



Ministry of Food, Agriculture and Fisheries



## *Challenges in the implementation of the claims regulation in Denmark*

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and the European Food Safety Authority  
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## Overview of presentation

1. The Division for Nutrition – at the centre of claims implementation
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## The Division for Nutrition – in the centre of national implementation





## A birds eye perspective on regulation of the health claims



Taking off or landing - the most difficult part of the journey.

Food operators are starting to see the possibilities rather than the constraints and difficulties.

Will in time be to the benefit of both industry and consumers.



## Organisational challenges



- Expertise has been build up at all organisational levels (scientific advice, control and administration).
- A massive work load connected with the ongoing processing of claims applications.
- More resources allocated at all organisational levels.
- The principle of prior assessment of claims has led to a shift in the allocation of resources.



## Securing an adequate and uniform control

The challenges in securing an adequate and uniform control on health claims is in many ways similar to challenges in other areas of food legislation.



### Highlight of some challenges for control personnel:

- The scope of the legislation on health claims.
- A multitude of transition periods.
- Managing article 13 claims in a period of transition.
- Unspecific claims and rewording.
- Determining if conditions of use are met.

### Response:

- Specialist teams in the local control units.
- Dissemination of knowledge through modern communication tools
- Seminars for control personnel.



## Enabling food operators to follow legislation (1)

### Challenges food operators are facing:

#### Scope of the claims regulation.

The use of unspecific claims and rewording of approved claims.

Applications for the approval of claims and the conditions that apply give rise to many questions and debate.

*The legislation on health claims does give rise to quite a number of infringement cases:*

- *Some of those are caused by marketing departments that are operating without proper legal advise.*
- *Small businesses with limited resources are also experiencing problems.*





## Enabling food operators to follow legislation (2)

### Response from the Danish Veterinary and Food Administration:



- A comprehensive guideline on the claims regulation.
- Easy to access information on the Administration's website.
- A contact group assembling all major business organisations has been established securing ongoing contact and dialogue on all major issues and dissemination of information to individual companies.
- Information is also disseminated through frequent participation at conferences and seminars.



## Protecting consumers from illegal claims



Not all companies wish to respect the law:

- Internet companies in other Member States or in third countries.
- “Mouth to ear” marketing.
- Having third parties with no apparent economic interest praise the health benefits of products or ingredients.

Some responses:

- Make consumers more critical through information.
- Closer cooperation between Member States.
- Provide better guidance to sales personnel.





## Meeting criticism and giving meaning to the claims legislation

Food legislation and control is a hot topic in Danish media. The most common angle in media stories is that not enough is done to protect consumers.



The implementation of the legislation on health claims must find a good balance between interests in industry and consumer interests.

Not all marketing that could be perceived as health claims is perceived as such by consumers.



**A high priority to adopt nutrition profiles** that will protect consumers from being misled by health claims.



## Keeping order in ones own house



Nemt at vælge sundere

- Generic promotion campaigns – including EU sponsored campaigns.
- Partnerships with business organisations and NGO's to promote a healthier choice
- Initiatives by local communities.
- Labelling schemes

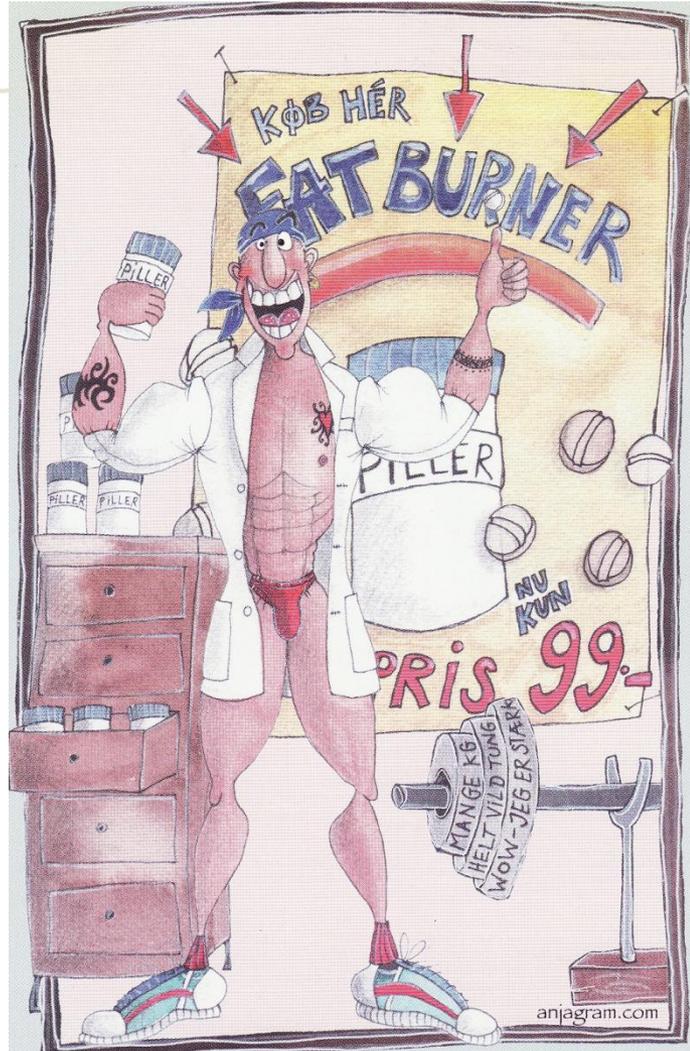




# Avoiding consumer confusion.

Delivering official dietary advice in a "claims world"





Thank you for your attention

