

Mr. Xavier Prats Monné
Director General
DG SANTE
European Commission
Rue de la Loi 200

B – 1049 Brussels

Ref.: BEUC-X-2017-027

13 March 2017

Re: Open Public Consultation in relation with the evaluation on the Regulation on nutrition and health claims made on foods

Dear Mr. Prats Monné,

I am writing to express our disappointment at the [open public consultation](#) on the Health and Nutrition Claims Regulation 'REFIT' evaluation launched on 2 March. This is at odds with the European Commission's commitment to 'Better Regulation' and evidence-based policy-making.

As a consumer organisation, BEUC favours consumer research to support informed food policy decisions but this must be done in a robust way. The present consultation does not live up to the requirements of good governance, as the following clearly demonstrates.

Firstly, the Commission will have no means to effectively control if those responding to the survey are 'real' consumers as opposed to employees from companies or industry lobby groups. 'Citizens' taking the survey are not even required to provide any email address, unless they want to receive a PDF copy of their reply to the questionnaire (but they can also choose to simply print it out). While this is a general flaw of open public consultations, it is essential that it be accounted for in the treatment of the outcome of the present consultation.

Secondly, the survey questionnaire does not work properly. We took the survey ourselves under a fake identity (please find attached the PDF with our replies): Questions 9 and 16 invite respondents to rank several options from 1 to 4 but there is no technical possibility of doing so (only boxes to tick).

We also have severe concerns over the substance of the questions itself. As an example, Question 10 asks respondents whether they have ever been deterred from buying a food with a claim because the nutrition declaration indicated it was high in fat, sugar or salt. How are consumers supposed to know if this is the case in the absence of mandatory simplified nutrition labelling with colour-coding?

.../...

Question 14 about botanicals is yet another illustration of the poor relevance of the questionnaire. It asks consumers how confident they are that the herbal supplement they purchase will give them the health benefit claimed on the label. This, in our opinion, misses the point. Whether consumers have confidence in these products or not is not the main issue. What should matter is whether botanicals deliver on their promises or not.

Considering the above-listed flaws, we are astonished to read, on the Commission's website, that "*the results of the public consultation will be used together with the other data and evidence to inform the ongoing evaluation on the Regulation on nutrition and health claims*". The mere prospect that such weak evidence could be used for the Claims Regulation REFIT evaluation gives us strong reasons to doubt of the value of the exercise.

Nutrient profiles and botanical claims are too important issues for EU consumers to be dealt with in such a light-handed fashion. To avoid that the Commission wastes any extra resources for the analysis of the consultation results, we would suggest that it be simply abandoned.

We thank you in advance for addressing our concerns. Looking forward, we and our members would welcome collaborating with your services in the future to ensure that, when contemplated, such public consultations are designed in the most robust possible way.

Yours sincerely,

Monique Goyens
Director General

C/c: Ms. Sabine JUELICHER and Ms. Alexandra NIKOLAKOPOULOU, DG SANTE
Ms. Emily O'REILLY, European Ombudsman.

Open public consultation on the REFIT evaluation of the EU legislation on nutrition and health claims

Fields marked with * are mandatory.

General information about respondents

Note: this survey is addressed to individual citizens, i.e. individuals replying in their personal capacity, not on behalf of an organisation.

* Your first name(s):

Jane

* Your family name:

Doe

* Received contributions may be published on the Commission's website, with the identity of the contributor. Please state your preference with regard to the publication of your contribution.
Please note that regardless of the option chosen; your contribution may be subject to a request for access to documents under Regulation 1049/2001 on public access to European Parliament, Council and Commission documents. In such cases, the request will be assessed against the conditions set out in the Regulation and in accordance with applicable data protection rules.

- My contribution may be published under the name indicated; I declare that none of it is subject to copyright restrictions that prevent publication
- My contribution may be published but should be kept anonymous; I declare that none of it is subject to copyright restrictions that prevent publication
- I do not agree that my contribution will be published at all

For information on how your personal data and contribution will be dealt with, please refer to the privacy statement in the introduction to this consultation.

* What is your age?

- under 18 years old
- 18 to 29 years old
- 30 to 49 years old
- 50 to 64 years old
- 65 years and over

* What is the highest degree or level of school you have completed?

- Less than high school
- High school graduate, diploma or the equivalent (for example: GED)
- Trade/technical/vocational training
- Bachelor's degree
- Master's degree
- Professional degree (law; medical)
- Other degree beyond a Master's degree
- Doctorate degree

* Are you currently...

- Employed (full time or part-time)
- Self employed
- Not employed
- Retired
- A student
- Unable to work

* What is your gender?

- male
- female

* Do you have children under the age of 18?

- Yes
- No

* What is your main country of residence or activity?

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other country (non-EU)

* 1. Are you aware of the use of nutrition and health claims made on food labels or food advertising? [A nutrition claim is any statement on labels that suggests that a food has beneficial nutritional properties, such as 'low fat', 'high fibre'. A health claim is any statement on labels that suggests that a food brings a health benefit, such a "boosts your immune system" or "contributes to the normal function of the heart".]

- Yes
- No
- Not sure

* 2. Do you purchase particular food products because they use a nutrition or health claim on their food label or advertising?

- yes, I purchase such food products frequently
- yes, I purchase such food products occasionally
- no, I never/almost never purchase such food products
- I do not know

We would like to ask you what you think about the nutritional information currently available on food products, including products that make nutrition/health claims.

* 3. Do you believe that the message of a nutrition or health claim that you see on the food label provides reliable information about the nutrient/ingredient on which the claim is made?

- Yes, I tend to believe so
- No, I do not tend to believe so
- Don't know/No opinion

* 4. Do you consider that foods with a nutrition or a health claim make it easier for you to make healthy choices, compared to foods without a claim?

- Yes, very much so
- Yes, to a certain extent
- Not very much
- Not at all
- Don't know/No opinion

* 5. Do you consider that foods with a nutrition or a health claim are generally healthier in terms of their content in fat, sugars or salt than foods without a claim?

- Yes, very much so
- Yes, to a certain extent
- Not very much
- Not at all
- Don't know/No opinion

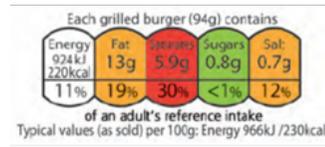
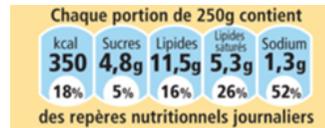
6. How familiar are you with the following information that could be found on the label of a food product regarding its nutrient content?

NutritionDeclaration.JPG

		per 100g
NUTRITION INFORMATION	energy	kJ/kcal
	fat	g
	of which	g
	– saturates	g
	carbohydrate	g
	of which	g
	– sugars	g
	protein	g
	salt	g

Nutrition declaration (i.e. a detailed nutrient content indicated **at the back of a product's pack** in the form of a table)

Additionalformofexpression_.png



Additional form of expression and presentation of the nutrition declaration **in the front of a product's pack**)

LOGOSorSYMBOLS.jpg



Logos or symbols indicating that a product is a healthier choice

	Very familiar	Quite familiar	Slightly familiar	Not familiar /never seen it in my country
Nutrition declaration (i.e. a detailed nutrient content indicated at the back of a product's pack in the form of a table)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Additional form of expression and presentation of the nutrition declaration in the front of a product's pack)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Logos or symbols indicating that a product is a healthier choice	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

* 7. When there is a nutrition or a health claim on a food label, do you look for any other nutritional information provided on the food label?

- Yes, always
- Yes, sometimes
- Never

8. If yes, what additional information do you look for (you may tick more than one option)?

- Nutrition declaration (i.e. detailed nutrient content indicated at the back of a product's pack)
- Other information on the label, e.g. as symbols, logos, front of pack information etc.
- Other information beyond the label, e.g. visiting the product manufacturer's site

* 9. Which type of the following information displayed on the label of a food do you consider most important when purchasing a food product? (Rank in order of importance, starting with the information that you consider most important as 4, and finishing with the information that you consider least important as 1)

- Nutrition/ health claims
- Nutrition declaration (i.e. a detailed nutrient content indicated at the back of a product's pack)
- Logos or symbols indicating that a product is a healthier choice
- Front of pack (i.e. an additional forms of expression and presentation of the nutrition declaration in the front of a product's pack)

* 10. Has the nutrition declaration (i.e. detailed nutrient content indicated at the back of a product's pack) of a food with a claim ever discouraged you from purchasing it because it indicated that the food has a high content in certain nutrients (fat, sugars or salt)?

- Yes
- No
- Don't know/No opinion

* 11. Is it acceptable for you that a food product which has a high content of fat, sugars or salt can make a nutrition or a health claim?

- Yes
- No
- Don't know/No opinion

Below we are asking questions relating to food products containing plant substances for which a claim on the health benefit of the product is made on the label. Such products may be labelled as natural foods and may make a variety of claims regarding their possible health benefits. They are widely available in the EU and can be purchased in pharmacies, supermarkets, specialist shops and via the online sales. Examples include food supplement, herbal teas, essential oils and extracts containing ginkgo, garlic, St. John's Wort and ginseng.

* 12. Do you purchase food products containing plant substances such as those mentioned above?

- yes, I purchase such food products frequently
- yes, I purchase such food products occasionally
- yes, I purchase such food products rarely
- no, I never/almost never purchase such food products

13. If yes (to Q12), what are the main reasons why you purchase food products containing plant substances (tick up to two reasons from the list below)?

- The health claim made on the label indicating the health effects of the substance(s) contained in the product
- Your familiarity with the substance(s) contained in the product
- Advice from a health professional or nutritionist
- Advice from a friend or family
- Information from media articles or advertisement on the substance(s) contained in the products
- Other (if none of the above)

* 14. When choosing a food product containing a plant substance, how confident are you that it will actually give you the benefit that is claimed on its label?

- very confident
- quite confident
- slightly confident
- not confident at all
- Don't know/no opinion

* 15. Do you consider that the message of a health benefit that you see on the label of a food product containing a plant substance is supported by scientific evidence?

- Yes
- No
- Maybe
- Don't know/no opinion

* 16. On what basis do you consider that health claims should be set (Rank in order of importance, starting with the information that you consider most important as 4, and finishing with the information that you consider least important as 1)?

- Health claims should be based on scientific evidence that has been assessed before marketing the product
- Health claims should be based on scientific evidence without prior assessment
- Health claims should be based on traditional use of the plant substance within the EU
- Health claims should be based on traditional use of the plant substance outside EU
- Health claims do not need to be backed by science
- Don't know/no opinion

* 17. Would you purchase a food product containing a plant substance with a claimed benefit for health that has been traditionally used for many years and passed through generations but is not backed by science?

- Yes
- No
- Maybe
- Don't know/no opinion

* 18. Have you faced difficulties in purchasing a food product containing a given plant substance that you normally buy easily as a food supplement in one EU country but not in another because it is considered a medicine or it is not sold?

- Yes
- No
- Don't know/No opinion

* 19. Have you ever purchased a food product containing a plant substance on the online sales?

- Yes
- No

20. If you have ever purchased a food product containing a plant substance on the internet, what were the reasons for purchasing it on the internet rather than in a shop/over the counter (tick up to two options)?

- lower price
- availability of a product which is not available in my country
- no need for a medical prescription while in my country there is a need
- as with any other product, I find it generally easy to research/purchase on the internet
- other (if none of the above)

* 21. When choosing a food product containing a plant substance, how confident are you that it will not have any possible adverse health effects?

- very confident
- quite confident
- slightly confident
- not confident at all
- don't know/no opinion

Contact

SANTE-CLAIMS-EVALUATION@ec.europa.eu
