

8 October 2012

Interested Parties

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Dear Colleagues,

**Update from the European Commission's Working Group meeting on nutrition and health claims, 3 October 2012**

**Article 13 claims 'on hold' – discussion of draft list of some claims proposed for authorisation**

The Commission presented a draft Annex to a Regulation that would authorise 14 more general function (Article 13) health claims; the following is a summary of the main points discussed.

*Alpha-cyclodextrin contributes to reduction of the blood glucose rise after starch-containing meals*

The conditions of use (COU) require the 50g starch and 5g alpha-cyclodextrin specified to be consumed together in the same meal; 'starch' is not defined in the COU; there is no need to require a warning for people with diabetes.

*Caffeine contributes to: a reduction in rated perceived exertion during endurance exercise / an increase in endurance capacity/ an increase in endurance performance.*

*Caffeine helps to improve concentration / increase alertness*

The various requirements that foods bearing a claim are only targeted at adults or adults performing endurance exercise, that a claim should appear with advice not to consume more than 300mg caffeine / day, and to avoid caffeine consumption for 12 hours prior to consuming the food bearing a claim were introduced to address some safety concerns. The 300mg level is taken from a 1999 report of the Scientific Committee on Food.

*DHA contributes to maintenance of normal blood triglyceride levels / normal blood pressure / normal blood triglyceride concentrations*

The requirements that a food bearing a claim should contain DHA and EPA rather than DHA alone, and that a claim should appear with advice to consumers not to exceed a daily intake of 5g EPA + DHA were introduced following the recent EFSA opinion on tolerable upper intake levels of EPA, DHA and DPA.

*Dried plums / prunes contribute to normal bowel function*

The requirement that the claim only be used on foods providing a daily intake of 100g dried plums / prunes is designed to prevent its use on foods that contain an insignificant amount.

*Consumption of foods containing fructose leads to a lower blood glucose rise compared to sucrose or glucose containing foods*

The COU have been amended so that they do not require replacement of glucose / sucrose with an equivalent amount of fructose because this would make foods unpalatably sweet and miss an opportunity to reduce total sugar / calorie content. The proposed warning about the effects of consuming high levels of fructose is unlikely to be included with the claim as it's unlikely to be relevant at the levels of fructose likely to be consumed as part of a normal diet.

*Glycaemic carbohydrates contribute to the maintenance of normal brain function*

There was discussion of the claim wording and conditions of use but no obvious conclusions reached.

*L-arginine contributes to the maintenance of normal ammonia clearance*

There was discussion about conditions of use but no obvious conclusion reached.

*L-tyrosine contributes to the normal synthesis of catecholamines*

There was discussion about conditions of use but no obvious conclusion reached.

The Commission aims to present a draft Regulation for a vote at Standing Committee on 10-11 December.

Regarding the rest of the claims on hold:

- the claim for very low calorie diets and that for food with reduced lactose content will continue to be on hold until review of the dietetic foods framework legislation is concluded;
- the 'beauty' claims will continue to be on hold for now;
- the claim for 'abundance of glutamine in the body' will be included in a list of statements out of scope of the nutrition and health claims Regulation (NHCR);
- the claims for niacin and vitamin B6, for which the daily consumption required was above safe upper intake levels, do not conform with Article 3 of the NHCR so will not be authorised;
- the claim for *Lactobacillus rhamnosus* (ID 1064) will not be authorised;
- the 79 claims that received negative opinions after further assessment will not be authorised;
- the claims for glucosamine and joint health, and zinc and the reproductive system, have negative EFSA opinions and therefore will not be authorised.

### **Article 13 claims 'on hold' – 'beauty' claims**

There was some discussion of whether the so-called 'beauty' claims e.g. 'helps make shiny nails' and 'helps reduce wrinkles' were claims within the scope of the NHCR. This included consideration of whether a demonstrable or perceived psychological benefit of an improvement in appearance could be included in a broader interpretation of the scope of the term 'health'; however the exchange of views was inconclusive.

## **Discussion of recent European Food Safety Authority (EFSA) opinions on individual applications for health claims**

EFSA has recently published negative opinions on the following claims which will be discussed, together with an earlier opinion on glucosamine, at Standing Committee on 15 October:

*Q-2011-001122 for wheat polar lipid extract and protection of the skin against dehydration,*  
*Q-2012-00339 for Optiefax™ and maintenance of normal blood LDL-cholesterol concentrations,*  
*Q-2012-00340 for Optiefax™ and maintenance of normal blood HDL-cholesterol concentrations,*  
*Q-2012-00383 for Optiefax™ and maintenance of normal blood triglyceride concentrations,*  
*Q-2012-00336 for Rhodiola rosea L. extract and reduction of mental fatigue,*  
*Q-2012-00382 for hyaluronic acid and protection of skin against dehydration,*  
*Q-2012-00334 / 00335 for a combination of thiamine, riboflavin, niacin, pantothenic acid and pyroxidine, D-biotin and pumpkin seed oil and maintenance of normal hair,*  
*Q-2012-0381 for a combination of keratin, copper, zinc, niacin, pantothenic acid, pyridoxine and D-biotin and maintenance of normal hair,*  
*Q-2012-00337 for a combination of flaxseed oil and vitamin E and maintenance of the skin's permeability barrier function,*  
*Q-2012-00271 for Saccharomyces cerevisiae var. boulardii CNCM I-3799 and reducing gastrointestinal discomfort,*  
*Q-2009-00237 / Q-2011-01114 for a combination of plant sterols and Cholesternorm®mix and reduction of blood LDL-cholesterol concentration.*

## **Discussion of draft Commission guidance on the specific conditions for health claims in Article 10 of Regulation 1924/2006**

The Commission presented a revised draft text which it hopes to finalise in the near future and there was little discussion.

### **Discussion on generic descriptors**

There was little time for discussion however one particular issue was raised: the NHCR says that a generic descriptor is a denomination '...which could imply an effect on human health' but it's not clear what type of effect on human health is referred to. Does it have to be a health claim or would generic descriptors that implied a nutritional benefit also be eligible to apply for derogations from the requirement in Article 1.3? [If you have any comments on this please send them to me \(vivien.lund@dh.gsi.gov.uk\), with examples, as soon as possible.](mailto:vivien.lund@dh.gsi.gov.uk)

### **Next working group meeting**

The next meeting is on 12 November.

Yours faithfully,

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