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EU NUTRIENT PROFILES CANNOT PROTECT CONSUMERS FROM DECEPTIVE CLAIMS

In its May 2020 Communication on a Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, the European Commission announced its plan to seek opportunities to facilitate the shift to healthier diets and stimulate product reformulation, including by setting nutrient profiles to restrict the promotion (via nutrition or health claims) of foods high in fat, sugars and salt.

The establishment of EU nutrient profiles for the use of nutrition and health claims according to article 4 of the Claims Regulation (EC) No 1924/2006 are still being discussed and questioned. Over the years, nutrient profiling models have been proliferating at different levels and are being used in other contexts with the intention to address obesity and noncommunicable diseases (NCDs), such as labelling, taxation, and advertising restrictions.

CEFS, on behalf of EU sugar producers, previously shared concerns over the facts that nutrient profiling models are not based on scientific knowledge about diet and nutrition, and that the currently existing models cannot protect consumers from deceptive claims. CEFS also questioned the efficiency and impact of these extended uses of nutrient profiles. These concerns are still applicable today, given the European Commission's wish to move forward with the setting of EU nutrient profiles for claim purposes.

1. <u>To address obesity and NCDs, the overall quality of the diet remains the most important parameter to take into account.</u>

Nutrient profiles are inherently arbitrary and convey the wrong message to the public that a balanced diet can only be achieved by consuming foodstuffs, which individually meet the nutrition recommendations that apply to the diet as a whole.

In its 2008 Scientific Opinion on Nutrient Profiles, **EFSA acknowledged "*the scientific limitations intrinsic in the use of nutrient profiles* to classify foods as eligible to bear claims" and that "*[t]here is an inherent difficulty in seeking to apply to individual food products nutrient intake recommendations that are established for the overall diet.*"**[i]**

2. <u>The energy content is the only criterion that can avoid unwarranted distinctions between products that have the same physiological impact.</u>

Calories are the key parameter that triggers weight gain. Overweight and obesity are complex and multifactorial issues, but in the end always caused by an imbalance between energy intake

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(consumption of all types of food and beverages) and energy expenditure (the energy our body actually uses), resulting in a positive energy balance and body weight gain.[ii]

Only an energy criterion can *prevent* reformulation practices that bring *no* nutritional benefits to consumers. For instance, many carbohydrate-based products with a reduced sugars content contain other carbohydrates like starches instead and no increased fibre content, hence providing no calorie reduction or improved nutritional composition (e.g. breakfast cereals, biscuits).

3. **A sugars generic criterion is not in line with scientific knowledge on the relationship between sugars and obesity and NCDs.**

In its 2008 Scientific Opinion on Nutrient Profiles, **EFSA did not support sugars being a generic profiling criterion** but stated that, if at all, sugars might be considered in the case of particular beverage/food groups (such as sugar-sweetened beverages and confectionery).

Also, **EFSA did not set an upper limit for sugars** based on their effects on body weight and other issues such as Type-2 diabetes, cardiovascular risk factors, and dental caries.[iii] EFSA was asked to review the latest science, and is expected to complete their work in 2021.

In addition, the systematic review on sugars and weight gain mandated by WHO for their 2015 guideline on sugars concluded that **any effect of sugar on weight gain is purely due to the consumption of excess calories and not a specific effect of sugar *per se***.[iv]

4. **The February 2015 WHO Europe nutrient profile model for advertising/marketing to children demonstrates the arbitrariness of nutrient profiles when key principles are disregarded.**

In February 2015, WHO Europe published a nutrient profile model for advertising/marketing to children. The model consists in 17 food categories and uses thresholds notably for "total sugars", "added sugars", and "non-sugar sweeteners". The application of this model totally bans a selection of food categories from advertising/marketing to children.

This model is inconsistent and arbitrary since for instance, it allows the advertising of savoury snacks but not that of sweet snacks. Having an energy criterion for all food categories would have avoided such inconsistencies and arbitrariness in the selection of food categories.

If sugars had to be an additional criterion to energy, a total sugars criterion accompanied with starch and dietary fibre criteria, rather than an "added sugars" criterion, would have allowed the model to categorise products based on their actual physiological impact.

5. <u>The nutrient-specific labelling requirements set in the Regulation on the provision of food information to consumers make nutrient profiles obsolete.</u>

Regulation (EU) No 1169/2011 requires clear information about food and drink products' contents of energy, fat, saturates, carbohydrate, total sugars, protein and salt.[v]

The EP ENVI Committee itself called on the European Commission to review the scientific basis of the Claims Regulation and to consider deleting the concept of nutrient profiles, "*in view of the serious and persistent problems which arise in the implementation [of that Regulation,]... including problems of distortion of competition*".[vi]

6. <u>Due consideration must be given to the effects of nutrient profiles on food additives intake.</u>

By encouraging the reformulation of mainstream food products (whether or not with an actual impact on their energy content), nutrient profiles will likely increase the potential dietary exposure of the EU population to food additives.

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[i] European Food Safety Authority, Scientific Opinion on Nutrient Profiles. The EFSA Journal 2008, 644, 1-44, p 14.

[ii] Te Morenga L *et al.* (2013) Dietary sugars and body weight: systematic review and meta-analyses of randomised controlled trials and cohort studies. BMJ; 346: e7492; Fattore, E., Botta F., Agostoni C., Bosetti C. Effects of free sugars on blood pressure and lipids: a systematic review and meta-analysis of nutritional isoenergetic intervention trials. Am J Clin Nutr. 2017 Jan;105(1):42-56; Hall, K. D. & Guo, J. Obesity Energetics: Body Weight Regulation and the Effects of Diet Composition. *Gastroenterology* 152, 1718–1727 (2017), which indicated that "*for all practical purposes 'a calorie is a calorie' when it comes to body fat and energy expenditure differences between controlled isocaloric diets varying in the ratio of carbohydrate to fat*"; Naude CE, *et al* (2014) Low Carbohydrate versus Isoenergetic Balanced Diets for Reducing Weight and Cardiovascular Risk: A Systematic Review and Meta-Analysis. PLoS ONE 9(7): e100652. https://doi.org/10.1371/journal.pone.0100652.

[iii] European Food Safety Authority, Scientific Opinion on Dietary Reference Values for carbohydrates and dietary fibre. EFSA Journal 2010; 8(3):1462[77pp.]. doi:10.2903/j.efsa.2010.1462.

[iv] Te Morenga L *et al.* (2013) Dietary sugars and body weight: systematic review and meta-analyses of randomised controlled trials and cohort studies. BMJ; 346: e7492.

[v] Regulation (EU) No 1169/2011.

[vi] EP ENVI Committee vote on ENVI Draft Opinion on Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook (2014/2150(INI)).