Nutrition and Health Claims in the EU


  Entered into force on 19 January 2007

  Applicable from 1 July 2007

Scope of the Regulation

- Claims made in commercial communications including:
  - 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
**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” (Art. 2.1)

**Nutrition Claim**: “any claim which states, suggests or implies that a food has particular beneficial nutritional properties…” (Art. 2.4)  
  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” (Art. 2.5)

- **Art. 13**
  - Growth, development, function of the body
  - Psychological, behavioural functions
  - Slimming/weight control, hunger, satiety, reduction of available energy  
    e.g. "Vitamin C contributes to the normal function of the immune system"

- **Art. 14**
  - Reduction of disease risk claims  
    e.g. "Plant stanol esters have been shown to reduce blood cholesterol. Blood cholesterol is a risk factor in the development of coronary heart disease"  
  - Claims referring to children’s growth and development  
    e.g. "Calcium is needed for normal growth and development of bone in children"
General principles and conditions

- **Nutrition and health claims shall not (Art. 3):**
  - “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 (Art. 5)
- Refer to a beneficial nutritional/physiological effect
- Refer to the food ready for consumption in accordance with the manufacturer’s instructions
- Be accompanied by nutrition information (Art. 7)

The nutrient/substance on which the claim is made shall (Art. 5)
- 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 (Art. 5)
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 (Art. 10)
- 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 (Art. 12)
- 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 (Art. 10.3)
Nutrition and Health claims shall be based on and substantiated by **generally accepted scientific evidence** (Art. 6.1)

- 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**
Procedure for adoption/rejection of claims

- Submission of a request to authorise a claim to a Member State
- Scientific assessment by European Food Safety Authority (EFSA)
- Preparation of legal act by European Commission
- Vote in Committee (Member States representatives)
- Scrutiny of European Parliament and Council
- Adoption by European Commission
Use of permitted claims

For all claims:

• Only authorised claims may be made
• If in compliance, all operators may use authorised claims, subject to principles and conditions:
  • Limited flexibility allowed for wording
  • Compliance with specific conditions of use AND
  • Compliance with other general principles and conditions

• Subject to compliance with nutrient profiles (not yet adopted)

Possibility to protect data for 5 years
Claims, where do we stand today?

- **30 permitted nutrition claims**
- **259* permitted health claims**
- **2015 non-authorised health claims**
- **2162 health claims under consideration**

EU Register
http://ec.europa.eu/nuhclaims

- Interactive database

- Useful additional information for operators and consumers such as:
  
  • List of permitted claims with wording, condition of use, restrictions
  
  • List of non-authorised claims with reasons, such as:
    • Substance not characterised
    • Claimed effect too general to be assessed
    • Claim not substantiated
  
  • List of claims "on hold"
Challenges to the Claims Regulation

Regulatory "shopping"

Since the implementation of the Regulation on nutrition and health claims, products have appeared on the market under different food categories with indications not subject to the Regulation

- Foods for special medical purposes
- Foods for particular nutritional uses
- Medical devices