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27 April 2006

Triologue discussion on Nutrition and Health Claims

Dear Deputy Ambassador,

We understand that tomorrow COREPER will meet to prepare the Council's position for the forthcoming triologue meeting on 3 May on nutrition and health claims on food.

Two key issues under consideration are nutritional profiles (article 4) and prior authorisation for new, previously unproven health and nutrition claims. In both cases, the Commission proposal and the Common Position differ from the First Reading Opinion of the European Parliament.

On Article 4 we think that the Council and Commission were right and that the Parliament is wrong. Therefore we hope that you will not compromise on this point. If the Council and Commission maintain a firm united front on this point you will win the argument. Any sign of weakness or willingness to compromise on your part will be exploited to your disadvantage.

Apparently some member states are now considering a compromise to allow nutritional (but not health) claims in certain circumstances, even if the food contains high levels of a nutrient such as fat, sugar or salt. We would strongly urge you not to agree to any such compromise, but to stick to the Common Position. Whilst the compromise which the Council is considering may not be as bad as the text adopted by the EP Environment Committee on 21 March, it would still lead to misleading nutritional claims being allowed on foods containing high levels of fat, sugar or salt. Any kind of "disclosure" amendment to Article 4 would seriously weaken the level of consumer protection and we oppose it. Please see enclosed an illustration of what such amendments would mean in practice.

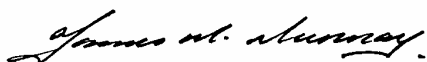
Most consumers want to follow a healthy diet yet they rely on marketing claims when choosing what food to buy. Consumers see claims as a quick and trustworthy way to identify healthy foods. Current claims are not a good guide to healthy choices. Too often they stress only one aspect of a product - claiming it is a 'source of calcium', for example, but not mentioning the high levels of fat, sugar or salt the food also contains. Consumers often base their decisions on incomplete information or misunderstand the information they are given.

It is hard to overestimate the gravity of the problem of diet related diseases. Some weeks ago the US Surgeon General described obesity as a greater threat than terrorism! Strict regulation of health and nutrition claims will not of itself solve the problem but is a necessary element of a much wider strategy.

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On the question of authorisation, two procedures will be established for the approval of health and nutrition claims. The authorisation procedure (which involves an extended research and approval process) would be followed in order to allow the use of health claims referring to the reduction of disease risk and those referring to children's development and health. All other health and nutrition claims will be approved via a simplified and faster 'registration' procedure. We want the registration procedure (Art.17a), to offer a guarantee to consumers that only foods making scientifically proven claims can be allowed on the market. It is essential that producers should be required to substantiate any new health and nutrition claims before using them for marketing purposes. Authorities should also have enough time for the examination of the dossier. This is the principle behind the Commission's proposal. Health claims are serious matters and consumers take them seriously – it is right that new claims of this kind should be evidence based.

Yours sincerely,

A handwritten signature in black ink, reading "James M. Murray". The signature is written in a cursive style with a horizontal line underlining the name.

Jim Murray
Director