

Androulla Vassiliou
Commissioner for Health
The European Commission
B-1049 Brussels
Belgium

Your ref

Our ref
200701136/JON

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5.08.2009

The establishment of nutrient profiles

Dear Ms Vassiliou,

I would like to take this opportunity to comment on the establishment of nutrient profiles pursuant 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.

For many years, Norway has taken an active part in the advancement of European food labelling legislation. We have consistently emphasised that labelling regulations must ensure a high level of consumer protection. Norway has continued to do so during discussions within the European Commission about the establishment of nutrient profiles.

I support the work of the European Union to fight misleading advertising of foods to consumers. In my opinion, the Regulation on nutrition and health claims is a highly suitable instrument to promote this important objective. In particular, I endorse Article 4 of the Regulation, which states that the European Commission shall establish specific nutrient profiles, which foods must comply with in order to bear nutrition or health claims. I welcome the introduction of the nutrient profiles, because I believe that – if they are established wisely – they may become highly appropriate tools to combat misleading advertising.

I would like to stress that it is of paramount importance that the European Commission does not deviate from the purpose of the nutrient profiles when the profiles are established. According to recital 11 of the preamble to the Regulation, the purpose of

the nutrient profiles is to avoid situations where nutrition or health claims may mask the overall nutritional status of a food product. Accordingly, business operators should not be allowed to use nutrition or health claims on foods that could have a negative impact on health – because this would be misleading to consumers.

I strongly support the idea that nutrient profiles shall be based on scientific knowledge about the relationship between nutrition and health. I welcome this approach to establishing the nutrient profiles and I appreciate that it has been laid down clearly in Article 4 of the Regulation. In keeping with this, I am pleased with the fact that the nutrient profiles will include criteria for saturated fats, sodium and sugar.

I would like to point out that I am confident that the European Commission takes the task of establishing nutrient profiles seriously, and that it will do its utmost to ensure that the profiles are set according to their purpose and to the scientific advice of the European Food Safety Authority. I would like to assure the European Commission that it has my support in its work to achieve these objectives.

However, I am aware that there have been discussions of certain proposals, according to which a wide range of foods may be exempted from the basic obligation to comply with nutrient profiles in order to bear nutrition or health claims. In my opinion, it is important that the number of exceptions from the requirement to comply with established nutrient profiles is limited.

Good examples of food groups that should be exempted are unprocessed fruits and vegetables. On the other hand, one should be quite cautious about exempting foods that due to their nutritional composition may have a negative impact on health. If such foods may be marketed with nutrition and health claims without regard to their nutritional composition, food business operators will effectively be allowed to mislead consumers into believing that their foods are healthier than they actually are. To allow such foods to be presented with nutrition or health claims would be contrary to the Regulation's objective of ensuring a high level of consumer protection. Also, it would undermine most generally accepted dietary recommendations.

Finally, I would like to take this opportunity to express my concern of the fact that some nutrient profiles that have been discussed do not appear to be adequately based on the scientific advice of the European Food Safety Authority. In particular, I would like to point out that according to the latest proposals, the limits for sugars in bread and breakfast cereals are set too high.

As will appear from this letter, I believe that the Regulation on nutrition and health claims – and the establishment of nutrient profiles in particular – has the potential to become a highly appropriate instrument in the fight against misleading advertising of foods. I will be at your disposal for further discussions about this important issue.

Yours sincerely,

Bjarne Håkon Hanssen

Copy:

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