

Your Voice In Europe: ROADMAP feedback for Evaluation of the Regulation on nutrition and health claims

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Related document: Evaluation of the Regulation on nutrition and health claims

Feedback:

BEUC welcomes the opportunity to comment on the Roadmap for the Evaluation of the Regulation on nutrition and health claims published by the European Commission on 8 October.

Please find below BEUC position on the implementation of the Regulation and specific comments on the key issues that will be addressed during the evaluation.

BEUC position

The Regulation on nutrition and health claims adopted in 2006 plays a key role in guaranteeing consumers are not exposed to misleading claims. It also ensures that companies which make scientifically substantiated claims can benefit from their investments.

BEUC has always been a firm supporter of the work undertaken by the European Commission and the European Food Safety Authority (EFSA) to remove unsubstantiated claims from the market and we welcome the adoption of the list of authorized claims in 2012. However BEUC's support to the Regulation is essentially linked to the notion of nutrient profiles. Indeed consumer organisations support the use of health and nutrition claims as long as they are only used on products with a minimum healthy profile. Without nutrient profiles health and nutrition claims can appear on confectionary, snacks, sugary beverages etc. which are high in sugar, fat or salt and can contribute to excess energy intake and drive the global obesity epidemic, especially among children.

We encourage the European Commission to uphold and reinforce the existing legislation by developing a nutrient profiling system as required by the Regulation.

The ambitious and high quality set of nutrient profiles to restrict the marketing of unhealthy food to kids recently published by the World Health Organization (WHO Europe) shows how

different countries can work together and classify foods according to their nutritional composition for reasons related to preventing disease and promoting health.

We also encourage the Commission to give the green light to the European Food Safety Authority (EFSA) to continue with its assessment of claims relating to botanicals and apply the principle “no data, no claims”. We would be very concerned if the Commission were to make a special case for these products and allow them to bear claims based on ‘traditional use’ rather than providing the sound scientific evidence to justify their claims (as has been the case for all other claims). Such a move would result in consumers continuing to be misled about the purported benefits of these products and also risks opening the door to challenges from other companies whose claims have already been rejected by EFSA.

We trust the evaluation of the Regulation and any follow up action from the European Commission will guarantee that consumers aren't misled by foods making spurious health claims and confirm the European Commission commitment towards better regulation and evidence based policy making.

Comments on the key elements of the evaluation

- Effectiveness: the evaluation should carefully consider whether claims stopped being used on products high in fat, sugar and salt once the Regulation came into force. In particular it should look at food products marketed to children.*
- Efficiency: the evaluation should also consider the direct and indirect costs of the rising prevalence of non -communicable diet related diseases associated with the use of claims on products high in fat, sugar and salt.*
- Relevance: Complete nutrition information on labels as required by the Regulation on food information to consumers (No 1169/2011) should go hand in hand with restrictions of use of claims on products that contribute to high intakes of sugar, salt and fat. The Regulation on food information to consumers should not be considered as a substitute for rules ensuring businesses use claims on adequate products only. Therefore the consultation should address consumers’ risks of being misled by front of pack claims even if nutrition labelling will apply to all products.*
- Coherence: Even in the absence of an EU list for botanicals there is already a list of 2000 botanicals claims that should primarily go through the EFSA assessment. Therefore in our view the consultation should focus on those 2000 claims and not on the absence of an EU list.*
- EU added value: BEUC members found that similar products have similar claims. The need to address a problem involving the internal market should be look at in the consultation. With reduced financial resources national authorities struggle to police misleading practices on a case by case basis. General rules that they could use to determine if a product can bear a claim or not would be very helpful for them, they would ensure a common level playing field for businesses and would be more efficient and effective.*