

# SAFEGUARDS

SGS CONSUMER TESTING SERVICES

FOOD

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## EU HEALTH CLAIMS REGULATION

In 2006 the Regulation on the use of nutrition and health claims - [Regulation 1924/2006 on nutrition and health claims made on foods](#) – was adopted by the European decision makers. The background of the regulation was the increasing number of foods distributed in Europe that bear a claim with positive effects related to the consumption of the food. The regulation refers to claims that state or suggest that a food has beneficial nutritional properties, such as “low fat”, “no added sugar” and “high in vitamins”. The regulation covers not only the label attached to the food but all advertising and further marketing tools that communicate health benefits resulting from consuming a food.

The aim of the regulation was the EU-wide harmonization of rules for the application of health and nutrition claims on foodstuffs based on so-called nutrient profiles. These nutrient profiles represent nutritional requirements that foods have to meet as an obligatory basis for bearing nutrition and health claims. The main demand of the regulation is that claims made in the labelling and marketing of foods are clear, truthful and supported by scientific evidence.

In order to facilitate the implementation of the regulation by the stakeholders of the food business the European Commission issued two regulations on establishing implementing rules for applications for the authorisation of health claims (No. 353/2008 and 1169/2009).

The European Food Safety Authority EFSA ([www.efsa.europa.eu](http://www.efsa.europa.eu)) received the mandate to provide scientific advice on the vast number of health claims being submitted by the food industry for authorisation. These claims are categorised according to regulation into:

- [General function health claims under Article 13.1 of the EU Regulation](#)
- [New function health claims under Article 13.5 of the EU Regulation](#)
- [Claims regarding disease risk reduction and child development or health under Article 14 of the EU Regulation](#)

The evaluation of the “general function claims” was completed by the end of 2011. Starting from originally about 44,000 claims, 341 opinions providing scientific advice on 2,758 health claims that were drawn from a list of 4,637 claims submitted to EFSA by the European Commission were published. Additionally EFSA works on criteria for setting nutrient profiles ([Criteria for setting nutrient profiles](#)). The purpose of EFSA’s



**Nutrition Facts**  
Serving Size 1/2 cup (39g) dry  
Servings Per Container about 13

Amount Per Serving	Cereal	Cereal with 1/2 cup Skim Milk
<b>Calories</b>	140	190
Calories from Fat	25	30
	% Daily Value**	
<b>Total Fat</b> 3g*	5%	5%
Saturated Fat 0.5g	3%	3%
<b>Cholesterol</b> 0mg	0%	0%
<b>Sodium</b> 0mg	0%	3%
<b>Total Carbohydrate</b> 26g	9%	11%
Dietary Fiber 4g	16%	16%
Soluble Fiber 2g		
Sugars 0g		
<b>Protein</b> 5g		
Vitamin A	0%	6%
Vitamin C	0%	2%
Calcium	10%	15%

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work was and still is to provide the framework and all necessary information on submitted health claims as a basis for the authorisation of health claims by the European Commission and EU Member States. Stakeholders of the food business have been regularly involved in the evaluation process of health claims that have been followed by the Panel on Dietetic Products, Nutrition and Allergies (NDA).

On 25<sup>th</sup> May 2012 the 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 was published in the Official Journal of the European Union. The regulation contains in its annex the first part of the so-called article 13 list of health claims. As expected, the vast majority of accepted claims refers to vitamins, minerals, and trace elements. Food operators have to pay attention to the 14<sup>th</sup> December which is the date when the regulation will be binding and only the claims contained in the article 13 list will be permitted.

Concerning the so-called claims on hold, that is health claims that were rejected in the course of the first application campaign due to several deficiencies concerning the documentary or the scientific data provided, the process is still ongoing. It is currently expected that a proposal for a regulation containing all claims irrespective of whether they were accepted due to a positive EFSA vote or whether they are still pending due to further discussions regarding risk management, e.g., caffeine, will be presented by the end of the year. Therefore part two of the articles 13 list will probably be issued in the middle of 2013, followed by the consultation on part three of the list containing health claims on plant compounds (botanicals).



SGS is committed to keeping you informed of regulatory news and developments. Leveraging our global network of laboratories and food experts, SGS provides a comprehensive range of food safety and quality solutions including analytical testing, audits, inspections, technical support and food label reviews. We continually invest in our world class testing capabilities and state-of-the-art technology to help you reduce risks, and improve food safety and quality. Please contact us for further information.

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