

EU NUTRITION & HEALTH CLAIMS REGS

“The greatest infringement on freedom of speech on foods - ever?”

Official reference:

Regulation (EC) No 1924/2006, and amending acts

Synonyms:

NHCR, Health Claims Regulation

Challenges for natural health

- A Napoleonic legal framework for health claims that will soon ban all general function claims on commercial foods or food constituents other than those approved by the European Food Safety Authority (EFSA) and published on the ‘Community Register’ (anticipated by 2012)
- Covers claims in all media, including the written and spoken word, websites, pictorial representations and video
- Scientific criteria being used by EFSA to establish causal relationship between consumption and benefit are inappropriate and are leading to a rejection of large numbers of general function (Article 13.1) claims for foods and ingredients known to be beneficial (e.g. botanicals, probiotics)
- Emerging science claims (Article 13.5) are very onerous and in most cases human studies are not available to meet data threshold required by EFSA
- Product specific, disease risk reduction claims (Article 14) are only accessible to the largest corporations with funding capacity for multiple clinical trials (i.e. acts as a ‘passport system for big business’)
- Non-specific claims will be disallowed and, in conjunction with the ban on so many specific health claims, it will make it difficult for the consumer to discern between healthy foods and unhealthy or junk foods

Solutions for natural health

- Use ‘transition measures’ until Community Register of approved Article 13.1 (general function) claims is published and enforced
- Major restructuring of NHCR is required to prevent infringement of freedom of speech and consumer confusion
- Legal action will be required if European institutions not prepared to amend NHCR
- A graded evidence approach should be promoted to help inform consumers