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FEDIOL comments on Codex Alimentarius Discussion Paper on a TFA free claim

In the thirty-sixth session of the Codex Alimentarius Committee on Nutrition and Foods for special dietary uses scheduled on 24-28th November 2014, a discussion paper on a claim for “free” of trans fatty acids¹ (TFA) prepared by Canada is scheduled for discussion under agenda point 9.

FEDIOL would like to provide comments on the following document explaining why the suggested proposal does not work in practice.

FEDIOL in context

FEDIOL is the European federation representing the interests of the European vegetable oil and protein meal industry. Directly and indirectly, FEDIOL covers about 150 processing sites that crush oilseeds and/or refine crude vegetable oils. These plants belong to around 35 companies. It is estimated that over 80% of the EU crushing and refining activity is covered by the FEDIOL membership structure.

Discussion paper on a claim for “free” of trans fatty acids (TFA)

Canada suggests establishing a TFA “free” claim to be included in the Guidelines for Use of Nutrition and Health Claims² which would need to meet the following cumulative conditions:

Component	Claim	Conditions (not more than)
Trans fatty acids	Free	0.1 g per 100 g (solids) 0.1 g per 100 ml (liquids) or 0.1 g per serving and, 1.5 g saturated fat per 100 g (solids) 0.75 g saturated fat per 100 ml (liquids) and 10% of energy of saturated fat

The paper further elaborates on the rationale, explaining that the TFA-free claim is to be combined with the current set conditions for low saturated fat claim, to ensure that saturated fat is not increased to compensate for the removal of TFA from a product.

¹ CX/NFSDU 14/36/10

² CAC/GL 23-1997

FEDIOL position

1. In principle against setting "free" claims

FEDIOL is in principle against the setting of "free" claims as such, since they do not contribute appropriately to enhance consumer awareness, can be deceptive or confusing and depend on consumers' ability to interpret labels accordingly.

In the context of TFA, many studies have proved that labelling is not the way forward to enhance healthy diets across countries and across various population subgroups³. This is also the view supported by consumers in Europe⁴.

2. Any "TFA" free claim to be based on science and achievable by industry

Should a TFA "free" claim be pursued, it should be based on available science and should be achievable by industry. The conditions proposed in the discussion paper fail to reach this goal.

First, setting a TFA free claim at the level of 0.1g per 100g/ml or serving is not based on science.

Over the past 15 years, FEDIOL members have been supporting industry initiatives to reduce TFA in vegetable oils and fats including reformulation, optimisation of refining processes and Code of Practice. Thanks to these numerous industry actions, new low TFA vegetable oil and fat formulations are provided to consumers, enabling overall reductions in the TFA content of food products. Consequently, the intake of TFA in the EU has decreased considerably over recent years⁵.

This decrease was also highlighted by EFSA in its opinions of 2004 and 2009, based on data analysis at national level⁶.

Together with the numerous industry initiatives in place, a FEDIOL Code of Practice on refining, in which all the technical parameters have been specified for the quality and safety of refined vegetable oils and fats, ensures that during refining, no more than 2% TFA on fat basis will be formed, including in bottled vegetable oils.

All vegetable fats and oils therefore contain an unavoidable very small TFA level that in practice is higher than 0.1 as suggested in the discussion paper prepared by Canada. Setting a TFA free claim level at such a level cannot be implemented in

³ See for example Downs S. et al., the effectiveness of policies for reducing dietary trans fat: a systematic review of the evidence, Bulletin of the World Health Organization 2013.

⁴ The consumer case for EU legal restrictions on the use of artificial trans-fats in food, BEUC Position Paper February 2014.

⁵ It is estimated that the average TFA content in vegetable oil and fat formulations has decreased over the last 15 years from 5.3 to 1% on fat basis, corresponding to a relative decrease of 81%.

⁶ See EFSA opinion of the scientific panel on dietetic products, nutrition and allergies on a request from the Commission related to the presence of trans fatty acids in foods and the effects on human health of the consumption of trans fatty acids (Request EFSA-Q-2003-022) adopted on 8 July 2004. EFSA Scientific Opinion on Dietary Reference Values for fats, including saturated fatty acids, polyunsaturated fatty acids, monounsaturated fatty acids, trans fatty acids, and cholesterol. EFSA Journal 2010; 8(3):1461. [107 pp.]. doi:10.2903/j.efsa.2010.1461. "Evidence from a number of countries indicates that the intake of TFA in the EU has decreased considerably over recent years, owing to reformulation of food products, e.g. fat spreads, sweet bakery products and fast food. More recent reported intakes in some EU Member States are close to 1 to 2 E% (EFSA, 2004). For example, in the UK the average intake of TFA has been halved to less than 1 E% (SACN, 2007). In France, intake data from 4079 individuals 3 to 79 years of age collected with 7-day food diaries and calculated with tables of TFA content of foods from 2008 show that TFA intakes have decreased by 40 % and are, on average, 1 E% in adults (1.4 E% at the 95th percentile), including 0.6 % for TFA from ruminant sources and 0.4 % for TFA from other sources (AFSSA, 2009). Average intakes of TFA in Denmark, Finland, Norway and Sweden have decreased to around 0.5 to 0.6 E% (Johansson et al., 2006; Lyhne et al., 2005; Männistö et al., 2003; Becker et al., 2005). "

practice by the vegetable oil and fat sector.

Secondly, even if vegetable oils and fats were able to meet the 0.1 level, which is not the case in practice, they would never be able to meet the cumulative conditions of "low saturated fat claim". All vegetable oils and fats indeed contain a natural amount of saturated fat, which is not possible to reduce to the levels indicated in the "low saturated fat claim".

Industry continues to invest heavily in innovation into reducing SAFA content of its products by replacing high saturated fat-containing vegetable oils and fats by other oils higher in MUFA such as high oleic sunflower oil and palm olein.

But such reformulation is harder to achieve for food applications where structure is needed. Indeed, this innovation by industry could actually be undermined by the introduction of such a claim, as explained below:

Introducing such claim will not benefit consumers, as it will not provide incentives for industry to further reduce TFA and saturated fats in products where they contain high levels of these fatty acids, as they would never be able to reach the low levels of TFA and SAFA required in order to make the claim. In practice, only food products with a low fat or oil content, will qualify. No labelling changes are to be expected for higher fat products, as none of them will qualify for the TFA-free claim.

FEDIOL is therefore against the introduction of the "free" TFA claim.