



**Paper for information: Government Updates on Nutrition  
Related Activities  
FSA**

**Nutrition and Health Claims**

**Agenda Item: 6**

Please see attached paper for information.

## **UPDATE ON NUTRITION AND HEALTH CLAIMS**

- 1) The Commission presented a proposal for a regulation on nutrition and health claims on food in June 2003. The European Council and European Parliament ended deliberations on the final content of the regulation in a second reading deal in May 2006. Administrative procedures are now being undertaken to translate into all community languages and check legal cohesiveness. Adoption of the final text is expected before the end of the year. The Agency consulted extensively on this proposal, and SACN wrote with comments in August 2003.

### **Points to note**

- This measure protects consumers from misleading and false claims.
- UK achieved a number of successes:
  - We succeeded in protecting our signpost labelling policy by securing the change to the definition of nutrition claim restricting controls to “beneficial” claims.
  - We successfully defended nutrient profiles – necessary to ensure that consumers will not be misled into thinking a food is healthy when in fact it is high in fat, salt or sugar.
  - The one out-of-profile nutrient deal is acceptable because the UK insisted on the word “high” instead of “increased” and that the statement be as prominent as and in close proximity to the claim. There is useful fit with our signpost labelling core principles.
  - We reduced the list of prohibitions and managed to protect a source of income to health charities in the face of fierce opposition.
  - We pressed for a more proportionate approach to authorisation of health claims and in the circumstances got a reasonable result.

### **Key features of the agreed text**

- 2) The unofficial consolidated text agreed between Council and Parliament is attached, and includes the following factors:

### **Authorised claims**

- 3) The agreed regulation will establish lists of authorised nutrition and health claims, with various routes to the health claims list. Member States will submit lists of functional claims, weight control, psychological and behavioural claims supported by references to generally accepted scientific evidence to the European Food Safety Authority (EFSA) for an opinion before adoption on a Community list. There is three years from publication for this process. New disease risk reduction claims and claims about the development and health of children must be submitted together with substantiating science to EFSA for an opinion before authorisation.

In order to ensure innovation is not restricted, all other novel claims must be authorised with an EFSA opinion in a time limited process.

### **Nutrient profiles**

- 4) Claims may be restricted if the food making the claim does not meet a nutrient profile to be established by EFSA within 12 months of publication. If one nutrient fails the profile, a claim may be allowed, but with a statement “high in [name of failed nutrient]”. More than one failing nutrient will prohibit any claims other than a reduced claim. Alcoholic beverages cannot carry claims other than reduction in energy and alcoholic content (such as ‘low alcohol’). Stakeholders will be consulted on establishing nutrient profiles.

### **Trade marks**

- 5) Brand names or trade marks that are also claims (e.g. Slimfast) are within the scope of the regulation, but subject to a 15 year transition to help trade marks that cannot be supported to adapt to the new conditions. Trade marks that are claims must be supported by an authorised claim.

### **Prohibitions**

- 6) The list of prohibited claims has been radically reduced. The prohibition on rate of weight loss claims and recommendations or endorsements by individual health practitioners remain. Endorsements by medical associations and health-related charities are allowed subject to national arrangements, and under the second reading deal this may now include associations of nutrition or dietetic professionals. General well-being claims may be made, provided they are supported by a specific authorised health claim.
- 7) Someone from Nutrition Division would be willing to come and answer questions about the regulation at a future meeting, and follow up on any of the specific comments made by SACN during consultation not covered in this note.