

UNESDA COMMENTS

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

(June 2006)

UNESDA, the Union of European Beverages Association, represents producers of a wide range of still and carbonated non-alcoholic water-based flavoured drinks to meet consumers' demands, including bottled waters, tea-based drinks, sports drinks, juice-containing soft drinks and low-sugar or calorie-free drinks.

UNESDA welcomes the opportunity the DG Sanco initiative to consult on the setting of maximum and minimum amounts of vitamins and minerals in foodstuffs, on which we have the following comments.

General Points

1. Fortified foods (including beverages) and supplements have been safely consumed in Europe for several decades. There are no known safety problems with current custom and practices for the levels of vitamin and minerals currently used in fortified foods and supplements. For certain groups of the population, fortified foods and food supplements have an important role to play.
2. UNESDA endorses the view that any approach to set maximum and minimum levels for vitamins and minerals should be based on safety and supported by science substantiation.
3. UNESDA does not believe that there is a need to set maximum levels for vitamins and minerals in foodstuffs when the risk of adverse effects, even at high levels, have not been identified.
4. Where there is a risk of adverse effects, but no tolerable upper level has been set by EFSA on the vitamin or mineral in question, UNESDA suggests that a range of options need to be explored. These may be based on scientific risk-based assessment approaches, such as the US FNB. The EFSA expert opinion on the particular nutrient in question should also be taken into account even when no UL had been derived as these opinions may contain scientific references and data on which to base a qualitative approach.

In the absence of clear data, an expert judgment must be made by weighing all known evidence, as well as the nature and severity of the adverse effects. UNESDA strongly opposes the setting of maximum levels based on 'simple' multiples of the RDA.

5. UNESDA would strongly oppose any suggestion to establish a link between setting maximum levels of vitamins and minerals and the conditions for the 'high in' claim in the annex to the EU Regulation on Nutrition and Health Claims. If such a link should be established, it would then mean a maximum limit of 30% of the RDA of vitamins and minerals in fortified foodstuffs – this would be an arbitrary level as it is not a result of a risk-based approach

In addition, setting an absolute maximum level of 30% of RDA in fortified foods may have technical implications as it would not take into account overages (small additional quantities) for the nutrients which are added during formulation to ensure compliance with the declared label claim at the end of shelf life.

6. An ILSI Europe Task Force is currently collating intake data for foods and supplements from EU Member States. UNESDA will, of course, be pleased to share such data with DG Sanco when finalised in spring 2007.

Specific points in relation to non-alcoholic beverages

7. UNESDA suggests that the 'significant amount' as defined in the Labelling Directive for solid foods (ie 15% of RDA per 100 g/per serving) should be reduced by half for beverages (7.5% of RDA/serving).
8. UNESDA considers that electrolyte levels (Na, K, Mg) of sports drinks should be exempt from any link between minimum levels of micronutrients and the food labelling definition of a 'significant amount' and that the levels currently set in specific PARNUTS directives continue to apply to sports drinks. The levels of electrolytes added need to be appropriate to replace what has been lost through sweat and to optimise fluid uptake and retention and will therefore be lower than the current definition of a 'significant amount' in the context of nutrition labelling.
