



FOODS WITH HEALTH-RELATED CLAIMS – ARE THEY REALLY HEALTHIER?

Health-related claims – a pan-German market survey
A collective initiative by the German consumer associations
Report December 2014 | Brief summary

The German consumer associations uncover the use of tricks in food products with health-related claims

Many consumers buy food products that have a "special benefit" for their health. If they have the choice, they prefer food products with claims over products without such claims. This especially applies to consumers who, according to their own subjective assessment, believe that their diet is not sufficiently healthy. They assume that these food products will compensate for this and improve their overall dietary situation, and are ready to pay higher prices for these kinds of food products.

The market study

The market study by 16 consumer associations of the German states aimed to document and evaluate the health-related advertising on food labels.

EU Regulation No 1924/2006 has the primary aim of protecting consumers against being misled by health-related claims on foods and in advertising. Basically this applies a "prohibition principle" with authorisation right that prohibits health-related claims unless they are authorised. The European Food Safety Authority (EFSA) is responsible for the scientific assessment of the health-related claims.

The market study examined a total of 46 products from the products groups of oils & fats, drinks, cereal products, infant products, milk products and food supplements. Issues were found with a total of 29 of the 46 products (63%).

Untrustworthy health claims uncovered in the market survey

The consumer associations posed seven questions to be answered in the market survey. Other specific product examples can be found in our detailed report.

- Are foods with prohibited claims still on the market?

Although the statutory framework is defined clearly and equivocally, over 40% (20 out of 46 products) of the

foods inspected had claims that breach the EU Regulation. In the case of children's foods it was as high as 75% (nine out of twelve products).

Example: Visual representation on BEBA children's milk "bifidus B(L) + healthy growth", although health-related claims on probiotic microorganisms have been rejected by the EFSA.

- Is there a modified wording on the label that leads to an unauthorised strengthening of the claim?

In the case of half of the inspected foods (22 out of 46 products) there was a non-tolerable strengthening of the permitted claims. In the view of the consumer associations, an identical wording that corresponds to the text in the Regulation would be the only way to inform consumers truthfully. The food industry's marketing departments must be prevented from exaggerating and creating their own wording, otherwise it can generate different expectations among consumers and it cannot be ruled out that they will be misled.

Example: Information on Becel Cuisine "*for a healthy cardiovascular system*", although the only permitted claim is "*contributes to normal heart function*".

- Does the lack of a nutrient profile result in permitted claims upgrading foods that are nutritionally problematic?

Almost one in three products (10 out of 33 products) that were inspected regarding their nutritional values contained too much sugar or fat for, in the consumer associations' view, health-related claims to be declared on the label. Therefore it is clearly these products in particular that should not be conveying a particularly healthy image.

Example: The information found on the Ferdi Fuchs mini-sausage says "*Calcium is required for the maintenance of normal bones and teeth*", although the product consists of 25% fat.

- How should we assess claims on children's products that are intended to encourage parents to buy them?

75% of the separately considered children's foods come out badly, because health claims are frequently exaggerated or false (on nine out of twelve products).

Example: The claim on Bebivita Bärchenteller reads "[...] with omega-3 important for brain and nerve cells", although this claim for nerve cells is not authorised.

- What nutritional information and details of nutrients and amounts are missing on the label if they are advertised with health claims?

In the case of almost one in three products (13 out of 46 products) the nutrient details were not labelled or not sufficiently present to justify a claim.

That corresponds to just under 30 per cent of the sample. The cereals and children's foods product groups were particularly conspicuous due to many labelling faults – 12 of the 18 inspected foods in these two product groups were deficient, i.e. 2/3 of the products.

- Are the added and specially provided nutrients really suitable for improving the dietary situation?

In the case of over half (22 out of 39 products), nutrients had been artificially added. In the case of foods with claims on vitamins and minerals, the rate was as high as around 90%. Added vitamins are mainly superfluous, as consumers are generally well provided with vitamins.

However, the market survey showed that some manufacturers are fiddling the stated portions, particularly in the case of drinks. Providers sometimes use the whole bottle as one portion in order to get around the minimum amount per 100 ml and be able to use a promotional claim.

Example: The entire bottle of "hohes C naturell-sport" contains too little magnesium and calcium per 100ml to make a claim, therefore the whole bottle (750 ml) is declared as one portion.

- Do permitted claims act as a cover for rejected claims?

Food supplements are often advertised using health-related claims on substances (botanicals), the effect of which has not yet been scientifically proven or has been rejected. In addition, some providers take a cunning route and add specific ingredients to their products for which there is an authorised claim. Thus they can give their products a healthy image anyway.

Example: The "Gelenk-aktiv" capsules have Vitamin C added to them in order to be able to advertise using the claim "for healthy cartilage", which was rejected for the ingredient green-lipped mussel powder.

What measures are advised to protect consumers from being misled and deceived by health claims on food labels?

Although the proliferation of scientifically unproven claims has been halted by the EU Regulation (Health Claim Regulation), there are still no regulations existing for many key areas.

- Nutritional values must be determined as quickly as possible
- The food-monitoring agency must take action against unauthorised health claims and breaches
- The health assessment of botanicals must be made without delay
- Manufacturers must remedy false or missing nutrient details
- Maximum values are needed for enrichment with micronutrients
- Superfluous vitamin or mineral ingredients should be omitted

A close-up photograph of a computer keyboard. The central focus is a bright green key with the German word "Gesundheit" (Health) printed in white, sans-serif font. A person's finger is shown pressing down on the right side of this key. Surrounding the green key are several white keys with standard symbols: an arrow pointing down and to the left, a key with a curly brace and a tilde (~), and an "alt" key. The keyboard is set against a dark grey background.

Gesundheit

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