



fighting heart disease  
and stroke  
european heart network

## **EHN Response to the EU Roadmap for the evaluation of Regulation (EC) No 1924/2006 on nutrition and health claims on food with regard to nutrient profiles**

21 October 2015

In 2006, the European Union (EU) adopted a regulation on nutrition and health claims made on foods and non-alcoholic beverages (the Claims regulation).

A pillar of the Claims regulation was and is the condition that foods bearing claims must comply with nutrient profiles. This condition is set out in the regulation's Article 4. The reasons for including this condition are found in several recitals in the regulation, particularly recital 11, which states:

*The application of nutrient profiles as a criterion would aim to avoid a situation where nutrition or health claims mask the overall nutritional status of a food product, which could mislead consumers when trying to make healthy choices in the context of a balanced diet.*

We question the rightfulness of the evaluation and the fitness check. Setting nutrient profiles is an essential element of the Claims regulation and the Roadmap does not present evidence or reasons for questioning the need for establishing these nutrient profiles.

The European Commission (EC) has failed in its duty to establish these profiles. The Roadmap claims that *'The setting of nutrient profiles has been postponed, due to the complexity of the subsequent discussions in relation to scientific issues and potential economic impacts.'* We note that other bodies, for example the EU Pledge and WHO Regional office for Europe, have been able to develop pan-European nutrient profile models. Instead of engaging in the proposed evaluation, we suggest that the EC proceeds immediately with establishing the long over-due nutrient profiles required by the Claims regulation.

Below, we comment briefly on the five elements suggested for scrutiny by the EC in its Roadmap with regard to nutrient profiles:

### **Effectiveness/Efficiency/Coherence**

We emphasise that putting a claim on a product is a choice made by manufacturers. The Claims regulation does not mandate claims, it merely stipulates the conditions that have to be met if a claim is made.

Currently, nutrition and health claims can be put on any food and non-alcoholic product and, indeed, can be found on potentially millions of such products across the EU.<sup>1,2</sup> The reason why claims are so prevalent is that food manufacturers believe that they are important ways of marketing their products to consumers.<sup>3</sup> One may conclude, therefore, that there is a significant economic interest for food manufacturers in putting health and nutrition claims on their products. It is natural that in order to reap the benefits of using claims manufacturers must accept, as a prerequisite, that claims can only appear on healthier products since, otherwise, the presence of claims may lead consumers to overestimate the healthiness of products bearing such claims – and consequently to overconsume them.<sup>4</sup>

At present, claim-bearing products are, at most, marginally healthier than non claim-bearing products.<sup>5</sup>

Overconsumption of foods that do not have relatively healthy nutrient profiles is a problem in an EU where death from heart disease and stroke (and other cardiovascular disorders) accounts for 40% of all deaths.<sup>6</sup> Particularly so because, according to WHO, 80% of premature deaths from these causes can be avoided by controlling the main risk factors, which include unhealthy diets.<sup>7</sup>

To realise the potential of avoiding 80% of premature deaths from heart disease and stroke and to sustain the fall in death rates from these diseases, policies are needed that help improve dietary patterns and avoid high intakes of nutrients known to be detrimental to cardiovascular health. No single food and nutrition policy measure can achieve further reductions in cardiovascular diseases; a package of policy interventions is needed. Part of the package is ensuring that foods which make health and nutrition claims respect nutrient profiles.

## **Relevance**

The adoption of the EU Regulation on food information to consumers in 2011 (the FIC regulation), which will make a nutrition declaration mandatory in 2016, is immaterial. The adoption of the FIC regulation in no way invalidates either the adoption of the Claims regulation or the condition for claim-bearing products to respect a certain nutrient profile. Food manufacturers have never been able to put nutrition or health claims on their products if these did not contain a nutrition declaration.

---

<sup>1</sup> Kaur A, Scarborough P, Matthews A *et al.* (2015) How many foods in the UK carry health and nutrition claims, and are they healthier than those that do not? *Public Health Nutr* (forthcoming). doi:10.1017/S1368980015002104

<sup>2</sup> <http://www.clymbol.eu/news/news/10-news/41-listen-to-the-new-clymbol-podcast.html>

<sup>3</sup> Roe B, Levy A & Derby B. The impact of health claims on consumer search and product evaluation outcomes: results from FDA experimental data. *J Public Policy Mark* (2009) 18, 89–115

<sup>4</sup> Idem

<sup>5</sup> Kaur A, Scarborough P, Matthews A *et al.* (2015) How many foods in the UK carry health and nutrition claims, and are they healthier than those that do not? *Public Health Nutr* (forthcoming). doi:10.1017/S1368980015002104

<sup>6</sup> Nichols M, Townsend, N, Scarborough P, Luengo-Fernandez R, Real J, Gray A, Rayner M (2012); *European Cardiovascular Disease Statistics 2012*. European Heart Network, Brussels, European Society of Cardiology, Sophia Antipolis - <http://www.ehnheart.org/cvd-statistics.html>

<sup>7</sup> <http://www.euro.who.int/en/health-topics/noncommunicable-diseases/cardiovascular-diseases>

### **EU added value**

The alternative to not having nutrient profiles set at EU level is having up to 28 different national nutrient profile models.