



MICHALOPOULOU
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Law under the microscope

“Nutrition & Health Claims: the new signposts dictating the future legal framework for Food”

Food Safety Conference • Thursday 12th November 2020

Food is the defining issue of the 21st century

- ❖ Transformation to healthy diets for food production by 2050 will require substantial dietary shifts.
- ❖ The universal adoption of a planetary health diet would help avoid severe environmental degradation and prevent approximately 11 million human deaths annually.



Summary Report of the EAT-Lancet Commission

8 Top Trends in Food and Pharma

1. [#nutraceuticals](#), food supplements and [#vitamins](#) are on the increase. Consumers are turning to health and food materials to boost their health.
2. Over the last few years the consumption of supplements has been increased by a staggering 13,000% in vitamins and 3,200% in food supplements in the US alone.
3. Consumers demand to know about the raw materials' journey and support [#green](#) and [#ecological](#) farming.
4. A rise in [#hydroponics](#) and [#laboratory](#) produced food is expected.
5. Sourcing of 'close to home' raw materials and a decrease in vast supply chains reliance is taking place
6. [#packagingdesign](#) is repurposed and rethought in line with environmental concerns
7. [#climatechange](#) is among the top 3 risk factors for business
8. [#sustainability](#) MUST move to the heart of the business model as an [#investment](#) with a strong long term return

Source: VitafoodsDigitalWeek: "Sustainability and climate change: Part of the bigger picture - podcast"

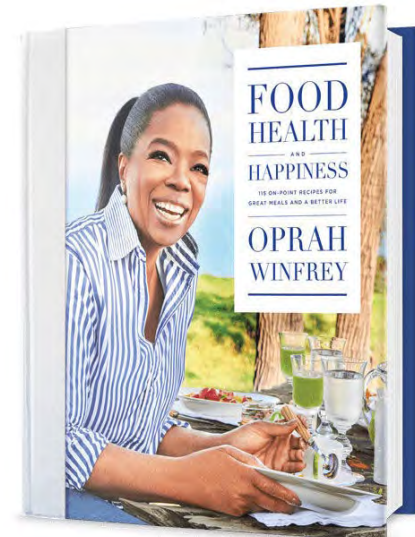
Personalized Nutrition & DNA-based lifestyle



https://www.washingtonpost.com/lifestyle/wellness/9-ways-millennials-are-changing-the-way-we-eat/2018/02/20/6bb2fe60-11eb-11e8-8ea1-c1d91fcec3fe_story.html

9 ways millennials are changing the way we eat

- ✓ Millennials 'want the truth' from Food Manufacturers
 - ✓ They love customization
 - ✓ They are redefining 'healthy'
 - ✓ They value the planet
 - ✓ They will try anything
- **Health ↔ Food = Happiness**



Regulation (EU) No 1169/2011 on the provision of food information to consumers

Food information shall not be misleading (Art.7) particularly:

- ✓ by attributing to the food effects or properties which it does not possess...
- ✓ the advertising and/or the presentation of food (packaging).

“...So that the consumer is not misled by exaggerated or untruthful claims”

EFSA.europa.eu



Regulation (EC) No 1924/2006 on nutrition and health claims

Nutrition claim: any claim which states, suggests or implies that a food has **particular beneficial nutritional properties** due to:

- (a) the energy (calorific value) it provides or provides at a reduced or increased rate, or does not provide;
- (b) the nutrients or other substances it contains or contains in reduced or increased proportions or does not contain;

Health claim: any claim that states, suggests or implies that a relationship exists between **a food category, a food or one of its constituents and health**;

Regulation (EC) No 1924/2006 on nutrition and health claims

European Food Safety Authority (EFSA) → scientific advice

- ✓ General function health claims (Art. 13.1.)
- ✓ Claims regarding risk reduction & child development (Art. 14)
- ✓ Criteria for setting nutrient profiles



Regulation (EC) No 1924/2006 on nutrition and health claims

Products bearing trademarks or brand names existing before 1 January 2005 which do not comply with this Regulation may continue to be marketed until **19 January 2022** after which time the provisions of this Regulation shall apply.

Regulation (EC) No 178/2002 on general principles and requirements of food law & food safety

Food and feed business operators at **all stages of production, processing and distribution** within the businesses under their control shall ensure that foods or feeds satisfy the requirements of food law which are relevant to their activities and shall verify that such requirements are met.

Member States shall enforce food law and monitor and verify that the relevant requirements of food law are fulfilled by food and feed business operators at all stages of production, processing and distribution (Art.7).

Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law(...)

- ✓ order the cessation for an appropriate period of time of all or part of the activities of the operator concerned and, where relevant, of the internet sites it operates or employs (Art. 138)

And

- ✓ Commission implementing Regulation (EU) 2019/1715 on rules for the functioning of the information management system for official controls and its system components ('the IMSOC Regulation')
- ✓ Directive 2000/31/EC on E-Commerce



THE SAFETY OF THE PEOPLE SHALL BE
THE HIGHEST LAW

Marcus Tullius Cicero



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Law Office for the Microscopic



The Food Industry and the Global Food System Transformation: a roadmap for success



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Law under the microscope

- ✓ Establish clear, scientific **targets**
- ✓ Set a high level of **ethics and compliance** standards & be qualified via certification mechanisms
- ✓ Get to **know your consumer** & categorize your risk groups
- ✓ Be prepared for consumer **lawsuits**
- ✓ Adopt **technological** solutions
- ✓ Implement an **ultra-personalized approach** for consumer engagement
- ✓ **Self-regulate** in what is already a regulated environment
- ✓ **Contribute** in policy making

The Time is Now!

Thank you



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