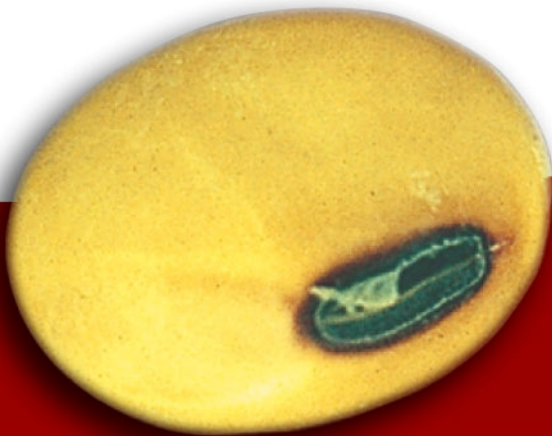




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ENSA's response to the Commission's consultation document on the technical aspects relating to the revision of Directive 90/496/EEC.

July 2006



HILL & KNOWLTON



ENSA

The European Natural Soyfoods Manufacturer Association (ENSA) represents the interests of Natural Soyfoods Manufacturers in Europe. Members include various companies ranging from multinationals to family owned businesses, dedicated to providing consumers with a natural and healthy product.

GENERAL COMMENTS

The ENSA welcomes the Commission's consultation document on the technical aspects relating to the revision of Directive 90/496/EEC. These technical aspects are important as they are a point of reference for other legal texts including the directives on dietetic foods and food supplements as well as the regulatory proposals regarding "nutrition and health claims made on foods" and "addition of vitamins and minerals to foods".

The revision of Directive 90/496 will also affect nutrition labelling on foods, for products aimed at the general population (consisting of a number of subgroups without apparent health problems), as well as for the labelling of food supplements and dietetic foods aimed specifically at consumers with particular nutritional needs.

The ENSA, as the European association of natural soyfoods producers, is rightly concerned about providing precise information to the consumers of soyfood products, especially to those consumers that have particular demands when looking at nutritional information (e.g. concerning lactose, milk proteins and cholesterol). The ENSA would like to point out that with regards to the general population, the nutritional needs of children (1- 3 years) should not be considered to be similar to those of adults. This fact needs to be taken into consideration during the review of Directive 90/496.

ENSA'S POSITION

For the sake of clarity, the headings and numbering corresponds to those of the Commission text.



Reference values for vitamins and minerals

Background

European Food Safety Authority :

12. The timeline foreseen for the work of EFSA (the revision of the RDAs proposed by the SCF in 2003 should be completed by 2010) appears incompatible with the regulatory proposals that are currently under consideration, namely the Regulation on nutrition and health claims (which requires the establishment of thresholds above which health claims are to be allowed) and the Regulation on the addition of vitamins and minerals (which requires the definition of minimum and maximum levels relative to RDAs).

Questions on which the Commission seeks comments :

- *Are the values in the SCF opinion on the Revision of Reference Values for Nutrition Labelling an acceptable basis for updating the Annex to the Nutrition Labelling Directive?*

At European level, the ENSA would support a clear distinction between young children (younger than 3) and adults, to guarantee adequate information for consumers.

- *Is there a need to have values for different population groups in the Annex?*

The ENSA believes it would be useful to set up the recommended daily allowances (RDAs) for different populations (young children [<3years],and adults) as nutritional needs do not stay the same throughout life.

In the annexe the RDA's are revised and several are higher than currently legally accepted. Therefore when the commission needs to take a decision on the question of 10% or 15% of the RDA to allow a nutritional claim, the commission should realize that several existing products would not be able anymore to meet the limit of 15% (eg.vit B9, B11, C, E, Ca, Mg) since these have increased.

- *Is there a need for consistency/harmonisation in the naming of vitamins on the nutrition label? Are there any examples where this has caused a problem?*

This is a must have for the members of the ENSA. It would seem clearer for the consumer if the nutrients' generic names are used, e.g. vitamin B5 rather than pantothenic acid, vitamin B 9 and folic acid. Here a European harmonisation would be **absolutely necessary**.



- *In view of the fact that other terms are being used for labelling purposes (guideline daily amounts, reference labelling values), is the term 'recommended daily amount' still acceptable?*

Yes, this term would still seem acceptable. It would be necessary to ensure consistency between the different texts that exist and to specify the relevant age groups (e.g.: RDA for young children between 1 and 3 years old).

Nutrient definitions

The ENSA agrees with the definition of fibre proposed by CODEX ALIMENTARIUS, according to which dietary fibres are carbohydrate polymers with a degree of polymerisation higher than or equal to 3. This definition is important with regards to soy as both stachyose and raffinose would be considered as dietary fibre. It is essential that, first, one agrees on the definition of fibres and, as second step, tries to agree on how to measure.

The ENSA would like to draw the Commission's attention to the need for harmonising the methods of analysis to be implemented according to the food matrix and the specific fibres considered.

Energy conversion factors

- *Is there any need to amend the current energy conversion factors in the Nutrition Labelling Directive?*

No comment.

- *Is there any need to add to the current energy conversion factors in the Nutrition Labelling Directive? For example, is a conversion factor for fibre required or for erythritol (following the SCF opinion of 20038)?*

Yes, that would seem necessary with regards to fermentable fibres, which contribute energy to the organism (e.g. approximately 2 kcal/g for fructo-oligosaccharides).

Tolerances for nutrient declaration

Questions on which the Commission seeks comments:

- *What are the important factors to take into account in setting tolerances for nutrient declarations?*



The ENSA particularly agrees with the principle of a Community definition for tolerable margins between values declared on labelling and those obtained by official controls, both in order to guarantee the protection of consumers and to ensure fair competition.

The definition of these tolerable margins will need to take into consideration the various factors that contribute to differences between the values on the label and values obtained from analysis, including variability in fresh foods, the accuracy of the method of analysis used, variation between laboratories, representativeness of the sample, the date of the analysis relative to the age of the product, etc.

It would appear necessary not only to define precisely the tolerable margins, but also to specify official methods for sampling and analysis.

- *Is a 'simple' (e.g. UK/Danish approach) or 'complex' (e.g. Canadian) system preferred? What are the benefits and disadvantages of each?*

The Canadian system appears difficult to implement, in particular for small and medium sized enterprises (SMEs), who would probably not be able to apply it. It would appear preferable to put in place a simple system which does not favour large companies at the expense of smaller ones. Nevertheless, it remains important not to veer towards over-simplification. The Commission must achieve a difficult balance between too much and too little information.

It remains equally important not to impose on producers unnecessary and onerous analysis requirements, particularly when it comes to SMEs, who should be allowed to continue creating labels according to food composition tables.

- *Should different tolerances be set for different product categories? In particular, how should the issue of adding overages for some vitamins to take account of losses during long-term storage be dealt with?*

The tolerance levels should take into consideration those nutrients where a decrease during the whole shelf life period is traditionally observed (e.g. tolerable margins should be different for fresh products compared to long shelf life products).

In addition, with regards to products fortified with certain nutrients, the tolerable margins should allow for an extra amount which could guarantee the presence of the nutrient until the use-by date, while still respecting the safety levels established for each nutrient.

This is particularly relevant for foods fortified with vitamins, which should be able to guarantee the consumer a significant presence of the vitamin up until the use-by date.



- *How should products with inherent variability or seasonal variation, such as fresh meat, be dealt with?*

The variation in nutritional composition of natural foods should be taken into account (average values for a harvest or production year) the tolerable margins would have to be based on generally accepted knowledge (food composition tables established by Member States and third countries, scientific literature, data compiled by industry associations, etc.).

Miscellaneous and other questions

Comment on annexe 1 vit B12 should be in microgram instead of mg.



INFORMATION AND CONTACT

Established in January 2003, the ENSA represents the interests of Natural Soyfoods Manufacturers in Europe. The term “natural” refers to the production process used by the ENSA Members to produce non-dairy food using whole soybeans as compared to soyfoods produced from isolates without any use of GM (genetically modified) material and GM beans.

The ENSA is an association of internationally operating companies and producers of natural soyfoods with headquarters in various European Countries. It was formed to ensure the development of an appropriate and balanced regulatory framework for natural soy products in Europe.

Should you have any questions or comments, please don't hesitate to contact us at:

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