Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1311 (2002)[1]

Functional food: serving the interests of the consumer or the food industry?

Parliamentary Assembly

1. Dietary habits have evolved along with the socio-cultural development of our countries. Food production is no longer purely about satisfying basic dietary needs, and processed food products account for a growing share of the market, thanks to the advances made by the agro-food industry. New food products, which are purported to improve mental and physical wellbeing and may also reduce the risk of diseases, are being developed. Such products, known as functional foods, are similar in appearance to conventional foods and are consumed as part of the usual diet. However, in addition to their nutritional function, they are designed to offer a particular health benefit over and above the traditional nutrients they contain.

2. Functional foods are associated with the prevention and/or treatment of at least four of the leading causes of death in Europe (cancer, diabetes, cardiovascular disease and hypertension) and with the prevention and/or treatment of other medical ailments. Statistics indicate that one in three cancer deaths are diet related and that eight out of ten cancers have a nutrition/diet component.

3. The term "functional food" has met with much controversy. Confusion persists about how to describe this newly evolving area of food and food technology. No agreed definition of functional foods exists today. However, without a clear and distinct definition encompassing all different facets of the concept, it would be unthinkable to establish elaborate procedures for legitimate claims contributing to the improvement, maintenance and reinforcement of the health of consumers via a better diet.

4. Consumer acceptance and understanding of functional foods varies between different European countries, which is due to the wide range of functional foods and ingredients available, and the diverse cultures and eating habits in different regions. Despite the limited knowledge of European consumers on the concept, functional foods represent one of the fastest growing markets in the developed world, representing US$32 billion and 15 to 20% annual growth worldwide. The market offers numerous opportunities for food and ingredient manufacturers and endless possibilities for future development.

5. Good health is closely linked to a healthy lifestyle. Eating a balanced diet should be considered as the main message to the consumer. If supported by sound scientific evidence, functional food, as part of such a diet, could be of additional benefit to the consumers' health and wellbeing and contribute to reducing the risk of disease. However, functional foods must in no way be seen as a magic solution to health and disease prevention.

6. The future success of functional foods and the growth in the market for them will largely depend on the regulatory framework within which they may be marketed. The key to the marketing of such products is the information which appears on their labels, including the claims that they may carry in respect of their beneficial properties. Consumers need a viable guarantee that these new food products are not only asource of more profits for their manufacturers but also a real progress allowing them to better control their health.

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 18 November 2002 (see Doc. 9604, report of the Committee on the Environment, Agriculture and Local and Regional Affairs,rapporteur: Mr Etherington; and Doc. 9614, opinion of the Social, Health and Family Affairs Committee,rapporteur: Mr Høie).

7. European countries have no separate legal category for functional foods. From a legislative point of view, they are categorised as foods, and as such, are subject to regulations concerning foods. They cannot make claims that they have medicinal properties which can prevent, treat or cure a specified disease. Some countries have adopted legislation and voluntary codes, which has resulted in different approaches and in numerous discrepancies both regarding the definition of the terms used and the conditions warranting the use of such claims. Furthermore, these voluntary codes are unenforceable.

8. The Parliamentary Assembly notes with satisfaction the recent Council of Europe initiative to introduce the "Guidelines concerning scientific substantiation of health-related claims for functional food" and hopes that the adoption of this document would lead to further elaboration at the inter-governmental level of the legal framework governing nutrition, food safety and consumer health related to the emerging market of functional foods.

9. The Assembly also notes the ongoing discussions in the United Nations for the Codex Alimentarius drawn up by the Food and Agriculture Organisation (FAO) and the World Health Organisation (WHO) and around the European Union discussion paper "Nutrition claims and functional claims" (SANCO/134/2001) and hopes that these will lead to a more harmonised legislation at European Unionlevel.

10. In the light of the above elements, the Assembly:

urges the governments of member states and Observers, in co-operation with the European Food Safety Authority, to adopt a common definition for foods or food components that may reduce the risk of a specific disease or health concern with a view to facilitating communication with consumers and establishing a proper legal framework;

encourages all members states:

a. to promote sound and comprehensive scientific research to back claims for functional foods. The alleged benefits of functional foods must be scientifically demonstrated, including a proper assessment of their safety. The health claims made for food products must be both truthful and clearly expressed in ways that can be easily understood by the consumer;

b. to co-ordinate nutrition-based research at European level in order to provide manufacturers with normative guidelines in respect of foods that need to be produced for the benefit of public health, rather than leaving it to manufacturers to decide purely on commercial considerations;

c. to establish or draw up national legislation on health claims in line with the Council of Europe "Guidelines concerning scientific substantiation of health-related claims for functional food", assuring consistency with wider public health objectives and national and international dietary and nutritional recommendations;

d. to make additional efforts in public health education to promote a balanced diet and a healthy lifestyle.

encourages the European Union to give a clear statement on its position with regard to functional foods and make a concrete commitment to the development of a common framework and rules on claims at European Union level, to ensure harmonisation and consistency of approach; and in particular to call on the newly established European Food Safety Authority to implement requirements for health claims and validate such claims.

calls on the European Commission, the WHO and the FAO to work in collaboration with the Council of Europe on the harmonisation of legislation in this specific field at the pan-European level, establishing that health claims be:

a. legal, justified and easily understood, and presented in the context of an overall balanced diet and other healthy lifestyle factors;

b. communicated clearly, truthfully and in a way that is easily understood to the consumer, disclosing comprehensive information on product labels (quantities of functional ingredients, target population, length and quantity of optimum consumption, interaction with other components or drugs, side-effects, impact of cooking methods, etc.);

c. conditional to pre-market approval;

d. void of medical claims, save for exceptions that can reasonably be expected to make a significant overall contribution to a healthy diet, based on the totality of scientific evidence;

e. prohibited for food products that contain unhealthy ingredients or for foods with minimal nutritional value.