



EUROPE - NEWS SCAN

Trade Groups May Challenge Legality of EU Health Claims System – 2009/04

A number of important pan-European industry groups have threatened legal action if, as expected, the European Union's nutrition and health claims agency EFSA rejects thousands of generic 'health maintenance' claims under article 13.1.

The European Federation of Associations of Health Product Manufacturers (EHPM), the European Botanical Forum (EBF) and the European Responsible Nutrition Alliance (ERNA) met in Brussels recently and announced they will consider suing the European Food Safety Authority for breaching free trade principles written into the European Union Treaty.

According to an industry spokesperson, any such challenge would be a last resort, and would likely be preceded by an appeal to the European Ombudsman office, which investigates EU maladministration. However, the spokesperson noted that the Ombudsman's recommendations are not legally binding, and that a legal challenge might prove necessary if the EFSA bans a significant number of health and nutrition claims that are already in use across the European Union. Industry action will be heavily influenced by the results of the first wave of article 13.1 claim opinions, due shortly.

Although EFSA has yet to render a decision on any of the 4000 article 13.1 claims it has in its possession, analysts believe that the agency will employ the same strict standards it employed when reviewing article 14 claims, which address children's and disease reduction claims, and article 13.5, which covers proprietary claims.

The trade groups argue that EFSA is giving too much weight to clinical, human, intervention trials, which, according to industry, do not reflect the intention of the regulation as it was written in 2006.

Alberta companies that have an interest in the EU market must be mindful of the EU regulatory environment and its impact on labeling and marketing concerns.

Source: Starling, Shane, "EU health claims system may be illegal, say trade groups." foodanddrinkeurope.com, 27-Mar-2009.

<http://www.nutraingredients.com/Regulation/EU-health-claims-system-may-be-illegal-say-trade-groups>

Damian Coneghan
International Marketing Division

www.agrifoodalberta.ca

Alberta
Canada 