Nutrition and health claims made on foods

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PURPOSE : to harmonise the provisions laid down by law, regulation or administrative action in Member States which relate to nutrition and health claims in order to ensure the affective functioning of the internal market whilst providing a high level of consumer protection. CONTENT : the proposed Regulation shall apply to nutrition and health claims in the labelling, presentation and advertising of foods to be delivered as such to the final consumer. It shall also apply to foods intended for supply to restaurants, hospitals, schools, canteens and similar mass caterers. Nutrition and health claims not complying with this Regulation shall be considered as misleading advertising within the meaning of Council Directive 84/450/EEC. The existing EU rules on labelling and nutrition labelling, which do not define conditions for the use of nutrition claims and do not allow health claims to be made, are often not properly enforced. Consumers can therefore be misled by claims that have not been properly substantiated. The proposed Regulation will give legal security and address these issues by specifying the conditions for the use of nutrition and health claims, prohibiting certain claims and scientifically evaluating the use of claims in relation to the nutritional profile of foods. No food product will as a consequence be prohibited but claims on food products will have a true meaning for the consumer. The main objectives of this proposal are the following: - to achieve a high level of consumer protection by providing further voluntary information, beyond the mandatory information foreseen by EU legislation; - to improve the free movement of goods within the internal market; - to increase legal security for economic operators; and - to ensure fair competition in the area of foods; - to promote and protect innovation in the area of foods. This proposal covers nutrition and health claims used in the labelling, presentation and advertising of foods. Only nutrition and health claims that are in conformity with the provisions of this Regulation will be allowed on the labelling, presentation and advertising of foods placed on the market within the Community and delivered as such to the final consumer. In addition to the definition of "nutrients" which covers the calorific value and the "traditional" nutrients (protein, carbohydrate, fat, fibre, sodium, vitamins and minerals), it is proposed to cover also "other substances with a nutritional or physiological effect" (for example, antioxidants, probiotic bacteria). Concerning nutrition claims, the proposal states that in order to present consumers and industry with clear benchmarks concerning the use of nutrition claims, clear and simple rules should be set. At international level Codex Alimentarius has developed guidelines for the most commonly used nutrition claims (such as "low", "rich", "light", etc.). Similar criteria also exist in some Member States. The Annex to this proposal provides a list of nutrition claims and their specific conditions of use. This Annex takes into account existing provisions of some Member States, the Codex Alimentarius guidelines, and some Community provisions. For comparative claims, such as "increased" or"reduced", one would ask compared to what. It is therefore necessary that the products being compared are clearly identified to the final consumer. The comparison shall be made between foods of the same category, taking into consideration a range of foods of that category and including other brands. The difference in the quantity of a nutrient and/or energy value should be stated and the comparison should relate to the same quantity of food. As regards the health claims, the proposal stipulates that the use of claims maintains the prohibition on claims referring to the prevention, treatment or cure of a human disease, however a difference between "prevention" and "reduction of a disease risk factor" is made and a derogation is provided. The principle is to provide clear and honest labelling mentions on foods bearing health claims and in particular claims related to the reduction of a risk of a human disease. In order to ensure that health claims are truthful, clear, reliable and useful to the consumer in choosing a healthy diet, the wording and the presentation of health claims should be taken into account in the opinion of the Authority and in the subsequent authorisation procedure. For the sake of transparency and in order to avoid multiple applications in respect of claims, which have already been assessed, a Register of such claims should be established. In order to keep up with scientific and technological developments, the Register should be revised promptly, whenever necessary. Such revisions are implementing measures of a technical nature and their adoption should be entrusted to the Commission in order to simplify and expedite the procedure. Many claims already found

on the market make reference to general, non-specific benefits and to general wellbeing. For example: "excellent for your organism", "reinforces the body's resistance", "helps your body resist stress", "purifies your organism", "has a positive effect on your wellbeing", " has an harmonising effect on your metabolism", "helps keep your body feeling good", "preserves youth", etc; all currently found on foods sold within the Community. Not only are these claims vague and often meaningless, but also they are not verifiable. Therefore, they should not be allowed. Moreover, beverages containing more than 1.2% by volume of alcohol shall not bear health claims or nutritional claims, other than those, which refer to a reduction in the alcohol or energy content. Within 18 months from the adoption of this Regulation, the Commission shall establish specific nutrient profiles which food or certain categories of foods must respect in order to bear nutrition or health claims. There are no financial implications for the Commission.