



Paper for information: Nutrition and health claims update

Agenda Item: 3

Please see attached paper for information.

UPDATE ON NUTRITION AND HEALTH CLAIMS

Latest position

1. The Regulation on nutrition and health claims applied from 1 July 2007 and enforcement measures came into force in all parts of the UK on 1 October. The Agency consulted on draft guidance notes on compliance with the Regulation which are now being finalised. There has been some discussion at Commission level about interpretation of the Regulation with a view to the Commission publishing some guidance, and to the practicalities of combining lists of health claims to be submitted from Member States.

Background

2. The Regulation controls the use of nutrition and health claims by prior authorisation and listing of claims. Claims submitted by industry must be substantiated by generally accepted scientific evidence (with some allowance for emerging science) and decisions taken after an opinion from the Nutrition Panel of the European Food Safety Authority (EFSA) – who will validate the science.

List of authorised health claims

3. The Committee was particularly interested in the process to authorise health claims. The list of authorised health claims will be compiled from submissions from industry to the competent authorities in Member States. These will be claims about the growth, development and function of the body, psychological and behavioural and slimming claims currently in use on the market. Submissions must be supported by references to generally accepted scientific evidence and conditions of use where appropriate. Member States must check these claims for eligibility and pass them on for EFSA to make a full assessment of the science. While there is no guidance as to how EFSA will assess these claims, EFSA has recently published guidance on how it will assess health claims about disease risk reduction, children's development and health and claims based on emerging science or proprietary data that require full supporting scientific dossiers.

UK list of health claims

4. Since the February SACN meeting, the closing date for submissions to the UK list of health claims has passed (21 September). We have now received submissions compiled by the industry trade representatives for food and food supplements and individual companies, covering claims for the health benefits of vitamins and minerals, probiotics, food categories such as oats and nuts, and other substances commonly found in or added to foods or food supplements, including groups of substances such as antioxidants. We have also had a number of slimming claims for food replacements and satiety claims for carbohydrates related to their glycaemic response. In total we estimate there will be in excess of 1000 claims. We are now screening these claims before forwarding them to the EU Commission.

Finalising the UK list

5. EFSA will be assessing the science substantiating claims and advising the Commission before decisions on authorisation of health claims are taken. For this reason our screening process is not designed to be an assessment of the science. Our main consideration is that claims are eligible for this process, including that sufficient information is provided in the submission to enable EFSA to assess the claim. This includes details of the food or food ingredient, its benefit to health, conditions of use and example of wording for a claim. There must also be supporting references to scientific studies to substantiate the claim. We will also check that the claims do not contradict the Agency's nutrition policy.
6. While we cannot give complete guidance to what the criteria for acceptable scientific studies to substantiate claims, not least because this will depend largely on what the claim is, we have advised submitters of the likely gold standard of randomised, controlled human intervention studies, published in reputable peer reviewed journals. We have made reference to PASSCLAIM and past practice by the JHCI, and the now published EFSA guidance.

Nutrient profiles

7. The Committee will wish to note that EFSA now has its mandate from the Commission to give its opinion on a method and system of testing to establish nutrient profiles for foods bearing a nutrition or health claim. EFSA must publish its opinion by January 2008 and the Commission must establish nutrient profiles by 19 January 2009. EFSA has convened a colloquium on 10 October will discuss nutrient profiles in more detail.
8. The UK is also a member of a small working group set up by the Commission to help EFSA arrive at its final opinion by considering its work at distinct stages and advising EFSA on any risk management issues that may require consideration. This group last met on 27 September when it considered a paper characterising a composite European food basket from which to draw data for a European nutrient profile.