



## New guidelines on the labelling of food products that claim beneficial properties for health

*Decision of the Commission, of 24 of January of 2013, with guidelines on the application of Regulation (EC) No 1924/2006 on nutrition and health claims*

### Background

Food products claiming beneficial properties for health represent an increasingly more attractive market. Their proliferation over the last two decades lead the Community authorities to regulate their advertising through Regulation (EC) 1924/2006, with the objective to adequately protect consumers while putting an end to the disparity of criteria that national authorities had been applying in their respective countries.

Last February new guidelines of the European Commission came into force in this field, which, due to their interest, we shall briefly summarize next.

### The consumer must be informed

The Commission begins by reminding that health claims related with the beneficial properties of a product can only be used after the European authorities have previously approved them.

It is equally important that labelling and advertising, as well as any other information that is disseminated with regard to health claims of the product, are in accordance with the EC Regulation. The compulsory warnings that must be transmitted to the consumer must always appear on the labelling and in the advertising of the product should there not be any labelling. In the case of distance selling the marketer must pay special attention to the fact that this

information must be available on its sales portal or in the leaflet where the offer is made.

### Compulsory warnings

Apart from warning about the importance of maintaining a balanced diet and a healthy life style, the consumer must be informed of the quantity and frequency with which the product must be consumed in order to achieve the advertised beneficial effect. However, its excessive consumption must not be encouraged.

There must also be an adequate warning with regard to the persons who should avoid its consumption, as well as to the risks that an excessive consumption may imply for health. It is important to keep in mind that this information must not be limited to the warnings that might have been imposed by the authorities, but that the marketer must determine, under his own responsibility, what other warnings would be convenient to include on account of the characteristics of the product.

### Non-specific health benefits

The Regulation permits the use of generic messages about the usefulness of the product for a good health, or for general welfare. However, it must be immediately clarified next which are the specific properties of the product –previously approved by the authorities– on which such message is based.