

# **Scientific Flaws**

in

## THE EC DRAFT REGULATION ON NUTRITION CLAIMS

The European Commission (EC) published in June 2009 a draft Regulation to permit five “nutrition” claims for fatty acids. They prescribe the amount of specific fats that a manufactured food/drink or supplement must contain in order to claim that it is a “Source” or “High” in the relevant ingredient.

That draft is based on flawed science. Multiple errors have been widely criticised by international specialist scientists.

They have also been challenged, in two preparatory meetings in Brussels in July 2009, by representatives from several Member States of the European Union.

Nonetheless, the EC is pressing ahead with a text that still contains all the original fundamental errors. Therefore, we have brought together here, in concise form and non-technical language, a list of the scientific flaws identified by both scientists and Member States.

**1. Pick-and-Choose Regulation:** the EC is proposing a so-called “generic” claim, that is, one which allows food manufacturers to make a claim about omega-3 fatty acids, based on the inclusion of either plant or fish oils. That is, they could choose to fortify a product with either short or long-chain omega-3s, with either alpha-linolenic acid (ALA) or a combination of eicosapentaenoic acid (EPA) and docosahexaenoic acid (DHA).

The either/or option suggests an equivalence in function between these two types of omega-3s that is without scientific foundation. It is EPA/DHA that deliver the principal physical and mental health benefits, not ALA. And, human beings are very poor converters of ALA into DHA.

The proposed claim would allow products laced with cheap plant oils to imply that they deliver the benefits of long-chain omega-3s, without actually doing so. The Regulation would legalise the deception of consumers.

**2. O6:O3 Ratio:** the Regulation contains no conditions about the ratio of omega-6 fatty acids in a product to omega-3s. This is critical, because O6s and O3s are competitors for relevant enzymes.

And O6s dominate. This diminishes the effectiveness any O3s that a product does contain. This omission is compounded by...

**3. "High in Polyunsaturates" Claim:** this proposed claim lumps together different types of fatty acids that need to be separated, some that are heart-toxic with others that are heart-healthy.

It would also have the practical consequence of allowing manufacturers to make an impressive-sounding claim by loading a product with cheap vegetable oils (corn, sunflower, safflower, soy) that would increase the O6:O3 ratio, creating the problems described immediately above. We currently eat a disproportionate amount of omega-6s, so the ratio is already too high. It needs to be lowered, not raised.

**4. Low Dosage:** the Dietary Reference Value (DRV) set by the Dietetic Products, Nutrition and Allergies (NDA) committee of the European Food Safety Authority (EFSA) is too low. It recommends daily intake of 250mg/day of EPA/DHA. That will allow products to claim health benefits they will not deliver.

The NDA committee consists of nutritionists, but not all are specialists in omega-3s. Numerous groups of experts in omega-3s have recommended DRVs up to four times as high as that set by EFSA. The average recommendation of these specialist bodies is 550mg/day. This also creates a practical problem because....

**5. Low Intakes:** some common sources of omega-3s are normally consumed in small amounts. Fortified margarines and nutritional supplements are examples. Combining a low DRV with small amounts means consumers would receive very little omega-3s from some products that claim to be high in them. A "high" product need only provide 75mg, when international recommendations range from 500-1000mg. No minimum absolute amount is specified in the Regulation.

**6. Docosapentaenoic Acid:** the Regulation makes no mention of DPA, which is a normal part of fish oils.

**7. Triglycerides v Phospholipids:** the Regulation makes no distinction between these types of fats, with different physiological functions.