
How to positively communicate by nutrition and health claims in Europe

European FooD-STA WEBINAR



Caroline ROUVEYROL
caroline.rouveyrol@critt-iaa-paca.com
CRITT Agrofood PACA
Network NUTRIPREVIUS ACTIA



- I. How to communicate nutrition and health claims for food products ?**
 - 1) The european regulation 1924/2006
 - 2) Definitions and scope
 - 3) Conditions of use and prohibited claims - Examples
- II. Which link with mandatory nutrition labeling ?**





1) The european Regulation 1924 / 2006

Consolidated text on website EUR-LEX

<https://lc.cx/J8w5>

2006R1924 — EN — 13.12.2014 — 004.001 — 1

This document is meant purely as a documentation tool and the institutions do not assume any liability for its contents

► **B** ► **C1** REGULATION (EC) No 1924/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 20 December 2006
on nutrition and health claims made on foods ◀
(OJ L 404, 30.12.2006, p. 9)

Amended by:

		Official Journal		
		No	page	date
► M1	Regulation (EC) No 107/2008 of the European Parliament and of the Council of 15 January 2008	L 39	8	13.2.2008
► M2	Regulation (EC) No 109/2008 of the European Parliament and of the Council of 15 January 2008	L 39	14	13.2.2008
► M3	Commission Regulation (EU) No 116/2010 of 9 February 2010	L 37	16	10.2.2010
► M4	Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011	L 304	18	22.11.2011
► M5	Commission Regulation (EU) No 1047/2012 of 8 November 2012	L 310	36	9.11.2012

Corrected by:

► **C1** Corrigendum, OJ L 12, 18.1.2007, p. 3 (1924/2006)



EUROPA > EU law and publications > EUR-Lex > EU law and related documents

Home Official Journal **EU law and related documents** National law Legisla

Treaties

EU Legislation

Consolidated acts

EFTA documents

EU Preparatory acts

EU case law

Parliamentary questions

• Treaties

• EU Legislation

• Consolidated acts

• EFTA documents

• EU Preparatory acts

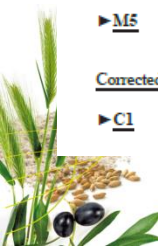
• EU case law

• Parliamentary questions

• International agreements

➤ **29 Articles**

➤ **Annex : List of Nutrition claims authorized and conditions applying to them**





A big change...

All nutrition and health claims have to be authorized before being placed on the market within the Community





Goals

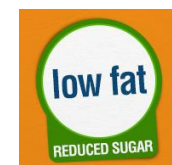
- Ensuring a high level of protection for consumers and facilitating their choice
- Adopting Community rules in the European union and harmonising the national rules between the different Member states
- Ensuring the effective functioning of the internal market and free movement of foods
- Creating equal conditions of fair competition in Europe
- Promoting and protecting innovation





2) Definitions (Art 2)

- **Claim** : message or representation, (...) not mandatory (...), which states, suggests or implies that a food has particular characteristics;
- **Nutrition claim** : (...) particular beneficial nutritional properties due to :
 - the energy (calorific value) it provides; provides at a reduced or increased rate; or doesn't provide;
 - and/or the nutrients or other substances it contains; contains in reduced or increased proportions; or does not contain;
- **Health claim** : a relationship exists between a food category, a food or one of its constituents and health



Calcium is needed for the maintenance of normal bones





Scope (art 1 & 2)

- Nutrition and health claims made in **commercial communications**,
- Foods delivered **as such** to the **final consumer** or intended for **mass caterers** (restaurants, hospitals, schools, canteens...)
- Prepacked food and non prepackaged foodstuffs (except for art 7 and 10.2 a and b)
- **trade mark, brand name or fancy name** which may be construed as a nutrition or health claim
- In addition to the European provisions relating to : foodstuffs for particular nutritional uses; waters and food supplements





3) Prohibited claims (Art 3)

- The use of nutrition and health claims must not:
 - be false, ambiguous or misleading;
 - give rise to doubt about the safety and/or the nutritional adequacy of other foods;
 - encourage or condone excess consumption of a food;
 - state, suggest or imply that a balanced and varied diet can't provide appropriate quantities of nutrients in general
 - refer to changes in bodily functions which could give rise to or exploit fear in the consumer.





Prohibited claims (Art 12)

- Claims which
 - suggest that health could be affected by not consuming the food;
 - make reference to the rate or amount of weight loss;
 - make reference to recommendations of individual doctors or health professionals and other associations not referred to in Article 11.



~~5 kg less in 1 week !!~~



- Reference to general, non-specific benefits of the nutrient or food may only be made if accompanied by a specific health claim authorized.

For good health or well-being

- Food information mustn't attribute to any food the property of preventing, treating or curing a human disease





3) Conditions of use : Nutrient profiles (Art 4.1)

- The Commission should have established specific nutrient profiles which food or certain categories of food should have conformed in order to bear nutrition or health claims.
- Evaluation of European legislation on nutrition and health claims by European Commission : online consultation on Nutrient profiles
- Derogation nutrition claims





Conditions of use : General conditions (Art 5)

- **Beneficial** nutritional or physiological **effect**, as established by generally accepted **scientific evidence**;
- **Significant quantity** or not present or present in a reduced quantity that will produce the effect claimed;
- Form available to be **used by the body**;
- The average consumer can **understand** the beneficial effects expressed in the claim;
- Food **ready for consumption** in accordance with the manufacturer's instructions
- Compliance with the **specific conditions**





Conditions of use : Beverages containing more than 1,2% by volume of alcohol (Art 4.2)

- Health claims are forbidden
- Only nutrition claims referring to low alcohol levels, or the reduction of the alcohol content, or the reduction of the energy content are authorized





Conditions of use : Nutrition Claims (Art 8)

- Nutrition claims are only allowed if they are **listed in the Annex** of the regulation 1924/2006 and are in conformity with the **conditions** set out in this Regulation.
- The annex was amended :
 - in 2010 by regulation 116/2010/CE
 - in 2012 by regulation UE N°1047/2012



ANNEX

Nutrition claims and conditions applying to them

LOW ENERGY

A claim that a food is low in energy, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain more than 40 kcal (170 kJ)/100 g for solids or more than 20 kcal (80 kJ)/100 ml for liquids. For table-top sweeteners the limit of 4 kcal (17 kJ)/portion, with equivalent sweetening properties to 6 g of sucrose (approximately 1 teaspoon of sucrose), applies.

ENERGY-REDUCED

A claim that a food is energy-reduced, and any claim likely to have the same meaning for the consumer, may only be made where the energy value is reduced by at least 30 %, with an indication of the characteristic(s) which make(s) the food reduced in its total energy value.

ENERGY-FREE

A claim that a food is energy-free, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain more than 4 kcal (17 kJ)/100 ml. For table-top sweeteners the limit of 0,4 kcal (1,7 kJ)/portion, with equivalent sweetening properties to 6 g of sucrose (approximately 1 teaspoon of sucrose), applies.





Conditions of use : Nutrition Claims (Art 8) 1/3

- Nutrition claims **listed in the Annex**

Nutrition Claims	Conditions
LOW ENERGY	≤ 40 kcal (170 kJ)/100 g for solids or ≤ 20 kcal (80 kJ)/100 ml for liquids (particular conditions for table-top sweeteners)
ENERGY-FREE	≤ 4 kcal (17 kJ)/100 ml (particular conditions for table-top sweeteners)
LOW FAT	≤ 3 g of fat per 100 g for solids or 1,5 g of fat per 100 ml for liquids (1,8 g of fat per 100 ml for semi-skimmed milk).
FAT-FREE	≤ 0,5 g of fat per 100 g or 100 ml. However, claims expressed as 'X % fat-free' shall be prohibited.
LOW SATURATED FAT	the sum of saturated fatty acids and trans-fatty acids in the product ≤ 1,5 g per 100 g for solids or 0,75 g/100 ml for liquids + ≤ 10 % of energy.
SATURATED FAT-FREE	the sum of saturated fat and trans-fatty acids ≤ 0,1 g of saturated fat per 100 g or 100 ml.
LOW SUGARS	≤ 5 g of sugars per 100 g for solids or 2,5 g of sugars per 100 ml for liquids.
SUGARS-FREE	≤ 0,5 g of sugars per 100 g or 100 ml
WITH NO ADDED SUGARS	the product does not contain any added mono- or disaccharides or any other food used for its sweetening properties. If sugars are naturally present in the food : 'CONTAINS NATURALLY OCCURRING SUGARS'.
LOW SODIUM/SALT	≤ 0,12 g of sodium, or the equivalent value for salt, per 100 g or per 100 ml. (particular conditions for waters)
VERY LOW SODIUM/SALT	≤ 0,04 g of sodium, or the equivalent value for salt, per 100 g or per 100 ml. Forbidden for natural mineral waters and other waters
SODIUM-FREE or SALT-FREE	≤ 0,005 g of sodium, or the equivalent value for salt, per 100 g.



Conditions of use : Nutrition Claims (Art 8) 2/3

- Nutrition claims **listed in the Annex**

Nutrition Claims	Conditions
<i>NO ADDED SODIUM/SALT</i>	the product does not contain any added sodium/salt or any other ingredient containing added sodium/salt + ≤ 0,12 g sodium, or the equivalent value for salt, per 100 g or 100 ml.
<i>SOURCE OF FIBRE</i>	≥ 3 g of fibre per 100 g or ≥ 1,5 g of fibre per 100 kcal.
<i>HIGH FIBRE</i>	≥ 6 g of fibre per 100 g or at least 3 g of fibre per 100 (kcal).
<i>SOURCE OF PROTEIN</i>	≥ 12 % of the energy value of the food is provided by protein.
<i>HIGH PROTEIN</i>	≥ 20 % of the energy value of the food is provided by protein.
<i>SOURCE OF or HIGH [NAME OF VITAMIN/S] AND/OR [NAME OF MINERAL/S]</i>	15 % or 30% of the nutrient reference values supplied by 100 g or 100 ml in the case of products other than beverages, 7,5 % of the nutrient reference values specified in point 1 supplied by 100 ml in the case of beverages, or, 15 % of the nutrient reference values specified in point 1 per portion if the package contains only a single portion,
<i>CONTAINS [NAME OF THE NUTRIENT OR OTHER SUBSTANCE]</i>	the product complies with all the applicable provisions of this Regulation, and in particular Article 5.
<i>SOURCE OF OMEGA-3 FATTY ACIDS</i>	≥ 0,3 g ALA per 100 g and per 100 kcal, or ≥ 40 mg of the sum of EPA and DHA per 100 g and per 100 kcal.
<i>HIGH OMEGA-3 FATTY ACIDS</i>	≥ 0,6 g ALA per 100 g and per 100 kcal, or ≥ 80 mg of the sum of EPA and DHA per 100 g and per 100 kcal.
<i>HIGH MONOUNSATURATED FAT</i>	≥ 45 % of the fatty acids present in the product derive from monounsaturated fat + monounsaturated fat provides more than 20 % of energy of the product.
<i>HIGH POLYUNSATURATED FAT</i>	≥ 45 % of the fatty acids present in the product derive from polyunsaturated fat + polyunsaturated fat provides more than 20 % of energy of the product.
<i>HIGH UNSATURATED FAT</i>	≥ 70 % of the fatty acids present in the product derive from unsaturated fat + unsaturated fat provides more than 20 % of energy of the product



Conditions of use : Nutrition Claims (Art 9) 3/3

- **Comparative Nutrition claims listed in the Annex**

Nutrition Claims	Conditions
<i>ENERGY-REDUCED</i>	the energy value is reduced by at least 30 % + indication of the characteristic(s) which make(s) the food reduced in its total energy value
<i>INCREASED [NAME OF THE NUTRIENT other than vitamins and minerals]</i>	the product meets the conditions for the claim 'source of' + the increase in content is at least 30 % compared to a similar product
<i>REDUCED [NAME OF THE NUTRIENT]</i>	the reduction in content is at least 30 % compared to a similar product, except for micronutrients 10 % and for sodium 25 %.
<i>Reduced saturated fat</i>	if the sum of saturated fatty acids and of trans-fatty acids in the product bearing the claim is at least 30 % less than the sum of saturated fatty acids and of trans-fatty acids in a similar product; + if the content in trans-fatty acids in the product bearing the claim is equal to or less than in a similar product
<i>Reduced sugars</i>	if the amount of energy of the product bearing the claim is equal to or less than the amount of energy in a similar product.
<i>LIGHT/LITE</i>	same conditions as those set for the term 'reduced'; the claim shall also be accompanied by an indication of the characteristic(s) which make(s) the food 'light' or 'lite'

- Comparison with a range of foods of the same category, which don't have a composition which allows them to bear a claim, including foods of other brands.
- The difference in the quantity of a nutrient and/or the energy value must be stated



Conditions of use : Health Claims (Art 10)

Claims art 13

Claims art 13.1

Claims art 13.5

Health claims describing or referring to:

- the role of a nutrient or other substance in growth, development and the functions of the body; or
- psychological and behavioural functions; or
- slimming or weight-control or a reduction in the sense of hunger or an increase in the sense of satiety or to the reduction of the available energy from the diet,

Claims art 14

Claims art 14.1.a

Claims art 14.1.b

- Reduction of disease risk claims
- Claims referring to children's development and health

"Calcium helps to reduce the loss of bone mineral in post-menopausal women. Low bone mineral density is a risk factor for osteoporotic bone fractures"

"Calcium is needed for normal growth and development of bone in children."

"Calcium is needed for the maintenance of normal bone"





Conditions of use : Health Claims (Art 13.1)

- They are said to be “Generics”
- They are based on generally accepted scientific evidence
- They are **authorized if they are listed** in the Regulation 432/2012 and are in conformity with the conditions set out in this Regulation (without undergoing authorization procedures)
- This list can be amended with new claims (procedure art 13.4)

▼ B

Nutrient, substance, food or food category	Claim	Conditions of use of the claim	Conditions and/or restrictions of use of the food and/or additional statement or warning	EFSA Journal number	Relevant entry number in the Consolidated List submitted to EFSA for its assessment
Calcium	Calcium has a role in the process of cell division and specialisation	The claim may be used only for food which is at least a source of calcium as referred to in the claim SOURCE OF [NAME OF VITAMIN(S)] AND/OR [NAME OF MINERAL(S)] as listed in the Annex to Regulation (EC) No 1924/2006.		2010/8(10)/1725	237
Calcium	Calcium is needed for the maintenance of normal bones	The claim may be used only for food which is at least a source of calcium as referred to in the claim SOURCE OF [NAME OF VITAMIN(S)] AND/OR [NAME OF MINERAL(S)] as listed in the Annex to Regulation (EC) No 1924/2006.		2009/7(9)/1210 2009/7(9)/1272 2010/8(10)/1725 2011/9(9)/2303	224, 230, 350, 354, 2731, 3155, 4311, 4312, 4703, 4704
Calcium	Calcium is needed for the maintenance of normal teeth	The claim may be used only for food which is at least a source of calcium as referred to in the claim SOURCE OF [NAME OF VITAMIN(S)] AND/OR [NAME OF MINERAL(S)] as listed in the Annex to Regulation (EC) No 1924/2006.		2009/7(9)/1210 2010/8(10)/1725 2011/9(9)/2303	224, 230, 351, 2731, 3009, 3155, 4311, 4312, 4703, 4704



The claims must refer to an ingredient, nutrient or substance





Conditions of use : Health Claims (Art 13.5)

- They are said to be “**Specifics**”
- They are based on **newly developed scientific evidence** and/or which **include a request for the protection of proprietary data**
- These health claims are authorized if they undergo **authorization procedures** of art 18





Conditions of use : Health Claims (Art 14)

Reduction of disease risk claims (art 14.1 a)



A statement is mandatory indicating that the disease to which the claim is referring has multiple risk factors and that altering one of these risk factors may or may not have a beneficial effect.

Claims referring to children's development and health (art 14.1 b)

- These health claims are permitted if they undergo authorization procedures of art 15 to 17 and 19





Conditions of use : Procedure health claims of articles 13.5 and 14

Opinion of the Authority



European Food Safety Authority

EFSA Journal 2010; 8(2):1463

SCIENTIFIC OPINION

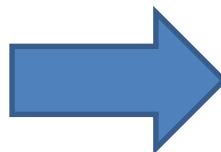
Scientific Opinion on the substantiation of health claims related to *Camellia sinensis* (L.) Kuntze (tea), including catechins in green tea and tannins in black tea, and protection of DNA, proteins and lipids from oxidative damage (ID 1103, 1276, 1311, 1708, 2664), reduction of acid production in dental plaque (ID 1105, 1111), maintenance of bone (ID 1109), decreasing potentially pathogenic intestinal microorganisms (ID 1116), maintenance of vision (ID 1280), maintenance of normal blood pressure (ID 1546) and maintenance of normal blood cholesterol concentrations (ID 1113, 1114) pursuant to Article 13(1) of Regulation (EC) No 1924/2006¹

EFSA Panel on Dietetic Products, Nutrition and Allergies (NDA)^{2,3}

European Food Safety Authority (EFSA), Parma, Italy

SUMMARY

Following a request from the European Commission, the Panel on Dietetic Products, Nutrition and Allergies was asked to provide a scientific opinion on a list of health claims pursuant to Article 13 of Regulation (EC) No 1924/2006. This opinion addresses the scientific substantiation of health claims in relation to *Camellia sinensis* (L.) Kuntze (tea), including catechins in green tea and tannins in black tea, and protection of DNA, proteins and lipids from oxidative damage, reduction of acid production



Community Authorisation

L 310/38

EN

Official Journal of the European Union

9.11.2012

COMMISSION REGULATION (EU) No 1048/2012

of 8 November 2012

on the authorisation of a health claim made on foods and referring to the reduction of disease risk
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods⁽¹⁾, and in particular Article 17(3) thereof,

Whereas:

(1) Pursuant to Regulation (EC) No 1924/2006 health claims made on foods are prohibited unless they are authorised by the Commission in accordance with that Regulation and included in a list of permitted claims.

proposed by the applicant was worded as follows: 'Barley beta-glucan has been shown to lower/reduce blood cholesterol. Blood cholesterol lowering may reduce the risk of (coronary) heart disease'.

(6) On the basis of the data presented, the Authority concluded in its opinion received by the Commission and the Member States on 8 December 2011 that a cause and effect relationship had been established between the consumption of barley beta-glucans and lowering of blood LDL-cholesterol concentrations. Accordingly, a health claim reflecting this conclusion should be considered as complying with the requirements of Regulation (EC) No 1924/2006, and should be included in the Union list of permitted claims. The meta-analysis and information pertaining to the production process of barley 'betafiber' (BarlivTM), claimed by the applicant as proprietary, were not considered necessary by the Authority for reaching its conclusion. It is therefore considered that the requirement laid down in point (c) of Article 21(1) of Regulation (EC) No 1924/2006 is not fulfilled and





Conditions of use : Community register (Art 20)

- The Register is available to the public
http://ec.europa.eu/food/safety/labelling_nutrition/claims/register/public/?event=register.home

EU Register on nutrition and health claims

The search tool only allows searches for health claims*, and not nutrition claims.

* **Health claims for which protection of proprietary data is granted** (and for which the right of use of the claim is restricted to the benefit of the applicant) are **only** listed here.

You can also download the complete dataset of nutrition and health claims in the following formats: [XLS](#) (1.14 Mb) [PDF](#) (2.22 Mb)

Showing 1 to 10 of 259 entries (filtered from 2,310 total entries)

Claim type	Nutrient, substance, food or food category	Claim	Conditions of use of the claim / Restrictions of use / Reasons for non-authorisation	Health relationship	EFSA opinion reference / Journal reference	Commission Regulation	Status	Entry ID
Art.14(1)(b)	o-linolenic acid (ALA) & linoleic acid (LA), essential fatty acids	Essential fatty acids are needed for normal growth and development of children.	Information to the consumer that the beneficial effect is obtained with a daily intake of 2 g of o-linolenic acid (ALA) and a daily intake of 10 g of linoleic acid (LA).		Q-2008-079	Commission Regulation (EC) 983/2009 of 21/10/2009, Amended by Commission Regulation (EC) 376/2010 of 03/05/2010	Authorised	N/A
Art.13(5)	Non-digestible carbohydrates	Consumption of foods/drinks containing <name of all used non-digestible carbohydrates> instead of sugars induces a lower blood glucose rise after their consumption compared to sugar-containing foods/drinks	In order to bear the claim, sugars should be replaced in foods or drinks by non-digestible carbohydrates, which are carbohydrates neither digested nor absorbed in the small intestine, so that foods or drinks contain reduced amounts		Q-2013-00615, Q-2014-00044, Q-2014-00073	Commission Regulation (EU) 2016/854 of 30/05/2016	Authorised	N/A



Conditions of use : Dates – Transitional measures

- Products bearing **trade marks or brand names** existing before 1 January 2005 which do not comply with this Regulation : until 19 January 2022
- **Nutrient profiles** : until 2 years after date of adoption
- Products placed on the market before 1 June 2014 which don't comply with the provisions of **Nutrition claims** of the Regulation 1924/2006 as amended by Regulation 1047/2012 : until all stocks are sold
- Health claims (**pending list**) : until the list of health claims has been adopted under the operator's responsibility, provided that they comply with this Regulation and national regulations.
- No transitional measures for claims concerning **reduction of disease risk claims** and claims referring to **children's development and health**





Conditions of use : Nutrition information (Art 7)

Regulation 1169/2011

Nutrition information by 100 g	
Energy	kJ / kcal
Fat	g
Of which saturates	g
Carbohydrates	g
Of which sugars	g
Protein	g
Salt	g

Substance(s) to which a nutrition or health claim relates





[REGULATION \(EC\) No 1924/2006](#) OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 December 2006 on nutrition and health claims made on foods - consolidated

[DG SANCO. 2007.](#) GUIDANCE ON THE IMPLEMENTATION OF REGULATION N° 1924/2006 ON NUTRITION AND HEALTH CLAIMS MADE ON FOODS CONCLUSIONS OF THE STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH

[COMMISSION REGULATION \(EC\) No 353/2008](#) of 18 April 2008 establishing implementing rules for applications for authorisation of health claims as provided for in Article 15 of Regulation (EC) No 1924/2006 of the European Parliament and of the Council

[COMMISSION IMPLEMENTING DECISION of 24 January 2013](#) adopting guidelines for the implementation of specific conditions for health claims laid down in Article 10 of Regulation (EC) No 1924/2006 of the European Parliament and of the Council

[COMMISSION REGULATION \(EU\) No 907/2013](#) of 20 September 2013 setting the rules for applications concerning the use of generic descriptors (denominations)

[EFSA](#). 17 July 2012. What are health claims and how are they assessed?



Thank you !
Do you have questions ?

