



invites you to



NEWS HEADLINES

- Research
- Industry
- Regulation
- Consumer Trends

ON YOUR RADAR

- Health claims
- Omega-3
- Probiotics
- Botanicals

ALL NEWS ARTICLES

- Videos
- Audio-podcasts
- Hot topics
- Weekly comments
- November 2009
- October 2009
- Previous months

NEWS HEADLINES > REGULATION

- Share Text size Print Email this page News by email

GUEST ARTICLE

EHPM: health claim rules are flawed and killing innovation

By Peter van Doorn, 05-Nov-2009

Related topics: [Health claims](#), [Regulation](#)

The European Union health claims regulation is a good idea being badly implemented according to the Peter van Doorn, the chairman of leading trade group, EHPM. The economic fall-out may lead to the regulation being dragged before the courts, he argues, in this exclusive guest article.

The European Food Safety Authority (EFSA) last month published its first batch of article 13.1 claim evaluations, and it looks like most products will lose the ability to make use of claims for other ingredients and botanicals that have been used on the market for many years with no concern from governments or consumer groups.

In comparison to the United States and Asia, Europe has long struggled with the concept of innovation in the food sector. The novel food regulation dramatically increased the costs of bringing new ingredients to market, and the nutrition and health claims regulation would appear to be the killer blow.

Not because there is no evidence to support such claims but because the process being followed for the development of the article 13.1 claims list has been flawed with interpretation issues and lacking the transparency and legal certainty companies are entitled to expect.

The impact is huge, especially on the food supplement market, where bioactive ingredients and botanicals represent more than half of the products available and where consumers need information to make appropriate use of products. EHPM has always supported the goals of the nutrition and health claims regulation to protect consumers against misleading information and provide a level playing field and incentive to innovation for all companies across the European Union.

But we cannot support the fact that well-known and sufficiently substantiated claims will disappear from the market.

Playing the claim game

Article 13.1 claims are by their nature generic claims based on generally accepted scientific evidence. The Article 13.1 procedure was in itself developed to ensure well-accepted claims could continue to exist, thus enabling companies, particularly SMEs (small-to-medium enterprises), to make use of them without investing in lengthy and costly authorisation procedures.

Therefore the regulation provides for less detailed data to be submitted for their evaluation, as opposed to the more stringent data required for other types of claims, specifically those relating to disease risk reduction and children's development and health (Article 14 claims). The result is that the information provided to EFSA for article 13.1 is less extensive and more generic than that for Article 14.

EFSA's decision to evaluate all health claims according to the same criteria therefore, is damaging, as many of its article 13.1 negative opinions acknowledge supporting evidence but not enough to meet the article 13.5 and 14 criteria that has been established.

PRODUCT BROCHURE

Innovation in weight management!

New and original natural formulation acting on new targets to control body weight, facilitate digestive comfort and come-back to the gut homeostasis. For more details please... [Click here](#)

But this is a highly unfair situation as the regulation does not require that kind of information.

Handicapped

There has been a serious lack of guidance and transparency about how EFSA would evaluate the information received and this has essentially handicapped the efforts of companies when providing information to the member states. We have raised serious concerns regarding both the procedure and the scientific assessment.

It is unclear why, despite many calls from our sector, there has been no formal opportunity for all stakeholders to discuss the article 13.1 approach and the principles adopted by the scientists, given its serious impact on the sector. A



LATEST AUDIO & VIDEO NEWS

- No culture shock in DSM 'behavioural change' [Spark Size Science: Hearing about folate's benefits](#)
- EFSA says yes to third of first Article 13.1 claims

LATEST NEWS HEADLINES

- [Threat of EU health claims legal challenge grows](#)
- [Ageing concerns to stimulate brain food market, report](#)
- [Are EU health claims dooming innovation – Your views](#)
- [Green tea extracts may protect against oral cancer: Study](#)
- [Carotenoid-rich broccoli could lead to better extracts](#)

MOST POPULAR NEWS

- [1. Vitamin D supplements show anti-diabetes potential](#)
- [2. Collagen ingredient better than glucosamine for joint health?](#)
- [3. Low vitamin D again linked to higher mortality](#)
- [4. EFSA publishes probiotic guidance](#)
- [5. EFSA affirms omega-3 can benefit baby brains and eyes](#)

ON YOUR RADAR

[Health claims](#)

public discussion on these EFSA standards and their impact is essential before any further decisions are taken.

As it stands, only very highly resourced, major brand multinationals are likely to benefit from the regulation as they can recoup of the costs of investing huge sums to gain claims approval. For SMEs, many of which drive market innovation, the economics simply don't stack up.

This is a sad day for European competitiveness and consumers, who will also suffer as health claims are essential for informing them about the appropriate use of food supplements as well as functional foods. This restrictive application of the 2006 nutrition and health claims regulation will inevitably drive them towards other unregulated sources of information, which the enforcement agencies do not have the resources to control.

This approach leaves very little in the way of options for affected companies in our sector and potential legal action may appeal to some, even though this is a long term, costly effort with no guarantee of success.

Peter van Doorn is the chairman of EHPM (European Federation of Associations of Health Product Manufacturers), a trade group representing food supplements makers across Europe.

Health claims will be discussed at the **NutraIngredients Health Claims 2010** conference to be held in Brussels on 10th December where the likes of Danone and Unilever will share their experiences with the process. For more information and to register, please click [here](#) .



Your comments

Get more articles like this one delivered every day.
Click here for the NutraIngredients.com newsletter.

MORE NEWS ARTICLES ON THIS TOPIC

- [Clinical trials are EFSA's fool's gold](#)
- [Further glucosamine health claim rejected](#)
- [Will health claims doom innovation in Europe?](#)
- [Plant stanol and sterol claims now law in EU](#)
- [EFSA publishes probiotic guidance](#)
- [Health claim rules gag freedom of speech, says EU lobby group](#)
- [July 2010: When EU health claim compliance reaches store shelves](#)
- [Scientists question EFSA probiotic logic](#)
- [Consumer press highlights probiotic health claim failures](#)
- [Bad day at the EU health claims office](#)
- [Article 13.1: winners and losers](#)
- [Devil not so bad in EFSA health claim details](#)
- [EFSA says yes to third of first Article 13.1 claims](#)

Copyright - Unless otherwise stated all contents of this web site are © 2000/2009 - Decision News Media SAS - All Rights Reserved - For permission to reproduce any contents of this web site, please email our Syndication department: [Administration & Finance](#) - Full details for the use of materials on this site can be found in the [Terms & Conditions](#)

[Threat of EU health claims legal challenge grows](#)
[Are EU health claims dooming innovation - Your views](#)

Omega-3

[Threat of EU health claims legal challenge grows](#)
[Huge scope for anti-ageing ingredients, says new research](#)

Probiotics

[Threat of EU health claims legal challenge grows](#)
[Nutrient database can assist health claims](#)

Botanicals

[Threat of EU health claims legal challenge grows](#)
[Regulation: the rules governing healthy chocolate](#)

Free e-mail alerts

Please indicate your area of interest and receive free alerts directly to your inbox

Product Categories

- Antioxidants, carotenoids
- Cosmeceuticals
- Dairy-based ingredients
- Dosage forms
- Fibres and carbohydrates
- Minerals
- Nutritional lipids and oils
- Phytochemicals, plant extracts
- Probiotics and prebiotics
- Proteins, peptides, amino acids
- Soy-based ingredients
- Vitamins & premixes

Health Conditions

- Bone & joint health
- Cancer risk reduction
- Cardiovascular health
- Cognitive and mental function
- Diabetes
- Energy & endurance
- Eye health
- Gut health
- Immune system
- Maternal & infant health
- Respiratory health
- Skin health
- Weight management
- Women's health

Your email



Weekly / Daily Free Newsletter

- [FoodNavigator.com](#)
Food & Beverage Development - Europe
- [FoodNavigator-USA.com](#)
Food & Beverage Development - North America
- [NutraIngredients.com](#)
Supplements & Nutrition - Europe
- [NutraIngredients-USA.com](#)
Supplements & Nutrition - North America
- [FoodProductionDaily.com](#)
Food Processing & Packaging
- [FoodQualityNews.com](#)
Food Safety & Quality Control

- [DairyReporter.com](#)
Dairy Processing & Markets
- [BeverageDaily.com](#)
Beverage Technology & Markets
- [ConfectioneryNews.com](#)
Confectionery & Biscuit Processing
- [BakeryAndSnacks.com](#)
Industrial Baking & Snacks
- [MeatProcess.com](#)
Prepared Food and Meat Processing
- [AP-FoodTechnology.com](#)
Food and Beverage in Asia Pacific

Other Newsletters

- Science & Nutrition Research
- Food legislation
- Food Finance
- Innovations in Food Ingredients
- Innovations in Food Processing and Packaging
- Innovations in Food Safety & Instrumentation
- Food Industry & Consumer Trends
- Food Marketing and Retailing

Free subscription now! Your email



RELATED SITES



