

25 September 2012

Interested Parties

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Dear Colleagues,

At the European Commission's Working group meeting on nutrition and health claims in Brussels on 17 September, EU Member States' commented for the first time on the Commission's discussion paper on health claims on botanicals used in food.

The Commission summarised its paper indicating that the question was how to deal with the different treatment of botanicals under the nutrition and health claims Regulation in comparison to the Directive on Traditional Herbal Medicinal Products (the THMPD). The paper sets out two approaches to the assessment of health claims on botanicals in foods:

Option 1 – maintain the current approach according to which the European Food Safety Authority (EFSA) requires a health benefit to be demonstrated by evidence from clinical studies.

Option 2 – consider a 'traditional use' approach to assessment of health claims on 'botanicals' in foods, including food supplements, as an alternative to the current assessment which is used for all other substances such as vitamins and minerals. Adopting this approach could lead to development of new, specific legislation for botanicals in foods, covering health claims and could include other information to consumers, safety and quality criteria.

Option 2 would be a significant undertaking that would take some years.

Overall, the meeting yielded an interesting but inconclusive discussion. The following questions arose:

- 1) How would botanicals be defined?
- 2) Is there truly a tradition of use for botanicals in foods and, if so, what would constitute evidence of traditional use?
- 3) How would option two fit with other legislation such as the THMPD, nutrition and health claims Regulation and that on the addition of vitamins and minerals to foods?

Member States were reminded to submit their written responses to the questions listed in the Commission's discussion paper by 30 September 2012.

**Date of next Commission working group meeting**

3 October 2012

Yours faithfully,

Dr Vivien Lund

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