

**EASL Response to the EU Roadmap
For the evaluation of Regulation (EC) No 1924/2006 on nutrition
and health claims on food with regard to nutrient profiles**

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As detailed in recital 11 of the 2006, the European Union (EU) regulation on nutrition and health claims made on foods and non-alcoholic beverages (Regulation (EC) No 1924/2006):

The application of nutrient profiles as a criterion would aim to avoid a situation where nutrition or health claims mask the overall nutritional status of a food product, which could mislead consumers when trying to make healthy choices in the context of a balanced diet.

In this light we would like to draw attention to the adequacy of the fitness check. Nutrient profile are essential element of the 1924/2006 Regulation, roadmap in its current form, does not present convincing reasons for starting to question the need for establishment of nutrient profiles.

On the contrary, we consider Art 4 of Regulation (EC) 1924/2006 (on the establishment of nutrient profiles) as an indispensable element of the above mentioned regulation.

Foods promoted with claims might be perceived by consumers as having a nutritional, physiological or other health advantage over similar or other products without claims. The use of nutrient profiles aims to avoid a situation where nutrition or health claims could mislead consumers as to the overall nutritional quality of a food product when trying to make healthy choices in the context of a balanced diet.

To date, the European Commission (EC) has not established nutrient profiles, which can be perceived as failure to fulfil its obligations.

Roadmap states: *‘The setting of nutrient profiles has been postponed, due to the complexity of the subsequent discussions in relation to scientific issues and potential economic impacts.’*

This statement and the assumption that it carries comes as a surprise, given that other bodies, for example the EU Pledge and WHO Regional office for Europe, have already developed pan-European nutrient profile models. For reasons of efficacy we would recommend EC to build on the work performed by the WHO.

We consider that the primary objective of the EC and MS should be to ensure that consumers are not exposed to misleading claims.

The proposed roadmap departs from that objective and diverts attention.

We suggest that EC should proceed with establishing the long overdue nutrient profiles required by Regulation (EC) No 1924/2006.

Comments to the elements addressed in the roadmap

1. Restriction of claims on alcoholic beverages

We welcome the acknowledgement from the EC that claims on alcoholic beverages should not be allowed (Annex 1). We hope that the EC will maintain that view. At the population level, detrimental health effects of alcohol consumption overwhelmingly prevail in all countries worldwide.

2. Effectiveness/Efficiency/Coherence

Firstly, we would like to point to fact that claims are not mandatory, they are primarily a tool at the manufacturer's disposal. Food producers have utilised it extensively to market they products.

It appears logical that in order to benefit from the potential economic benefits that nutrient and health food claims carry, the food producers should be prepared to accept required conditions. As mentioned above food producers have no obligation for provide such claims. Therefore, it should not considered an extra burden for them to provide one, if they wish so.

Secondly, it should be accepted by the food producers and respective authorities that claims can only appear on truly healthier products. At present, claim-bearing products are, at most, marginally healthier than non-claim bearing products.

Overconsumption of foods that do not have relatively healthy nutrient profiles is a problem in an EU. 59% of European population is overweight or obese, up to 44% of these people are likely to suffer from non-alcoholic fatty liver diseases (NAFLD) – this suggests that 116 million people in the EU suffer from NFALD.

The long term consequences of the lack of nutrient profiles on people's health are nearly impossible to measure. However, in terms of obesity last decades have observed an increasing trend, which can be expected to stabilise at best, or increase even further.

Source: OECD 2014, Obesity Update

If prevalence of obesity continues on its current trajectory, almost half of the world's adult population will be overweight or obese by 2030. Currently, the global economic impact from obesity is roughly \$2.0 trillion, or 2.8 percent of global GDP, roughly equivalent to the global impact from smoking or armed violence, war, and terrorism.¹

In order to reduce burden of disease a comprehensive set of policy measures is required. Establishment of ambitious and high quality nutrient profiles, would substantial contribute to efforts to improve nutrition policy and allow consumers to make informed decisions.

The lack of EU nutrient profiles has resulted in fragmentation and lack of clarity for consumers. Diverging rules in European countries can unintentionally contribute to overeating of products high in salt, sugar and fat in some countries and not in the others.

¹ McKinsey Global Institute (2014) Overcoming obesity: An initial economic analysis

Not setting nutrient profiles at EU level has limited to the effective realisation of the objectives of the Regulation (EC) No 1924/2006.

3. Relevance

Adoption of EU Regulation on Provisions of Food Information to Consumers (FIC) should not be considered as a factor calling into question to salience and need for nutrient profiles. The adoption of the FIC regulation in no way invalidates either the adoption of the Regulation (EC) No 1924/2006 or the condition for claim-bearing products to respect a certain nutrient profile. Regulation (EC) No 1924/2006 and FIC could in the future (once adopted in their entirety) complement each other and ensure that consumers are not misled by foods making spurious health claims.

4. EU added value

The alternative to not having nutrient profiles set at EU level is having up to 28 different national nutrient profile models. The European Commission is perfectly positioned to ensure that consumers and business across the EU are treated in an equal manner.

EU level nutrient profiles would demonstrate European Commission's commitment towards both better consumer protection and better regulation.