



Brussels, 13 May 2005

**European Community of  
Consumer Cooperatives**

Rue Archimède, 17  
B-1000 Brussels- Belgium  
Tel. + 32 2 285.00.70  
Fax. + 32 2 231.07.57  
E-mail : [info@eurocoop.coop](mailto:info@eurocoop.coop)  
Web: <http://www.eurocoop.coop>



**The European Heart Network**

Rue Montoyer, 31  
B-1000 Brussels- Belgium  
Tel. + 32 2 512 9174  
Fax. + 32 2 503 3525  
E-mail: [ehn@skynet.be](mailto:ehn@skynet.be)  
Web: <http://www.ehnheart.org>



**Alcohol related harm in Europe**

Rue des Confédérés, 96-98  
B-1000 Brussels- Belgium  
Tel. + 32 2 736 05 72  
Fax. + 32 2 736 73 51  
E-mail : [f.bertelettikemp@ias.org.uk](mailto:f.bertelettikemp@ias.org.uk)  
Web: <http://www.eurocare.org>



**The European Public Health  
Alliance**

Rue d'Arlon, 39-41  
B-1000 Brussels- Belgium  
Tel. + 32 2 230 30 56  
Fax. + 32 2 233 38 80  
E-mail : [epha@epha.org](mailto:epha@epha.org)  
Web: <http://www.epha.org>



**Pharmaceutical Group of the EU**

Rue du Luxembourg 19-21  
B-1000 Brussels- Belgium  
Tel. + 32 2 238 08 18  
Fax. + 32 2 238 0819  
E-mail: [pharmacy@pgeu.org](mailto:pharmacy@pgeu.org)  
Web: <http://www.pgeu.org/>

## "DESTROYING MYTHS AND MISUNDERSTANDINGS OF THE CLAIMS REGULATION"

### A FURTHER CLARIFICATION BY HEALTH AND CONSUMER GROUPS

Members of the European Parliament will vote on 25 May 2005 on the controversial EU Regulation on health and nutrition claims made on foodstuffs. Despite much debate on this dossier among all stakeholders, we are still far from a full and correct understanding of its purposes, scope and implications. The recent vote in the European Parliament Committee on Environment, Food Safety and Public Health (21 April 2005), which, inter alia, resulted in the deletion of a key provision for public health and consumer protection, is proof of this lack of understanding.

Therefore, with the present document, a coalition of European health and consumer NGOs – EPHA, EHN, PGEU, Eurocare and EURO COOP – intends once more to clarify some crucial aspects of this dossier and destroy the myths and the misunderstandings that have arisen around it.

### **Why is a legislation on Nutrition and Health Claims needed?**

Public interest in health issues is constantly growing, specifically with regard to food and diet. The food industry is benefiting from this trend, and using health and nutrition claims as marketing tools to drive up sales. However, at present there are no harmonised rules at EU-level to ensure the scientific accuracy and appropriateness of such claims. The proliferation of claims which are generic, vague and ambiguous is creating a confusing environment for the consumer. In this respect, the proposed regulation is to be welcomed as it sets clear parameters across Europe for any food manufacturer seeking to market its products using health and nutritional claims. Such claims would only be allowed if they are scientifically substantiated and if the ingredients referred to in the claim are present in a significant amount.

### **There is nothing new about nutrient profiles...**

Furthermore, Article 4 of the proposed regulation strengthens public health and consumer protection by stating that in order to qualify for a health and nutrition claim, the overall product must meet certain nutritional criteria known as a "nutrient profile" to ensure that it genuinely contributes towards a healthy and nutritious diet. The concept of nutrient profiles is not new; they are currently used in such countries as the US and Canada and are already under development in some European countries. In addition, the World Health Organisation recognises that nutrient profiles must be part of a comprehensive strategy on nutrition and physical activity in order to help combat obesity, cardiovascular diseases and other lifestyle-related illnesses.

It has to be made clear once and for all that because the use of health and nutritional claims is entirely voluntary, no products will be taken off the shelves by the use of nutrient profiles as a pre-condition to making such claims. Products that do not meet the requirements of nutrient profiles can still be sold, advertised and promoted in multiple ways; but not through the use of a health or nutritional claim. This means that products may still be marketed as 'new recipe', 'improved flavour', 'traditional', 'tasty' etc, but for example it would not be possible to label a product such as ice-cream (high in fat and sugar) as "high in calcium to help reduce the risk of osteoporosis".

### **Dietary patterns across Europe are not threatened**

It is a fact that Europe is a diverse continent and this is reflected in its wide range of traditional foods and dietary patterns. In many Southern European countries critics of the Regulation argue that the use of nutrient profiles would mean that products such as olive oil could not carry health claims. However, there are many different ways for these products to be exempted, for example by the creation of food categories for nutrient profiles. Indeed, Member States within the Council are moving towards this solution.

### ***A strict regulation of claims on alcoholic beverages is needed***

This Regulation also strictly regulates the use of health claims on alcoholic beverages. This is a reasonable approach as Europe has some of the highest per capita alcohol consumption in the world, which far exceeds any possible medical benefit and instead incurs a heavy health and social cost. The only responsible health message must be therefore to reduce alcohol consumption; no alcoholic drink should carry a health or nutrition claim that may encourage people to drink it.

### ***Only prior authorisation of health claims can ensure adequate consumer protection***

Finally, we think that the use of health claims has to be subject to a prior authorisation system. This would allow the competent authority (the European Food Safety Authority) to evaluate a claim to ensure that it is scientifically substantiated and therefore not false or misleading before the product bearing the claim has been put on the market. This prior evaluation system for health claims would ensure an adequate level of protection for consumers. It would not prevent a food manufacturer from selling a product; it would merely prevent its marketing with the health claim. The same cannot be said for a notification procedure, which simply obliges food producers to notify the presence on the market of a food product bearing a health claim. Regrettably, and despite the fact that other countries that have introduced controls over health claims have opted for authorisation systems, the European Parliament is supporting a notification procedure.

### ***The European Parliament at a crossroads***

So far, three European Parliament Committees have watered-down the provision on nutrient profiles. After the decisive vote of the European Parliament Environment Committee, our concerns are growing and something needs to be done. The institution which is expected to defend the interests of European citizens in the area of public health is not fulfilling its mandate. The fact that the two other EU institutions (the Commission and the Council) along with consumer and health groups openly support the inclusion of nutrient profiles added to the fact that other countries have already established this concept in their legislation leaves the EP isolated. Indeed, the support expressed by large food companies vis-à-vis nutrient profiles make its stance even more ironic.

### ***Our legitimate expectations***

MEPs are going to vote again on this dossier at the end of May 2005 in a plenary session. This will be an opportunity for the elected representatives of EU citizens to preserve the coherence of the Commission proposal and show that the European Parliament is indeed there to defend citizens' interests. We sincerely hope they do not miss this opportunity.

**Tamsin Rose**  
Secretary General  
European Public Health Alliance

**Dónal Walshe**  
Secretary General  
EURO COOP

**Susanne Logstrup**  
Director  
European Heart Network

**Flora Giorgio-Gerlach**  
Secretary General  
Pharmaceutical Group of European Union

**Michel Craplet**  
President  
EUROCARE

---

*For more information:*

**Francesco Montanari**, Food Policy Officer

**Tel:** + 32 2 285.00.70 – **Fax:** +32 2 231 07 57 E-mail: [Fmontanari@eurocoop.coop](mailto:Fmontanari@eurocoop.coop)