



# Seminar on EU Rules on Food and Nutrition Labelling and Nutrition and Health Claims

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*Overview of rules on claims  
and  
Nutrition Claims*

**Better Training  
For Safer Food  
Initiative**

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# Outline

1. Objectives and scope of Regulation
2. General Principles
3. Procedure for consideration of claims
4. Definitions

# Prior to harmonisation in the EU

- Labelling provisions very broad
- Increasing number of claims-promotional tool
- Absence of criteria for evaluation
- Different interpretation/application by Member States and Food Business Operators (FBOs)
- Problems for the free circulation of goods in the Internal Market

➤ **Request for harmonisation**



## **Nutrition and Health Claims in the EU**

**Regulation (EC) No 1924/2006  
of 20 December 2006 on nutrition and health  
claims made on foods  
(HNC Regulation)**

**Entered into force on 19 January 2007**

**Applicable from 1 July 2007**

**<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02006R1924-20121129&rid=4>**

# Objectives of the Regulation

- To improve the **free movement of goods** within the Internal Market
- To achieve a **high level of consumer protection**
- To increase **legal security** for economic operators
- To ensure **fair competition** in the area of foods

## Scope of the Regulation

- Voluntary claims in labelling, presentation and advertising
- Authorisation or not of claims, not of products
- Food to be delivered as such to the final consumer
- Certain provisions not applicable to non pre-packaged foods. National rules may apply.

# Scope of the Regulation

## **Applies to claims made in commercial communications**

- Generic advertising
- Promotional campaigns

## **Does not apply to claims made in non-commercial communications**

- Dietary guidelines or advice by public authorities
- Information in the press or scientific publications

# Scope of the Regulation

- Trademarks, brand names and fancy names which may be construed as a claim → **if** accompanied by a nutrition or health claim complying with the Regulation (Art. 1.3)
- Generic descriptors → can request exemption e.g. digestive biscuits, tonic water



## Scope of the Regulation

### Categories of foods which may not bear nutrition or health claims

Beverages containing more than 1,2% by volume of alcohol:

- Shall not bear health claims
- Shall bear only nutrition claims referring to low alcohol level or the reduction of the alcohol content or the reduction of the energy content

### Foods not complying with nutrient profiles

# General principles and conditions

## Nutrition and health claims shall not :

- “be false, ambiguous or misleading”
- “give rise to doubt about the safety and/or the nutritional adequacy of other foods”
- “encourage or condone excess consumption of a food”
- “state, suggest or imply that a balanced and varied diet cannot provide appropriate quantities of nutrients in general”
- “exploit fear in the consumer”

# General principles and conditions

## **Nutrition and health claims shall**

- Refer to a beneficial effect (nutritional/physiological)
- Refer to the food ready for consumption in accordance with the manufacturer's instructions
- Be accompanied by nutrition information

## **The nutrient/substance on which the claim is made shall**

- Be present in the final product in a quantity to produce the claimed effect
- Where applicable, be readily available to be used by the body

**Reasonable consumption of the product shall provide a significant quantity of nutrient/substance to produce the claimed effect**

# General principles and conditions

Health claims shall not refer to prevention, treatment or cure of a disease

Health claims shall be accompanied by information on

- Importance of balanced diet / healthy lifestyle
- Quantity of the food / pattern of consumption required to obtain the claimed effect
- Where appropriate, persons who should avoid using the food
- Appropriate warning related to excess consumption of the food

Health claims shall not

- Suggest that health could be affected by not consuming the food
- Make reference to rate or amount of weight loss
- Make reference to recommendations of individual doctors or health professionals

General well-being claims → link to a specific health claim complying with the Regulation

# General principles and conditions

Nutrition and Health claims shall be based on and substantiated by **generally accepted scientific evidence**

- Recital 17 “Scientific substantiation should be the main aspect to be taken into account for the use of nutrition and health claims and the food business operators using claims should justify them. A claim should be scientifically substantiated by taking into account the totality of the available scientific data, and by weighing the evidence”
- Recital 23 “Health claims should only be authorized for use in the Community after a scientific assessment of the highest possible standard”

Health claims shall be **understandable for the average consumer**

# Definitions

**Claim:** *'any message or representation, which is not mandatory under Community or national legislation, including pictorial, graphic or symbolic representation, in any form, which states, suggests or implies that a food has particular characteristics'*

**Nutrition Claim:** *"any claim which states, suggests or implies that a food has particular beneficial nutritional properties..."*

e.g. "High in Vitamin C"

**Health Claim:** *"any claim that states, suggests or implies that a relationship exists between a food category, a food or one of its constituents and health"*

## Related definitions

**Nutrition claim'** means any claim which states, suggests or implies that a food has *particular beneficial nutritional properties* due to:

### **the energy value it**

- provides
- provides at a reduced or increased rate or does not provide and/or

### **the nutrients or other substances it**

- contains
- contains in reduced or increased proportions
- does not contain

## Related definitions

**‘Nutrient’** means protein, carbohydrate, fat, fibre, sodium, vitamins and minerals listed in the Annex to Regulation 1169/2011, and substances which belong to or are components of one of those categories

**‘Other substance’** means a substance other than a nutrient that has a nutritional or physiological effect



# Nutrition Claims

## Original list of permitted claims in Annex of NHC

(24 nutrition claims related to the content of energy, fat, sugar, sodium/salt, fibre, protein, vitamins and minerals and other substances)

## 5 claims added to the Annex Regulation (EC) No 116/2010

(Source of omega-3 fatty acids, high omega-3 fatty acids, high monounsaturated fat, high polyunsaturated fat, high unsaturated fat)

## 1 claim added the Annex Regulation (EC) No 1047/2012

(„No added sodium/salt“)

**Conditions** of use for the claim **Reduced (name of the nutrient)** were **supplemented** with new requirements regarding the nutrition claims „Reduced saturated fat“ and „Reduced sugar“

## Guidance Document on the implementation of Regulation (EC) No 1924/2006

### **Guidance for the use of comparative claims**

(e.g. explanation regarding food category,  
reference product, significant comparison  
etc.)

**Classification** of claims - nutrition claim  
versus health claim (contains probiotic  
fibres/contains lycopene)

## Flexible wording

Any claim considered to have the same meaning for consumers as a nutrition claim included in the list should be subject to the same conditions of use indicated therein (*Recital 21 of NHC Regulation*)

e.g. claims related to the addition of vitamins and minerals such as 'with ...', 'restored ...', 'added ...', or 'enriched ...' should be subject to the conditions set for the claim 'source of ...'

# Approved list of Nutrition Claims

**Nutrition claims shall ONLY BE PERMITTED IF**

- they are **listed in the Annex** and
- **are in conformity with the conditions set out in this Regulation**

# Comparative claims

Specific requirements for nutrition claims  
set by the legislation on  
„comparative claims“

## Comparative claims

- Are a specific type of nutrition claims
- Only permitted if they are listed in the Annex to Regulation (EC) No 1924/2006 as amended further
- Shall compare the composition of the food in question with a range of foods of the same category, which do not have a composition which allows them to bear a claim, including foods of other brands

# Comparative claims

Comparative claims listed in the Annex:

- "increased [name of the nutrient]"
- "reduced [name of the nutrient]"
- "energy reduced"
- "reduced saturated fat"
- "reduced sugars" and "light"

Claims like „super light„ and "as much as" are not included in the Annex, so they are not allowed. Furthermore, claims "as much as" do not indicate the difference in the quantity of a nutrient or the energy value

*(see Guidance Document on the implementation of Regulation (EC) No 1924/2006)*

## Comparative claims

- Comparison may only be made between foods of the same category, taking into consideration a range of foods of that category
- The difference in the quantity of a nutrient and/or the energy value shall be stated and the comparison shall relate to the same quantity of food



# Comparative claims

According to the Guidance Document on the implementation of Reg (EC) 1924/2006

- Products being compared should be foods belonging to a **group of foods that are similar** in terms of their nutritional content (to avoid comparison between milk and butter)
- Certain food groups (e.g. dairy products) are too broad to be considered as food categories. "Milks" or "cheeses" can be considered as "categories"



Thank you for your attention

**B T S F**

*ANY QUESTIONS?*



The contents of this presentation are the views of the author and do not necessarily represent an official position of the European Commission.



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