

Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods

[^{X1}CHAPTER II

GENERAL PRINCIPLES

Article 3

General principles for all claims

Nutrition and health claims may be used in the labelling, presentation and advertising of foods placed on the market ^{F1}... only if they comply with the provisions of this Regulation.

Without prejudice to [^{F2}Regulation (EU) No 1169/2011 and the Business Protection from Misleading Marketing Regulations 2008], the use of nutrition and health claims shall not:

- (a) be false, ambiguous or misleading;
- (b) give rise to doubt about the safety and/or the nutritional adequacy of other foods;
- (c) encourage or condone excess consumption of a food;
- (d) [^{F3}state, suggest or imply that a balanced and varied diet cannot provide appropriate quantities of nutrients in general. [^{F4}The appropriate authority may by regulations adopt derogations in the case of nutrients for which sufficient quantities cannot be provided by a balanced and varied diet, including the conditions for their application, taking into account the special conditions present in the parts of Great Britain in relation to which the regulations are to be made.]]
- (e) refer to changes in bodily functions which could give rise to or exploit fear in the consumer, either textually or through pictorial, graphic or symbolic representations.

Textual Amendments

- F1** Words in Art. 3 omitted (31.12.2020) by virtue of The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 3 substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(4)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Substituted by Regulation (EC) No 107/2008 of the European Parliament and of the Council of 15 January 2008 amending Regulation (EC) No 1924/2006 on nutrition and health claims made on foods as regards the implementing powers conferred on the Commission.
- F4** Words in Art. 3(d) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(4)(b)(ii)** (as amended by S.I. 2020/1476, regs. 1(2), **5(2)(c)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1924/2006 of the European Parliament and of the Council, CHAPTER II. (See end of Document for details)

Article 4

Conditions for the use of nutrition and health claims

1 ^[F5]The appropriate authority may by regulations establish specific nutrient profiles, including exemptions, which food or certain categories of food must comply with in order to bear nutrition or health claims and the conditions for the use of nutrition or health claims for foods or categories of foods with respect to the nutrient profiles.]

The nutrient profiles for food and/or certain categories of food shall be established taking into account in particular:

- a the quantities of certain nutrients and other substances contained in the food, such as fat, saturated fatty acids, trans-fatty acids, sugars and salt/sodium;
- b the role and importance of the food (or of categories of food) and the contribution to the diet of the population in general or, as appropriate, of certain risk groups including children;
- c the overall nutritional composition of the food and the presence of nutrients that have been scientifically recognised as having an effect on health.

The nutrient profiles shall be based on scientific knowledge about diet and nutrition, and their relation to health.

^[F6]Before making regulations to establish the nutrient profiles, the appropriate authority must request an expert committee] to provide within 12 months relevant scientific advice, focusing in particular on:

- (i) whether profiles should be set for food in general and/or categories of food;
- (ii) the choice and balance of nutrients to be taken into account;
- (iii) the choice of reference quantity/basis for profiles;
- (iv) the approach to the calculation of the profiles; and
- (v) the feasibility and testing of a proposed system.

^[F7]Before making regulations to establish the nutrient profiles, the appropriate authority must carry out consultations with the other relevant authorities and] interested parties, in particular food business operators and consumer groups.

^[F8]The appropriate authority may by regulations amend the nutrient profiles and their conditions of use to take into account relevant scientific developments, after consulting the other relevant authorities and interested parties, in particular food business operators and consumer groups.]

2 By way of derogation from paragraph 1, nutrition claims:

- a referring to the reduction of fat, saturated fatty acids, trans-fatty acids, sugars and salt/sodium shall be allowed without reference to a profile for the specific nutrient/s for which the claim is made, provided they comply with the conditions laid down in this Regulation;
- b shall be allowed, where a single nutrient exceeds the nutrient profile provided that a statement about the specific nutrient appears in close proximity to, on the same side and with the same prominence as the claim. This statement shall read as follows: ‘High ⁽¹⁾ content’.

3 Beverages containing more than 1,2 % by volume of alcohol shall not bear health claims.

As far as nutrition claims are concerned, only nutrition claims referring to low alcohol levels, or the reduction of the alcohol content, or the reduction of the energy content for beverages containing more than 1,2 % by volume of alcohol, shall be permitted.

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[^{F35} [^{F10}The appropriate authority may by regulations specify] the foods or categories of foods other than those referred to in paragraph 3 for which nutrition or health claims are to be restricted or prohibited [^{F11}, in the light of scientific evidence.]]

Textual Amendments

- F3** Substituted by Regulation (EC) No 107/2008 of the European Parliament and of the Council of 15 January 2008 amending Regulation (EC) No 1924/2006 on nutrition and health claims made on foods as regards the implementing powers conferred on the Commission.
- F5** Words in Art. 4(1) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(5)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 4(1) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(5)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 4(1) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(5)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 4(1) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(5)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Art. 4(4) omitted (31.12.2020) by virtue of The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 4(5) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(5)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 4(5) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(5)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 5

General conditions

1 The use of nutrition and health claims shall only be permitted if the following conditions are fulfilled:

- a the presence, absence or reduced content in a food or category of food of a nutrient or other substance in respect of which the claim is made has been shown to have a beneficial nutritional or physiological effect, as established by generally accepted scientific evidence;
- b the nutrient or other substance for which the claim is made:
 - (i) is contained in the final product in a significant quantity as defined in [^{F12}applicable enactments] or, where such rules do not exist, in a quantity that will produce the nutritional or physiological effect claimed as established by generally accepted scientific evidence; or
 - (ii) is not present or is present in a reduced quantity that will produce the nutritional or physiological effect claimed as established by generally accepted scientific evidence;

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- c where applicable, the nutrient or other substance for which the claim is made is in a form that is available to be used by the body;
 - d the quantity of the product that can reasonably be expected to be consumed provides a significant quantity of the nutrient or other substance to which the claim relates, as defined in [F13 applicable enactments] or, where such rules do not exist, a significant quantity that will produce the nutritional or physiological effect claimed as established by generally accepted scientific evidence;
 - e compliance with the specific conditions set out in Chapter III or Chapter IV as the case may be.
- 2 The use of nutrition and health claims shall only be permitted if the average consumer can be expected to understand the beneficial effects as expressed in the claim.
- 3 Nutrition and health claims shall refer to the food ready for consumption in accordance with the manufacturer's instructions.

Textual Amendments

- F12** Words in Art. 5(1)(b)(i) substituted (31.12.2020) by [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **17(6)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 5(1)(d) substituted (31.12.2020) by [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **17(6)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 6

Scientific substantiation for claims

- 1 Nutrition and health claims shall be based on and substantiated by generally accepted scientific evidence.
- 2 A food business operator making a nutrition or health claim shall justify the use of the claim.
- 3 The [F14 competent authority] may request a food business operator or a person placing a product on the market to produce all relevant elements and data establishing compliance with this Regulation.

Textual Amendments

- F14** Words in Art. 6(3) substituted (31.12.2020) by [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **17(7)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 7

Nutrition information

[F15 Nutrition labelling of products on which a nutrition and/or health claim is made shall be mandatory, with the exception of generic advertising. The information to be provided shall consist of that specified in Article 30(1) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers ⁽²⁾. Where a nutrition and/or health claim is made for a nutrient

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referred to in Article 30(2) of Regulation (EU) No 1169/2011 the amount of that nutrient shall be declared in accordance with Articles 31 to 34 of that Regulation.

The amount(s) of the substance(s) to which a nutrition or health claim relates that does not appear in the nutrition labelling shall be stated in the same field of vision as the nutrition labelling and be expressed in accordance with Articles 31, 32 and 33 of Regulation (EU) No 1169/2011. The units of measurement used to express the amount of the substance shall be appropriate for the individual substances concerned.

In the case of food supplements, the nutrition information shall be provided in accordance with Article 8 of Directive 2002/46/EC. ^{F16}For the purposes of this Article, Article 8 of Directive 2002/46/EC is to be read as if for “the Annex to Directive 90/496/EEC” there were substituted “Annex I to Regulation (EU) 1169/2011”.^{]]}

Textual Amendments

- F15** Substituted by Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (Text with EEA relevance).
- F16** Words in Art. 7 inserted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(8)**; 2020 c. 1, Sch. 5 para. 1(1)

Editorial Information

- X1** Substituted by Corrigendum to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (Official Journal of the European Union L 404 of 30 December 2006).

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- (1) [^{X1}The name of the nutrient exceeding the nutrient profile.]
- (2) [^{X1}[^{F15}OJ L 304, 22.11.2011, p. 18.]]

Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EC\) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods \(Official Journal of the European Union L 404 of 30 December 2006\)](#).

Textual Amendments

- F15** Substituted by [Regulation \(EU\) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations \(EC\) No 1924/2006 and \(EC\) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation \(EC\) No 608/2004 \(Text with EEA relevance\)](#).

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EC) No 1924/2006 of the european parliament and of the council, CHAPTER II.