



European Natural Soyfoods Manufacturer Association (ENSA)
Position Paper on the proposal for a Regulation on Nutrition
and Health Claims made on food

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, each and everyone ideologically dedicated to providing consumers with a natural and healthy product.

NUTRITIONAL AND HEALTH CLAIMS ON FOOD

The ENSA sees the proposal for a Regulation on Nutrition and Health Claims made on food, adopted by the European Commission in July 2003, as an initiative aimed to ensure fair competition in the food sector, whilst at the same time guaranteeing a high-level of consumer protection. It is set to have a very large impact on food companies operating in the EU Member States and should enable European consumers to be more aware of the benefits of a healthy lifestyle combined with a balanced diet.

ENSA'S POSITION

The ENSA welcomes the Commission proposal for a Regulation on Nutrition and Health Claims, the Council Common Position and supports the comprehensive approach of these two institutions. The ENSA believes the proposed Regulation will have a clear benefit for consumers wishing to modify their current diet and turning to healthier alternatives. The increased clarity of the claims on the products should facilitate this switch.

However, the ENSA is concerned about the list of nutritional claims in the Annex of the proposed Regulation which was endorsed by the Council in its Common Position.

Although the ENSA is aware of the fact that the Members of the European Parliament have chosen not to address the content of the Annex of the proposal, the ENSA would like to draw your attention to the fact that some *key nutrition claims are absent*, and considers that the *Annex should be extended* to the following nutrition claims:

- cholesterol free
- lactose free
- free of cow's milk protein
- source of protein
- high poly unsaturated fat
- high unsaturated fat

Please find below the amendments to the Annex proposed by the ENSA which will align the content of the annex be with the rules of the Codex Alimentarius consistently. In the coming weeks, the Committee on Environment, Public Health and Food Safety will analyse the Common Position adopted by the Council. The ENSA hopes that during the debate and the subsequent vote in Committee on **21 March 2006**, you will support its position as regards the Annex and table the following amendments. This in turn will allow for the expeditious adoption of this crucial piece of legislation - to the benefit of consumers and companies across the European Union.

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	CHOLESTEROL-FREE or 0% Cholesterol
	<p>A claim that a food does not contain cholesterol, and any claim likely to have the same meaning for the consumer, may only be made where the product contains:</p> <p>no more than 0,005g/100 g (solids) or no more than 0,005g/100 ml (liquids) and</p> <ul style="list-style-type: none"> - less than 1,5 g saturated fat per 100 g (solids) or 0,75 saturated fat per 100 ml (liquids), and no more than 10% of energy of saturated fat <p>-or</p> <ul style="list-style-type: none"> - 70% of the total fatty acids are unsaturated. <p>In the case of foods naturally cholesterol-free, the term “naturally” may be used as a prefix to this claim.</p>

Justification:

This claim is approved by Codex Alimentarius

	LACTOSE-FREE
	<p>A claim that a food is lactose-free, and any claim likely to have the same meaning for the consumer, may only be made where the product contains non-detectable amounts of lactose when analysed (i.e. less than 10mg/100g or 100ml of ready to eat food).</p> <p>In the case of food naturally lactose-free, the term "naturally" may be used as a prefix to this claim.</p>

Justification:

Consumers suffering from lactose intolerance (ca. 10% of the population in Europe) depend on the information on the nature of products suitable for their use. Lactose intolerance is the inability to properly digest milk sugar, also known as lactose, which occurs in cow's milk as well as in many milk derivatives. Intolerance to lactose is a common problem as a result of which conventional milk products cannot be used.

It is important to inform consumers about the lactose content in products. Due to the supply of low-lactose and lactose-free products developed by the food industry, they get the information on the nature of products suitable for their use. In Finland (where 17% of the population is lactose intolerant) the consumption of dairy products is very high despite of this intolerance problem, thanks to these low-lactose and lactose-free products. In different EU countries there are no common rules for these claims and limits should be used in helping

consumers. Moreover Regulation (EC) N° 2597/97 of 18 December 1997 laying down additional rules on the common organisation of the market in milk and milk products for drinking milk allows for the decrease in lactose provided this is properly labelled. Clear rules on how to label this are however not provided. These amendments can fill this gap in legislation. The detection limit of lactose is 10 mg /100 g. Therefore this limit is used in lactose-free claims in some member states. It is based on the report number 557 (1993) of Nordic Council of ministers.

	<p>FREE OF COW'S MILK PROTEIN</p> <p>A claim that a product is free of cows' milk protein, and any claim likely to have the same meaning for the consumer, may only be made where the product does not include any ingredient containing cows' milk protein or any other constituent made from cows' milk. In the case of foods, which are naturally free of cows' milk protein, the word "naturally" may be included in this claim.</p>
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Justification:

Some 2-5% of young children in Europe suffer from an allergy to cows' milk protein. It is therefore important that parents, who generally do the shopping for their family, should be clearly informed as to which products do not contain this substance.

<p>SOURCE OF PROTEIN</p> <p>A claim that a food is a source of protein, and any claim likely to have the same meaning for the consumer, may only be made where at least 12 % of the energy value of the food is provided by protein.</p>	<p>SOURCE OF PROTEIN</p> <p>A claim that a food is high in protein, and any claim likely to have the same meaning for the consumer, may only be made where the product contains at least 10% of NRV per 100g (solids) or 5% of NRV per 100 ml (liquids), or 5% of NRV per 100 kcal (12% of NRV per 1 MJ).</p>
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Justification:

Ensure alignment with Codex Alimentarius

	<p>HIGH POLY UNSATURATED FAT</p> <p>A claim that a food is high in poly unsaturated fat, and any claim likely to have the same meaning for the consumer, may only be made where at least 45% of the fatty acids in the product is derived from poly unsaturated fat (PUFA).</p>
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Justification:

WHO recommends that 6-10% (approx. 18g a day) should come from PUFA's i.e. 20-30% of energy from fat. PUFA's are essential fatty acids that cannot be made by the body. The PUFA intake from invisible sources in the diet cannot be easily modified, therefore the level

from the visible sources have to be substantially increased i.e. 45% (similar to the level in corn oil, the PUFA oil by reference). The recent WHO report acknowledges that when PUFA's are substantiated for saturated fats (SAFA) that levels of both total and LDL cholesterol are reduced as is the risk of CHD. The proposed level has been successfully incorporated into legislation or Codes of Practice for many years in a number of countries to improve the PUFA intake of the population

	HIGH UNSATURATED FAT A claim that a food is high in unsaturated fat, and any claim likely to have the same meaning for the consumer, may only be made where at least 70% of the fatty acids in the product is derived from unsaturated fat.
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Justification:

By increasing the amount of unsaturated fats in the diet, the amount of saturated fats will decrease. WHO recommends that approximately 66% of our energy from fat should come from unsaturated fat.

FURTHER 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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