



The Consumer Voice in Europe

Food intended for infants and young children and food for special medical purposes

Letter sent to Permanent Representation
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Contact: **Ruth Veale – food@beuc.eu**

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Dear Attaché,

Ahead of this weeks working group meeting, BEUC wishes to share with you our views on the recent vote in the European Parliaments ENVI Committee on this issue and to highlight the key points for us in the ongoing discussions on this proposal.

Scope of the Regulation

BEUC supports the Commission's proposal to revoke the framework directive but maintain some of the existing specific rules for a few well-established and defined categories of food which are considered as essential for certain vulnerable groups of the population. We have previously voiced our concern that having a special designation under the current framework directive would exclude certain foods from complying with other important provisions laid down in the horizontal rules which apply to all foodstuffs and could provide loopholes for manufacturers or importers to circumvent other pieces of legislation such as the Nutrition and Health claims regulation, Fortification regulation and Food Supplement directive.

We believe that the proposal to cover only a limited number of well defined categories of food will lead to a better functioning of the internal market and, ultimately, greater certainty and protection for European consumers. We consider that, if there is a real and proven need to include other categories into the scope of this proposal, they should be explicitly mentioned in the title rather than choosing an open formulation which has the potential of permitting all sorts of new categories. In this respect, we welcome the European Parliaments rejection of amendments which aimed at reintroducing the concept of dietetic foods and ask Member States to ensure the future Regulation covers only a limited number of food categories for which there are specific compositional criteria.

Toddler Milks

There is no proof that milk based drinks which are intended for young children have any additional extra benefits over cows' milk as children no longer rely on milk alone as their only source of nutrients and can obtain their nutritional requirements from a varied diet. We do not believe that these drinks fall under the scope of this proposed Regulation and support the call for EFSA to assess whether these milks provide any additional nutritional benefits to young children up to three years, in order to inform future policy decisions. Of course, it is vital for us that, in the meantime such products continue to be covered by other EU Regulations including the claims Regulation.

Food Labels

Following the recent adoption of the Regulation on the provision of food information to consumers, we were pleased to see MEPs reiterate their demand for labels to be accurate, clear and easy to understand for consumers and that they must not be misleading. It is important that information is provided in such a way as it facilitates informed choice and does not attribute properties to such products for the prevention, treatment or cure of human disease, or imply such properties.

Other points from the vote which were positive for consumers include the adoption of a series of amendments referring to nanotechnologies and the rejection of the amendments calling for derogations to legibility criteria.

However, despite the positive points outlined above, BEUC has serious concerns about some of the amendments which were adopted in the vote on 29th February.

VLCD and LCD

BEUC is concerned by amendments adopted in the ENVI Committee which treat VLCD and LCD in the same manner while they are clearly different. We do not understand how an amendment can be voted which details that VLCD can be taken for up to three weeks following only manufacturer's instructions. It is obvious that to consume such diets (only 400-800kcal/day) implies a risk and therefore such products should only be taken under medical supervision. We do not understand why this was not reflected in the vote and would urge you not to accept the ENVI Committee's position on this. We also believe that it should be up to EFSA to update/establish separate rules on VLCD and LCD.

Sports Food

On sports food, we have always maintained that it is difficult to see why a special status is needed for such products. We consider that the issues associated with this category can be more appropriately dealt with through other pieces of horizontal legislation that have been adopted since the PARNUTS directive, such as the health and nutrition claims legislation. We are disappointed the Parliament has even contemplated potentially including such non-essential foods into this framework and hope the aim that this Regulation is restricted to a limited number of essential food categories (of which sports food is not one) will be maintained and reflected in the final text.

Gluten free and low gluten

Finally, on gluten free and low gluten foods, we have supported the proposal for these to be considered under the Regulation on the provision of Food information to consumers as it already provides for the adoption of specific rules to indicate the presence of substances that cause allergy or intolerance. In this respect, we are disappointed with the vote in ENVI Committee. For us, the vote is even more concerning given that it only incorporates some of the existing rules and only on pre-packed foods which, we believe, will not adequately protect the consumer. We believe this information should be included on all foods not just on 'specially' manufactured foods for celiac which are often more expensive than conventional foods. We would hope that, during further discussions, this and the other issues mentioned above will be adequately addressed in order to provide the highest level of protection for consumers.

We trust that you will take our views into account in order to ensure that consumers are effectively protected and can make informed choices with regards to food products.

Yours sincerely,



Ruth Veale
Head of the Food, Health, Environment and Safety Department