



# Nutrition and Health Claims in the EU: Key policy elements

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# Adoption

- Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods
- Entered into force on 19 January 2007
- Applicable from 1 July 2007

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R1924:20100302:EN:PDF>

# Objectives of the Regulation

- To improve the **free movement of goods** within the Internal Market
- To achieve a **high level of consumer protection**
- To increase **legal security** for economic operators
- To ensure **fair competition** in the area of foods

# Scope of the Regulation

- **Voluntary claims** in labelling, presentation and advertising
- Permission or not of claims, not of products
- Food to be delivered as such to the **final consumer**
- Certain provisions not applicable to **non pre-packaged** foods. National rules may apply
- Trademarks and brand names implying nutrition or health effects

# Scope of the Regulation

- **Apply to claims made in commercial communications**
  - Generic advertising
  - Promotional campaigns
- **Do not apply to claims made in non-commercial communications**
  - Dietary guidelines or advice by public authorities
  - Information in the press or scientific publications

# Claims

**Claim:** *'any message or representation, which is not mandatory under Community or national legislation, including pictorial, graphic or symbolic representation, in any form, which states, suggests or implies that a food has particular characteristics' (Art. 2.1)*

**Nutrition Claim:** *"any claim which states, suggests or implies that a food has particular beneficial nutritional properties..." (Art. 2.4)*

**Health Claim:** *"any claim that states, suggests or implies that a relationship exists between a food category, a food or one of its constituents and health" (Art. 2.5)*

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|----------------|---|--|
| <b>Art. 13</b> | { | <ul style="list-style-type: none"><li>• Growth, development, function of the body</li><li>• Psychological, behavioural functions</li><li>• Slimming/weight control, hunger, satiety, reduction of available energy</li></ul> |
| <b>Art. 14</b> | { | <ul style="list-style-type: none"><li>• Reduction of disease risk claims</li><li>• Claims referring to children's growth and development</li></ul>   |

# General principles and conditions

- **Nutrition and health claims shall not (Art. 3):**
  - *"be false, ambiguous or misleading"*
  - *"give rise to doubt about the safety and/or the nutritional adequacy of other foods"*
  - *"encourage or condone excess consumption of a food"*
  - *"state, suggest or imply that a balanced and varied diet cannot provide appropriate quantities of nutrients in general"*
  - *"exploit fear in the consumer"*

# General principles and conditions

- **Nutrition and health claims shall (Art. 5):**
  - Refer to a beneficial nutritional/physiological effect
  - Refer to the food ready for consumption in accordance with the manufacturer's instructions
  - Be accompanied by nutrition information (Art. 7)
- **The nutrient/substance on which the claim is made shall (Art. 5):**
  - Be present in the final product in a quantity to produce the claimed effect
  - Where applicable, be readily available to be used by the body
- Reasonable consumption of the product shall provide a significant quantity of nutrient/substance to produce the claimed effect (Art. 5)



# General principles and conditions

- **Health claims shall not refer to prevention, treatment or cure of a disease**
- **Health claims shall be accompanied by information on (Art. 10):**
  - Importance of balanced diet / healthy lifestyle
  - Quantity of the food / pattern of consumption required to obtain the claimed effect
  - Where appropriate, persons who should avoid using the food
  - Appropriate warning related to excess consumption of the food
- **Health claims shall not (Art. 12):**
  - Suggest that health could be affected by not consuming the food
  - Make reference to rate or amount of weight loss
  - Make reference to recommendations of individual doctors or health professionals

**General well-being claims → link to a specific health claim complying with the Regulation (Art. 10.3)**

# General principles and conditions

- Nutrition and Health claims shall be based on and substantiated by **generally accepted scientific evidence (Art. 6.1)**
  - Recital 17 *"Scientific substantiation should be the main aspect to be taken into account for the use of nutrition and health claims and the food business operators using claims should justify them. A claim should be scientifically substantiated by taking into account the totality of the available scientific data, and by weighing the evidence"*
  - Recital 23 *"Health claims should only be authorized for use in the Community after a scientific assessment of the highest possible standard"*
- **Health claims shall be understandable for the average consumer**

# Criteria for substantiation

- **Regulation – health claims should be substantiated by:**
  - *"Generally accepted scientific evidence"*
  - *"Taking into account the totality of the available scientific data"*
  - *"Weighing the evidence"*
- **EFSA criteria for scientific substantiation:**
  - Relevance to human health
  - Causality of the relationship
  - Food quantity required for claimed effect
  - Representativeness of data for target population

# Categories of foods which may not bear nutrition or health claims

- Beverages containing **more than 1,2 % by volume of alcohol** (except to indicate a reduction in alcohol or energy content or low alcohol content)
- Foods not complying with **nutrient profiles** (to be set)

# Nutrient profiles

- Foods can bear claims if they comply with nutrient profiles
- Derogations foreseen for nutrition claims
- Strong opposition from many food sectors / Some support from certain sectors
- Strong support for the concept, from consumer and health NGOs

# Union lists of claims

- **Nutrition claims - List of permitted claims in Annex of Regulation (EC) No 1924/2006**
  - Amendments to the Annex (Art. 8)
- **Health claims – Lists of permitted claims**
  - “Function” claims:
    - Art. 13 procedure → Union list
    - Additions: Art. 18 procedure - “new developed scientific evidence and/or based on proprietary data” (Art. 13.5)
  - Reduction of disease risk claims and claims referring to children’s development and health:
    - Art. 15, 16, 17 and 19 procedure → Individual authorisation → Union list

# Procedure for adoption/rejection of claims

- Submission of a request to authorise a claim
- Scientific assessment by European Food Safety Authority (EFSA)
- Preparation of legal act by European Commission
- Vote in Committee (Member States representatives)
- Scrutiny of European Parliament and Council
- Adoption by European Commission

