

Frequently Asked Questions about Nutrient Profiles and Health Claims

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"Strengthens the immune system", "Improves performance", "Rich in vitamin C" – these are just some of the claims which consumers can read more and more frequently on foods. From 1 July 2007 the statutory provisions governing the use of claims of this nature will change. That is the date on which the EU Regulation on nutrition and health claims made on foods enters into force. Article 4 of this Regulation stipulates that food manufacturers may only use these claims if they are included in a positive list of the EU and if the food corresponds to a specific nutrient profile. This will lead to changes for consumers, too. They should, therefore, know what the new statutory provisions mean. BfR has compiled some frequently asked questions on nutrition claims, health claims and nutrient profiles.

What are nutrition claims?

Nutrition claims indicate which nutrients or ingredients are present in a food at elevated or reduced levels or are even not present at all thereby increasing the value of the food in a diet. Some examples are "rich in vitamins", "low in fat", "contains no sugar".

What are health claims?

Health claims are details on food packaging or labels normally for advertising purposes. They highlight links between a food or one of its ingredients and health. Already now there are claims on foods like "reinforces the body's natural defences". In future, manufacturers may only use health claims if they are included in a positive list of the EU and the food corresponds to a specific nutrient profile. Two kinds of health claims are included in this list: firstly, claims about the physiological function of a nutrient for instance "Calcium is important for healthy bones". Secondly, in future there will also be claims which refer to reducing the risk of disease like "Adequate calcium intake can help reduce the risk of osteoporosis". The European Commission is the competent body for the approval of health claims.

What are nutrient profiles?

Nutrient profiles are requirements which have to be met by a food. According to them, a certain level of nutrients in a food may not be exceeded or undercut if this food is to bear a nutrition or health claim. The objective of nutrient profiles is to prevent "unhealthy" foods being advertised with claims of this kind thereby creating the impression that they are more nutritious than they actually are. Nutrient profiles are oriented towards scientific findings on the links between diet and health and are laid down by the European Commission.

What is the goal of the new legislation?

Up to now EU Member States have had differing provisions on the use of health claims. The new regulation aims to harmonise them. The EU positive list will ensure that the same standards are applied in all Member States. In future, food manufacturers will only be allowed to use nutrition and health claims throughout the EU if they have been scientifically proven. This is the only way of preventing consumers from being misled and enabling them to take independent decisions about a healthy and balanced diet.

What role does BfR play in the new statutory provisions?

In this context BfR mainly has two tasks:

It has been asked by the Federal Ministry of Food, Agriculture and Consumer Protection (BMELV) to draw up a scientific concept for the elaboration of nutrient profiles. BfR experts,

together with external experts, have been working on this over the past two years. The concept was presented to the public at large at a consumer forum.

Furthermore, the Institute is involved in assessing health claims. This does not concern those claims about reducing the risk of diseases and claims referring to children's health and development. They will be assessed by the EFSA. In Germany food manufacturers must submit their proposals for health claims (also with exception of the above-named) they wish to use to the Federal Office of Consumer Protection and Food Safety (BVL). BVL passes on the proposals for scientific examination to BfR. Once the assessment has been concluded, they go back to BVL. It draws up a national list of proposals for these claims which are submitted to BMELV and then passed on to the European Commission. Before the European Commission draws up a positive list based on the lists of the Member States, it in turn submits proposals to the European Food Safety Authority (EFSA) for scientific examination.

In the opinion of BfR what pre-conditions should nutrient profiles comply with?

The goal of nutrient profiles is to protect consumers from misleading advertising. They should ensure that foods with claims of positive health effects do not, at the same time, contain any nutrients that are linked to chronic disease if consumed excessively.

BfR has set out the pre-conditions that should be met by nutrient profiles in its opinion in a position paper. The Institute believes that nutrient profiles should be developed specifically for individual food categories and not applied across the board to all foods. Unprocessed foods like milk, fruit and vegetables should also be allowed to bear health claims. The aim is to avoid consumers no longer eating these foods and replacing them with processed foods like fruit yoghurt or fortified beverages because they claim to have positive effects on health. "Good" and "bad" nutrients should be weighted differently. For instance sugary sweets should not be sold with the claim "rich in vitamins". On the other hand milk could bear the claim that it is an important source of calcium even if it has a high level of fat at the same time. BfR favours the option of not allowing any health claims for some foods. The BfR position on nutrient profiles is outlined in greater detail in its position paper.

What are the tasks of EFSA in this context?

The European Food Safety Authority (EFSA) has the following three tasks in this area:

It examines the lists of proposals for nutrient function claims of the Member States and draws up a list of claims which are scientifically correct for the European Commission who will then approve them. This applies to health claims on:

- growth, development and functions of the body
- psychological and behavioural functions (like learning ability, ability to concentrate, memory)
- body weight (weight control, weight loss, sense of satiety)

Manufacturers wishing to use health claims about reducing the risk of diseases and claims referring to children's health and development must submit them together with scientific data about their scientific substantiation to EFSA. EFSA examines them and then proposes to the European Commission that the claim be accepted or rejected. Approval, itself, is the responsibility of the European Commission.

EFSA will elaborate proposals for nutrient profiles by 31 January 2008. The European Commission will lay down the nutrient profiles by 19 January 2009.

