

29 September 2006

Health and Consumer Protection Directorate General
European Commission

Dear Sir/Madam

Discussion Paper on the setting of maximum and minimum amounts for vitamins and minerals in foodstuffs.

The Food and Drink Federation (FDF) represents the UK food and drink manufacturing industry, the largest manufacturing sector in the UK. We help our manufacturers operate in an appropriately regulated marketplace to maximise their competitiveness, and to help ensure their products are safe and that consumers can have confidence in them.

FDF welcomes the opportunity to comment on the Commission's Discussion paper. We have worked closely with CIAA (Confederation of the Food and Drink Industries of the European Union) on this dossier, and broadly support many of the points raised within the CIAA response, as submitted today. In addition to the points raised in the CIAA submission, we would like to specifically offer the following comments:

- Any approach to set maximum and minimum levels for vitamins and minerals should be based on safety and robust science. Where there is no demonstrable safety concern, no maximum level should be set. Excessive levels of fortification will be constrained by technological hurdles, as well as the actual physical volume of food that can be consumed.
- Where there are some demonstrable safety concerns, maximum levels should be set on a case by case basis, taking into account the risk assessment of the nutrient.
- For several decades, fortified foods have played an important role in meeting the nutritional needs of a wide range of consumers, both in the UK and across Europe. For this reason, we believe that setting separate maximum levels for fortified foods and for supplements will disproportionately disadvantage consumers in Member States where supplements are not routinely consumed. Additionally, research has shown that consumers that are actually deficient in vitamins and minerals often are not able to afford supplements or even perceive a need to take them. These consumers can therefore get more adequate amounts of the nutrients in which they are lacking from the fortified food they eat.
- The intake of different population groups should be taken into account when setting maximum and minimum levels.
- We agree that there is a need for consistency across several legislative instruments. We would therefore recommend that minimum amounts should be consistent with the significant amounts required to be present for a claim and/or declaration of the nutrient in nutrition labelling (Under Directive 2002/46/EC). However, for liquid foods, FDF is pressing for a revision to the Directive, which will allow 7.5% of the RDA as a significant

amount for liquid foods. This is consistent with Codex principles¹, and accounts for the fact that liquids are often consumed in larger portion sizes than solid foods.

- Vitamins and minerals are added to foods for a variety of reasons including restoration and substitution. There may be instances (particularly in PARNUTs foods) where nutrients are added at levels below the significant amounts required for making claims or for nutritional labelling (i.e. below 15% RDA per 100g). For these PARNUTs foods such low levels of addition should not be required to meet the minimum levels and should not require nutrition labelling.
- Given that there are no demonstrable differences in the metabolism or sensitivities of populations within Europe, it would be reasonable to assume maximum safe levels set on the basis of extensive data in one Member State should be extrapolated to across Europe.
- The metabolism of adults and children are physiologically different so it would be reasonable to treat these population groups differently according to differing intake levels and nutritional requirements. However, it is important that any approach is of practical application; setting a number of different maximum levels may cause confusion for manufacturers and consumers.
- We agree that PRIs / RDAs should not be used to establish maximum levels, as set out in FSA's initial comments. Setting of such levels should be based upon risk assessment data only.

Should you require clarification of any of the points raised here, please contact me (email: louise.allen@fdf.org.uk or Tel: 0207 420 7148).

Yours sincerely,

L ALLEN
NUTRITION EXECUTIVE

¹ Codex Guidelines for the Use of Nutrition and Health Claims