

Functional Foods: Highlights from the European Health Claim Forum 2003

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Decisive steps towards an unified European health claims legislation applicable to functional foods have just taken place. On July 17th, 2003, the EU Commission released a formal proposal for EU regulation on "Nutrition & Health claims made on foods" - COM(2003)424.

This proposal and its implications to the food industry were the topic of update and intense discussion between international experts at the 3rd European Health Claims Forum 2003, organized by Leatherhead Food International together with the Swedish Nutrition Foundation, in Amsterdam last September 18-19th.

The 'hotness' of the topic brought together a wide range of invited speakers: the CIAA (European umbrella association of national food industry associations); BEUC, the European Consumers' Association; JHCI, the UK Joint Health Claims Initiative; the chairman of the PASSCLAIM, the EC concerted action on scientific substantiation of health claims; the UK Food Standard Agency (with a study on consumer perception of health claims); leading functional food ingredients and manufacturing industries; as well as several health foods, supplements and medicine company associations. In the absence of a European Commission speaker, the Brussels-based European Advisory Service presented on the latest text of the proposed legislation and gave some preliminary views on the expected attitudes of the European Parliament and the Council of Ministers. To complete the global picture, the health claim situation in other parts of the world was also overviewed (Japan, America, Canada, Middle East, several Asiatic and Latin American countries).

Main issues discussed in this European health claims forum are summarised below. Details are outside the scope of this article; a specialist legislative advisor should be consulted if needed.

The formal proposal for European legislation presents an important advantage, but comes with some surprises and shocks. If passed as legislation (and experts expect that most of this proposal will make it to legislation), health claims will be allowed in all EU countries (authorisation required, of course!), but major changes and adaptation in the present health foods market will be necessary. As expected, companies will have to provide scientific substantiation for their products' health claim and the wording of the claim will be scrutinised, but there are other issues on the communication side: submission of the claim in all EU languages and 'implied' communication of health benefits.

From the several controversies that this proposal brings up, two must be particularly highlighted: (1) the various health claim prohibitions (non-specific benefits for overall good health or well-being; psychological and behavioural function claims; references to slimming or weight control or hunger reduction; references to health professionals, associations or charities) and (2) the fact that certain foods can not hold health claims (i.e., the overall 'nutritional profile' of the product with regards to the total amount of fat, sugar and sodium must be taken into consideration before making a health claim).

The procedure requires that this proposal is passed by several European bodies (such as the European Parliament and the Council). The implementation of the final regulation is expected at its earliest by January 2005, and will be of retroactive character (i.e., applicable to products already in the market).

If your company is using or planning to use health claims, it may be advisable to check on the present legislative developments. Note that health products are under the loupe of the EU Commission. There are several proposals for legislation on the pipeline, which will regulate many products beyond functional foods, for example: herbal products, food supplements, sports nutrition products as well as (a revision for) fortified foods.

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