

28 November 2008

Tim Marshall
Fortification and claims team
Food Standards Agency
(by email)

Dear Mr Marshall,

Consumer Focus response to the FSA consultation on setting nutrient profiles under European Regulation (EC) No1294/2006 (England)

Introduction

The establishment of nutrient profiles at EU level is required by Article 4 of Regulation (EC) No 1924/2006 on nutrition and health claims made on foods. The nutrient profile model will determine which foods will be eligible to bear these claims and in doing so should restrict claims that mask the overall nutritional status of a product which could mislead consumers when trying to make healthy choices.

Summary

- Consumer Focus considers those foods that are accepted to carry health and nutrition claims should have the most favourable nutritional composition for public health. Qualifying criteria should be strict to ensure consumer trust in claims and embolden consumers to choose the most nutritionally favourable foods.

Response to FSA consultation questions.

- **Q1 Are the categories that have been suggested for total exemption from the nutrient profiles appropriate?**

Consumer Focus support the exemption from profiling of;

- food for particular nutritional uses that have compositional requirements set by Commission Directives
- fruit and vegetables, raw and processed with nothing added

- **Q3 Are the number and type of categories/subcategories that have been suggested here appropriate?**

Consumer Focus proposes a single set of nutrient profiles (an across-the-board approach) to be used for as many foods as possible. Consequently, the number of specific food categories for which adapted nutrient profiles apply, will be as limited as possible. Consumer Focus commend the Food Standards Australia New Zealand model which has been tested by the British Heart Foundation Health Promotion Research Group which contains fewer categories and more nutrients tests better than the Commission proposed model against a representative dataset of 120 foods¹.

- **Q5 Are you content with the proposed method for defining categories and subcategories and how products will fall within these? If commenting on the minimum content for inclusion, please give data on product composition to illustrate any issues you wish to raise.**

A nutrient profiling system should be applicable across most food categories with limited scope for category exemptions. A limited number of adapted category profiles is more manageable, allows for more effective monitoring and enforcement. In addition, problems caused by the lack of consensus regarding classifications of foods in specific categories will be limited.

- **Q9 Is the choice of nutrients included in the profiles appropriate?**

¹ See Mike Rayner et al November 2008 Response a working document on the setting of nutrient profiles prepared by the Commission services for testing model analysis.

A nutrient profiling system should include four parameters that are of key importance in relation to dietary health:

- total fat,
- saturated fats,
- sugar/added sugar
- sodium.

In addition foods that contain artificial trans fats should be ineligible to bear any nutrition or health claims. Diets high in trans fatty acids increase LDL cholesterol reduce HDL cholesterol and increase the total cholesterol to HDL ratio, all of which have been associated with increased risk of cardiovascular disease². Artificial trans fats are healthier than saturated fats³.

Total fat

Diets high in fat generally have a high energy density, can contribute to excessive energy intake and energy imbalance and thus promote weight gain⁴. In addition, total fat is important given that consumer understanding to differentiate various types of fat is low. A threshold should be set for total fat.

Saturated fat

Diets high in saturated fatty acids increase serum LDL cholesterol⁵. A high serum LDL cholesterol level has been associated with an increased risk of cardiovascular diseases.

² Scientific Opinion of the Panel on Dietetic Products, Nutrition and Allergies on a request from the EC on Food Based Dietary Guidelines. EFSA journal (2008) x, 1-44

³ Mozaffarian, D, et al (2006) "Trans Fatty Acids and Cardiovascular Disease" The New England Journal of Medicine, 354;15 pp 1601-1613.

⁴ Scientific Opinion of the Panel on Dietetic Products, Nutrition and Allergies on a request from the EC on Food Based Dietary Guidelines. EFSA journal (2008) x, 1-44

⁵ Scientific Opinion of the Panel on Dietetic Products, Nutrition and Allergies on a request from the EC on Food Based Dietary Guidelines. EFSA journal (2008) x, 1-44

Sugars

Sugar consumption has an impact on dental health. In addition, sugars are a poor source of essential micro-nutrients, including vitamins and minerals and large amounts of sugars in food reduce the micronutrient density⁶. Sugars in addition increase the energy-density of foods. The WHO considers the consumption of energy dense micro-nutrient poor foodstuffs one of the main reasons for the current obesity epidemic with the consumption of such products contributing to caloric over-consumption.

Consideration should also be given for an 'added sugar' criterion for example for breakfast cereals to take into account the value of added fruit.

Salt/Sodium

A high sodium intake contributes to an elevated blood pressure which is an acknowledged risk factor for various chronic diseases. In Europe the average sodium intake of salt is far in excess of the intakes recommended by national and international nutrition expert bodies.

- **Q10 Do you have any comments on the inclusion of additional nutrients, either for all categories or specific categories/subcategories? Please give full reasoning and evidence if suggesting that nutrients should be removed or further nutrients should be included.**

Consideration should be given to the inclusion of a total fat threshold. The total amount of fat in foods contributes importantly to the energy density and to the overall energy intake and thus to weight gain. In addition, total fat is important given that consumer understanding to differentiate various types of fat is low.

An added sugar criterion will also ensure products with added fruit are not penalised.

- **Q12 The European Commission has developed a testing tool which has been included as part of this consultation package. This can be used to see how variations in the thresholds for the main profile and adapted**

⁶ Nutrient density is a measure of the nutrients a food provides compared to the calories it provides. Foods low in calories and high in nutrients are nutrient dense, while foods high in calories and low in nutrients are nutrient poor

profiles would affect the claims that can be made on foods in the test basket and manufacturers' products.

In order to obtain information on the practical consequences of nutrient profiles, their impact must be tested. The compositional databases outlined in the proposal do not offer a categorisation according to how healthy the foods are. In order to test profiling models, the compositional databases should be used in conjunction with a database of foods that reflect the views of nutritionists.

- **Q13 We would welcome comments on the proposed thresholds for the main profile and adapted profiles. Please be as specific as you can about what foods would be affected by changing the thresholds – information on the number of foods only is not sufficiently detailed to be of use in negotiations.**

Qualifying criteria should be strict to ensure future consumer trust in claims and embolden consumers to seek the most favourable foods. We also suggest that strict criteria will encourage manufacturers to reformulate and produce healthier food options.

Nutrition and health claims communicate to the consumer the healthiness of foods and are aimed to help consumers to make healthy choices. However consumers are confused, sceptical and feel misled with current food claims.

Consumers tend to over-rate products positively on all attributes as the presence of a claim tend to lead to a positive perception on the overall qualities of the product in general. As a result, consumers tend to attribute inappropriate health benefits to products that bear a claim. Moreover, due to the presence of a claim consumers may ignore other information provided in the nutrition labelling panel.⁷

Consumers are in addition sceptical about claims seeing them as part of manufacturers' marketing attempts.

⁷ Consumer perceptions of nutrition and health claims. Research Report. Hans C.M. van Trijp and Ivo A. van der Lans. *Appetite*. Volume 48, Issue 3, May 2007, pages 305-324.

Many consumers are confused by health claims and consumers generally do not see a clear distinction between nutrition, health and disease risk reduction claims, and can infer a health or disease risk reduction claim from a nutrition claim⁸.

Since consumers tend to overestimate the nutritional properties of foods for which a claim is made and there is general confusion of understanding of claims and a general mistrust as to manufacturers' motives, we take the view that claims should be made only on foods the nutritional qualities of which are indisputable and therefore will ensure consumer trust.

The use of this tool should embolden consumers to seek the foods with the best nutritional properties and push manufacturers to reformulate and produce more foods that can make claims.

This tool represents an opportunity to make a real impact in enabling consumers to make healthier choices. Lenient thresholds, as provided in the current working document, enable a swathe of claims across food categories that will be meaningless to consumers in a performance measurement context.

- **Q14 Are there alternative thresholds you would like to suggest for particular categories? Please give full reasoning and evidence for any suggested changes.**

Thresholds outlined in the proposal should uniformly be stricter to ensure a small proportion of foods are able to carry health and nutrition claims in order to promote healthy choices and push for manufacturers to reformulate. Due consideration should be given to the FSA front of pack signposting criteria (for those categories recommended for inclusion in the signposting scheme) to ensure that the thresholds fall within the 'low' / 'green' category.

In detail;

Sodium/salt

The threshold must seek to exclude added salt products. Natural sodium levels in fruit and vegetables and meat for example are low and the threshold should reflect this. For fish products there is an argument that thresholds should be more lenient so that the

⁸ Review and analysis of current literature on consumer understanding of nutrition and health claims made on food April 2007 COI on behalf of FSA

health benefits can be highlighted but the sodium threshold should remain relatively low to ensure only low sodium fish products can make claims. For breakfast cereals the thresholds for both sodium and sugar are high. Cereals are available with less than 400mg per 100g sodium and the FSA salt targets for 2012 are 270mg/100g.

Saturated fat

Saturated fat intakes in the UK and elsewhere exceed dietary recommendations and therefore restrictive thresholds should be set. The threshold value of 30g/100g of saturated fat for the category of vegetable oil and spreadable fats for example is too high, there can be no public health justification to permit a claim on a product that is almost one third saturated fat.

Sugar

Sugar levels should be set to ensure products with added sugar are restricted for example with dairy products and breakfast cereals. A low threshold for an 'added sugar' criterion should be considered to ensure products with added fruit are not penalised for example in breakfast cereals.

Total fat

Nutritionists agree that we should be eating less meat and that the intake of fat of animal origin is too high, a total fat criterion should therefore be set for any meat category including for ready meals and 'other foods'.

If you have any queries on the response please contact me at the address below.

Yours faithfully,

Jeff Alder

Senior Policy Advocate