

July 18, 2001



DANISCO A/S COMMENTS IN RESPONSE TO:

EUROPEAN COMMISSION DISCUSSION PAPER ON NUTRITION AND FUNCTIONAL CLAIMS (SANCO/1341/2001)

Danisco welcomes the Commission's initiative in opening up for discussion the issues relating to nutrition and functional claims. It is important that there is a harmonised, Community-wide framework of rules in these areas if the internal market in foodstuffs is to operate effectively and also to minimise confusion of consumers by establishing a common basis for the provision of information to consumers in all Member States of the European Union.

However, we believe that the scope of the initiative as delineated by the Commission's Discussion Paper is deficient in two main areas.

Firstly, in so far as the existing rules for nutrition labeling as set out in Council Directive 90/946/EEC are concerned there is a need to review not only the basis for claims in relation to the macronutrients listed but also the definitions and characterising nutrient values of the macronutrients themselves.

- In particular, although Article 1.4 (j) indicates that a definition and method of analysis for "fibre" is to be established, the term has remained undefined in the decade since the Directive was adopted. Recent discussion and developments both in individual Member States and in regulatory agencies outside the EU suggest that there is now sufficient scientific consensus to provide a basis for a harmonised Community position on dietary fibre.
- Also, in relation to energy values, the intervening decade since the adoption of the Council Directive 90/496/EEC has seen the development of several novel food ingredients which, although falling within the traditional definitions of macronutrient classes, have energy values significantly different from those traditionally associated with those classes. Such novel ingredients offer potential benefits for consumers and yet those benefits cannot be adequately conveyed to consumers under the existing rules, nor can consumers be accurately informed of the true nutrition characteristics of the foods containing them. The absence of a resolution to this inconsistency presents a serious disincentive to further innovation on the part of the food ingredient industry.

The second area in which we believe the scope of the Commission's initiative to be deficient is that of health-related claims. While recognising that such claims are currently in use, the Commission has chosen not to address them for the time being, limiting its attention in the present initiative to so-called "nutrient function" claims. We believe this is a serious omission

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since in the actual market place functional claims present as an actively developing continuum that encompasses nutrient function, enhanced function and disease-risk reduction claims. Failure to provide a comprehensive harmonised framework of rules will result in increasing fragmentation of the internal market, an environment where ethical operators will suffer commercial disadvantage and where consumers will, at best, be confused or, at the worst, misled by the provision of inconsistently presented information.

We believe that all functional claims should be dealt with in a single framework and that discussion on that framework should begin at the present time. If the Commission is unable to address all the issues at the present time, the present initiative should be limited to those nutrients currently listed in Council Directive 90/496/EEC on nutrition labelling. To attempt to deal with other substances, many of which have established markets as food ingredients, in an incomplete measure risks distorting existing markets while leaving key issues unresolved.

Danisco thanks the Commission for the opportunity to participate in the consultation on its Discussion Paper, which we do believe, provides a useful basis for developing this important area of Community legislation. We stand ready to provide additional information on specific aspects of any of the topics we have identified above should the Commission require it and look forward to contributing further to the ongoing discussion.

Yours sincerely,

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