A Seminar on EU Regulations on Food Labelling

co-funded by the European Union and the National Bureau of Agricultural Commodity and Food Standards

Bangkok

30 April 2013

Session 5: Nutrition Declaration

DMI
Global solutions for local development

NUTRITION & HEALTH CLAIMS

Legislation

Regulation (EC) No. 1924/2006 on nutrition and health claims made on foods

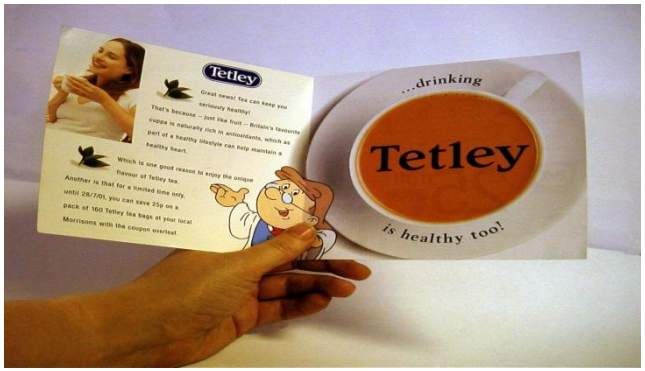
- Applicable from 1 July 2007 with various transition periods for compliance
- Permitted nutrition claims (applicable since 19 Jan 2010)
- Framework for establishing lists of permitted health claims

SCOPE - All Commercial Communications

Trade Marks

Branded Images

Branded websites



Marketing Material

Press Releases

Labels

Catering Establishments

Menus

General Requirements (Article 3)

Nutrition and health claims must 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
  Refer to changes in bodily functions which could give rise to or exploit fear in the consumer

General Conditions

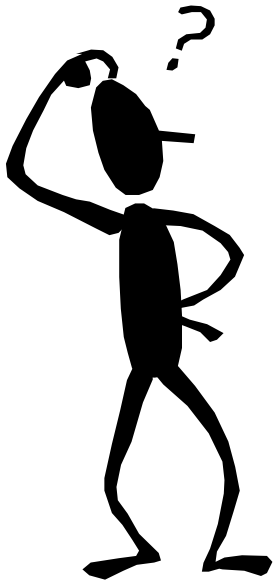
All claims

- Beneficial effect
- Significant quantity*
- Bio-available
- Reasonable amount consumed
- Understood by average consumer
- Claims must be **substantiated by generally accepted scientific evidence**

* This quantity will change for beverages after 13 December 2014 as defined in point 2 of Part A of Annex XIII to Regulation 1169/2011 on Food Information

General Requirements – Consumer Understanding

"Use of nutrition and health claims shall only be permitted if the average consumer can be expected to understand the beneficial effects as expressed in the claim"



Nutrient Profiles

- Regulation requires the Commission to establish **nutrient profiles** for foods in general, or certain categories of foods, bearing nutrition or health claims

- Foods high in **saturated fat, sugar** and **sodium** might not be able to carry nutrition or health claims

- Draft EC Regulation circulated for consultation within Commission services – Feb (& unofficial draft 17 March 2009)

- Nutrient profiles have not yet been completed and discussions are continuing

- Once introduced – **2 years** to comply

Nutrient Profiles – Exemptions

Exceptions only for certain Nutrition Claims:

a) '**Reduced**' claims (for fat, saturates, trans fatty acids, sugars and salt/ sodium)

b) Nutrition claims where:

i. a **single nutrient** exceeds the profile

ii. "**High [x] content**" appears close to, on same side and with same prominence as claim

Nutrient Profiles – Exemptions

Exception where single nutrient exceeds profile

“Source of Vitamins C & E …”

+ “High Sugar Content”

Draft Nutrient Profiles: Exempt Foods

- Fruits, vegetables, and their products, except vegetable oils, presented fresh, frozen, dried, or under any other form providing no added sugars, salt or fat
- Honey
- Food Supplements
- Table top sweeteners
- PARNUTS foods – infant formulae, baby foods, weight loss foods, FSMP

Commission working document, 13th Feb 2009

Nutrition Claim

Means any claim which states, **suggests** or **implies** that a food has particular nutrition properties due to the:

- Energy (calorific value) it
  - provides
  - provides at a reduced or increased rate, or
  - does not provide
- And/or due to the nutrients or other substances it
  - contains
  - contains in reduced or increased proportions, or
  - does not contain

Excludes references to nutrients where required by law

Permitted Nutrition Claims

- Low energy
- Energy-reduced
- Energy-free
- Low fat
- Fat-free
- Low saturated fat
- Saturated fat-free
- Low sugars
- Sugars-free
- With no added sugars
- Low sodium/salt
- Very low sodium/salt
- Sodium-free/Salt-free
- Source of fibre
- High fibre
- Source of protein
- High protein
- Source of vitamin(s)/ mineral(s) X
- High vitamin(s)/ mineral(s) X
- Contains [name of nutrient]/ other substance
- Increased (name of nutrient)
- Reduced (name of nutrient)
- Light/lite
- Naturally/Natural
- Source of omega-3 fatty acids
- High omega-3 fatty acids
- High monounsaturated fat
- High polyunsaturated fat
- High unsaturated fat

Nutrition Claims

ENERGY

Claim	Condition
Low Energy	Max 40 kcal/100g or 20 kcal/100ml
Energy-reduced	Min. 30% reduction
Energy-free	Max 4 kcal/100ml

Nutrition Claims

FAT

Claim	Condition
Low fat*	Max 3g/100g or 1.5g/100ml
Fat-free	Max 0.5g/100g or 100ml
Low saturated fat**	Max 1.5g/100g solids or 0.75g/100ml
Saturated fat-free	Max 0.1g/100g or 100ml

* 1.8g of fat per 100ml for semi-skimmed milk

** Also must not provide more than 10% of energy

Nutrition Claims

“X% Fat Free”

NOW PROHIBITED

BY LAW!

60% Fat Free Salad Cream

Nutrition Claims

“only 5% fat”

Nutrition Claims

Claim	Condition
Source of Omega-3 fatty acids:	minimum 0.3g ALA per 100g and per 100kcal, **or** minimum 40mg of the sum EPA and DHA per 100g and per 100kcal
High in Omega-3 fatty acids:	minimum 0.6g ALA per 100g and per 100kcal, **or** minimum 80mg of the sum EPA and DHA acid per 100g and per 100kcal.

Nutrition Claims

High mono unsaturated fat

at least 45% of the fatty acids present in the product derive from **monounsaturated fat** under the condition that monounsaturated fat provides **more than 20% of energy** of the product.

High poly unsaturated fat

at least 45% of the fatty acids present in the product derive from **polyunsaturated fat** under the condition that polyunsaturated fat provides **more than 20% of energy** of the product.

High unsaturated fat

amount of **unsaturated fat is 70% of the total fat content** in the product under the condition that unsaturated fat provides **more than 20% of energy** of the product.

Nutrition Claims

SUGAR

Claim	Condition
Low sugars	Max 5g/100g or 2.5g/100ml
Sugars-free	Max 0.5g/100g or 100ml
With no added sugars	No added mono- or disaccharides or any other food used for its sweetening properties*

* If sugars are naturally present in the food, “CONTAINS NATURALLY OCCURRING SUGARS” should also appear on the label

Nutrition Claims

Label should also state: "CONTAINS NATURALLY OCCURRING SUGARS"

Nutrition Claims

SALT/ SODIUM

Claim	Condition
Low sodium/salt	Max 0,12g sodium/100g or 100ml
Very low sodium/salt	Max 0,04g sodium/100g or 100ml
Sodium/salt-free	Max 0,005g sodium/100g
No added sodium/salt*	Max 0.12g sodium per 100g or 100ml (or salt equivalent figure)

** Regulation (EU) No. 1047/2012 of 8 November 2012*

Nutrition Claims

FIBRE

Claim	Condition
Source of fibre	Min 3g/100g **or** 1.5g/100kcal
High fibre	Min 6g/100g **or** 3g/100kcal

Nutrition Claims

PROTEIN

Claim	Condition
Source of Protein	Min 12% of energy value
High Protein	Min 20% of energy value

Nutrition Claims

VITAMINS AND MINERALS

Claim	Condition
Source of Vitamin(s) X and/or Mineral(s) Y	a significant amount as defined in 90/496/EEC* (nutrition labelling Directive)
Contains/ Enriched/Fortified in Vitamin(s) X and/or Mineral(s) Y	Same conditions as *'source of'*
High in Vitamin(s) X and/or Mineral(s) Y	Twice the value of *'source of vitamin(s) / mineral(s)'*

*This quantity will change for beverages after 13 December 2014 as defined in point 2 of Part A of Annex XIII to Regulation 1169/2011 on Food Information

Comparative Claims

Claim	Condition
"Increased X"	At least 30% increase Product meets criteria for "source of…"
"Reduced X"	At least 30% reduction (c.f. similar product) Except Na/salt at least 25% reduction, micronutrients 10%.
"Light/Lite"	Same conditions as for "reduced" Indicate characteristic that makes the food light/lite

Comparative Claims

- Must only be made between foods within the same food category, comparing the product in question with a range of foods that cannot bear the claim
- Must relate to the same quantity of food
- A comparative claim is a **nutrition claim** and must be listed in the **Annex**, i.e. **reduced/increased/light**….
- **NOT** equivalence, e.g. as much X as…..

Labelling for Comparative Claims

- The difference in the quantity of a nutrient and/or the energy value must be stated (Article 9)

- For comparative claims it is necessary that the products being compared be clearly identified to the final consumer (Recital 21)

Nutrition Claims

‘CONTAINS’ (name of nutrient or other substance)
[*for which specific conditions are not laid down*]

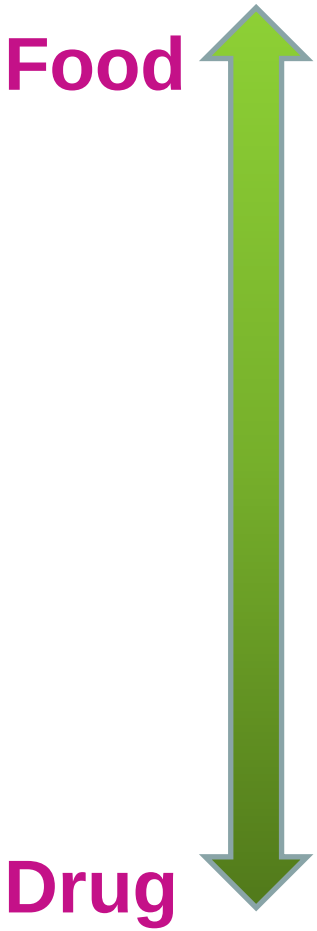
- May only be used where it complies with the general principles:
- Must not be false or misleading
- Beneficial effect
- Significant quantity
- Bio-available
- Reasonable amount consumed
- Understood by average consumer, etc.

Significant Amounts

- Until 13 December 2014, significant amount set in Directive 90/496/EEC on nutrition labelling 15% RDA

- After 13 December 2014, significant amount set in Regulation 1169/2011 on Food Information
  - 15% of the Nutrient Reference Value (NRV) per 100 g or 100 ml of food;
  - 7.5% of the NRV per 100 ml of beverage; or
  - 15% of the NRV per portion if the package contains only a single portion.

Health Claims



Nutrition Claims

low fat; high in...; source of…

Well-accepted Claims

Based on generally accepted scientific evidence, understood by consumer

Innovative Claims

Claims based on new scientific data, individually accepted, protected

Risk Reduction and Children

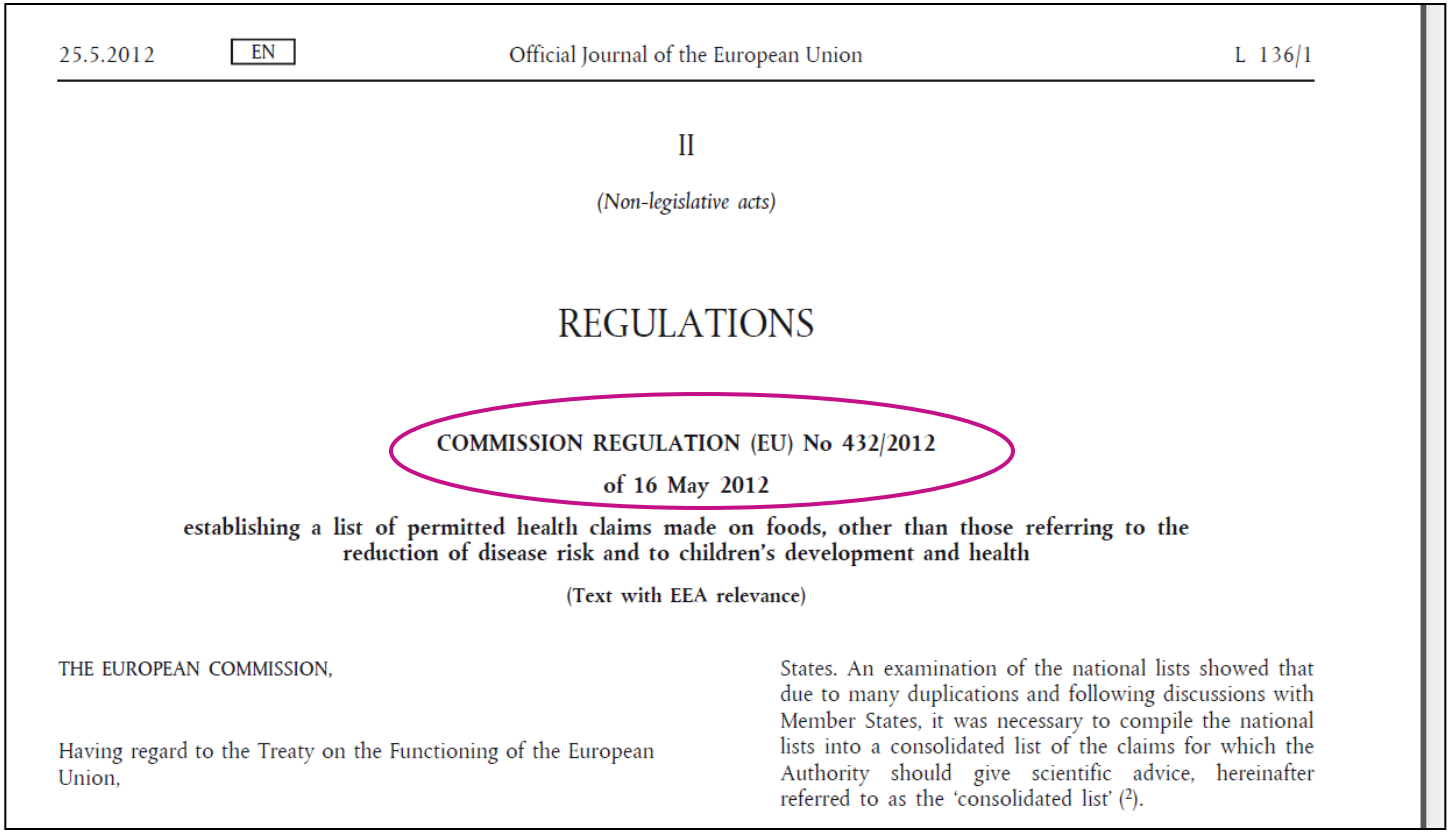
Scientific proof, individually accepted, protected

Medicinal Claim

Healing and alleviation of diseases

Article 13.1 Health Claims – Progress

222 authorised health claims finally published 25 May 2012



25.5.2012 EN Official Journal of the European Union L 136/1

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 432/2012

of 16 May 2012

establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health

(Text with EEA relevance)

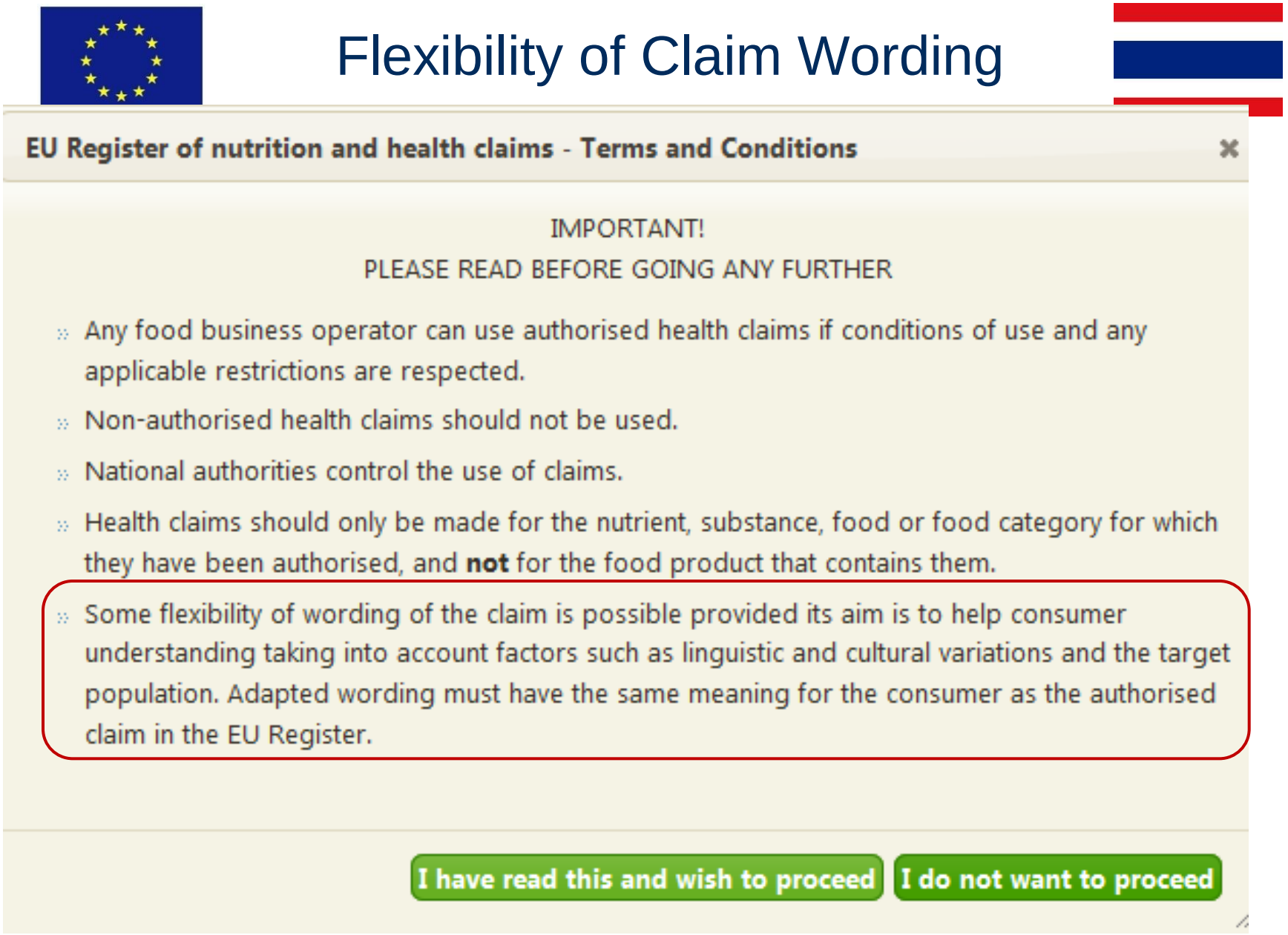
THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

States. An examination of the national lists showed that due to many duplications and following discussions with Member States, it was necessary to compile the national lists into a consolidated list of the claims for which the Authority should give scientific advice, hereinafter referred to as the 'consolidated list' (2).

World's healthiest airline meal!

Flexibility of Claim Wording



Flexibility of Claim Wording

Article 10.3 : Reference to general, non-specific benefits of the nutrient or food for overall good health or health-related well-being may only be made if accompanied by a specific health claim included in the lists provided for in Article 13 or 14.

Example – Energy Release

Approved Health Claim wording:

“Biotin contributes to normal energy-yielding metabolism”

THANK YOU

Thank you for listening

Any Questions ?

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