

EU: Health claims update

The European Food Safety Authority (EFSA) has now announced the date for a public consultation and scientific meeting on the *Scientific requirements for health claims related to gut and immune function*. The public consultation will run in October 2010 and the meeting is scheduled for 2 December 2010 in Amsterdam, The Netherlands. The scientific meeting is targeted at scientific experts and is limited to 100 participants, selected on the basis of their experience in the field.

In addition, EFSA advises that it intends to organise a series of on-line consultations (which may or may not be followed by a scientific meeting) on the scientific requirements for the substantiation of specific types of health claims during 2010-2012, as follows:

- *February 2011*: Health claims related to post-prandial blood glucose responses/blood glucose control; health claims related to weight management/energy intake/satiety;
- *May 2011*: Health claims related to protection against oxidative damage; health claims related to cardiovascular health;
- *September 2011*: Health claims related to bone, joint and oral health claims related to cognitive function;
- *February 2012*: Health claims related to physical performance

The overall aim of the consultations will be to provide additional guidance to applicants for the substantiation of health claims in selected areas. For further detail, see the following web-link www.efsa.europa.eu/en/nda/ndaclaims.htm (click on "Scientific requirements for health claims: public consultations and meetings".)

EHPM complains to the Ombudsman

The European Federation of Associations of Health Product Manufacturers (EHPM) has recently issued a complaint to the European Ombudsman regarding the European Union's (EU) health claims Regulation.

Article 13.1 of the EU's Claims Regulation prescribes that the European Commission develop a Community list of permitted general health claims that are made on foods and food supplements, following their scientific validation by EFSA. Following the Regulation's implementation, EFSA decided to issue its evaluations in batches, to which the Commission at first objected, but later agreed. The first batch of claims to be put on the list is currently under discussion for vote by the Member States.

The European Ombudsman looks at cases of maladministration of issues handled by European institutions such as the Commission and EFSA. Its role is to act as a mediator within the EU, aiming to achieve agreement between parties outside the courts.

The EHPM's complaint calls upon the European Ombudsman to issue a formal recommendation that the Commission should wait for EFSA to deliver all of its evaluations on the Article 13.1 claims before any further steps are taken towards a formal decision about the Community list of permitted Article 13.1 claims, on the grounds that the current batch-wise approach is maladministration.

Peter van Doorn, EHPM Chairman is quoted as saying, "*We feel that at this stage we have no other alternative but to take the Commission and EFSA to the European Ombudsman. We have exhausted all other appropriate avenues at this stage. We have been constructive and fair partners throughout the process and we have invested many hundreds of hours to try to ensure a fair outcome. Unfortunately we feel that our concerns have not been seriously considered.*

Ultimately we believe that the current process is seriously flawed and if the Commission continues with its batch-wise approach to the implementation of Article 13.1 of the claims Regulation, legal and valid claims that are essential for the food supplement and food ingredient sectors will be wiped out – without taking any time to seriously consider what we stand to lose. We want to see claims which are vital for our sector and have been accepted across the EU substantiated and food ingredient sectors will be wiped out.”

Source: EHPM