

Brussels, 6 February 2006

**Re Second reading of the Commission's proposals on Nutrition and Health Claims and Fortified Foods**

Dear Member of the European Parliament,

We are writing with reference to the Commission's proposals on the use of Nutrition and Health Claims on foods (COM (2003) 424) and the addition of vitamins and minerals and other substances to foods (COM (2003) 262). Both these proposals aim at the harmonization of widespread practices in the food manufacturing sector with the twofold objective of creating a level playing field amongst businesses operating in the EU market and of heightening the level of protection for European consumers.

Last year these legislative dossiers went through their first reading by the EU institutions and especially the Health and Nutrition Claims proposal proved to be highly controversial in relation to issues such as nutrient profiling and approval procedure for health claims.

As you know, the European Parliament is about to start a second reading these days and will be therefore a key player in shaping the final content of the two proposals. Against this background, EURO COOP, the European Community of Consumer Cooperatives, would like to share with you its views on these dossiers.

Regarding the **Health and Nutrition Claims proposal**, EURO COOP believes the text agreed by the Health Ministries and backed by the Commission looks satisfactory from a consumer protection perspective. In particular, EURO COOP congratulates the two EU decision-makers for firmly supporting the concept of nutrient profiles as a pre-condition for making a claim on a given food (Article 4). This should put an end to the inaccurate use of nutrition and health claims as a marketing tool, of which unscrupulous food operators often take advantage to misguide consumers when buying food products.

In this regard, EURO COOP thinks that the solution envisaged by some of allowing a claim on a food not meeting a desirable nutrient profile, provided that the nutrient exceeding the profiling is indicated on the front-of-pack or full nutrition information is given on the back, is not acceptable from a consumer perspective. It would risk, in fact, conveying contradictory and unclear messages to buyers and, in so doing, it would undermine the rationale behind the regulation proposal.

We would like also to take this opportunity to draw your attention on the close link that exists between the Nutrition and Health Claims proposal and the **Commission's proposal on the addition of vitamins and minerals** above mentioned. Claims referring to the addition of those substances (e.g. 'rich in vitamin B' or 'rich in calcium') are in fact regarded as health claims and are therefore subject to the conditions for the use of such claims as laid down by the Claims proposal. Accordingly, because of the nutrient profiling principle, claims stressing the presence of vitamins and minerals would not be allowed in case a given food does not have a desirable profiling. As a consequence, this would stop the advertising of products high in fats, sugar and salt as rich in vitamins or minerals, a marketing practice that may lead consumers to think energy-dense foods are natural or appropriate sources of those substances when they are not.

Finally, EURO COOP welcomes the stance of the Commission and the Council as far as the approval procedure for health claims is concerned. Both these institutions are in favour of a prior authorization system for these claims instead of a mere notification procedure. This latter would allow food manufacturers to market their products bearing a health claim without any previous and third-party scientific assessment of the claimed properties. On the contrary, the former would imply that before marketing a product any related health claim should be subject to a thorough evaluation to ascertain whether it is scientifically substantiated. Needless to say that from a consumer viewpoint an authorization system is the ideal solution as it prevents buyers from being exposed to non-evidence based claims.

We do hope that you will take on board our views when discussing these dossiers in the European Parliament Committee on Environment, Food Safety and Health of which you are a member. In so doing, you may significantly contribute to ensure a high level of public health in the EU, by empowering consumers to make truly informed choices about what they eat.

Should you require any further clarification on the content of the present letter, please do not hesitate to contact our Secretariat.

Meanwhile, I should take this opportunity to thank you for your attention in this important matter.

Yours sincerely,

A handwritten signature in dark ink, reading "Francesco Montanari". The signature is written in a cursive style with a prominent flourish at the end.

Francesco Montanari  
Director  
EURO COOP