

**ALLIANCE FOR NATURAL HEALTH
PRESS RELEASE**

**ANH PROVIDES IMPORTANT CLARIFICATION ON NUTRITION AND HEALTH CLAIMS
REGULATION**

24 August 2007

The ANH is concerned that comments reportedly attributed to Chris Whitehouse concerning the EU Nutrition and Health Claims Regulation (NHCR) have misinformed retailers and may cause retailers and other suppliers to panic unnecessarily (*Natural Products, Retailers Club Conference Report, July/August 2007*). The ANH fully recognises the massive impact that the Regulation will have on the industry, but it is critical that correct information about the Regulation is provided to those who are likely to be most affected.

Mr Whitehouse is right that the NHCR has come into force on 1 July 2007, but the article makes no mention of all important transition measures under Article 27 of the Regulation, which will prevent immediate impacts of many products carrying health or nutrition claims which are not currently approved under the Regulation.

The Regulation states that foods placed on the market or labelled prior to 1 July 2007 which do not comply with the Regulation “may be marketed until their expiry date, but not later than 31 July 2009”. It should be remembered that it will probably take close on two years for the European Food Safety Authority (EFSA) to evaluate generic health claims (under the provisions of Article 13) which will culminate in a ‘positive list’ of allowed claims. Another important transition measure is that “products bearing trade marks or brand names existing before 1 January 2005 which do not comply with the Regulation may continue to be marketed until 19 January 2022.”

Mr Whitehouse has also incorrectly defined nutrition and health claims.

In an effort to clarify definitions, it must be understood that the Regulation regards a ‘claim’ as any verbal, written or graphic representation “which states, suggests or implies that a food has particular characteristics.” However, a ‘nutrition claim’ applies to any claim which states, suggests or implies that a food has particular beneficial nutritional properties *due to either* its energy content *or* what it contains or does not contain. Typical nutrition claims therefore include low fat, low energy, reduced (name of nutrient), increased (name of nutrient), high protein, source of (name of vitamin or mineral) and contains (name of nutrient or other substance).

In contrast, a ‘health claim’ means any claim that states, suggests or implies that a relationship exists between a food category, a food or one of its constituents *and* health. Thus a ‘contains’ claim can actually be a health claim rather than a nutrition claim if the naming of the substance implies an effect on health. Therefore, ‘contains antioxidants’ would be regarded as a health claim, while ‘contains lycopene’ would be considered a nutrition claim.

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Additionally there will be two categories of health claim, generic ones that relate to particular ingredients in foods or food supplements (e.g. 'calcium helps build strong bones and teeth' or 'folate is necessary for the normal structure of the neural tube in developing embryos'), and disease risk reduction or child health claims (e.g. 'product x lowers blood cholesterol or blood pressure'). These two types of claim will be developed according to the provisions of Articles 13 and 14 respectively. The data requirements for Article 14 disease risk reduction claims, although not finalised absolutely, will almost certainly be very onerous and in our view will act disproportionately given that they will likely end up excluding all but the largest food manufacturers.

END.

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NOTES TO EDITOR

About the Alliance for Natural Health

The Alliance for Natural Health (ANH) is a UK-based, international, non-governmental organisation, founded in 2002, that 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 principal objective is to help develop an appropriate legal-scientific framework and environment for the development of sustainable approaches to healthcare, while 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.

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