EUROPEAN MARGARINE ASSOCIATION

IMACE RESPONSE TO EFSA PUBLIC CONSULTATION ON THE DEVELOPMENT OF HARMONISED MANDATORY FRONT-OF-PACK NUTRITION LABELLING AND THE SETTING OF NUTRIENT PROFILES FOR RESTRICTING NUTRITION AND HEALTH CLAIMS ON FOODS

Brussels, 23 December 2021

General Remarks

IMACE welcomes the possibility to provide feedback on the EFSA draft opinion on the "Development of harmonised mandatory front-of-pack nutrition labelling and the setting of nutrient profiles for restricting nutrition and health claims on foods". **IMACE is supportive of initiatives that aim to provide consumers with easy-to-understand and non-misleading information related to the nutritional characteristics of foods, that should be in accordance with transparent and objective criteria based on robust and sound scientific evidence**. We therefore see the EFSA's opinion as key to inform the European Commission's work on the development of an harmonised front-of-pack nutritional labelling.

Remarks on Introduction

- **Inclusion of positive nutrients in nutrient profiling schemes (270-275, p. 9)**. IMACE agrees on the need to include beneficial nutrients in the assessment of a product's nutrient profile. This is particularly relevant for oils and fats, hence IMACE strongly suggests **developing group-specific criteria** tailored to its peculiar nature – mainly a one-nutrient product group. Such criteria should take into account the quality of fats (e.g. saturated, unsaturated), **assessed against its recommended portion size**, allowing a more realistic evaluation of its role in the overall diet. In this regard, EFSA should take a stand on the topic and clearly develop a methodology to define portion sizes. Assessing group-specific criteria based on portion sizes would also support further product reformulation as it eases the identification of hotspots from producers.

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Remarks on the Assessment

- **Relation between high-fat diets, energy-dense foods and weight gain (492 – 493 p. 14 and 508-514 p. 15)**. The draft Opinion mentions several times the positive correlation between high-fat diets and weight gain, as stated by EFSA's NDA Panel in 2010, recommending limiting consumption of energy-dense foods to prevent excessive weight gain. However, increasing recent evidence is debunkling such link, actually stating there is no direct association, in an isocaloric comparison, between the fat content in diets and an increase in weight and its related health impacts[1,2, 3,,4,, 5,].
- **Sources of SFAs (603-609, p. 17).** The draft Opinion presents the main sources of saturated fatty acids in oils and fats in absolute terms, without putting them in perspective based on their contribution to the overall SFAs intake. This gives a distorted idea of the actual role of, for instance, palm oil vs foods which are consumed in much higher amount daily (e.g. dairy products).
- **Trans fats (lines 627-657, p. 17-18).** The draft Opinion rightly states that sources of TFAs can come from both animal-based products (e.g. dairy products) and plant-based products (e.g. partially hydrogenated oils). The margarine and plant-based fat industry has been investing heavily on product reformulation in the past decades, which proved successful as the level of trans fats in margarine has been below 2% for over twenty years, and that of liquid margarine below 1%[6]. TFAs in margarine products therefore ceased to be a public health concern in Europe long before the adoption of the current EU legislation establishing maximum levels of TFAs[7]. However, regulated intake of TFAs as highlighted in the draft Opinion (lines 643-657) applies **only** to industrial TFAs.

[1] Dietary Patterns Characterized by Fat Type in Association with Obesity an d Type 2 Diabetes: A Longitudinal Study of UK Biobank Participants, Barbara Brayner, Gunveen Kaur, Michelle A Keske, Aurora Perez-Cornago, Carmen Piernas, Katharine M Livingstone, *The Journal of Nutrition, Volume 151, Issue 11,* November 2021, Pages 2570-3578.
[2] Dietary fat: From foe to friend?
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SCIENCE 16 Nov 2018, Vol 362, Issue 6416, pp. 764-770, DOI: 10.1126/science.aau2096
[3] Scientific Opinion on Dietary Reference Values for fats, including saturated fatty acids, polyunsaturated fatty acids, monounsaturated fatty acids, trans fatty acids, and cholesterol, EFSA NDA panel 2010, page 2
[4] https://www.dietaryguidelines.gov/sites/default/files/2019-05/DietaryGuidelines2010.pdf , page 15
[5] Field AE, Willett WC, Lissner L, Colditz GA. Dietary fat and weight gain among women in the Nurses' Health Study. Obesity (Silver Spring). 2007 Apr;15(4):967-76. doi: 10.1038/oby.2007.616. PMID: 17426332.
[6] Scientific Opinion on the presence of trans fatty acids in foods and the effects on human health of the consumption of trans fatty acids, *EFSA Panel on Dietetic products, Nutrition and Energy (NDA), EFSA Journal (2004) 81, 1-49, August 2004*
[7] Regulation (EU) 2019/649 amending Annex III to Regulation (EC) No 1925/2006 of the European Parliament and of the Council as regards trans fat, other than trans fat naturally occurring in fat of animal origin

Ruminant TFAs (e.g. butter, dairy and meat) are not covered by such limits, despite having the same public health implications of industrial TFAs. Therefore, **IMACE strongly supports the inclusion of TFAs above 2% on the fat base as part of nutrient profiling schemes for both industrial and ruminant TFAs.**

- **Fat vs water content in nutrient profiles (1411 – 1415, p. 34).** The draft Opinion suggests that difference in water content can make comparison based on energy more difficult. The ratio water/fats is at the basis of the classification of margarine and plant-based fats, but when it comes to assessing the nutritional value, the quality of fats (saturated fats vs mono and poly-unsaturated fats) is what matters most. For instance, in comparison to butter, margarine and spreads are made from a variety of plant-based oils, which are higher in PUFAs. When SFAs are substituted with PUFAs, we can see positive health impacts, such as a decrease in the risk of coronary heart diseases[8], as well as a reduction of cholesterol levels[9,10].
- **Total fat vs fat quality (1416-1422, p. 34).** The draft Opinion rightly says that total fat would not allow discrimination of foods based on the nutritional quality of their fat content. However, it also presents dairy products (e.g. butter) as an example of homogeneous fat quality products. This disregards the wide range of plant-based analogues to these products – and with whom dairy needs to be compared when it comes to nutritional values, as they fulfil the same purpose and function – which are quite different in terms of fat composition. In order to provide transparent information to consumers, such variety needs to be taken into account in nutrient profiling schemes.
- **The benefits of ALA on reducing CVD (551/556-562, p. 16, 816-817, p. 21)**. ALA is the most common Omega3 fat, found in plant-based foods such as margarine and spreads. ALA can be converted into EPA ad DHA by the body, hence plant-based sources of ALA should also be considered as sources of EPA and DHA. Moreover, there is growing

[8] Guidelines: Saturated fatty acid and trans-fatty acid intake for adults and children

[9] Patel, A. R., Lecerf, J. M., Schenker, S., & Dewettinck, K. (2016). The contribution of modern margarine and fat spreads to dietary fat intake. Comprehensive reviews in food science and food safety, 15(3), 633-645.

[10] Scientific Opinion on the substantiation of health claims related to the replacement of mixtures of saturated fatty acids (SFAs) as present in foods or diets with mixtures of monounsaturated fatty acids (MUFAs) and/or mixtures of polyunsaturated fatty acids (PUFAs), and maintenance of normal blood LDL-cholesterol, *EFSA Panel on Dietetic products, Nutrition and Energy (NDA), EFSA Journal 2011; 9(4):2069, January 2011*

scientific evidence linking an increase in ALA (by replacing SFAs) with a decrease of CVD risk[11,12]. The EU claim "high in omega 3" is particularly relevant as it also includes ALA. Omega 3 would therefore be a positive addition to nutrient profiling schemes.

- **Inclusion of other (non-)nutrients (1433 – 1438, 1478-1480 p. 34).** The draft Opinion suggests that "some nutrients and non-nutrient components may be included in nutrient profiling models for reasons other than their public health importance to allow for a better discrimination of foods within the same food category". ALA could be mentioned in this part, having oils, fats and margarines as a product group providing these nutrients. Plant sterols could also be added, as they are positively linked to a reduction of cholesterol levels[13].

Remarks on the Conclusion

- **Food groups with important dietary role (1444-1447, p. 35).** The draft Opinion presents the food groups acknowledged as having an important dietary role. IMACE would like to stress the fact that **the category of oils and (vegetable) fats should also be included as food of high public health importance**, given the health benefits they bring, and that have been mentioned several times in the draft document.
- **Energy vs total fats (1462–1467, p. 35).** The draft Opinion states that "in food group/category-based nutrient profiling models, total fat could replace energy owing to its high energy density in most food groups". IMACE strongly suggest **keeping energy as the criterion**, since it allows to place the different nutrients within the established ratios, which means that fat should cover 20-35% of the total energy. This also facilitates product reformulation within the nutrient category (e.g. by replacing SFAs with PUFAs[14]) and not by increasing one nutrient to replace another one (e.g.

[11] Naghshi S, et al. Dietary intake and biomarkers of alpha linolenic acid and risk of all cause, cardiovascular, and cancer mortality: systematic review and dose-response meta-analysis of cohort studies. BMJ. 2021 Oct 13;375:n2213. doi: 10.1136/bmj.n2213

[12] Mozaffarian D (2005) Does alpha-linolenic acid intake reduce the risk of coronary heart disease ? A review of the evidence. Altern Ther Health Med 11: 24-30 ; quiz 31,79.

[13] Plant Sterols and Blood Cholesterol - Scientific substantiation of a health claim related to plant sterols and lower/reduced blood cholesterol and reduced risk of (coronary) heart disease pursuant to Article 14 of Regulation (EC) No 1924/2006, EFSA Panel on Dietetic Products, Nutrition and Allergies, 11 July 2008.

[14] Scientific Opinion on Dietary Reference Values for fats, including saturated fatty acids, polyunsaturated fatty acids, monounsaturated fatty acids, trans fatty acids, and cholesterol, EFSA NDA panel 2010, page 3

increase carbohydrates to replace fat), with less health benefits, as highlighted in the draft Opinion already (e.g. 1398-1401, p. 34).

Remarks on Appendix B

- **Vitamin D (p. 52).** Margarine and spreads are often a source of vitamin D, which has been identified as the first nutrient with inadequate intake in 17 Member States, even if the majority of these countries have a national programme in place to address such deficiency. Even if dietary intake is not always sufficient to level nutrient deficiencies, it is definitely beneficial and should be promoted[15] . Given the importance of vitamin D for human health, IMACE believes that it must be recognised as a positive nutrient and included in nutrient profiling schemes.

[15] Amrein, K. et al, Vitamin D deficiency 2.0: an update on the current status worldwide. Eur J Clin Nutr 74, 1498-1513 (2020). https://doi.org/10.1038/s41430-020-0558-y