



Dairy industry hopes EFSA meeting will unblock legislative health claims logjam

After months of confusion, the European dairy sector is pinning its hopes on a meeting in Parma in June, to sort out the current fiasco surrounding agreement on health claims.

For the first time, the European Commission, along with industry stakeholders and nutrition experts from the *European Food Safety Authority* (EFSA) will aim for a meeting of minds on the issue.

The controversy around the European Regulation of Health and Nutrition Claims, adopted in 2006, has been growing, with high-profile businesses such as *Danone* recently declaring themselves temporarily deflected by the complexity of the rules.

The company recently announced that it had decided to withdraw two claims applications – for its *Activia* and *Actimel* yoghurts – in view of the “lack of clarity and visibility regarding the application of the regulation”. In the meantime, *Danone* has modified the wording of its claims. It said it hoped the June 1 meeting in Parma would clarify the criteria and rules of assessment.

Judith Bryans hopes so too.

As director of the UK’s *Dairy Council* and chair of the *European Dairy Association* (EDA)’s Nutrition Working Group, Bryans has been wrestling with the issue for some time.

“As an industry we need more clarity on health before we can proceed,” she told

Dairy Markets. “The legislation is well meaning, but the implementation, the way the claims are processed, is extremely complex and unwieldy.”

The problem is a mismatch between the actual science that informs many of the claims of dairy companies and the requirements of the legislation.

“The way the claims are processed is extremely complex and unwieldy”

“There is perfectly valid science out there which does not fulfil the criteria now being required,” she said.

Scientists have been interested in health outcomes, but have not formulated their studies in a way that is required. This has given us all pause for thought.”

Bryans admits she would not like to be on one of the EFSA panels trying to reach conclusions on the masses of claims before them.

In some areas, the claims process has worked well: in the case of substances and vitamins and minerals, for example, where pharmacological proofs could be formulated. But it did not necessarily work for food. The problem is, when the legislation

was initially decided upon, there was not enough discussion with industry and understanding of the situation we were dealing with, Bryans said.

“What was put in place was an idealised system, which works very well for isolated minerals and compounds but doesn’t work very well for food,” she said.

“It doesn’t take into account the system that’s been developed for over 20 years.”

Legislators are beginning to get the message. Bryans says that EFSA has been “very open” in the past few months.

Specific issues

One of the specific issues for industry has been legislative deadlines: companies were told to prepare and submit claims before the process of approving them had been defined.

As a result of recent discussions, EFSA had made steps to make the process more transparent.

What is encouraging about the June 1 meeting is that, for the first time, Commission officials will sit alongside stakeholders and EFSA scientists.

“I am hoping for greater clarity of the process and greater understanding by the Commission of the working with this piece of legislation,” Bryans commented.