



FACTSHEET Nutrition and Health Claims

'Good for your bones'; 'Clever Milk!'; 'Provides energy for the entire day'; 'Reinforces the body's natural defences'; 'Enhance learning ability'... these are some of the claims you can find on food products.

Claims are statements or other marketing techniques (such as the name of the product or brand ('Go ahead' cereal bar for instance)) which are used by food companies to entice consumers to buy their products.

What are health and nutrition claims?

- A health claim refers to the supposed health benefits a food product brings; e.g. 'Good for your bones', 'Good for your heart', 'Reduces cholesterol level'
- A nutrition claim refers to the nutritional composition of a food product, e.g. 'Low in fat', 'High in Fiber'

Why is it important to regulate claims?

Research¹ carried out by BEUC and our members shows that consumers tend to read and trust marketing claims relating to health and nutrition. When presented with two similar products – one with and one without the claim '*rich in calcium*' – three-quarter of interviewees believed that the product with added calcium was 'better' or 'rather better'.

Due to the huge number of exaggerated or unsubstantiated claims that are currently on the market, it is very difficult for consumers to know which ones to trust and ultimately make an informed choice. Too often claims stress only one positive aspect of a product – claiming a low level of sugar, for example, but not mentioning the high levels of salt, or saturated fat.

The purpose of regulating claims is thus to eliminate unsubstantiated and misleading claims and only allow claims that are scientifically proven and that consumers can trust. It also ensures that companies which make scientifically substantiated claims can benefit from their investments.

What does the EU regulation on Nutrition and Health Claims provide?

Health and nutrition claims have been and continue to be used as a major marketing tool by the food industry in order to entice consumers into buying products. In response to the proliferation of food products claiming health and/or nutrition benefits to appeal consumers, an EU regulation² was adopted in 2006 laying down harmonised rules for the use of claims.

Sales of botanical dietary supplements are on the increase among European consumers. However, many bear misleading and unsubstantiated 'health promoting' messages.

Most promise healthy nails or hair, but some take it further by promoting themselves as answers to Alzheimer's³ disease or cancer slowdowns⁴. BEUC sees no good reason why these plant preparations should be excluded from rigorous scientific assessment. EFSA should be evaluating them similarly to all other claims in order that misleading ones can disappear from such preparations sold within the EU.

¹ Research conducted on behalf of BEUC by SPAD on European consumers' perception of foodstuff labelling in 2005 – Can be provided on request to food@beuc.eu

² 1924/2006



What should food labels say about the origin of our food?

1. Health Claims

The regulation provides that health claims will have to comply with 2 conditions:

- The claim needs to be scientifically substantiated and **pre-authorised**;
- The claim should **not mislead** consumers as to its true nutrient nature: if a product is high in saturated fat, sugar or salt according to the thresholds set for [nutrient profiles](#), it cannot bear a health claim.

The European Food Safety Authority (EFSA) is responsible for verifying the scientific substantiation of the claims submitted by applicants, be they currently in use or not. Based on these opinions from EFSA, the European Commission and Member States then decide whether or not to authorise the claims.

- **Positive list:** EFSA has assessed the dossiers submitted by industry and provided their opinions to the European Commission stating whether or not the proposed claim has been substantiated by the applicant. The goal is to establish a positive list of permitted health claims of 'general function' claims (referring to growth, development and the functions of the body and to psychological and behavioural functions). EFSA received over 4,600 health claims for review. They have assessed all applications with the exception of those pertaining to botanicals. Approximately 80% of those reviewed received a negative opinion from EFSA .
- **New function health claims:** claims based on newly developed scientific evidence are assessed individually by EFSA.

2. Nutrition claims

The possibility of carrying a nutrition claim depends on the [nutrient profile](#) of a product. If a product is higher than the thresholds set for one of the three nutrients (saturated fat, salt or sugar), it will be able to carry a nutrition claim, but only if it declared, alongside this claim, which of these nutrients it is high in (e.g. a chocolate snack claim '*source of calcium*' accompanied by disclaimer '*high in sugar*').

What happens next?

The long-awaited EU list of permitted health claims (so-called "Article 13" list) was finally published on 25th May. The list ([EU Register of Nutrition & Health Claims](#)) contains the general function health claims that food manufacturers will be allowed to use on their products in the future in addition to those claims which should no longer be on the market once the list comes into force on 14th December 2012. Meanwhile, discussions will continue on how to deal with botanical claims. Also, EFSA will continue to assess health claims, such as those submitted by individual applicants concerning claims based on children's development or health. In addition to setting up the positive list of health claims, the European Commission still has to come forward with its long-awaited proposal for nutrient profiles which was initially due in January 2009.

³ See ginkgo biloba example [here](#).

⁴ See cat's claw example [here](#) .