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[Comments to the Discussion Paper on nutritional and functional claims](#)

Para 7 The point is that a lot of consumers, particularly the young, the old and people living on their own do NOT eat "a varied and adequate diet". The same applies to the 40%+ of the population who claim to be on some kind of diet at any one time...

The net result is that many people do NOT achieve RDA levels of micronutrients with their regular eating habits.

Para 8 This is an outrageous suggestion. What you seek is the imposition of state-sponsored arbitrary judgement and the abrogation of individual creative interpretation and thought.

I thought we went to war 60 years ago to prevent such attitudes holding sway in Europe...

Para 9 How can anyone decide what is "nutritionally acceptable", ie what is "good" and what is "bad"?

A high-fat/high sugar diet may be eminently acceptable - and vitally necessary - to the Sami nomadic reindeer herdsman of the high Arctic, who need typically 5000+ calories a day in Winter just to survive, but this diet would equally be total anathema to a fashion model in Tunbridge Wells. In the final analysis you have to leave this issue to the judgement and choice of the consumer.

Para 17 It is absolutely essential that the definition adopted is broad enough to encompass all recognised micronutrients - whether physiological or nutritional - without discrimination, and must also be flexible enough to allow for the future inclusion of other micronutrients whose potential benefit to health and nutrition is as yet unrecognised.

Para 25 The point about the unrecognised - by consumers at least - difference between dietary cholesterol and blood cholesterol is well made. Why not insist that foods that DO raise blood cholesterol are labelled as such?

Para 26 The consumer perception that the terms "sodium" and "salt" are interchangeable is positively dangerous and needs to be addressed. There are many varieties of Low Sodium Mineral Salt available throughout the EU and their use, which is growing annually, should be encouraged.

Para 27 Functional Foods are here to stay. Since they are a worldwide phenomenon, any attempt to legislate them off the shelf within the EU would probably be in breach of the World Trade Agreement. Before anyone thinks of restricting the sales & marketing of Functional Foods in Europe, I would recommend that they lie down in a dark room until the thought wears off - and think about the economic consequences of the "banana wars" instead.

Para 28 The suggestion to ban such %tage comparisons is outrageous! (See comments re Para 8...)

And in any case, if there is consumer confusion of the meaning of such claims - though God knows why there should be - surely this point could be covered adequately by the same principles as outlined in paras 23 / 32?

Also, this proposal appears to contradict the proposals in para 32?

Para 30 There is no NEED to distinguish products which are naturally Low or High in specific nutrients: any marketing man worth his salary is going to plaster the pack with claims like "Naturally Low in X" & "Naturally high in Y". And good luck to him...

Para 31 The 15% rule is overdue for revision, particularly since what counts as a contribution to RDA is typically portion size, not some other arbitrary measure. It is conceivable that quite small amounts of micronutrient may be significant if present in a wide varieties of foods consumed on a daily basis

Para 32 See para 28 above

Paras 33, 34, 35, 36 This is becoming a dog's breakfast. Your guiding principle to these regulations is to make labelling clear and understandable to consumers, yet here you are proposing a number of premissable %tages of increased or reduced constituent claims, with the actual %tage allowable dependent upon the category of ingredient specified. You've got to agree on a "one-size-fits-all" basis, or you'll end up confusing everybody. Including me.

Para 38 - 39 It would be extremely helpful if there was an Apppendix to these regulations which included a comprehensive list of ALL recognised functional ingredients together with a simple generic statement of their functional benefit which could then be used by food marketers on food labelling without risk of challenge by rogue regulatory authorities or pressure groups

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