

**The Nutrition and Health Claims (England) (Amendment) Regulations 2010**  
**The Nutrition and Health Claims (Scotland) (Amendment) Regulations 2010**  
**The Nutrition and Health Claims (Wales) (Amendment) Regulations 2010**  
**The Nutrition and Health Claims (Northern Ireland) (Amendment) Regulations 2010**

**CONSOLIDATED SUMMARY REPORT OF RESPONSES TO CONSULTATION**  
**FROM STAKEHOLDERS IN ENGLAND, SCOTLAND, WALES AND NORTHERN**  
**IRELAND**

Consultations on proposals for national Regulations as listed above were respectively issued in England, Scotland, Wales and Northern Ireland on 4<sup>th</sup> January 2010 and closed on 29<sup>th</sup> March 2010. The purpose of these consultations was to seek comments on the respective proposed national Regulations.

The issues discussed were proposals to amend national Regulations relating to England, Scotland, Wales and Northern Ireland to provide for the execution and enforcement of (a) an amendment to the list of permitted nutrition claims for foods set out in the Annex to Regulation (EC) No. 1924/2006 on nutrition and health claims made on foods<sup>1</sup> ('Regulation 1924/2006') and (b) future amendments to that annex.

Consultation documents were sent to all known relevant stakeholders by e-mail where addresses were available and in hard copy by post where the electronic route was not available. Responses were invited by either e-mail or post.

The key proposal on which the consultation sought views was amendments to the national Regulations relating to England, Scotland, Wales and Northern Ireland to provide an ambulatory reference to Regulation 1924/2006, to provide for the execution and enforcement of:

- Regulation 1924/2006, as amended by Commission Regulation (EC) 116/2010<sup>2</sup>, and;
- Any future amendments to the list of nutrition claims in the Annex to Regulation 1924/2006, without the need for further national legislation.

The Food Standards Agency's considered responses to stakeholder's comments are given in the last column of the tables. A summary of the actions to be implemented can be found in the final table.

No adverse comments nor any additional burdens were identified from consultees on the proposed national Regulations, but on further reflection the Food Standards Agency considers that the amendment to the national Regulations should refer specifically to the Annex to Regulation 1924/2006 rather than Regulation 1924/2006 in its entirety. The Agency favours this revised approach because it would achieve the desired policy objective whilst providing greater legal certainty.

The following stakeholders provided comments in response to the consultation:

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<sup>1</sup> As corrected by a Corrigendum (OJ No. L12, 18.1.2007, p3).

<sup>2</sup> OJ No. L37, 10.02.2010, p.16

Alliance for Natural Health (ANH)  
British Trout Association (BTA)  
Chief Environmental Health Officers Group Northern Ireland (CEHOG)  
Food and Drink Federation (FDF)  
HYBU CIG CYMRU (HCC): Meat Promotion Wales  
Laboratory of the Government Chemist (LGC)  
Local Authority Co-ordinators of Regulatory Services (LACORS)  
Proprietary Association of Great Britain (PAGB)  
Quality Meat Scotland (QMS)  
Scottish Association of Meat Wholesalers  
Scottish Commission for the Regulation of Care  
Trading Standards Institute (TSI)  
Unilever  
VION Added Value Grampian Country Food Group

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION: The Nutrition and Health Claims (Amendment) Regulations 2010**

**ISSUE: Do you have any comments on introducing an ambulatory reference to Regulation (EC) No. 1924/2006 into the 2007 Regulations?**

Respondent	Method of Response	Comment	FSA Response
British Trout Association (BTA) Unilever Quality Meat Scotland (QMS) Scottish Commission for the Regulation of Care Trading Standards Institute (TSI) Proprietary Association of Great Britain (PAGB) Food and Drink Federation (FDF) Chief Environmental Health Officers Group Northern Ireland (CEHOG) VION Added Value Grampian Country Food Group Scottish Association of Meat Wholesalers HYBU CIG CYMRU (HCC): Meat Promotion Wales	Letter / E-mail	Broadly agree that the introduction of an ambulatory reference as proposed is the most efficient way of amending the legislation in relation to current and future amendments to the nutrition claims listed in the Annex to Regulation 1924/2006 in terms of cost, time and impact on the legislative process.	Comments noted.
Laboratory of the Government Chemist (LGC)	Letter	A mechanism to track future amendments to the permitted nutrition claims set out in the Annex to Regulation 1924/2006 would assist businesses, enforcement authorities, public analysts and other interested parties.	Interested parties will be advised of any proposals to amend to the list of permitted nutrition claims in the Annex to Regulation 1924/2006 and be kept informed of developments at EU level.
Chief Environmental Health Officers Group Northern Ireland (CEHOG)	Letter	Enforcement officers will need to be made aware of changes made to the nutrition claims Annex to Regulation (EC) No. 1924/2006.	
Local Authority Co-ordinators of Regulatory Services (LACORS)	Letter	Agree in principle. FSA could provide information on any proposed amendments to the nutrition claims set out in the Annex to Regulation 1924/2006 via the FSA website.	
Alliance for Natural Health (ANH)	Letter	Industry will be able to include approved nutrition claims on their products sooner with the ambulatory reference which will be of greater benefit to the consumer than an approach requiring amendment of	The proposed Regulations would not have this effect. Regulation 1924/2006 has direct effect in Member States and amendments to its Annex on nutrition claims also have direct effect. As such,

		national Regulations, which incurs delays.	industry may use new nutrition claims as soon as EU legislation amending the Annex comes into force. The proposed national Regulations would provide for the ongoing execution and enforcement of Regulation 1924/2006 with regard to nutrition claims without the need for national Regulations each time the Annex is amended.
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**ISSUE: Will the proposed regulation impose any new burdens on your business? If so, please provide details including costs.**

Respondent	Method of Response	Comment	FSA Response
British Trout Association (BTA) Scottish Commission for the Regulation of Care Trading Standards Institute (TSI) Proprietary Association of Great Britain (PAGB)	Letter	Not aware of any additional burdens this proposal would impose.	Comments noted.
Scottish Association of Meat Wholesalers	Letter	Proposal is unlikely to impose burdens on the slaughtering and processing sector.	Comments noted.

**ISSUE: Do you have any comments on the drafting of this SI? If so, please send them to us.**

Respondent	Method of Response	Comment	FSA Response
Unilever	Letter	A statement such as 'and subsequent amendments' could be added to the draft Statutory Instrument in order to include all future amendments to the EC regulation.	Regulation 3 of the draft Regulations would amend Regulation 2(1) of the current Regulations to include the phrase '...as may be amended from time to time', which would achieve this aim.
Laboratory of the Government Chemist (LGC)	Letter	A reference to a mechanism to track future amendments to the permitted nutrition claims set out in the Annex to Regulation 1924/2006 in the Explanatory Note to the proposed Statutory Instrument would reassure stakeholders.	All interested parties will be advised of any proposals to amend the list of permitted nutrition claims in the Annex to Regulation 1924/2006 and kept informed of developments at EU level.

**ISSUE: Issues beyond the Scope of the proposals set out in the consultation**

Respondent	Method of Response	Comment	FSA Response
HYBU CIG CYMRU (HCC) : Meat Promotion Wales	Letter	The proposed regulations would impose new demands on businesses and have cost implications. Red meat is often sold in packs in supermarkets, but this is not always the case in independent butchers' shops. As such, staff in butchers' shops would need to be trained on authorised nutrition claims.	<p>Regulation 1924/2006 does not require food businesses to make nutrition or health claims. Instead, the Regulation sets down the nutrition claims which can be made and associated conditions of use with which businesses that choose to make nutrition claims must comply</p> <p>The proposed national Regulations would not impose demands or have cost implications for businesses. The intention is to provide for the execution and enforcement of the recent amendment adding a further five nutrition claims to the Annex to Regulation 1924/2006 and to avoid the need to make similar national legislation each time the Annex is amended in the future.</p>
Alliance for Natural Health (ANH)	Letter	Concern about lack of clarity on the timing for the implementation of Regulation 1924/2006. Section 1.6 of the FSA's guidance on Regulation 1924/2006 which included dates had been removed from the latest draft of the guidance which recently underwent a public consultation. A smooth transition between claims allowed under transitional measures in Article 28 and those evaluated and approved by EFSA should be ensured or a considerable burden will fall on food business operators arising from costs associated with changing product labelling. Where claims are no longer permitted, consumers would be deprived of information that facilitates choice which	The European Commission will clarify the operation of the transition periods when the first batch of general function health claims submitted under Article 13(2) of Regulation 1924/2006 is authorised.

		may result in reduced sales. It is not possible to estimate the impact of Regulation 1924/2006 until the evaluation of generic claims under Article 13(1) by EFSA is complete.	
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<b>ACTIONS TO BE IMPLEMENTED</b>			
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| <ul style="list-style-type: none"><li>• Revise Regulation 3 of the draft Nutrition and Health Claims (England) (Amendment) Regulations 2010 and equivalent Regulations relating to Scotland, Wales and Northern Ireland to refer specifically to the Annex to Regulation (EC) No. 1924/2006, rather than the entire Regulation, to provide greater clarity and legal certainty.</li><li>• Implement the Nutrition and Health Claims (England) (Amendment) Regulations 2010.</li></ul> |  |  |  |
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