

Legal amendments in 2006 (Part 1)

2006 HAS SEEN A LOT OF NEW AND AMENDED REGULATIONS CONCERNING EUROPEAN FOOD LAW, FOR EXAMPLE REGARDING HEALTH CLAIMS

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+ This article will deal in the first part with regulations on health claims, nutritional information and enrichment of food with vitamins and minerals. The second part – to be published in the next issue of bbi – will be focusing on legal regulations on additives, enzymes and flavorings.

Regulations on nutrition and health claims made on foods as well as on the addition of vitamins and minerals to food

a) Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20th December 2006 on nutrition and health claims made on foods:

This regulation was published in the Official Journal of the European Union on December 30, 2006. On January 18, 2007, this regulation was corrected in the Official Journal because an inaccurate version had been published in December. This so-called Regulation on Health Claims has triggered many disputes and discussions in the past years within the food industry and among the EU member states. The objective of this regulation was to lay down uniform legal regulations for health claims within the EU. In the past, claims pertaining to health were permitted in Germany as long as they were true, but information on the reduction of disease risks had been totally outlawed. The latter is now no longer strictly forbidden, although, there are comprehensive

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regulations and conditions to be met for claims on health and reducing the risk of disease in the future. Even in this regulation, many rules are not completely clear and will be subject to further discussion. It is unclear as to how the so-called nutrient profiles according to Article 4 of the above mentioned regulation should be obtained. Furthermore, according to Article 13, the food industry has the opportunity to submit lists on health claims. In the interim, these lists have grown to about 200 pages. The EU Commission, in cooperation with the EFSA (European Food Safety Authority) has provided deadlines in order to decide on these so-called nutrient profiles and lists for health claims. It is therefore expected that a comprehensive application of the Health Claim Regulation will not be possible until the end of 2009.

The Annex of the Health Claims Regulation states the following categories of nutrition claims: low energy, energy-reduced, energy-free, low fat, fat-free, low saturated fat, saturated fat-free, low sugars, sugars-free, with no added sugars, low sodium/salt, very low sodium/salt, sodium-free or salt-free, source of fibre, high fibre, source of protein, high protein, source of [name of vitamin/s] and/or [name of mineral/s], high [name of vitamin/s] and/or [name of mineral/s], contains [name of the nutrient or other substance], increased [name of the nutrient], reduced [name of the nutrient], light, naturally/natural.

These claims must correspond closely to the nutritional labeling. Therefore, it is intended to modify the nutritional labeling requirements which up to now have been stipulated as a regulation.

b) Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20th December 2006 on the addition of vitamins and minerals and of certain other substances to foods:

This regulation with its Annexes, which state which vitamins and minerals may be added to foods, corresponds very closely to the so-called Regulation on Food Supplements. The Annexes to Regulation (EC) No 1925/2006 contain positive lists on all vitamin and mineral compounds allowed for use in foods. According to Article 3 (2) they must be added in a form that is bio-available to the human body. Up until January 19th, 2009, the EU Commission will submit proposals on the maximum levels of vitamins and minerals. Up until then, national regulations will still be applicable.

... to be continued in the next issue of baking+biscuit international. +++