MOTION FOR A RESOLUTION

pursuant to Rule 88(2) of the Rules of Procedure

by Glenis Willmott, Daciana Sarbu, Nessa Childers and Karin Kadenbach

on the draft Commission regulation on the authorisation and refusal of authorisation of certain health claims made on foods and referring to children’s development and health

Committee on the Environment, Public Health and Food Safety
The European Parliament,


– having regard to the draft Commission regulation on the authorisation and refusal of authorisation of certain health claims made on foods and referring to children’s development and health,

– having regard to Article 5a(3)(b) of the Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹,

– having regard to Rule 88(2) and (4)(b) of its Rules of Procedure,

A. whereas claims referring to children’s development and health in the labelling of foods may be authorised in accordance with the procedure laid down in Articles 15, 16, 17 and 19 of Regulation (EC) No 1924/2006, provided that they satisfy the requirements set out, inter alia, in Articles 3, 5, and 6 of that Regulation,

B. whereas, as explained in Recital 10 of Regulation (EC) No 1924/2006, foods promoted with claims may be perceived by consumers as having a nutritional, physiological or other health advantage over similar or other products to which such nutrients and other substances are not added, and this may encourage consumers to make choices which directly influence their total intake of individual nutrients or other substances in a way which would run counter to scientific advice,

C. whereas Recital 14 of Regulation (EC) No 1924/2006 indicates that it is necessary to ensure that the substances for which a claim is made have been shown to have a beneficial nutritional or physiological effect; whereas Recital 17 of that Regulation

¹ OJ L 184, 17.7.1999, p.23.
accordingly states that a claim should be scientifically substantiated by taking into account the totality of the available scientific data, and by weighing the evidence,

D. whereas Recital 23 of Regulation (EC) No 1924/2006 makes it clear that health claims should only be authorised for use in the Community after a scientific assessment of the highest possible standard,

E. whereas the requirements laid down, inter alia, in Articles 3, 5 and 6 of Regulation (EC) No 1924/2006 are imposed in furtherance of those objectives; whereas the procedure set out, inter alia, in Article 17 of Regulation (EC) No 1924/2006 is designed to ensure that the requirements at hand are satisfied,

F. whereas point (a) of Article 3 of Regulation (EC) No 1924/2006 prescribes that nutrition and health claims must not be misleading,

G. whereas Article 5 of Regulation (EC) No 1924/2006 provides that the nutrient or other substance in respect of which the claim is made must have been shown to have a beneficial nutritional or physiological effect, as established by generally accepted scientific evidence; whereas Article 6 of that Regulation provides that nutrition and health claims shall be based on and substantiated by generally accepted scientific evidence,

H. whereas Article 17(1) requires the Commission, when deciding on the possible inclusion of a claim in the Union list of permitted health claim, to take into account the opinion of the European Food Safety Authority (EFSA), any relevant provisions of Union law and other legitimate factors relevant to the matter under consideration,

I. whereas the draft Commission Regulation on the authorisation and refusal of authorisation of certain health claims made on foods and referring to children’s development and health provides for the health claims set out in its Annex I to be added to the Union list of permitted health claims annexed to Regulation (EC) No 1924/2006,

J. whereas the health claim ‘docosahexaenoic acid (DHA) intake contributes to the normal visual development of infants up to 12 months of age’ is among the claims to
be added to the Union list of permitted claims according to the draft Commission Regulation,

K. whereas generally accepted scientific evidence shows that DHA in breast milk contributes to the visual development of infants,

L. whereas the synthesised DHA added to formula milks and other foods intended for infants is, however, in a different biological environment to breast milk, which is a species-specific, living substance with co-enzymes and co-factors which allow the fats to work optimally,

M. whereas the opinions communicated by the EFSA to the Commission state that the panel could not have reached the conclusion that there is a cause and effect relationship between the intake of infant and follow-on formula supplemented with DHA and visual function without considering the studies claimed by the applicant as proprietary\(^2\),

N. whereas no studies were presented to EFSA investigating the effects of DHA supplementation on visual function starting at six months of age in infants receiving unsupplemented formula from birth\(^3\),

O. whereas the systematic review of evidence regarding DHA and neurological development in infants published by the Cochrane Library in 2008\(^4\) found that that feeding term infants with milk formula enriched with DHA and other similar long chain fatty acids had no proven benefit regarding vision, cognition or physical growth,

P. whereas the report published in the British Medical Journal by Kathy Kennedy et al in June 2010\(^5\) found that ten years after being fed with DHA fortified formula girls were on average heavier and had higher blood pressure,

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Q. whereas there is a need for more research into the possible effects, both beneficial and harmful, of DHA supplementation before the use of DHA in follow-on formulae and foods for infants can be claimed as beneficial,

R. whereas the health claim on DHA and visual development referred to in the draft Commission Regulation could, therefore, be misleading and thus contrary to Article 3 point (a) of Regulation (EC) No 1924/2006 in the light of the objectives set out in Recital 10 of that Regulation;

S. whereas there is not a clear scientific consensus on the effect DHA fortified formulae have on infants, which runs contrary to the requirements laid down in Articles 5 and 6 of Regulation (EC) No 1924/2006 in the light of the objectives set out in Recitals 10, 14, 17 and 23 of that Regulation,

1. Considers that the draft Commission Regulation on the authorisation and refusal of authorisation of certain health claims made on foods and referring to children’s development and health is not compatible with the aim and content of Regulation (EC) No 1924/2006;

2. Opposes the adoption of the draft Commission Regulation;

3. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.