

EUROPEAN COMMISSION MOVES GOALPOSTS ON HEALTH CLAIMS

European-based consumer and natural health industry group, the Alliance for Natural Health (ANH), claims today that the European Commission has moved the 'goalposts' on the procedure that aims to standardise allowed generic health claims on foods in the European Union by 2010. In addition, the ANH claims that the Commission has not met its obligations with regard to sound administration in providing adequate guidance to interested parties making applications for health claims, which are to be evaluated by the European Food Safety Authority (EFSA) over the next two years.

These grave concerns come less than three years after the European Commission was heavily criticised firstly by Advocate-General Geelhoed and then by the European Court of Justice (ECJ) itself in the ANH's case on food supplements in Europe's highest court. The Advocate-General and the ECJ complained about a lack of adequate transparency or guidance over the procedure required to admit sources of vitamins and minerals to the positive list of the Food Supplements Directive in 2005.

The EU Nutrition and Health Claims Regulation, which came into effect Europe wide on 1 July 2007 but is still in a transition phase, aims to ensure consumers are protected from unsubstantiated claims made on food or food supplement packaging or even verbally, while being given sufficient information to allow informed choice. It also harmonises the varying approaches presently allowed by national authorities so offering, it is claimed, conditions of fairer competition for companies trading in Europe's nearly 30 Member States.

On 27th March 2008, the UK national authority, the Food Standards Agency (FSA), held an urgent conference with interested parties, including the ANH, to inform them of new information received by the European Commission on its proposed approach to handling the several thousands of health claims submitted by applicants across Europe. At this meeting, the FSA informed stakeholders that the European Commission would reject any health claims, before forwarding

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them to EFSA for evaluation, that did not rely on human studies as primary substantiating evidence.

Dr Robert Verkerk, Executive & Scientific Director of the ANH, said, *“Guidance from the Commission on how to complete applications for Article 13 health claims was very limited and non-transparent. Now the applications are in, suddenly the Commission seems to have found a way of culling huge numbers of claims. It’s very much another case of Geelhoed’s black box. Moving the goalposts is not acceptable if it’s being done primarily as a means of making the European institutions’ job more manageable”.*

The ANH has today submitted to the FSA, at the FSA’s request, detailed comments on a wide range of problems emanating from the Commission’s newly indicated approach. It includes the fact that the Commission seems to wish to exclude evidence from authoritative bodies such as the World Health Organization.

Meleni Aldridge, Development Manager for the ANH, commented, *“This Regulation is meant to help consumers, not make life for them more confusing. If the Commission’s approach isn’t altered, there’s the real possibility that consumers will be thrown into the dark with the only health claims allowed being those that have become accepted over decades, such as calcium for bone health. This is nonsense, especially given that the main nutritional problems associated with bone health in western countries have recently been shown to be the result of an excess of calcium in the diet and a deficiency of other nutrients, notably magnesium and vitamin D.”*

The ANH has asked the FSA to establish under what legal basis the Commission has been able to now reject health claims applications based on evidence from representative animal or *in vitro* models. Importantly, it may not be ethically acceptable to carry out certain types of study on humans and, ironically, animal studies have, historically, been pivotal to the elucidation of health relationships associated with licensed drugs.

ENDS.

FOR FURTHER INFORMATION

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EDITOR'S NOTES

1. **The Alliance for Natural Health** – www.anhcampaign.org
The Alliance for Natural Health (ANH) is a UK-based, international, non-governmental organisation, founded in 2002, which is working on behalf of consumers, medical doctors, complementary health practitioners and health-product suppliers worldwide, to protect and promote natural healthcare, using the principles of good science and good law.

The ANH's chief objective is to help develop an appropriate legal-scientific framework and environment for the development of sustainable approaches to healthcare, while also helping to promote natural health. Within this setting, consumers and health professionals should be able to make informed choices about a wide range of health options, and in particular those that relate to diet, lifestyle and non-drug-based or natural therapies, so that they may experience their benefits to the full while not exposing themselves to unnecessary risks.

The ANH letter (dated 4 April 2008) to the FSA highlighting concerns over the European Commission's proposed approach can be downloaded from: [xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx](#)

2. **European Commission nutrition and health claims portal -**
<http://europa.eu/scadplus/leg/en/lvb/l21095.htm>
3. **UK Food Standards Agency health claims portal -**
<http://www.food.gov.uk/foodlabelling/ull/claims/>