



# Bundesverband der Lebensmittelchemiker/-innen im öffentlichen Dienst e.V. (Federal association of food chemists in the public administration)

BLC, Große Hohl 32, D 55263 Wackernheim

Wackernheim, 20 July 2001

## Discussion paper on nutritional and functional claims, SANCO 1341/2001

Dear Sir/Madam,

We would like to take this opportunity to give our comments as follows:

### 1. Need for regulation

In view of the plethora of information, often not grounded in fact but merely constituting marketing material, uniform regulations are very helpful. The consumer should be given not only honest product information but also the opportunity to make comparisons.

### 2. Scope of regulation

This should initially comprise only the energy content and the traditional macro- and micro-nutrients (proteins and amino acids, fats and fatty acids, together with cholesterol, carbohydrates incl. fibre, minerals, trace elements and vitamins). In a subsequent step, when sufficient scientific documentation is available, new physiologically active substances, such as secondary vegetable substances, can be included as well.

### 3. Definition of "claim"

This should be defined in the same way as in the Codex Alimentarius (definition of "claim" in paragraphs 12–15). In principle, as many elements as possible should be taken from the Codex, since the latter is certain to play an even greater role in future.

### 4. Criteria for nutritional claims

4.1 Re paragraph 28: indications such as "X% fat free" are liable to be misleading.

President	Vice-President	Vice-President	Secretary	Treasurer
Helmut Streit Große Hohl 32 55263 Wackernheim Tel. 06132/58671	Annette Neuhaus Arminiusweg 23 32760 Detmold Tel. 05231/89939	Gundula Thomas Gadelsdorfer Weg 29 01474 Gönnsdorf Tel. 0351/2660151	Volker Charné L.-Wucherer Str. 86 06108 Halle/Saale Tel. 0345/2832102	Bernfried Glück Weingartenstraße 22 72517 Sigmaringendorf Tel. 07571/5626

---

Bank details: Kreissparkasse Sigmaringen (sort code 653 510 50) account no 12 40 89

Internet: <http://www.lebensmittel.org>

- 4.2 Re paragraph 31: 15% of the recommended daily allowance should be the **minimum** requirement where advertising claims for vitamins and minerals are concerned. Smaller quantities usually fall within the natural variation of nutrients in foods and are not significant.  
If larger quantities of a food need to be consumed to achieve a significant nutrient intake, the manufacturer is free to give appropriate consumption recommendations. As such information is voluntary, it can also be dispensed with.
- 4.3 Re paragraph 32: the general conditions are very much welcomed.
- 4.4 Re paragraph 35: a 10% difference for micro-nutrients is insignificant. In principle, the same applies as for paragraph 4.2.

## 5. Functional claims

The definition in the Codex Alimentarius would certainly provide a good basis.

## 6. Criteria for the use of functional claims

- 6.1 Re paragraph 40: the essential conditions are welcomed.
- 6.2 Re paragraph 42: in addition to the quantity and form of the nutrient, account should also be taken of bioavailability and, for proteins, biological value, as illustrated by the following two examples:
- although trace elements are also found in pollen, these are encapsulated in an “envelope” indigestible for humans and are hence not available;
  - although aspic is a source of protein, the protein has a low nutritional value (biological value virtually zero). It would be misleading to indicate that gelatines are a source of protein like dairy products.
- 6.3 Re paragraphs 41–47: we concur with these criteria.
- 6.4 Re paragraph 48: the “list solution” is advocated. The European Food Authority should be the coordinating agency. However, the idea of pre-marketing approval should be dropped on account of the cost.
- 6.5 Re paragraph 49: a notification procedure would also involve considerable bureaucracy.
- 6.6 Functional claims should in principle be permitted. However, they must conform to the current state of scientific knowledge, which must be substantiated by the party making the claim with corresponding documentation. There should be no approval procedure here either.

## 7. Annex

- 7.1 At all events, the following changes should be made to bring the text into line with the Codex regulations:
- For proteins, a minimum biological value should be required for claims. A PDCAAS of at least 0.8 should be discussed.
  - For claims asserting a high vitamin or mineral content, the recommended or normal daily intake should contain at least 50% of the daily requirement.
- 7.2 Amino acids and cholesterol should be included.

Yours faithfully

Helmut Streit  
(President)

**President**  
Helmut Streit  
Große Hohl 32  
55263 Wackernheim  
Tel. 06132/58671

**Vice-President**  
Annette Neuhaus  
Arminiusweg 23  
32760 Detmold  
Tel. 05231/89939

**Vice-President**  
Gundula Thomas  
Gadelsdorfer Weg 29  
01474 Gönnsdorf  
Tel. 0351/2660151

**Secretary**  
Volker Charné  
L.-Wucherer Str. 86  
06108 Halle/Saale  
Tel. 0345/2832102

**Treasurer**  
Bernfried Glück  
Weingartenstraße 22  
72517 Sigmaringendorf  
Tel. 07571/5626

---

Bank details: Kreissparkasse Sigmaringen (sort code 653 510 50) account no 12 40 89

Internet: <http://www.lebensmittel.org>