

The Swedish Food Federation

The Swedish Food Federation welcomes the Discussion Paper and would like to forward the following comments:

- In general: The definitions should, when possible, be coordinated with the definitions within Codex Alimentarius. Disease risk reduction claims should be incorporated in this paper - reasons for this; see below.

- Paragraph 9: All foodstuffs may be included in a balanced diet, so one should not exclude certain foodstuffs.

- p 11: Should be coordinated with the rules for nutrition labelling for foodstuffs (90/496/EEC). The values should refer to the product as consumed.

- p 19: There is no big difference for the consumer between nutrient content claim and comparative nutrient claim, since both of them suggest that the product is different from other products. However, there will be a difference between the two types, when comparative nutrient claims are given according to the proposed conditions.

- p 23: The judgement about what is the reference product, must be made from case to case.

- p 24: We agree with the text in the Discussion Paper.

- p 28: "X% fat free" is not an acceptable information, while "Only X% fat" could be informative.

- p 30: Only generic claims like "Naturally low...." could be allowed in these situations, while other claims would be misleading. It is important that one is allowed to label with e g "Naturally low...".

- p 31: We believe that the list of vitamins and minerals might need a review, since e g selenium is missing.

- p 32-33: A comparative nutrient claim according to this proposal would be very long, but this is probably necessary since it is a complicated situation that is described. A shorter way is to label with "Only X%..." which means that the consumer has to compare with other products by himself. The conditions allowing labelling with "Only X%..." should be the same as for comparative nutrient claims (i e 25% difference at least etc). In Sweden we have a system with a

symbol ("the keyhole") that one is allowed to put on product alternatives that are low fat/rich in fibre.

- p 33-35: Should be replaced by the Codex Alinorm 01/22A, App. VIII, 6.3.

- p 36: There is no difference to the consumer between more/less and increased/reduced - and they should be allowed according to the same conditions. If the difference is less it should only be allowed to label with a claim with the actual value, e g "x% fat".

- p 43: We consider "lactose free" to be "Par.nut" and this doesn't belong to this discussion.

- p 46-49: A clear distinction has to be made between generic claims and product specific claims. Generic claims can be (nutrient) function claims, enhanced function claims or disease risk reduction claims (for examples see the US rules or the Swedish code). However, they are all based on links between diet and diet-related diseases, or risk factors for diseases which are today regarded as well-founded and based on generally accepted scientific facts. These links may be used as the basis for claims for any food which fulfil the criteria for the content of the nutrient for which the claim is made. Any generic claim needs to be made in a two step fashion, for instance : "Calcium may help to prevent osteoporosis in later life. This product is a calcium-rich food." There might be a closed (but non-exhaustiv) list of generic claims (as in Sweden and the US) and the scientific facts might need to be reevaluated from time to time. A notification procedure to the competent authorities might be appropriate to facilitate monitoring. Product specific claims need to be substantiated through documentet human trials on the product as such. Such claims should have a pre-market approval. No closed list is possible in this case. Substantiation guidelines for product specific claims should be developed.

- p 50: The principle of two-steps is not an alternative to what is said before, but is a way of creating a generic claim (see above p 46-49).

- Annex: It must be discussed what reasons there are to have another limit than zero for "-free"-claims; is it difficult to control a zero-limit, will there be no such

products otherwise, is it in the interest of the consumer, etc? It is also important to coordinate "source of vitamins and minerals" with the rules for nutrition labelling for foodstuffs (90/496/EEC).

As a conclusion, we would like to clarify the principles in our comments, concerning:

- Nutrition claims: 1. When making a nutrient content claim, this doesn't include values or other facts but is simply stating that the product is e.g. "low fat". To the consumer this suggests that the product is "low fat" compared to the majority of other products. Therefore, it is logical that these claims are allowed only under limited conditions.

2. If the product doesn't fulfil the conditions for making nutrient content claims, but still is more low fat than comparable products, this is a more complicated situation. If the difference is nutritionally big enough it should be allowed to inform the consumer about the difference. This could be done in two ways; a) a completely informative comparative expression (comparative nutrient claim according to p 32-35), or b) a short information like "Only x% fat" which is suggesting that the product is lower in fat than some other products (which is true) but still containing a rather high content of fat - the consumer has to compare with other products by himself.

It is important that both of these expressions (a and b) are allowed only according to the conditions in p 32-35.

3. If the difference is not big enough it should only be allowed to label with the actual fat content, i.e. "X% fat", which will allow the consumer to both evaluate (higher/lower than other products?) and compare (how big is the difference?).

- Functional claims: We believe that the Swedish two-step fashion could be recommended as a first step. These generic and accepted claims in two steps include some disease risk reduction claims. For the consumer it is the meaning of the claim that is important, and not if the claim is about disease risk reduction or nutrient function. Product specific claims is the natural next step and for those, other procedures may be needed for approval etc.

Contact details:

Ulrika Ehrhardt

Livsmedelsföretagen (Li)
Swedish Food Federation
(f d Livsmedelsindustrierna LI)
OBS Ändrad adress m m:
Box 16347
SE-103 26 Stockholm
tel. +46 8 762 65 05
e-mail ulrika.ehrhardt@li.se