

Health Claims and Innovation

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Conclusions – 1

- Dr. Baines has demonstrated that there is a clear lack of data vis-à-vis food and innovation.
- Clear understanding (from pharmaceutical experience) that over-regulation (over-precaution) stifles investment.
- Evidence that this investment flows elsewhere and subsequently so does manufacturing and skills.

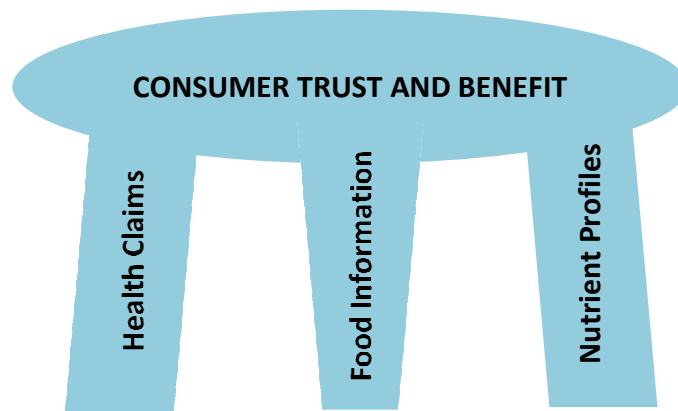
Conclusions – 2

- Professor Kunz has demonstrated the level of substantiation currently needed and how this impacts ROI and investment decisions.
- Mr. Tenning showed us that his industry lacks a clear and predictable framework. Furthermore the staggering of publication of claims is problematic – recognised by the Commission.
- Mr. Baldwin with his extensive experience has highlighted that this issue affects all food manufacturers – in particular the small and medium sized players (represent 80%).

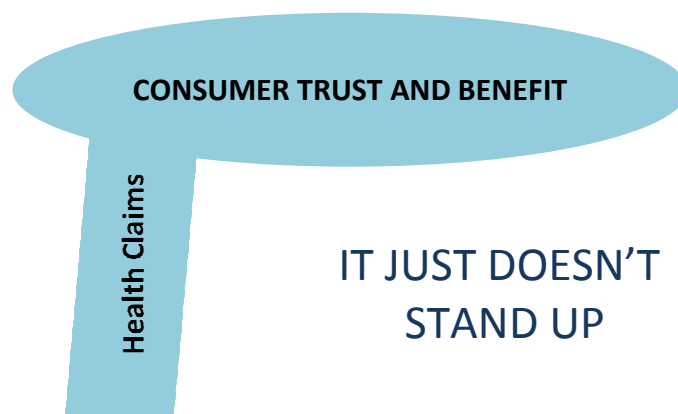
Conclusions – 3

- Key argument from the EPO on not only the link between patent applications and innovation but also on the origin of the applicant – this aspect certainly needs further attention within an impact assessment.
- Mr. Poortman has provided us with an enlightened view on the position and need of the patients. This aspect was lacking in our EP considerations and certainly would have made a difference – the need for prevention products is key.

Health Claims, Food Information and Nutrient Profiles The Three Legged Stool



Health Claims, Food Information and Nutrient Profiles The **ONE** Legged Stool



Final Conclusions

- It is clear that the 'gold standard' was introduced for the simplicity of implementation rather than the benefit of the consumer/patient or industry.
- Industry (especially SMEs) need to be stimulated (in current economy). Gold/Silver and Bronze (through grading) gives industry something to strive for and is easy for the consumer to understand.
- Staggering of publication of approved health claims will lead to a market distortion – not in interest of society or industry – potential legal issues.

Recommendations

- Support for review of health claims legislation within discussion on Food Information Law by new EP – in line with Rapporteur Sommer recommendation.
- Implementation of immediate and urgent economic/regulatory impact assessment to ensure decisions are made based on facts.
- Immediate stop on any publication of opinions to allow for correct reflection and analysis.