

Proposal 1

It is a criminal offence to use an unauthorised nutrition or health claim - for example, one that is not included in the legislation. However, the current enforcement procedure does not align with other food labelling enforcement, which is less bureaucratic, more proportionate, and largely welcomed by businesses and enforcement agencies alike.

An improvement notice regime enables a consistent and low-resource enforcement approach to labelling offences.

Do you agree or disagree to the introduction of an improvement notice regime for nutrition and health claims as an additional step for enforcement authorities in England?

- Agree - YES
- Disagree
- Don't know

Please explain your answer.

The issuance of improvement notices will allow corrective action to resolve issues swiftly and without the need for bringing cases to court which may delay the process.

Do you agree or disagree with allowing a 3 month notice period to bring in improvement notices?

- Agree – YES (with caveats)
- Disagree
- Don't know

Please explain your answer.

As this legislation covers potentially vulnerable groups (infants and babies, dietary management of specific diseases), incorrect and misleading claims could potentially have very serious impacts, including death, and therefore we would want to be assured that there is a risk-based approach to the issuance of improvement notices versus more immediate intervention.

Additionally, for incorrect claims that do not pose a health risk, as printed packaging may remain on the market for 1-2 years, there should be a process in place to ensure that businesses must swiftly rectify/over-sticker the labelling for any new product entering the market to ensure as swift as possible a sell through of affected product.

Proposal 2

Revoking redundant tertiary legislation would allow us to tidy up the UK NLCS statute book, making it simpler to navigate.

Do you agree or disagree with removing redundant tertiary legislation relating to the authorisation of health claims?

- Agree - YES
- Disagree
- Don't know

Please explain your answer.

Impacts and benefits

As these proposals either maintain existing standards or streamline enforcement processes, it is proposed that no new burdens for businesses would be created.

Through these reforms we believe that we will achieve the right balance between safeguarding the public health needs of consumers and the burden on industry through robust and proportionate regulation.

Do you agree or disagree with the impacts that have been identified as resulting from proposals set out within this consultation?

- Agree
- Disagree
- Don't know - YES

Please explain your answer.

This appears to be the case, however as we are not directly operating as a business in the food sector, we cannot say for certain that there are not additional burdens created.

Are you aware of any impacts that have not been identified in this consultation?

- Agree - YES
- Disagree
- Don't know

Please explain your answer.

Please see comments above relating to improvement notices

We would urge Food Standards Agency to ensure that there is sufficient control of claims for food supplements and that there is a clear decision path for operators to define whether these supplements should comply with the nutrition and health claims regulation or whether these should be regulated as pharmaceuticals / drugs. This will avoid unnecessary improvement notices / enforcement action and remove misleading / illegal health claims from these products.

Do you agree or disagree with the benefits these proposals would have which are referred to in the consultation?

- Agree - YES
- Disagree
- Don't know

It is urgent that the health claims assessment process needs reform. UK does not have the resources to mirror the EFSA approval process, hence IFST support reform.

FSA needs to ensure it makes use of industry and NGO expertise when designing the new assessment/approval system.

Effective enforcement of health claims requires sufficient and well-trained enforcement officials, particularly to in the understanding of borderline medicines and to effectively control online sale and claims relating to supplements.