

Commissions Discussion Paper on the setting of Maximum and Minimum amounts for Vitamins and Minerals in Foodstuffs

BEUC Comments

BEUC, the European Consumers Organisation, represents 40 independent consumer organisations from 29 European countries. The present text constitutes BEUC's response to the European Commissions discussion paper on the setting of maximum and minimum amounts of vitamins and minerals to foodstuffs.

Most groups can obtain the nutrients they need from a healthy, balanced diet. Many consumers choose to take food supplements in addition to eating food products fortified with vitamins and minerals. We are concerned about the safety of some of the products available to consumers and the possibility that a consumer could end up overdosing on some vitamins or minerals due to the fact that they are present in many different sources.

Consumers have the right to make an informed choice about the food they eat. We do not want them to be misled into buying products promoted as healthy when they do not have any clear and proven benefits.

With the current growth in the food supplements market, it is essential to introduce maximum amounts of vitamins and minerals in foods. The setting of such limits should be based on scientifically recognised requirements, which should be communicated in a transparent and understandable manner. In addition, all food supplements put on the market should be notified to the competent national authority in order to improve the calculation of dietary intakes. We consider that notification prior to market introduction should be mandatory in order to effectively monitor the impact of these products on consumer health.

Where there is not yet a scientifically established numerical tolerable upper intake level for several nutrients, what should be the upper safe levels for those nutrients that should be taken into account in setting their maximum levels?

If tolerable upper intake levels have not been established for a particular nutrient because of a lack of data to prove its safety, consumers would be more protected if the product wasn't allowed on the market. In practice, where a numerical tolerable upper intake level for a nutrient has not yet been established, it would be appropriate to set a

very conservative provisional level based on the precautionary principle until more studies have been conducted and more data becomes available. This level would be subject to review as soon as possible and, upon the release of further data a numerical tolerable upper intake should be established.

For some vitamins and minerals the risk of adverse effects, even at high levels of intakes, appears to be extremely low or non-existent according to available data. Is there any reason to set maximum levels for these vitamins and minerals?

Such an outcome may be due to a lack of scientific research and data. Under such circumstances, the studies and data available should be examined for their completeness and to determine whether further studies are required to assess whether or not there is a possible risk, how great this risk is etc. Decisions will need to be taken on a case-by-case basis. As stated above, in such situations, the most appropriate solution may be to set a provisional level and review this once more data becomes available.

Where we set maximum levels, do we inevitably also have to set maximum amounts for vitamins and minerals separately for food supplements and fortified foods in order to safeguard both a high level of public health protection and the legitimate expectations of the various food business operators? Are there alternatives?

Food supplements and fortified foods are not used in the same way. Consumers eating fortified foods may not have the same dietary habits as those who use food supplements. BEUC believe it is necessary to set maximum limits for vitamins and minerals separately for food supplements and fortified foods. It is important to carefully consider the consumption of food, fortified food and supplements in order to determine how the safe upper level can best be allocated between the different sources. High level consumers and vulnerable groups should, of course, be taken into account.

The Commission would appreciate receiving available information on intakes of vitamins and minerals or indications of the best sources providing such data at EU level.

If such existing data refer only to the intake in some Member States, can they be used for the setting of legitimate and effective maximum levels of vitamins and minerals at European Level? On the basis of what adjustments, if any?

Intakes of food supplements and fortified foods have increased during recent years. Therefore, data currently available may be out of date and of limited use. Such information can be used to give an indication of intakes. However, just as food intakes vary across member states, consumption of supplements and fortified foods is also likely to differ. Therefore, caution must be exercised when using such data and a precautionary approach should be adopted.

Should the intake from different population groups be taken into account in the setting of maximum levels of vitamins and minerals?

Different population groups have different needs as to their individual daily requirements in vitamins and minerals. This is especially true for babies, young children, adolescents, adults and the elderly. The needs of men and women also differ e.g. pregnant and lactating women.

Intake data from different populations should be taken into account when setting maximum levels of vitamins and minerals. If adverse effects have been observed in a particular population, it needs to be determined how significant they are.

Taking into account all the above-mentioned considerations, how far should PRIs/RDAs be taken into account when setting maximum levels for vitamins and minerals?

These are an important part of a safety based approach. It should be examined whether or not these data are still valid.

Should the minimum amount of a vitamin or a mineral in a food to which these nutrients are added be the same as the significant amount required to be present for a claim and/or declaration of the nutrient in nutrition labelling? Should different minimum amounts be set for certain nutrients in specific foods or categories of foods? If yes, on what basis?

Each nutrient will need to be examined on a case by case basis and consideration given to the level that is significant, rather than setting a single percentage figure to cover all vitamins and minerals. It is very important that consumers are not misled to believe that the amount of vitamins and minerals is significant when this is not the case.

Should minimum amounts for vitamins and minerals in food supplements also be linked to the significant amounts that should be present for labelling purposes or should they be set in a different way?

Each nutrient should be examined separately on a case-by-case basis. Consideration should be given to the level that is significant, rather than setting a blanket percentage figure for all vitamins and minerals.