Implementation report on Regulation (EC) No1924/2006 on nutrition and health claims made on foods

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The European Parliament adopted by 425 votes to 75, with 59 abstentions, a resolution on the implementation of Regulation (EC) No 1924/2006 on nutrition and health claims made on foods.

As a reminder, Regulation (EC) No 1924/2006 (the Nutrition and Health Claims Regulation, or NHCR) was introduced with the objective of ensuring the highest level of consumer protection possible and facilitating consumers' choices. While the NHCR's main objective is to ensure that claims on foods are based on generally accepted scientific evidence and can be expected to be understood by the average consumer, Parliament underlined that, in practice, misleading claims are still reported in both online and offline sales of food.

Consideration of nutrient profiles in health claim assessments

Under the NHCR, the Commission should have established nutrient profiles to restrict the use of nutrition and health claims on foods high in fat, sugar and/or salt by 19 January 2009. However, the Commission proposal on nutrient profiles has not yet been submitted, despite being planned for 2022 as part of a revision of EU legislation on food information to consumers.

Claims should not mislead consumers about the true nutrient value of a product. In the absence of nutrient profiles, claims can stress a positive aspect of an overall unhealthy product or a product that exceeds the thresholds for specific nutrients, such as fat, sugar and salt. Many food products, including some marketed towards children, continue to use health and nutrition claims despite containing high levels of nutrients of concern. Parliament stressed that the future nutrient profiles, which should be based on robust and independent scientific evidence, could help consumers to make informed, healthy and sustainable choices about food products.

The resolution regretted the lack of a systematic and evidence-based approach to creating food environments that help consumers to make informed choices and that stimulate a shift towards healthier diets, including increased consumption of plant-based foods, such as fresh fruits and vegetables, whole grains and legumes. Parliament considered that, in addition to implementing the NHCR correctly, the Commission and the Member States should **invest more in food and nutrition education** with a view to teaching children and adolescents about healthy and balanced diets.

Consumer information

Parliament regretted the delay of the proposal for a revision of Regulation (EU) No 1169/2011 on the provision of food information to consumers with regard to the development of front-of-pack nutrition labels, which have been shown to effectively help consumers to make healthier food and beverage choices. The Commission and the Member States are called on to encourage and help consumers to make informed, healthy and sustainable choices about food products by adopting, as soon as possible, a mandatory and harmonised **EU front-of-pack nutritional label** that is developed based on robust, independent scientific evidence and demonstrated consumer understanding.

Relevance of claims

Noting that many of the claims used on the EU market are for nutrients that very few European consumers lack in their diets, the resolution called on the Commission to evaluate the possibility of **restricting the use** of the permitted nutrition claim **'no added sugar'** for products containing sweeteners or high levels of free sugars.

Botanicals

Parliament pointed out that the lack of harmonisation at EU level concerning the classification of botanical substances as either food or medicine means that a plant substance can be labelled as 'food' in one Member State and as 'medicine' in another. Such inconsistencies pose challenges to manufacturers and regulators and have the potential to negatively affect the safety and well-being of consumers.

The resolution also pointed out the absence of an EU positive or negative list of botanical substances used in foods and food supplements, as well as the absence of a comprehensive list of beneficial or adverse health effects of botanicals, resulting in legislative disparities among the Member States, market fragmentation and potentially unsafe products reaching consumers.

In this regard, the Commission and the Member States are invited to establish, without delay, an **EU-level negative list of botanicals used in food**, basing this on their toxicity or adverse health effects already identified in Member States.

Health claims in online communications

Parliament is concerned about the presence of unauthorised and misleading nutrition and health claims online. It stressed the need to ensure that the NHCR remains relevant in the online environment, especially because certain vulnerable groups, such as children and adolescents, may be particularly sensitive to certain health claims and food information shared on social media and this poses a risk to their physical and mental health. It considers it important, in this regard, to define what constitutes commercial communication on foods and food supplements on social media.

Once again, Parliament called for attention to be given to achieving an effective and EU-wide approach to tackle the exposure of children and adolescents to the advertising and marketing of processed foods high in fat, sugar and salt on broadcast and digital media. The Commission should consider taking legislative action to protect the health of this vulnerable group of consumers.

Lastly, the Commission is invited to draft comprehensive guidelines for the enforcement of the NHCR online.