

**MINUTES OF THE 23RD PLENARY MEETING OF THE
SCIENTIFIC PANEL ON DIETETIC PRODUCTS, NUTRITION AND ALLERGIES
HELD FROM 2 TO 4 DECEMBER 2008**

PARTICIPANTS

Panel members:

- Albert Flynn
- Marina Heinonen
- Karin Hulshof
- Pagona Lagiou
- Martinus Løvik
- Rosangela Marchelli
- Ambroise Martin
- Bevan Moseley
- Andreu Palou
- Hildegard Przyrembel
- Seppo Salminen
- Sean (J.J.) Strain
- Stephan Strobel
- Inge Tetens
- Hendrik van Loveren

EFSA staff:

- Juliane Kleiner
- Reinhard Ackerl
- Maria Astridou
- Ulla Bertelsen
- Janusz Ciok
- Ellie Daguet
- Wolfgang Gelbmann
- Leng Heng
- Danai Papanastasiou
- Ariane Titz
- Emanuela Turla
- Silvia Valtueña Martínez

European Commission:

- Sabine Osaer¹
- Lars Korsholm¹

¹ DG Health and Consumer Protection

1. WELCOME, APOLOGIES FOR ABSENCE

The Chair welcomed all participants to the plenary meeting. Apologies for absence were received from Jean-Louis Bresson, Hannu Korhonen, Henk Van Den Berg and Hans Verhagen. Members welcomed Maria Astridou, Danai Papanastasiou, Ariane Titz, Ellie Daguet and Ulla Bertelsen as new scientific officers to join the NDA Panel support unit. Members also congratulated Juliane Kleiner for her official appointment as the Head of the Unit on the Dietetic products, Nutrition and Allergies.

2. ADOPTION OF THE AGENDA AND ADOPTION OF THE MINUTES OF LAST MEETING

The agenda was adopted with changes in the order of items discussed.

The minutes of the 22nd NDA Plenary meeting was also adopted.

3. DECLARATIONS OF INTEREST

In relation to the draft opinion on Dairy fresh cheese and bone growth (application from Danone) under agenda item 11, Albert Flynn Ambroise Martin and Sean Strain refrained from the discussion as they have been involved in the past in research/ advice to Danone as indicated in their annual and specific declarations of interest (ADoI, SDoI) ,

No other interest than those already identified in the ADoI and the respective SDoI was declared by the experts. .

4. FEEDBACK FROM EFSA SCIENTIFIC COMMITTEE AND OTHER EFSA PANELS

In relation to the draft guidance document on transparency in risk assessment, it is expected that the Scientific Committee will be releasing the document for public consultation by December 2008.

5. GENERAL INFORMATION BY EFSA ON MATTERS RELATING TO THE PANEL

The Secretariat informed the Panel that as part of an ongoing European Scientific Cooperation project on the analysis of risks and benefits of fortifying food with folic acid a workshop will be organised covering the latest scientific knowledge, including studies and data on the relationship between high levels of dietary intake of folic acid and cancer risks such as colon, breast and prostate cancer. The meeting will be held on 21-22 January 2009.

6. ARTICLE 13 HEALTH CLAIM'S LIST

The Commission representative reported back to the Panel following the Commission and Member States working group on claims about Article 13 list.

Following the Member States' comments, a revised list was received from the Commission in November 2008. Additional 322 claims have been added to the list received in July 2008. This revised list contains now 3138 health claims (i.e. main entries) and over 8000 similar health relationships. An additional 1000 health claims related to botanicals are yet to come and which are not included in this revised list. Overall EFSA will be asked to evaluate over 4000 health claims.

Members were informed that EFSA started with a pre-screening of the claims received up to now by applying a set of agreed criteria³. The Panel will aim to finalise the evaluating of health claims which passed the pre-screening by end July 2009 and November 2009.

For transparency reason, EFSA will be publishing on its website the full list of Article 13 health claims received as soon as it is completed, with indication of agreed timelines.

The first draft opinions on Article 13 claims were presented. The Panel discussed different options in delivering the scientific opinions, as well as the format and content taking into consideration the Terms of Reference and the need for consistency with the Article 14/13(5) opinions.

7. NEW REQUESTS FOR SCIENTIFIC OPINIONS

7.1 'CLA (Conjugated Linoleic Acid)-rich Oil' as novel food ingredient'

A new request for an opinion was received from the European Commission asking EFSA to carry out additional assessment related to the **Safety of 'CLA (Conjugated Linoleic Acid)-rich Oil'**, submitted in accordance with the Novel Foods Regulation 258/97/EC.

7.2 Review of labelling reference values for selected nutritional elements

A new request for an opinion was received from the European Commission asking EFSA for advice on proposed labelling reference values for selected nutritional elements in relation to a Commission proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers. It was agreed to review the draft labelling reference values by the end of April 2009.

8. STATUS OF APPLICATIONS UNDER ARTICLE 14/13(5) HEALTH CLAIMS AND FEED-BACK FROM THE COMMISSION POST-ADOPTION OF THE OPINIONS

Article 14 claims – Up to 4 December, EFSA has received 235 Article 14 applications (90% referring to children's health and development and 10% referring to reduction of disease risk claims); 23 applications are under evaluation, 35 were adopted and 13 were withdrawn. For many of the applications, additional information is currently being requested from the applicants. For some of the applications, EFSA went back to the respective National Competent Authority and the Commission seeking clarification on whether the application would fall in the scope of EC 1924/2006 Health Claims Regulation.

Article 18/13(5) claims - EFSA has received 9 applications under Article 13(5) (claims based on newly developed science and/or which include a request for the protection of proprietary data): 5 are under evaluation, 2 were adopted and 2 were withdrawn.

Post-adoption of opinions – The Commission representative provided feed-back to the Panel about the EFSA adopted opinions, which are currently under discussion with Member States during Community authorisation decision phase, e.g. aspects relating to the quantification of the size of the effect, or proposed claims directly referring to a disease as no single risk factor can be identified.

³ http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_article13.htm

9. NOVEL FOODS

9.1 Draft opinion on ‘Chia seed (*Salvia hispanica*) and ground whole Chia as a novel food ingredient’

The draft opinion was discussed and a revised version taking into account the comments made at the meeting will be circulated to the Panel for adoption by written procedure.

9.2 Draft opinion on *Morinda citrifolia* (Noni) fruit puree and concentrate as a food ingredient

The Panel was given an update on recently received data and an upcoming publication related to Noni. A revised draft will be submitted to the next Plenary meeting for possible adoption.

9.3 Draft opinion on ‘Lipid extract from *Euphasia superba* as food ingredient (krill oil)

The draft opinion was discussed and it was agreed to request to the applicant for supplementary information before the opinion could be adopted.

9.4 Draft opinion on ‘Lycopene cold water dispersible (CWD) products from *B. trispora* as a food ingredient

The draft opinion was discussed and adopted subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/nda_op_ej893_lycopene_cwd_en.pdf?ssbinary=true

10. DIETARY REFERENCE VALUES

10.1 Draft opinion on Carbohydrates

The draft opinion was discussed. A revised draft will be submitted to the next Plenary meeting for endorsement for release for public consultation.

11 APPLICATIONS PURSUANT TO ARTICLES 14/13(5) OF REGULATION (EC) NO 1924/2006

- **“Milk product, rich in fibre and protein and reducing hunger”**

The draft opinion was discussed and adopted subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: [http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/nda_op_ej894_art_135\)_0199_milk_product_and_reduction_sense_of_hunger_en.pdf?ssbinary=true](http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/nda_op_ej894_art_135)_0199_milk_product_and_reduction_sense_of_hunger_en.pdf?ssbinary=true)

- **“Black tea from *Camellia sinensis* and help focus attention and enhance alertness”**

The draft opinion was discussed and adopted subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/nda_op_ej906_art_13_5_020_0_NL_black_tea_and_focus_attention.pdf?ssbinary=true

- **“Dairy fresh cheese and bone growth”**

The draft opinion was discussed and adopted subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1211902254523.htm

- **“Efalex and co-ordination”**

The draft opinion was discussed and adopted subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/nda_op_ej896_art14_0041a_efalex_coordination_en.pdf?ssbinary=true

- **“Efalex and concentration”**

The draft opinion was discussed and adopted subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/nda_op_ej897_art14_0041b_efalex_concentration_en.pdf?ssbinary=true

- **“Efalex and brain development and function”**

The draft opinion was discussed and adopted subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/nda_op_ej898_art14_0041c_efalex_brain_development_and_function_en.pdf?ssbinary=true

- **“Efalex and learning ability”**

The draft opinion was discussed and adopted subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/nda_op_ej899_art14_0041d_efalex_learning_ability_en.pdf?ssbinary=true

- **“Efalex and eye development”**

The draft opinion was discussed and adopted subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/nda_op_ej900_art14_0041e_efalex_eye_development_en.pdf?ssbinary=true

- **“Eye q baby® and CNS development”**

The draft opinion was discussed and adopted subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/nda_op_ej901_art14_0039a_eye_q_baby_cns_development_en.pdf?ssbinary=true

- **“Munomega® and CNS development”**

The draft opinion was discussed and adopted subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at: http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/nda_op_ej902_art14_0039b_munomega_cns_development_en.pdf?ssbinary=true

- **“Eye q ® and brain functions”**

The draft opinion was discussed and adopted subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available

at:http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/nda_op_ej903_art14_0039c_eye_q_brain_functions_en.pdf?ssbinary=true

- **“Eye q ® and concentration”**

The draft opinion was discussed and adopted subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at:http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/nda_op_ej904_art14_0039d_eye_q_concentration_en.pdf?ssbinary=true

- **“Dairy product enriched with milk peptide and magnesium and reduced anxiety”**

The draft opinion was discussed and adopted subject to the incorporation of modifications agreed upon by the Panel. The text of the full opinion appears on the EFSA web site, available at:[http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/nda_op_ej905_art13\(5\)_0213_dairy_product_anxiety_en.pdf?ssbinary=true](http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/nda_op_ej905_art13(5)_0213_dairy_product_anxiety_en.pdf?ssbinary=true)

- **“Follow-on formulae with fixed combination of bioactive ingredients and gastrointestinal symptoms”**

Postponed to next Plenary meeting.

- **“Kinder chocolate and helps to grow”**

Postponed to next Plenary meeting.

12. ANY OTHER BUSINESS

The Plenary meeting initially scheduled on 9-11 July 2009 and subsequently on 30 June -3 July 2009 was changed to:

- **For the existing Panel: 29 June (starting at 9am) to 2 July (finishing by 2pm) 2009.**
- **For the inaugural meeting of the new NDA Panel: 2 July (starting at 3pm) to 3 July (finishing by lunch time) 2009.**

13. ADOPTION OF THESE MINUTES

These minutes were adopted on 22 January 2009.