

Milchindustrie-Verband e.V., Bonn

**Subject: SANCO/1341/2001
Discussion Paper on Nutrition and Functional Claims**

We welcome this discussion paper and that we have been given this opportunity to comment on it:

1. Of particular interest for the dairy industry is the paper that you have announced on the subject of health-related claims *per se*, given that the undertakings we represent are suppliers of such products as probiotic dairy produce to this segment of the market. Unfortunately it is only in the introduction to the discussion paper that a reference to this second part of the reflections on claims is to be found, whereas in the corpus of the text itself no reference appears. In our view it is this area in particular that needs to be included in the discussions under way.
2. We believe it imperative that existing regulatory provisions at EU and national level be respected. As an example, the EU Regulation on spreadable fat (Regulation 2991/94) can be cited, Article 5 of which regulates claims. CODEX standards should also apply in the absence of any other regulations. For us it goes without saying that the criteria they contain are justified.
3. In our view there is a case for making a clean distinction between claims for ordinary foods and claims that target a particular nutritional purpose.
4. We have reservations regarding the procedures referred to in Sections 48 to 50 relating to the use of claims since the listing of claims would tend to be an obstacle to new, lawful claims. This applies in particular in the case of approval procedures. something which we reject for the above reasons. It should always be possible to use appropriate and true claims that are not misleading and it should be for the courts of law to decide on any misleading and consequently prohibited claims.

We thank you for this opportunity to comment on the discussion paper.

Yours faithfully

Milchindustrie-Verband

(signed) G. Werner