

ADVISORY COMMITTEE ON BORDERLINE SUBSTANCES

APPENDIX 3

NUTRITIONAL LEGISLATION AND OTHER GUIDANCE WITH WHICH PRODUCTS MUST COMPLY

Notes: This list is not exhaustive and merely describes some of the key legislative instruments. Food manufacturers are responsible for ensuring that their products comply with all the relevant Food Law.

The competent UK authority is the Nutrition Legislation Team, Healthy Behaviours, Population Health Directorate, Department of Health.

UK LEGISLATION

1. The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (England) Regulations 2002‡

Implements European Directive 2001/15/EC as amended and specifies certain requirements regarding substances that may be added to certain PARNUTS foods, in order to fulfil specific nutritional purposes.

2. The Medical Food (England) Regulations 2000‡

Implements European Directive 1999/21/EC and specifically controls foods, which meet the definition of a dietary food for special medical purposes. The Regulations put in place specific compositional and labelling requirements and requires the competent authority to be notified when such foods are placed on the market.

3. The Food Information Regulations 2014

Specifies the information that must appear on food labels and prohibits claims that a food has the property of preventing, treating or curing a human disease or any reference to such a property.

4. Infant formula and follow-on formula (England) Regulations 2007‡

Implements Directive 2006/141/EC and specifically control foods marketed as infant formula and follow-on formula. The Regulations put in place specific compositional and labelling requirements and require the competent authority to be notified when infant formula is placed on the market.

Note: ‡ Parallel legislation applies in Scotland, Wales and Northern Ireland.

EUROPEAN LEGISLATION

The following is a list of some of the EU legislation from which the UK instruments are derived.

5. Foods for specific groups (FSG)

Reference: (EU) No 609/2013

This framework regulation covers the composition and labelling of all foodstuffs which are “specially designed to meet the particular nutritional requirements of the persons for whom they are mainly intended.”

6. Substances which may be added for specific nutritional purposes in foods for particular nutritional uses

Reference: 2001 / 15 / EC

This describes the principle that allows nutritional substances e.g. vitamins, minerals, amino acids to be added to foods to ensure that the nutritional needs of the particular group of people for whom the foods are intended can be met. It does not provide an exhaustive list of these.

7. Dietary foods for special medical purposes (FSMP)

Reference: 1999 / 21 / EC

This directive descends vertically from the PARNUTS Framework Directive 2009/39/EC and describes compositional and labelling requirements for dietary foods which are intended for special medical purposes

8. Labelling, presentation and advertising of foodstuffs

Reference: (EU) 1169/2011

This regulation amends and repeals previous legislation. It makes clear statements about the information which must appear on food labels. It states that labelling and advertising must not attribute to any foodstuff the property of preventing, treating or curing a human disease or refer to such properties.

9. Indication of ingredients present in foodstuffs

Reference: (EU) No 1169/2011

This states the importance of customers being adequately informed about what is in the foods that they eat and, furthermore, that such information should be made available by means of appropriate labelling. Specifically requires the labelling of the presence of a number of allergens or substances recognised as causing hypersensitivity.

10. Infant and Follow-on Formulae

Reference: 2006 / 141 / EC

This directive is also vertically descended from the PARNUTS Framework Directive. It clarifies aspects of the composition, content and labelling of formulae designed as the sole source of nutrition for infants (from birth) and follow-on formulae (from 6 months) intended for use by infants in good health in the community. For prescribable, specialised infant formulas, this directive needs to be considered alongside the FSMP Regulations

11. Composition and labelling of foodstuffs suitable for people intolerant to gluten

Reference: (EU) No 828/2014

This regulation specifies the levels of gluten which are permissible within the categories of gluten free and very low gluten foodstuffs and which have been specifically formulated, produced, prepared or processed for people who are intolerant to gluten.

NATIONAL GUIDANCE ABOUT NUTRITIONAL INTAKE

12. Dietary Reference Values for Food, Energy and Nutrients in the United Kingdom Number 41

Reference: HMSO 1991

This publication details the dietary reference values for a range of nutrients for groups of healthy people living within the United Kingdom. This publication highlights when it is appropriate to use these figures and when caution is required. Additionally, these recommendations may not be applicable to adults and children who are not in good health. The Dietary Reference Values for energy recommended in this document have been superseded (see Report 18 below).

13. Report on Health and Social Subjects No 32. Present Day Practice in Infant Feeding - Third report

Reference: HMSO 1989.

This report addresses the feeding of healthy infants in the community with emphasis on the first six months of life. The age of weaning recommended in this document has been superseded (see Report 14 below).

14. Report on Health and Social Subjects No 45. Weaning and the Weaning Diet

Reference: HMSO 1994

This report reviews the nutrition of infants during weaning and up to about 2 years of age. The age of weaning recommended in this document has been superseded (see Report 15 below)

15. Maternal and Infant Nutrition: Department of Health 2003

Reference: www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/MaternalAndInfantNutrition/fs/en.

This recommends that exclusive breast (or infant formula feeding) is ideal up to the age of 6 months or 26 weeks.

16. Report on Health and Social Subjects No 28: Diet and Cardiovascular Disease

Reference: HMSO 1984

17. Report on Health and Social Subjects No 46: Nutritional aspects of Cardiovascular Disease

Reference: HMSO 1994.

Both the above reports provide recommendations for the nutrition of children over 5 years of age and reflect the guidance for the “healthy” adult population.

18. Scientific Advisory Committee on Nutrition. Dietary Reference Values for Energy

Reference: TSO 2011

OTHER GUIDANCE

19. ESPEN Guidelines on Enteral Nutrition

Reference: Clinical Nutrition 2006: 25 2 180 - 360

These guidelines provide an evidence based approach to the nutritional management of a range of conditions in which enteral feeding is the route of choice

20. Improving Nutritional Care

Reference: Department of Health (www.dh.gov.uk)

This document sets out the dimensions associated with improving nutritional care in a variety of care settings and describes an action plan for achieving this.

21. Nutrition Support in adults: Oral nutrition support, enteral nutrition tube feeding and parenteral nutrition (Clinical Guideline 32)

Reference: National Institute for Health and Clinical Excellence, 2006 (www.nice.org.uk)

The full guideline provides detailed information about all aspects of nutritional care and describes best practice in a variety of situations.

22. Complimentary Feeding: A Commentary by the ESPGHAN Committee on Nutrition

Reference: Journal of Paediatric Gastroenterology and Nutrition 2008, 46:99-110

23. Clinical Paediatric Dietetics (4th Edition)

Reference: Editor: Vanessa Shaw
Pub: Wiley-Blackwell 2015
ISBN 4978-0-470-65998-4

This textbook is the classic text for those wanting to find out more about the special nutritional needs of children with a wide range of disorders.

OTHER LEGISLATION

Any products submitted to the ACBS Committee are classified as foods - albeit with specific purposes and constraints. They are, therefore, additionally subject to all current legislation and guidance relating to food manufacture, storage, transport and handling.

These include the following - which are based on the European legislation

- Food Safety Act 1990
- Food Labelling (amendment No 2) Regulations 2005 (Allergen Labelling Regulations)
- General Food Regulations 2004
- Codex Alimentarius - Codex Standard for "Gluten Free Foods" (Codex Stan 118-1981) which is, currently, being updated