

**MINUTES OF THE 24TH PLENARY MEETING OF THE
SCIENTIFIC PANEL ON DIETETIC PRODUCTS, NUTRITION AND ALLERGIES
HELD FROM 20 TO 22 JANUARY 2009**

PARTICIPANTS

Panel members:

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|-----------------------|------------------------|
| • Jean-Louis Bresson | • Andreu Palou |
| • Albert Flynn | • Hildegard Przyrembel |
| • Marina Heinonen | • Seppo Salminen |
| • Karin Hulshof | • Sean (J.J.) Strain |
| • Hannu Korhonen | • Stephan Strobel |
| • Pagona Lagiou | • Henk Van Den Berg |
| • Martinus Løvik | • Hendrik van Loveren |
| • Rosangela Marchelli | • Hans Verhagen |
| • Bevan Moseley | |

EFSA staff:

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

European Commission:

- Basil Mathioudakis¹
- Lars Korsholm¹
- Sabine Osaer¹

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 Inge Tetens and Ambroise Martin.

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 23rd NDA Plenary meeting were also adopted.

3. DECLARATIONS OF INTEREST

In relation to the draft opinion on “ALA and brain development” under agenda item 13.4, Albert Flynn withdrew from the chair and refrained from discussion because he has been involved in advice to Kraft Foods North America Inc./Kraft Foods International Inc as indicated in the annual declarations of interest.

No other interest than those already declared in the ADoI was declared by the experts.

4. FEEDBACK FROM EFSA SCIENTIFIC COMMITTEE AND OTHER EFSA PANELS

The Scientific Committee draft opinion on the use of the Benchmark Dose Approach (BMD) in Risk Assessment was circulated to the EFSA Panels for input on the applicability of the BMD in their respective areas. Panel members were invited to comment to the secretariat.

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

The Secretariat informed the Panel about the renewal process of the Scientific Committee and Panels. The call for experts closed on 14 January 2009. The EFSA Management Board will meet in late March 2009 to approve the list of new Scientific Committee and Panel members.

In relation to an EFSA self-tasking on β -casomorphins, the Panel was informed about the status of the review on potential health impact of β -casomorphins and related peptides carried out by the EFSA DATEX Working Group.

(http://www.efsa.europa.eu/EFSA/ScientificPanels/DATEX/efsa_locale-1178620753812_WorkingGroupsDatex.htm).

6. FEEDBACK FROM THE COMMISSION ON MATTERS RELATING TO THE PANEL

The European Commission’s representative gave some explanation in relation to Article 13 claims submitted to EFSA for scientific evaluation. It was emphasised that EFSA need to comment on the availability and quality of the scientific data in order to allow the regulator to judge about the acceptability of health claims in the submitted list.

The Commission representative provided feed-back to the Panel about the opinions adopted by EFSA related to Article 14 and 13(5) applications, e.g. on aspects relating to the quantification of the size of the effect, or on proposed claims directly referring to a disease. With respect to some pending Article 14 applications for which still clarification is needed on whether the application would fall in the scope of EC 1924/2006 Health Claims Regulation, it was pointed out that an ad hoc working group with some Member States has been set up in order to facilitate a harmonised approach on the scope interpretation among Member States.

7. ARTICLE 13 HEALTH CLAIM'S LIST

The Secretariat informed the Panel that in January 2009, EFSA published the list of health claims received from the European Commission together with an EFSA's modus operandi (http://www.efsa.europa.eu/cs/Satellite?c=Page&childpagename=EFSA%2FPage%2Fntp_A&cid=1211902055970&pagename=efsa). In total EFSA has received 4,185 main health claim entries, taking into account the conditions of use and references available for around 10,000 similar health claims. EFSA has screened all the claims received according to criteria adopted by the NDA Panel and sent back to the Commission/member states those claims for which further clarification or information is required before EFSA can start its evaluation.

EFSA targets to evaluate by July 2009 about 1,000 main entries claims originally submitted in July 2008, which have passed the pre-screening stage and have not been subsequently modified.

8. DRAFT ART. 13 OPINIONS

Draft opinions on Article 13 claims related to vitamins and minerals, probiotics, other substances, and immune and gastro-intestinal function, were presented. Taking into consideration the Terms of Reference and the need for consistency, the Panel discussed different sections of the opinions.

It was agreed to revise or re-discuss the draft opinions at the working groups' level.

9. NEW REQUESTS FOR SCIENTIFIC OPINIONS

Two new requests were received from the European Commission asking EFSA for a scientific opinion on an energy conversion factor for D-tagatose and Polydextrose.

10. STATUS OF APPLICATIONS UNDER ARTICLE 14/13(5) HEALTH CLAIMS

Article 14 claims – By 20 January 2009, EFSA has received 237 Article 14 applications (210 referring to children's health and development and 27 referring to reduction of disease risk claims); 15 applications are under evaluation and 13 were withdrawn. EFSA adopted 35 opinions (covering 38 applications). 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 14 applications under Article 13(5) (claims based on newly developed science and/or which include a request for the protection of proprietary data): 6 are under evaluation, 2 were adopted and 3 were withdrawn.

11. NOVEL FOODS

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

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_1211902333142.htm

12. DIETARY REFERENCE VALUES

12.1 Draft opinion on Carbohydrates

Postponed to next Plenary meeting.

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

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

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_1211902379028.htm.

13.2 “Kinder chocolate and helps to grow”

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_1211902333170.htm.

13.3 “DHA/ARA and visual 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/EFSA/efsa_locale-1178620753812_1211902333170.htm.

13.4 “ALA and brain development”

The draft opinion was discussed and a revised version taking into account the comments made at the meeting will be submitted to the next Plenary for adoption.

13.5 “Algatrium® and antioxidant response”

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_1211902379083.htm.

13.6 “Ocean Spray cranberry products and reduced risk of urinary tract infection in women”

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_1211902333214.htm.

13.7 “Melegao mineral water and reduction of glycemia”

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_1211902333305.htm.

14. ANY OTHER BUSINESS

An additional Plenary meeting is scheduled on 5-6 May 2009 (starting at 9am on the first day and finishing by 4pm on the second day).

These minutes were adopted on 13 March 2009.