. Once in the brain, L-methylfolate aids in the synthesis of mood regulating neurotransmitters such as serotonin, noradrenaline and dopamine. These neurotransmitters assist with normal brain and psychological function.

How is Neurofolin different to tablet forms of L-methylfolate?

Unlike some tablet formulations, Neurofolin has been specifically formulated for the dietary management of depression with 15mg of L-methylfolate.

How is Neurofolin different from folic acid?

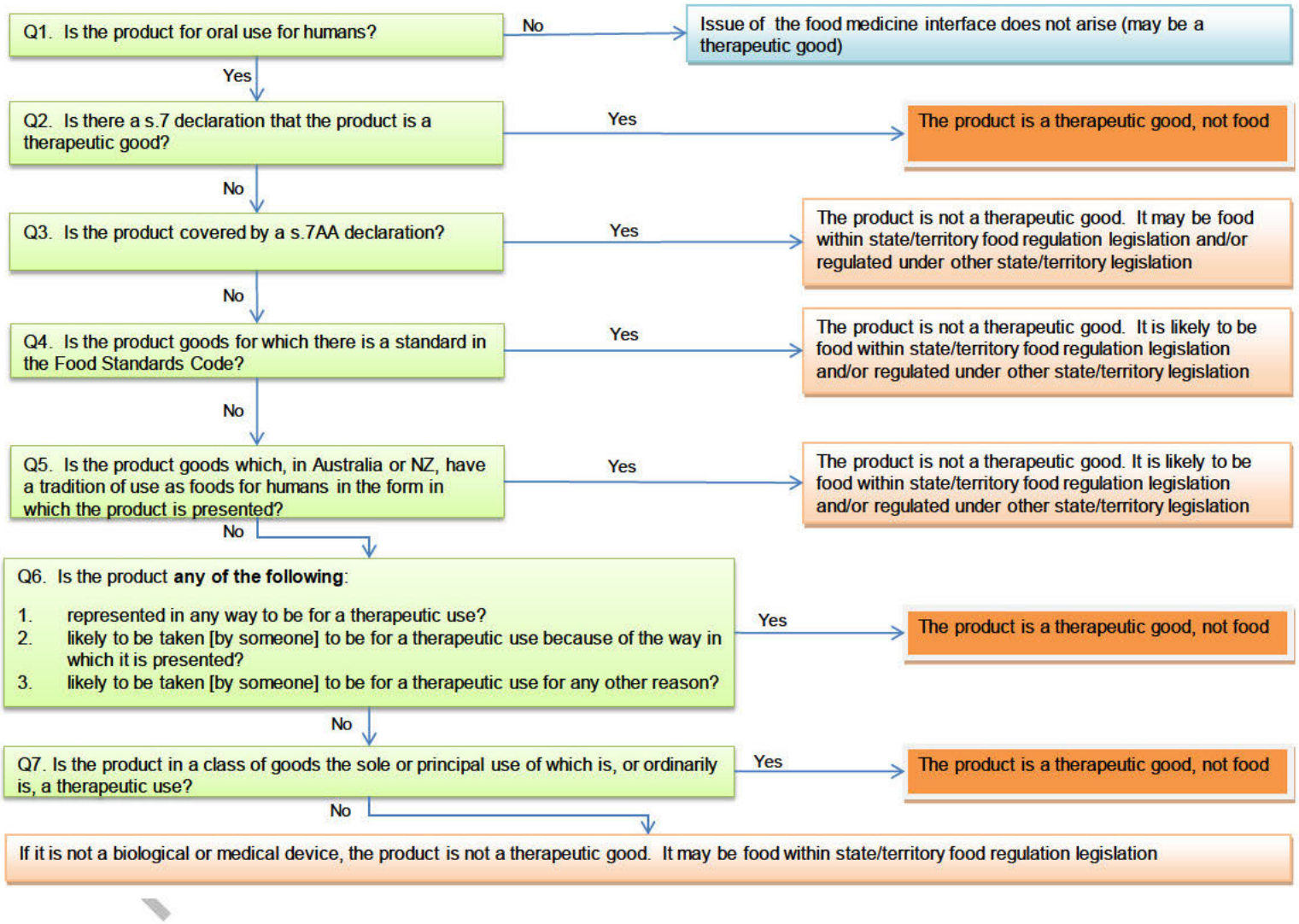
L-methylfolate is an active form of folate that can cross the blood-brain barrier. Once in the brain it assists with the normal production of neurotransmitters, like serotonin and dopamine. Regular folic acid cannot cross the blood-brain barrier and must first be converted to L-methylfolate in the body before it can enter the brain.

How should people take Neurofolin?

Take one sachet daily by adding it to 200ml of water (may be chilled), stir vigorously for 30 seconds and drink immediately.

Attachment 3 – Flow chart

GUIDANCE TOOL DIAGRAM – IS THE PRODUCT A "THERAPEUTIC GOOD"?



Confidential

Ms Casey Murphy
A/g Assistant Director
Senior Compliance Officer
Regulatory Compliance and Support Section
Regulatory Practice, Education and Compliance Branch
Therapeutic Goods Administration
Department of Health

29 July 2018

BY EMAIL: casey.murphy@health.gov.au

Copy To:
Dr Cheryl McRae
Branch Head
Complementary and Over-the-counter Medicines
Therapeutic Goods Administration
Department of Health

BY EMAIL: cheryl.mcrae@health.gov.au

Dear Ms Murphy

GRUNBIOTICS PTY LTD: NEUROFOLIN

We act for Grunbiotics Pty Ltd (**Grunbiotics**).

We refer to your correspondence and discussions with our client regarding Neurofolin, and in particular your telephone discussion with Grunbiotics' Managing Director, Mr Jamie Hughes on Friday afternoon.

We are instructed that during that telephone discussion, you indicated that the Therapeutic Goods Administration (**TGA**) proposes issuing a letter tomorrow, Monday 30 July 2018, notifying Grunbiotics that:

- the TGA has determined that Neurofolin is not a "Food for Special Medical Purposes" for the purposes of Standard 2.9.5 of the Food Standards Australia and New Zealand Code **(FSANZ Code**); and

- Neurofolin is required to be listed on the Australian Register of Therapeutic Goods.

It is clear to our client from Friday's telephone discussion and earlier communications with you, that such a letter (and any decision of the kind foreshadowed) would be premised on matters for which Grunbiotics has not been given fair opportunity to provide relevant information to the TGA. In addition, based on the communications with the TGA so far, our client is confused about the TGA's interpretation of the relevant legislation. Those concerns include the TGAs statement that an FSMP requires a "causal link".

Prior to the making of any such decision or the issue of a letter notifying Grunbiotics of any such decision we are therefore instructed to request that Grunbiotics be provided with a fair opportunity to provide the TGA with further relevant information. To this end, we are instructed to request that you:

- identify which of the revised representations set out in our client's correspondence to you of 29 June 2018 remain "therapeutic", for the purposes of Standard 2.9.5-4 of the *FSANZ Code* and *Therapeutic Goods Act 1989*; and

- identify any further representations that the TGA deem to be "therapeutic" claims for the purposes of Standard 2.9.5-4 of the *FSANZ Code* and *Therapeutic Goods Act 1989*;

- please clarify the reasons for which the product does not meet the requirements of Standard 2.9.5 of the *FSANZ Code*; and

- identify the reasons for which the information provided by our client to date has not made clear why the requirements of Standard 2.9.5 of the *FSANZ Code* are satisfied.

The matters raised above go to the heart of what should be, and be seen to be, a fair assessment of the issues in question, prior to a decision of the kind foreshadowed being made. Accordingly, our client requests an opportunity to address these matters once the TGA has communicated its concerns on the issues raised above. Our client anticipates that it would take no more than 7 business days to provide additional materials that would satisfy any outstanding concerns the TGA may have.

In the present circumstances, the making (or for that matter purported making) of any decision in respect of the product prior to our client being afforded this opportunity will breach the rules of natural justice. It will also be an improper exercise of power if the making or purported making of any adverse decision of the kind foreshadowed fails to take account of relevant considerations.

For the reasons above, we are instructed to request that you confirm in writing, as soon as possible, that:

1. our client will be provided with the information requested in this letter and any other information relevant to the concerns of the TGA without further delay;

2. our client will be afforded a further 7 business days from receipt of that information to provide further submissions in respect of the matters raised by the TGA; and

3. you confirm that no adverse action of the kind foreshadowed will be taken by the TGA until the steps above have been undertaken and the TGA has reviewed any such further submissions provided by our client.

Our client has no choice but to take such action as is available to it to protect its interests in the event the TGA elects to disregard these requests. Our client trusts however that such action can be avoided. To this end, our client remains committed to resolving this matter amicably and, as our client has stated repeatedly, is prepared to meet with the TGA to address the TGA's concerns.

Our client takes its compliance with applicable laws and standards very seriously, and has extensively consulted medical, scientific and legal experts in the development and release of the product in Australia. They wish to satisfy all concerns that the TGA may have. Our client believes that the correspondence and discussions to date with the TGA have enabled it to continue to take steps to address the TGA's concerns and that further correspondence and discussions will ensure that any outstanding concerns are also able to be addressed to the TGA's satisfaction without the need for a protracted dispute.

If you have any questions please let us know. Otherwise, we look forward to hearing from you.

Yours sincerely

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