

The setting of nutrient profiles for foods bearing nutrition and health claims pursuant to Article 4 of the Regulation (EC) No 1924/2006

Scientific Opinion of the Panel on Dietetic Products, Nutrition and Allergies

(Request N° EFSA-Q-2007-058)

Adopted on 31 January 2008

SUMMARY

The European Commission has requested the European Food Safety Authority (EFSA) to provide relevant scientific advice for the setting of nutrient profiles.

Article 4 of Regulation 1924/2006 on Nutrition and Health Claims on Foods foresees that the European Commission shall establish (by 19th January, 2009) specific nutrient profiles that foods or certain groups of foods must respect in order to bear nutrition and health claims. Foods promoted with claims might be perceived by consumers as having a nutritional, physiological or other health advantage over similar or other products without claims. The use of nutrient profiles aims to avoid a situation where nutrition or health claims could mislead consumers as to the overall nutritional quality of a food product when trying to make healthy choices in the context of a balanced diet.

In preparing its scientific advice to the Commission, the Panel reviewed a wide range of reports and papers on nutrient profiles and considered views from stakeholders.

In addition to this Opinion, EFSA will continue to assist the European Commission in establishing a nutrient profile scheme, by developing a suitable food composition database and providing advice on its use in testing any proposed system.

General Principles - The term 'nutrient profile' refers to the nutrient composition of a food or diet. 'Nutrient profiling' is the classification of foods for specific purposes based on their nutrient composition. In this opinion, the purpose is solely for the regulation of nutrition and health claims made on foods.

The nutrient profile of the overall (habitual) diet is an important determinant of health and the nutrient profile of a 'balanced' diet is defined by science based recommendations for intakes of energy and nutrients. Because diets are composed of multiple foods, overall dietary balance may be achieved through complementation of foods with different nutrient profiles so that it is not necessary for individual foods to match the nutrient profile of a 'balanced' diet. Nevertheless, individual foods might influence the nutrient profile of the overall diet, depending on the nutrient profile of the particular food and its intake. Thus, when classifying food products as eligible to bear claims, the potential of the food to adversely affect the

overall dietary balance is the main scientific consideration.

This consideration relates in particular to nutrients for which there is evidence of a dietary imbalance in EU populations that might influence the development of overweight and obesity or diet-related diseases such as cardiovascular disease or other disorders; they include nutrients that might be consumed to excess, as well as those for which intake might be inadequate.

The Regulation requires that the setting of nutrient profiles should take into account the dietary role and importance of food groups and their contribution of nutrients to the overall diet of the population (or specific population groups). Food groups with important dietary roles include vegetable oils, spreadable fats, dairy products, cereals and cereal products, fruits and vegetables and their products, meat and meat products, fish and fish products, and non-alcoholic beverages. The different dietary roles of such food groups are related to differences in their nutrient composition, as well as their (habitual) intake, and are recognised in food based dietary guidelines in Member States. Such guidelines also make distinctions between different products within these food groups based on their potential to influence, beneficially or adversely, the overall dietary balance for certain nutrients. The dietary roles of these food groups might differ across Member States owing to the variability of dietary habits and traditions and the Regulation requires that this variability be taken into account in establishing nutrient profiles.

Experience with nutrient profile schemes has shown that such schemes need to be adaptable in order to provide for issues that might arise from time to time in their use for the classification of food products.

Nutrient profiles for food in general and/or categories of food – For a category-based scheme, food groups, such as dairy products (including e.g. milk, yoghurt, cheese) or cereal products (including e.g. bread, breakfast cereals, bakery products, rice, pasta) could have specific nutrient profiles related to the potential of food products in those groups to adversely affect overall dietary balance. Such a scheme could have a simple nutrient profile for each food group and could be easily adapted. The main disadvantage would be the complexity of defining and managing a large number of food groups. A scheme for food in general could have a single nutrient profile for all foods. While this approach would avoid the need to define and manage food groups, the need to account for large differences in the nutritional composition of different food groups could lead to a more complex nutrient profile scheme that might be less easy to adapt than a category-based scheme.

The Panel considers that a nutrient profile for food in general with exemptions from the general profile, if necessary, for a limited number of food groups that have important dietary roles (one option outlined in the Terms of Reference) might overcome the main disadvantages of these two types of schemes. Such exemptions would ensure that some food products in these food groups might be eligible to bear claims. Exemptions for some food groups from the requirement to comply with the nutrient profile for food in general might be based on the use of different nutrients, thresholds or scores.

Choice of nutrients - The Panel recommends that the choice of nutrients to be included in nutrient profiles should be driven by their public health importance for EU populations. These nutrients include saturated fatty acids, sodium, dietary fibre and unsaturated fatty acids, intakes of which generally do not comply with nutrient intake recommendations in many Member States. Unsaturated fatty acids might not be needed if saturated fatty acids are included. The use of dietary fibre might be limited to certain food groups that are important dietary fibre sources and for which the use of dietary fibre to discriminate between food

products would be most relevant, e.g. cereal products. Trans fatty acids might be included for some food groups but are of decreasing public health importance as intakes in the EU have declined considerably. Total sugar content might be included for particular food groups, e.g. beverages, and foods, such as confectionery products, that might be consumed with a high frequency. Depending on the scheme adopted, energy density or total fat, as well as other nutrients, might also be considered. However, the total number of nutrients included would have to be limited to avoid overly complex nutrient profiles.

Reference quantity – Nutrient profiles are related to a reference quantity of food, expressed per portion, by weight/volume (e.g. per 100g or 100ml), or on an energy basis (e.g. per 100 kcal or 100kJ). The Panel recommends that selection of a suitable reference quantity should be based on pragmatic considerations related to the needs of the particular nutrient profile scheme.

Threshold/scoring – A nutrient profiling scheme could be based on threshold or scoring systems. A threshold is a nutrient concentration value that must be complied with for the food to be eligible to bear a claim. The Regulation allows derogation for one nutrient in the case of nutrition claims, whereas all the thresholds must be met for health claims. Scores for food products could be based on their content of the nutrients that are in the nutrient profile scheme. The Panel recommends that the choice of threshold or scoring system should be based on pragmatic considerations related to the needs of the particular scheme, while threshold or score values should be selected to ensure the appropriate classification of food products.

Feasibility/testing - Testing the suitability of a nutrient profile scheme to classify foods appropriately as being eligible to bear nutrition and/or health claims requires a database of energy and nutrient contents of a range of foods (as purchased) on the EU market. The database is interrogated to identify foods that are (i) eligible to bear health claims (comply in full with the nutrient profile), (ii) eligible to bear nutrition claims (comply with the nutrient profile except for one nutrient) or (iii) ineligible to bear a nutrition or health claim.

The main scientific consideration for judging whether food products are classified appropriately is the potential of the food products to adversely affect the overall dietary balance for nutrients of public health importance. In practice, it is easier to assess the classification of a food in relation to other foods in the same group, i.e. whether a food is more or less likely to adversely affect the overall dietary balance than other foods in the same food group.

The dietary role and importance of the food group, allowing for the variability in dietary habits and traditions across different Member States, must also be taken into account in order to ensure that some products in food groups that have important dietary roles can bear claims.

The classification of foods as being eligible to bear nutrition and/or health claims should be consistent with food based dietary guidelines established in Member States, albeit it is recognised that such guidelines are not uniform across countries.

In addition to scientific considerations, other issues that must be taken into account by the European Commission include the need to allow for product innovation and the feasibility and ease of use of the nutrient profile scheme.

Limitations – The Panel recognises the scientific limitations intrinsic in the use of nutrient profiles to classify foods as eligible to bear claims and the need for expert judgement to be applied. There is an inherent difficulty in seeking to apply to individual food products nutrient intake recommendations that are established for the overall diet. Furthermore, the potential of

food products (as purchased) to adversely affect the overall dietary balance does not take into account changes in nutrient content that occur during cooking or preparation, such as addition of fat, sugar or salt, nor does it take into account the habitual intake of the food or the pattern of consumption. In addition, the lack of uniform data for food composition and food consumption across the EU, as well as differences in nutrient intake recommendations and food based dietary guidelines between Member States, makes it more difficult to set nutrient profiles at EU level than at national level. The basis for expert judgements needed to address such limitations should be transparent in order to avoid variable outcomes.