Nutrition and Health Claims Update

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Ireland – the Food Island

No National Rules against FALSE CLAIMS

“Oats contain fibre”

“Calcium builds strong bones”

“Fibre for healthy digestion”

“Oil is good for a healthy heart”

Food Safety Authority of Ireland
EU – a common market

Applies to all foods

Applies to claims on labelling/presentation/advertising

Regulation 1924/2006
What is a claim?

• Any message or representation that suggests a food has particular characteristics

• Pictures/Graphics/Symbols
Nutrition claim vs health claim

- **Nutrition Claims**

  ... food has beneficial properties due to energy/nutrients:

  Contains / Doesn’t contain/ Contains ↑ or ↓

- **Health Claims**

  ....relationship between food/food constituent and health
Health Claims

- Reduction of disease risk (Article 14)
- Children’s development and health (Article 14)
- General (Article 13.5)
- General (Article 13)
General Principles & Conditions
Nutrition and health claims shall...

• Comply with conditions of use
• Understood by the consumer
• Present/absent in an effective amount

• Not be false/misleading
• Not suggest...prevent/cure/treat disease

• Not imply a balanced diet is inadequate
• Not refer to rate/amount of weight loss
Nutrition claims
# Nutrition Claims

Annex to Regulation 1924/2006 *(pages 8 & 9)*

<table>
<thead>
<tr>
<th>Nutrition Claim</th>
<th>Condition of Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low fat</td>
<td>product contains <strong>no more than</strong> -</td>
</tr>
<tr>
<td></td>
<td>3g of fat per 100g for solids or</td>
</tr>
<tr>
<td></td>
<td>1.5g of fat per 100ml for liquids</td>
</tr>
<tr>
<td></td>
<td><em>(1.8g of fat per 100ml for semi-skimmed milk)</em></td>
</tr>
<tr>
<td>Energy-free</td>
<td>product does not contain more than – 4kcal (17kJ)/100 ml.</td>
</tr>
<tr>
<td></td>
<td>*For table-top sweeteners the limit of 0.4kcal (1.7kJ)/portion, with equivalent</td>
</tr>
<tr>
<td></td>
<td>sweetening properties to 6g of sucrose (approximately 1 teaspoon of sucrose),</td>
</tr>
<tr>
<td></td>
<td>applies.*</td>
</tr>
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<td><em>(1.8g of fat per 100ml for semi-skimmed milk)</em></td>
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</table>
2 New Nutrition Claims (Reg 1047/2012)

- **NEW!** ‘No added sodium/salt’ – if no more than 0.12g Sodium/0.3g salt

- **CHANGE!** ‘Reduced [Nutrient]’
  
  ‘Reduced [nutrient] – at least 30% difference
  ‘Reduced [micronutrient]’ – 10% difference in reference values
  ‘Reduced [Sodium/salt] – 25% difference
Now with ‘Reduced saturated fat’!
Only if....
  \[ \text{Sat fat} + \text{trans fat} \text{ is 30\% less than sat fat} + \text{trans fat} \text{ in similar product} \]

AND... if trans fat is = or < similar product

Now with ‘Reduced sugars’!
Only if....
  \[ \text{energy} = \text{or } < \text{ energy in similar product} \]
Vitamin and mineral nutrition claims (Pg 11)

- ‘Contains’/‘source’ * $\geq 15\%$ RDA per 100g/100ml

- ‘High’/‘rich’ $\geq 30\%$ RDA per 100g/100ml

<table>
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</thead>
<tbody>
<tr>
<td></td>
<td>RDA</td>
<td>Claims that are a “Source of”</td>
</tr>
<tr>
<td>Vitamin A</td>
<td>800µg</td>
<td>120µg</td>
</tr>
<tr>
<td>Vitamin D</td>
<td>5µg</td>
<td>0.75µg</td>
</tr>
<tr>
<td>Vitamin E</td>
<td>12mg</td>
<td>1.8mg</td>
</tr>
</tbody>
</table>

* ....‘added’... ‘with’ ....‘restored’...
Making nutrition claims

• Protein **source**.... ≥ 12% energy as protein

• **Rich** in Protein... ≥ 20% energy as protein

• Eggs: 30% energy = protein

Rich in protein!
Claims based on % energy (pg 10)

“source of protein”
“high protein”
“high monounsaturated fat”
“high polyunsaturated fat”
“high unsaturated fat”

Minimum % energy
Nutrition claims and energy conversion factors

The calculation below uses the protein conversion factor of 4 kcal/g to determine the amount of the energy from protein in the product.

\[
\% \text{ energy from protein} = \frac{\text{Grams of protein per 100g of product} \times \text{Conversion factor for protein}}{\text{Total Energy per 100g}} \times 100
\]

\[
\frac{13 \times 4 \times 100}{268} = 19.4\% \quad \text{is the amount of energy from protein. Therefore the claim ‘source of’ protein can be used for this product.}
\]
Comparative claims (Art 9 Reg 1924/2006)

- composition of a food vs. a range of foods in same category

‘Increased [name of nutrient]’

‘Reduced [name of nutrient]’

‘Energy-reduced’

‘Light/Lite’
EU Claims Process...

Health Claims

Opinion

E.U. Commission + MS

Discuss & vote

E.U. Parliament

Scrutiny-3mths

Law
Role of FSAI in working groups?

• Wording and Consumer Understanding
• Conditions of Use
• Development of Guidance
• Enforcement
• Public Health
Legal status of health claims in Europe

Disease Risk Reduction **Art 14a**
- 7 Approved and **15 Rejected**

Children’s Development **…Art 14b**
- 11 Approved and **36 Rejected**

Health Claims **Art 13.5**
- 1 approved and **26 Rejected**
Legal status of Art 13 claims

 ✓ 222 Approved (Reg.432/2012)

 X 1700 Rejected

Remainder ‘on hold’ – await assessment

Permitted claims: Authorised & ‘on hold’
## ANNEX

<table>
<thead>
<tr>
<th>Nutrient, substance, food or food category</th>
<th>Claim</th>
<th>Conditions of use of the claim</th>
<th>Conditions and/or restrictions of use of the food and/or additional statement or warning</th>
<th>EFSA Journal number</th>
<th>Relevant entry number in the Consolidated List submitted to EFSA for its assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activated charcoal</td>
<td>Activated charcoal contributes to reducing excessive flatulence after eating</td>
<td>The claim may be used only for food which contains 1 g of activated charcoal per quantified portion. In order to bear the claim information shall be given to the consumer that the beneficial effect is obtained with 1 g which should be taken at least 30 minutes before and 1 g shortly after the meal.</td>
<td></td>
<td>2011;9(4):2049</td>
<td>1938</td>
</tr>
<tr>
<td>Alpha-linolenic acid (ALA)</td>
<td>ALA contributes to the maintenance of normal blood cholesterol levels</td>
<td>The claim may be used only for food which is at least a source of ALA as referred to in the claim SOURCE OF OMEGA-3 FATTY ACIDS as listed in the Annex to Regulation (EC) No 1924/2006. Information shall be given to the consumer that the beneficial effect is obtained with a daily intake of 2 g of ALA.</td>
<td></td>
<td>2009; 7(9):1252</td>
<td>493, 568</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2011;9(6):2203</td>
<td></td>
</tr>
</tbody>
</table>
EU Register of claims

EU Register on nutrition and health claims

The search tool only allows searches for health claims, and not nutrition claims.

You can also download the complete dataset of nutrition and health claims in the following formats:

Search the register

Claim status: [ ] All

Type of claim: [ ] All

EFSA Opinion reference: [ ] All

Legislation:

Search:

Clear filters  search
FSAI Website

Nutrition & Health Claims | Science & Health | The Food Safety Authority of Ireland - Microsoft Internet Explorer provided by F

You are here: Home / Science and Health / Nutrition and Health Claims / Nutrition & Health Claims

Nutrition & Health Claims

If you are making a nutrition or health claim about your product you must comply with Regulation 1924/2006 on nutrition and health claims made on foods. A list of approved health claims and conditions for their use, rejected health claims, and permitted nutrition claims have been published by the European Commission and are listed in the Community Register (see Important Information for Food Business Operators below). Health claims not appearing on the authorised list can no longer be used after 14th December 2012. There are some exceptions to this. Please see the European Commission website for more information.

Important Information for Food Business Operators on Health Claims which now have Legal Status

The FSAI have devised these tables to help simplify the labelling rules and conditions applying to...
FSAI website
## FSAI spreadsheets

### Permitted EU Claims Article 14 (1) b: Children’s Development and Health

<table>
<thead>
<tr>
<th>Product Claim</th>
<th>Nutrient, Substance or Food Category</th>
<th>Company Name</th>
<th>EFSA Opinion Reference</th>
<th>Legal Status: Permitted</th>
<th>Placed on market</th>
<th>Conditions of use of the claim</th>
<th>Legal Labelling Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phosphorus is needed for the normal growth and development of bone in children</td>
<td>Phosphorus</td>
<td>Danone SA, Spain</td>
<td>Q-2008-217</td>
<td>Permitted (1024/2009)</td>
<td>19th November 2009</td>
<td>The claim can be used only for food which is at least a source of Phosphorous as referred to in the claim. SOURCE OF (NAME OF VITAMIN/S) AND/OR (NAME OF MINERAL/S) as listed in the Annex to Regulation (EC) No 1924/2006.</td>
<td></td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Therefore 105mg Phosphorus must be present in 100g or 100ml of this food.</td>
<td>Shall include 4 statements (Reg 1924/2006) indicating:</td>
</tr>
<tr>
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<td></td>
<td>(1) the importance of a varied and balanced diet and a healthy lifestyle.</td>
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<td></td>
<td>(2) the quantity of the food and pattern of consumption required to obtain the claimed beneficial effect</td>
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<td></td>
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<td></td>
<td>(3) where appropriate, a statement addressed to persons who should avoid using the food.</td>
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<td></td>
<td></td>
<td></td>
<td>(4) an appropriate warning for products that are likely to present a health risk if consumed to excess.</td>
<td></td>
</tr>
</tbody>
</table>
The FSAI website also provides the time frame for removal from the market of rejected claims.

### Rejected EU Claims Article 14 (1) b: Children’s Development and Health

<table>
<thead>
<tr>
<th>Product Claim</th>
<th>Nutrient, Substance or Food Category</th>
<th>Company Name</th>
<th>EFSA Opinion Reference</th>
<th>Legal Status: Rejected</th>
<th>Date taken off Market</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aids minor intestinal ailments (as colic, constipation, digestive symptoms)</td>
<td>Follow-on formulae with a fixed combination of short-chain galacto-oligosaccharides, acidified milk, nucleotides and beta palmitate</td>
<td>Plada Industriale Srl ; italy</td>
<td>C-2008-270</td>
<td>Rejected (1167/2009)</td>
<td>21st June 2010</td>
</tr>
</tbody>
</table>
Issues:

Nutrient profiles: Foods bearing claims *shouldn’t* be inherently ‘unhealthy’

Maximum levels of nutrients
Issues: Wording

Some flexibility possible – aid understanding (linguistic, cultural issues)

Adapted wording must have same meaning

Advise to stay close to authorised wording

‘X contributes to normal functioning of immune system’

vs.

‘X optimises the immune system’
....Wording

Claim based on nutrient/substance in the product, NOT product itself

‘Vit C contributes to the normal function of the immune system’

Vs.

Murphys-C™ contributes to the normal function of the immune system

Food Business must justify wording