Three EU campaign update

Given the many questions we received last Sunday and Monday at our booth at Natural and Organic Products Europe, we thought it useful to given you an update on our three lead European campaigns:

Update 1: EU health claims

We pushed hard for a veto of the positive list of allowed health claims, not because we didn't want approved claims, but because we wanted to force a rethink of the whole, flawed approach to authorising claims. But 60% of the members of the relevant European Parliament committee voted to support the existing health claims list, only 40% supporting the veto. Don't get us wrong, some health claims are better than none, but this was going to be one of the most powerful ways to force a complete rethink of the warped science being used by the European Food Safety Authority (EFSA) to accept claims. Being just one rubber stamp away from full approval of the list by the European Parliament, it's now likely to be mainly down to how the ban on unauthorised health claims is enforced, and how many more additions can be made to the positive list.

If enforcement of the law means that consumers still can't get enough information about the benefits of products, it means legal action — or full-scale civil disobedience. The natural products industry is unusually united on the health claims issue and the problems it causes to its ability to communicate effectively with the public. But this sector is still a little fish in the big pond of Big Food and its key trade representative, FoodDrinkEurope. This is the powerful lobby that's been pushing the regulation for all it's worth.

There are two key actions that you can help with, one intended for European consumers, the other

for food supplement companies. Please sign up to the following, accordingly:

Consumers, please sign the petition (10,964 at the time of writing) at: www.sup.nl/petition

Food supplement companies, please join the signatory list (344 companies at the time of writing) established by the European Health Claims Alliance: www.healthclaimsletter.org

Update 2: EU herbals

The EU Traditional Herbal Medicinal Products Directive (THMPD) has failed in what it set out to do originally. Quite simply, it hasn't delivered an authorisation system for products of long-standing herbal traditions. If it had done its job properly, we'd see the majority of classical formulae from the Chinese and Ayurvedic traditions being registered. This hasn't happened for eligibility, technical and cost reasons. The registration scheme has, however, worked well for a limited range and type of herbal product that are typified by the 20th century German phytopharmaceutical industry. These products are generally extracted with alcohol, they are generally based on single herbs, they don't usually contain any whole-plant material, and they are often stabilised in a synthetic chemical polymer base. They are effectively drugs made with plant chemicals, rather than herbal products that benefit from the full spectrum of natural chemistries and synergism offered by less processed, whole-plant products.

The central problem is that many herbal products that were selling as food supplements are being pushed out of the food supplement regime now that the THMPD exists. But owing to the narrow remit of the THMPD, they can't get into the THMPD door, and face being considered illegal either because of their classification by national regulators as unregistered medicines – or as unauthorised novel foods.

We have been preparing a legal challenge on this issue for some time now, and it's nearly ready to go, and as each month passes, we continue to add new evidence to strengthen our case as it become available. However, the key issue for us is ensuring we have unequivocal legal standing to initiate proceedings. This is something on which we're being guided by our expert lawyers, and they are telling us there are a few more procedures that still need to be completed before we can file our case. As we've said before, we'll continue to keep you posted. Rest assured as well, that the very existence of our case-in-preparation has already made a big difference in terms of how some regulators are behaving!

Update 3: Maximum Permitted Levels (MPLs) of vitamins and minerals

Progress by the European Commission (EC) on issuing its planned proposal to harmonise maximum (and minimum) vitamin and mineral levels in food supplements and fortified foods has been on ice for a couple of years now, while its attention in this area has been on health claims and herbals. Once the proposal is forthcoming, we'll see for the first time actual numbers for proposed maximums. This will give us something to work with, and it also means that the EC's previously commissioned impact assessment will be barely worth the paper it was written on. The reason? Agra CEAS, the consultancy that undertook the assessment, didn't have the benefit of a firm proposal so couldn't properly evaluate impact, only on hypothesise on what might happen based on different stakeholders offering their different views on different levels.

There's been considerable discussion and consultation over the scientific methodologies that could be used, but we've upheld that none of these are scientifically valid. We have put two major spanners into the works to force some serious re-thinking: one is a petition in the European Parliament Petitions Committee that, along with another four, questions the entire basis of the proposed harmonised measure. Twice I've had the opportunity to defend successfully these petitions

in the Petitions Committee, the EC continuing to be unable to satisfy the Committee that the measure, and the methodologies under consideration, are not woefully problematic. Secondly, we have published two papers in the highly respected peer reviewed journal *Toxicology*. The first paper explains the considerable weaknesses in the proposed approaches, while the second shows that if you use approaches based only on risk as the EC and EFSA plans to do, without any consideration of benefit, you will end up removing the vast majority of benefits associated with vitamin and mineral consumption. One wonders if that isn't part of the EU plan.

The take home message on the MPL issue is this: we'll get moving full steam ahead once the Commission issues its proposal. Appraising the implications of its proposed levels on human health, as well as on the viability of companies supplying products affected negatively by the proposed law, will be crucial. As soon as there is movement, we'll let you know.

For more information:

ANH Health Choice campaign
ANH Nurture Traditional Medicinal Cultures campaign
ANH Good Science campaign

ANH Europe homepage

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