



Nutrition and Regulatory Consultancy

IFST VITAMINS AND MINERALS

24TH APRIL 2018

Regulatory issues/claims and the consumer

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It's official! There are 222 general function approved health claims in the EU; 1500+ rejected

By Shane Starling , 14-Dec-2012

 2 comments



Following EFSA rejection claims related to pre- and probiotics have slumped, but leading brands have reformulated with added vitamins to stay "on message". Many other categories will see future expansion based on vitamin fortification

CURRENT STATUS ON HEALTH CLAIMS

- ▶ <http://ec.europa.eu/nuhclaims/>
- ▶ 172 vitamin or mineral claims approved (April 2018) out of 229 approved general function claims -Art.13.1
- ▶ 7 approved claims for children's development and health -Article 14.1 (b) - Calcium, Calcium and Vitamin D, Iodine, Iron, Phosphorus and Vitamin D
- ▶ 3 disease risk reduction claims -Article 14.1 (a)- Calcium, Calcium and Vitamin D, Folic Acid
- ▶ No claims based on proprietary data/ newly developed scientific evidence
- ▶ REFIT- Evaluation on whether the Regulation on Nutrition and Health claims is fit for purpose and whether nutrient profiles are needed- outcomes of this EC's rolling programme yet to be seen

| Authorised Claim | Potential Flexed Claim |
|--|--|
| Iron contributes to the reduction of tiredness and fatigue | “with iron to help reduce tiredness and fatigue” |
| Vitamin B6 contributes to the reduction of tiredness and fatigue | “...while the vitamin B6 helps to reduce tiredness and fatigue” |
| Calcium is needed for normal growth and development of bone in children | “ provides calcium for ” |

GENERAL HEALTH CLAIMS

A **general health claim (Article 10 NHCR, Section 15.2 CAP Code)** is a reference to a general benefit of a nutrient or food for overall good health or health-related well being (e.g. 'healthy' 'good for you' nutritious) BUT context is key

- ▶ **MUST** be accompanied by an appropriate (relevant) specific authorised health claim from the EU register which
- ▶ **MUST** appear next to or following the general health claim
- ▶ Using an authorised claim in a 'vague'/'more general' way does not necessarily mean it's a general health claim, rather than a specific one.

PROTEIN WORLD

ASA ADJUDICATION- UPHELD 21ST MARCH 2018

- ▶ Tweet from TV personality Holly Hagan: holding a burger and a jar of “Carb Blocker” - “Always take my @ProteinWorld Carb Blockers before a Cheat meal, contain natural ingredients and **stop any unused sugars being used as fat**”
- ▶ Instagram post: “Take 2 carb blockers 30 mins before a high carb meal to **stop unused sugars being stored as fat in the body!** Also included image of a model holding a burger and chips alongside a jar of Carb Blockers
- ▶ **Claims and Brand name viewed as health claims**
 - ▶ The capsules contained chromium but no evidence provided to show product contained sufficient chromium to make either of the 2 authorised health claims for chromium
 - ▶ Advertising claims did not have the same meaning as authorised claims
 - ▶ Brand name ‘Carb Blocker’ breached the Code as not accompanied by a relevant authorised health claim in the ad
 - ▶ **Must not use ‘Carb Blocker’ and ‘stop any unused sugars being used as fat’**



ISSUE: Claims and Brand name not supported by specific authorised health claims

Unauthorised health claims still on website=> ASA lists as non-compliant advertiser



**“Superfoods”
ASA Adjudication upheld
June 2014**

**ISSUE: Specific health claims
not presented as accompanying
general health claims**

Protein + Calcium + Fibre

Based on a 25g serving. Calcium helps maintain normal bones.
2g/day of ALA contributes to the maintenance of normal blood cholesterol levels.

1. TV ad only included specific health claims at the foot of the screen
2. Gave greater emphasis to (non-permitted) comparative nutrition claims in the VO and images

FORTIFIED FOODS

- ▶ **Fortified foods** – contain added vitamins, minerals or other substances with a nutritional or physiological effect.
 - ▶ Voluntary (e.g. Breakfast cereals and soft drinks) or mandatory (e.g. Bread)
 - ▶ No requirement to register or licence fortified foods in the UK
- ▶ **Regulation (EC) No. 1925/2006**- implemented in the UK as Addition of vitamins and minerals and of certain other substances (England) Regulations 2007
 - ▶ Does not apply to food supplements or foods for specific groups
 - ▶ Prohibited in un-processed foods and beverages that contain more than 1.2% by volume of alcohol
- ▶ **Annex 1**- list of Vitamins and Minerals permitted to be added to foods voluntarily
- ▶ **Annex 2**- list of possible sources of vitamins and minerals
- ▶ **Annex 3**- list of substances whose use in food is prohibited, restricted or under community scrutiny
- ▶ **Maximum amounts**- Safe maximum amounts have yet to be set by the European Commission. Scientific assessment by MS has resulted in very different maximum levels
 - ▶ UK - Existing national provisions - Safe Upper Levels for Vitamins and Minerals- EVM 2003
- ▶ **Minimum amounts** (Article 6 (6))- significant amount (15% RI)- need to set RI's for young children?



- **Increasing health inequalities?**
- **Costs of fortified vs non fortified food?**
- **“Healthy halo effect” ?**