

SPELLING OUT THE NUTRIENTS

Consumers need clear EU rules to guide them through the unregulated maze of misleading food labelling, argues Tamsin Rose.



Meps are expected to vote this week on a controversial proposal for a regulation on health and nutrition claims made on foods that was tabled by the European Commission in July 2003. Health and consumer organisations across Europe are worried about the dynamic of the debate inside the European Parliament, which risks ignoring the positions of the commission, national governments, civil society and even the food industry.

There are currently no harmonised EU rules to ensure scientific accuracy and appropriateness of health and nutritional claims, resulting in many generic, vague and ambiguous claims that can be confusing for consumers.

Food producers choose whether they want to use health and nutrition claims for their food products. The proposed regulation would only allow such claims if they are scientifically substantiated and if the ingredients referred to in the claim are present in a significant amount. A crucial element of Article Four is the requirement for food products wanting to make health and nutritional claims to meet nutritional criteria known as a "nutrient profile". Nutrient profiles are not a new concept; they are currently used in the US, are under development in some European countries.

The inclusion of nutrient profiles should be coupled by other elements, namely the scientific advice of the European Food Safety Authority (EFSA) in setting them up and the consultation of interested parties, specially consumer and health panels. Nutrient profiles are recognised by the WHO as part of a comprehensive strategy on nutrition and physical activity to help combat obesity, cardiovascular diseases and other lifestyle-related conditions.

Will the food industry still be able to market its products? Well it is essential to underline that because health and nutritional claims are entirely voluntary, no products will be taken off the shelves by the use of nutrient profiles as a pre-condition for claims. Products not meeting the requirements of nutrient profiles can still be sold and marketed in multiple ways including as 'improved flavour', 'tasty' etc, but not

through the use of a health or nutritional claim, so it would not be possible, for example, to label ice-cream - high in fat and sugar - as "high in calcium to help reduce the risk of osteoporosis".

Nutrient profiles are not intended to make a distinction between healthy and unhealthy foods, they are rather a tool to curb and regulate the floods of commercial communication originated by the food industry.

Will it mean the end of Europe's rich and diverse food heritage? 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.

The impact of the legislation on small and medium enterprises also needs to be understood. Their capacity to fulfil the legislative requirements cannot be compared to the giant food multinationals. However, the public comments on the commission's text made by trade bodies representing SMEs refer to the notification, authorisation and time frame issues. There is no questioning of the need to use nutrient profiles to determine which products can use health and nutrition claims.

This regulation is not just about the conditions required to make health claims it also restricts claims on certain products such as alcoholic beverages. The European continent already has some of the highest per capita alcohol consumption in the world which far exceeds any possible medical benefit and brings a heavy health and social cost. The only responsible health message must be to reduce consumption and therefore no alcoholic drink should carry a health or nutrition claim that might encourage people to drink alcohol.

The question now is how to get nutrient profiles back into the regulation. Three



European Parliament committees, including the Environment, Public Health and Food Safety Committee whose mandate is to protect the public health of European citizens, have deleted the nutrient profiles provisions. The fact that the commission, governments, and some large food companies support nutrient profiles, and other countries already use this concept leaves the parliament isolated.

Different amendments on Article Four have been put forward for the plenary vote. The conservatives are the only political group satisfied with its deletion. The Liberals have tabled an amendment that asks the commission to carry out a feasibility study on nutrient profiles. There is enough practical evidence that proves the feasibility of these profiles and we insist in the fact that a regulation without nutrient profiles will be empty of meaning.

The Socialists have also tabled a more comprehensive amendment which could be the best compromised solution. However, there are concerns regarding its second paragraph, which might lead to a situation where products are allowed to bear nutrition or health claims even if they do not respect a nutrient profile, therefore other political groups might be requesting a 'split vote'.

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