



Department
of Health &
Social Care

The Rt Hon Dame Andrea Leadsom DBE MP
Parliamentary Under Secretary of State for Public Health, Start for Life and Primary Care
39 Victoria Street
London
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Mr Jonathan Stevens
HM Coroner's Court
Station Approach
Woking
GU22 7AP

26 April 2024

Dear Mr Stevens,

Thank you for your Regulation 28 report to prevent future deaths (PFD) dated 19/01/24 about the death of David Mitchener. I am replying as the Minister with responsibility for Public Health, Start for Life and Primary Care.

Firstly, I would like to say how saddened I was to read of the circumstances of Mr Mitchener's death and I offer my sincere condolences to his family and loved ones. The circumstances your report describes are concerning and I am grateful to you for bringing these matters to my attention. Thank you for the additional time provided to my Department to provide a response.

The report raises concerns that:

- Vitamin supplements can have potentially very serious risks and side effects when taken in excess.
- Current food labelling requirements do not require these risks and side effects to be written on the labels of products.
- Absence of appropriate warnings and guidance about dosage.

We have noted these issues and in preparing this response, Departmental officials have made enquiries with the Food Standards Agency (FSA).

Cases of toxicity are rare. I note that there is evidence to suggest that Mr Mitchener exceeded the recommended dose for the supplement, and that it is unclear whether Mr Mitchener had an underlying medical condition that would have made him more susceptible, or whether Mr Mitchener was consuming other supplements containing vitamin D concurrently.

The Department has responsibility for the legislation governing food supplements in England, which is the Food Supplements (England) Regulations 2003, with parallel policy resting with the Welsh Government in Wales, Food Standards Scotland (FSS) in Scotland and the FSA in Northern Ireland. We work collaboratively with the FSA which has responsibility for food safety and Trading Standards and Environmental Health in local authorities who lead on enforcement of the regulations.

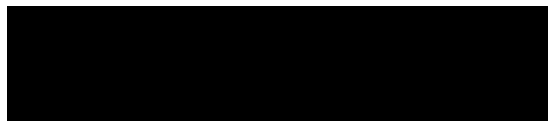
Food supplements legislation requires manufacturers to include the recommended dose and include a warning not to exceed the stated dose on the label. It does not set maximum levels for vitamins and minerals or require specific risks and side effects to be written on the label, although additional information may be provided on labels to inform consumers on a voluntary basis.

The NHS website that advises on the benefits of vitamin D also clearly highlights the dangers of taking too many vitamin D supplements and states that adults should “not take more than 100 micrograms (4,000 IU) of vitamin D a day as it could be harmful”: <https://www.nhs.uk/conditions/vitamins-and-minerals/vitamin-d/>

In light of the concerns you raised, the issues in the PFD report were discussed at the Cross-Government Food Supplements Working Group meeting in April, which agreed to set up a sub-group to look at the issues raised in your report. We have also made relevant trade associations relating to food supplements aware of the incident and will meet with them in due course.

We note that a response has been published on behalf of the manufacturer of the supplement consumed by Mr Mitchener that indicates that their product is compliant with the legislation and included a warning not to exceed the recommended dose. We would be grateful if any available packaging for the vitamin D supplements in question could be shared, to enable us to confirm this compliance, as the supplement dose in question is not currently available on the manufacturer’s website.

I hope this response is helpful. Thank you for bringing these concerns to my attention.



THE RT HON DAME ANDREA LEADSOM DBE MP