

WRITTEN QUESTION P-6871/08
by Jules Maaten (ALDE)
to the Commission

Subject: Nutrition profiles

In the framework of Regulation (EC) No 1924/2006¹ on nutrition and health claims made on foods, currently 'nutrient profiles' are being developed. On 4 November 2008, the EC circulated a third working document on nutrient profiles which contains a suggested 'definition' of eligibility criteria in the category of dairy products, obliging these to contain at least 50 percent of dairy ingredients. On the basis of this criterion a number of internationally recognised products such as the probiotic fermented milk drink Yakult, which contains less than 50% of dairy ingredients (in the case of the Yakult drink the percentage would be 40%) will not be able to use a health claim, which in practice would mean that such products would not even be allowed to state: 'contains or with probiotics'! This would in our view not be in line with the need to inform consumers about the characteristics of particularly 'functional' foods.

1. Is the Commission aware of the problem which dairy producers such as Yakult have with the proposed 'nutrient profiles' dairy definition?
2. Is the Commission willing to accommodate this problem, e.g. by lowering the minimum from 50 percent to 40 percent of dairy ingredients in the eligibility criteria for the dairy category, or via a derogation to the 50 percent for a specific group of products?

¹ OJ L 404, 30.12.2006, p. 9.