

## Health claims & communication

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## De Consumentenbond

- Dutch consumers' association with 500.000 members
- Since 1953
- Mission: to defend consumers' rights and help them make informed choices
  - Tests and comparative information
  - Advocacy, campaigning and lobbying  
(founding member of BEUC and Consumers International)
  - Advice
- Media: Consumentengids, Gezondgids, Reisgids, Geldgids, Digitaalguids, Consumentengids Online

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## BEUC Study on Labelling

(3000 people: Germany-Denmark-Spain-Hungary-Poland, 2005)

Claim is a very effective marketing tool

- Claims can be easily located, but provide only a partial and often misleading description of the product (*80% find claims easy to locate*)
- The majority of consumers trust the claims on the package (*65% trust the claim because of trust for the brand*)
- >50% of consumers admitted that nutritional claims lead them to buy a product
- 1/3 stated that nutritional claims lead them to consume more of the product
- Majority of consumers rely on claims when making food choices

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## The need for a regulation on claims

Situation in The Netherlands before 2006

- Voluntary evaluation of substantiation of health claims by independent experts:
  - 9 claims approved;
  - ? claims rejected;
  - ? claims not assessed at all;
  - no check on wording  
e.g. some evidence on barrier function of intestines -> 'good for resistance'.
- Voluntary evaluation by self regulatory organisation KOAG KAG:
  - only assessment of wording: no medicinal claims;
  - suggestion that scientific substantiation is also evaluated which is not the case.
- Dutch advertising code (member of EASA):
  - Not proactive
  - Scientific evidence usually checked by independent experts
  - Only warnings

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## The need for a regulation

Claims regulation big improvement

- Mandatory evaluation of substantiation of health claims by independent experts:
  - Result: many claims rejected by EFSA;
- Claims only permitted on products that fulfill certain nutritional criteria;
- Easier to enforce

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## EFSA communication

Consumer organisations:

- Can use EFSA database with claims to check whether claims are valid;
- Can publish EFSA opinions in their magazines & on websites
- Can use EFSA opinions when filing complaints to authorities
- Problem: the list of general function claims is still not published in a regulation

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## EFSA evaluation and adoption by committee

Consumer organisations:

- Support for EFSA's procedures on evaluation of evidence
- Support for EFSA to publish batches
- Real innovation will be rewarded
- Objective: regaining consumers' trust in food products
- Worries about:
  - Wording: understandable and not too flexible;
  - All remarks by EFSA to be taken into account by Standing Committee and to be included in the Community register;
  - Relevance of approved claims

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## Criticism on the EFSA evaluation

EXCLUSIVE INTERVIEW

### DSM CEO: "food ingredients are not pharmaceuticals"

By Shane Starling, 25-Jun-2010

### Danone: EFSA is damaging reputation of scientific peer review process

By Shane Starling, 19-Mar-2010

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## Flexible wording & suggestions: Immune system?

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## Relevance

efsa European Food Safety Authority

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Scientific Documents

Definitions of EFSA scientific outputs

Printed science publications

Requests and mandates

Scientific Documents

Scientific Opinion on the substantiation of health claims related to potassium and maintenance of normal muscular and neurological function (ID 320, 386) and maintenance of normal blood pressure (ID 321) pursuant to Article 13(1) of Regulation (EC) No 1924/2006

Question number: EFSA-Q-2008-1107, EFSA-Q-2008-1108, EFSA-Q-2008-1173

Adopted: 21 December 2009

Summary (0.1 Mb)

On the basis of the data presented, the Panel concludes that a cause and effect relationship has been established between the dietary intake of potassium and the maintenance of a normal blood pressure.

The Panel considers that, in order to bear the claims, a food should be at least a source of potassium as per Annex to Regulation (EC) No 1924/2006. Such amounts can be easily consumed as part of a balanced diet. The target population is the general population.

Published: 25 February 2010

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## Relevance of claims

- Claims that might be scientifically sound, but meaningless (and not harmless!):
  - “Sodium aids the absorption of nutrients during digestion (such as the active transport of nutrients and water from the gut)”
  - “proteins provide energy to the body”

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## The need for strict nutritional profiles



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## The need for strict nutritional profiles



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## Conclusions and suggestions

- EFSA approach claims evaluation welcomed by consumer organisations
- Dialogue is OK but criticism that is not substantiated is harmful to the process and could harm consumer confidence
- EFSA to consider clear advice on the usefulness of claims
- EFSA advice on nutrient profiles could have gone further
- Interpretation issues to be resolved:
  - Wording and suggestion should reflect the scientific evidence;
  - Target populations should be adequately mentioned on the label

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