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Use of nutrition and health claims—Requirements

EAST AFRICAN COMMUNITY

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Foreword

Development of the East African Standard has been necessitated by the need for harmonizing requirements governing quality of products and services in the East African Community. It is envisaged that through harmonized standardization, trade barriers which are encountered when goods and services are exchanged within the Community will be removed.

In order to achieve this objective, the Community established an East African Standards Committee mandated to develop and issue East African Standards.

The Committee is composed of representatives of the National Standards Bodies in Partner States, together with the representatives from the private sectors and consumer organizations. Draft East African Standards are circulated to stakeholders through the National Standards Bodies in the Partner States. The comments received are discussed and incorporated before finalization of standards, in accordance with the procedures of the Community.

East African Standards are subject to review, to keep pace with technological advances. Users of the East African Standards are therefore expected to ensure that they always have the latest versions of the standards they are implementing.

EAS 805: 2013 was prepared by Technical Committee EASC/TC 018 Nutrition and Foods for Special Dietary Uses

This East African Standard is based on CAC/GL 23-1997 (Amended 2013), Guidelines for use of nutrition and health claim.

This second edition (DEAS 805: 2022) cancels and replaces the first edition (EAS 805: 2014), which has been technically revised.

Introduction

Nutrition claims should be consistent with national nutrition policy and support that policy. Only nutrition claims that support national nutrition policy should be allowed.

Health claims should be consistent with national health policy, including nutrition policy, and support such policies where applicable. Health claims should be supported by a sound and sufficient body of scientific evidence to substantiate the claim, provide truthful and non-misleading information to aid consumers in choosing healthful diets and be supported by specific consumer education. The impact of health claims on consumers' eating behaviours and dietary patterns should be monitored, by competent authorities.

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Use of nutrition and health claims— Requirements

1 Scope

1.1 This East African Standard specifies requirements for the use of nutrition and health claims in food labelling and in advertising.

1.2 This East African Standard applies to all foods for which nutrition and health claims are made without prejudice to specific provisions under other standards or guidelines relating to foods for special dietary uses and foods for special medical purposes.

2 Normative references

The following documents are referred to in the text in such a way that some or all of their content constitutes requirements of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

EAS 803, *Nutrition labelling — Requirements*

EAS 804, *Claims on food — General requirements*

3 Terms and definitions

For the purposes of this standard the following terms and definitions shall apply:

3.1

nutrition claim

any representation which states, suggests or implies that a food has particular nutritional properties including but not limited to the energy value and to the content of protein, fat and carbohydrates, as well as the content of vitamins and minerals. The following do not constitute nutrition claims: the mention of substances in the list of ingredients; the mention of nutrients as a mandatory part of nutrition labelling; and quantitative or qualitative declaration of certain nutrients or ingredients on the label if required by national legislation.

3.1.1

nutrient content claim

nutrition claim that describes the level of a nutrient contained in a food e.g. “source of calcium”; “high in fibre and low in fat”

3.1.2

nutrient comparative claim

claim that compares the nutrient levels and/or energy value of two or more foods for example, “reduced”; “less than”; “fewer”; “increased”; “more than”

3.1.3

non-addition claim

any claim that an ingredient has not been added to a food, either directly or indirectly. The ingredient is one whose presence or addition is permitted in the food and which consumers would normally expect to find in the food

3.2

health claim

any representation that states, suggests, or implies that a relationship exists between a food or a constituent of that food and health. Health claims include the following:

3.2.1

nutrient function claims

nutrition claims that describe the physiological role of the nutrient in growth, development and normal functions of the body

EXAMPLE "Nutrient A (naming a physiological role of nutrient A in the body in the maintenance of health and promotion of normal growth and development). Food X is a source of/ high in nutrient A."

3.2.2

other function claims

claims that concern specific beneficial effects of the consumption of foods or their constituents, in the context of the total diet on normal functions or biological activities of the body. Such claims relate to a positive contribution to health or to the improvement of a function or to modifying or preserving health

EXAMPLE "Substance A (naming the effect of substance A on improving or modifying a physiological function or biological activity associated with health). Food Y contains x grams of substance A."

3.2.3

reduction of disease risk claims

claims relating the consumption of a food or food constituent, in the context of the total diet, to the reduced risk of developing a disease or health-related condition

EXAMPLE "A healthful diet low in nutrient or substance A may reduce the risk of disease D. Food X is low in nutrient or substance A." "A healthful diet rich in nutrient or substance A may reduce the risk of disease D. Food X is high in nutrient or substance A."

3.3

advertising

means any commercial communication to the public, by any means other than labelling, in order to promote directly or indirectly, the sale or intake of a food through the use of nutrition and health claims in relation to the food and its ingredients

3.4

healthy diet

a diet that provides the body with nutrients to meet requirements for protein, carbohydrates, fats, vitamins, minerals and fibre for maintenance and overall health.

3.5

dietary guidelines

a frame work that allows people with different backgrounds, preferences, traditions, beliefs and economic circumstances, the ability to customize their diet based on a set of qualitative statements for making food choices that will help a person or a population lead a healthy life

4 Nutrition and health claim requirements

Nutrition and health claims should be consistent with national health policy, including nutrition policy, and support such policies where applicable. A sound and sufficient body of scientific evidence to substantiate the claim, provide truthful and non-misleading information to aid consumers in choosing healthy diets and be supported by specific consumer education should support health claims.

4.1 Nutrition labelling

Any food for which a nutrition or health claim is made shall be labelled with a nutrient declaration in accordance with EAS 803.

4.2 Nutrition claims

4.2.1 The only nutrition claims permitted shall be those relating to energy, protein, carbohydrate, and fat and components thereof, fibre, sodium and vitamins and minerals for which Nutrient Reference Values (NRVs) have been laid down in the Guidelines for nutrition labelling.

4.2.2 Nutrition claims shall conform to the requirements in EAS 804 and shall not supersede any prohibitions contained therein.

4.2.3 Nutrition claims shall not be made for foods for infants and young children except where specifically provided for in relevant East African or National Standards or national legislation.

4.3 Nutrient content claims

4.3.1 When a nutrient content claim that is listed in the Table 1 or a synonymous claim is made, the conditions specified in the Table 1 for that claim shall apply.

4.3.2 A claim to the effect that a food is free of salt can be made, provided the food meets the conditions for free of sodium listed in the Table 1.

4.3.3 Where a food is by its nature low in or free of the nutrient that is the subject of the claim, the term describing the level of the nutrient shall not immediately precede the name of the food but shall be in the form “a low (naming the nutrient) food” or “a (naming the nutrient)-free food”.

Table 1 — Conditions for nutrient content claims

Component	Claim	Conditions (not more than)
Energy	Low	40 kcal (170 kJ) per 100 g (solids) 20 kcal (80 kJ) per 100 ml (liquids)
	Free	4 kcal per 100 ml (liquids)
Fat	Low	3 g per 100 g (solids) 1.5 g per 100 ml (liquids)
	Free	0.5 g per 100 g (solids) 100 ml (liquids)
Saturated Fat ¹⁾	Low	1.5 g per 100 g (solids) 0.75 g per 100 ml (liquids) and 10% of energy from saturated fat
	Free	0.1 g per 100 g (solids) 0.1 g per 100 ml (liquids)
Cholesterol ¹⁾	Low	0.02 g per 100 g (solids) 0.01 g per 100 ml (liquids)
	Free	0.005 g per 100 g (solids) 0.005 g per 100 ml (liquids) and for both claims, less than 1.5 g saturated fat per 100 g (solids);

		0.75 g saturated fat per 100 ml (liquids) and 10% of energy from saturated fat
Sugars	Free	0.5 g per 100 g (solids) 0.5 g per 100 ml (liquids)
Sodium	Low	0.12 g per 100 g
	Very Low	0.04 g per 100 g
	Free	0.005 g per 100 g
Component	Claim	Conditions (not less than)
Protein	Source	10 % of NRV per 100 g (solids) 5 % of NRV per 100 ml (liquids) or 5 % of NRV per 100 kcal (12 % of NRV per 1 MJ) or 10 % of NRV per serving
	High	2 times the values for source
Vitamins and Minerals	Source	15 % of NRV per 100 g (solids) 7.5 % of NRV per 100 ml (liquids) or 5 % of NRV per 100 kcal (12 % of NRV per 1 MJ) or 15 % of NRV per serving
	High	2 times the value for source
Dietary fibre	Source	3 g per 100 g ²⁾ or 1.5 g per 100 kcal or 10% of daily reference value per serving ³⁾
	High	6 g per 100 g ²⁾ or 3 g per 100 kcal or 20 % of daily reference value per serving ³⁾
<p>¹⁾ In the case of the claims for saturated fat and cholesterol, trans fatty acids should be taken into account where applicable</p> <p>²⁾ Conditions for nutrient content claims for dietary fibre in liquid foods to be determined in accordance with AOAC 985.29</p> <p>³⁾ Serving size and daily reference value to be determined at national level</p>		

4.4 Nutrient Comparative claims

Comparative claims shall be permitted subject to the following conditions and based on the food as sold, taking into account further preparation required for consumption according to the instructions for use on the label:

- a) the foods being compared shall be different versions of the same food or similar foods. The foods being compared shall be clearly identified;
- b) a statement of the amount of difference in the energy value or nutrient content shall be given. The following information shall appear in close proximity to the comparative claim:
 - i. the amount of difference related to the same quantity, expressed as a percentage, fraction, or an absolute amount. Full details of the comparison shall be given; and
 - ii. the identity of the food(s) to which the food is being compared. The food(s) shall be described in such a manner that it (they) can be readily identified by consumers;

- c) for comparative claims about energy, or macronutrients and sodium the comparison shall be based on a relative difference of at least 25 % in the energy value or the nutrient content respectively between the compared foods and a minimum absolute difference in the energy value or nutrient content equivalent to the figure defined as “low” or as a “source” in the Table 1;
- d) for comparative claims about micronutrients other than sodium the comparison shall be based on a difference of at least 10 % of the NRV between the compared foods;
- e) in addition to the conditions set out in 7 (c) above, the content of trans fatty acids should not increase or foods carrying a comparison claim for decreased saturated fatty acids content; and
- f) the use of the word “light” or a synonymous claim should follow the criteria listed in 4.4 (c) above of these requirements and include an indication of the characteristics which make the food “light”.

4.5 Non-addition claims

4.5.1 Non-addition of sugars

Claims regarding the non-addition of sugars to a food shall be made provided the following conditions are met:

- a) no sugars of any type have been added to the food (examples: sucrose, glucose, honey, molasses, corn syrup, etc.);
- b) the food contains no ingredients that contain sugars as an ingredient (examples: jams, jellies, sweetened chocolate, sweetened fruit pieces, etc.);
- c) the food contains no ingredients containing sugars that substitute for added sugars (examples: nonreconstituted concentrated fruit juice, dried fruit paste, etc.); and
- d) the sugars content of the food itself has not been increased above the amount contributed by the ingredients by some other means (example: the use of enzymes to hydrolyse starches to release sugars).

4.5.2 Non-addition of sodium salts

Claims regarding the non-addition of sodium salts to a food, including “no added salt”, shall be made provided the following conditions are met:

- a) the food contains no added sodium salts, including but not limited to sodium chloride, sodium tripolyphosphate;
- b) the food contains no ingredients that contain added sodium salts, including but not limited to Worcestershire sauce, pickles, pepperoni, soya sauce, salted fish, fish sauce;
- c) the food contains no ingredients that contain sodium salts that are used to substitute for added salt, including but not limited to seaweed; and
- d) sodium salts other than sodium chloride may be added for technological purposes as long as the final food would still comply with the conditions for “low in sodium” claims as described in the Table 1.

4.5.3 Additional conditions

Additional conditions and/or disclaimer statements may be used with non-addition claims to assist consumer understanding of the claims within countries. Disclaimer statements should appear in close proximity to, on the same side and in the same prominence as the claim. These may be developed based on evidence of consumer use and understanding.

4.6 Health claims

4.6.1 Health claims may be permitted provided that all of the conditions in 4.6.1.1 – 4.6.1.5 are met.

4.6.1.1 Health claims shall be based on current relevant scientific substantiation and the level of proof must be sufficient to substantiate the type of claimed effect and the relationship to health as recognized by generally accepted scientific review of the data and the scientific substantiation should be reviewed as new knowledge becomes available. The health claim shall consist of two parts:

- a) information on the physiological role of the nutrient or on an accepted diet-health relationship; followed by
- b) information on the composition of the product relevant to the physiological role of the nutrient or the accepted diet-health relationship unless the relationship is based on a whole food or foods whereby the research does not link to specific constituents of the food.

4.6.1.2 Any health claim shall be acceptable to the competent authorities of the country where the product is sold

4.6.1.3 The claimed benefit shall arise from the consumption of a stated quantity of the food or food constituent in the context of a healthy diet.

4.6.1.4 If the claimed benefit is attributed to a constituent in the food, for which a Nutrient Reference value is established, the food in question shall be:

- a) a source of or high in the constituent in the case where increased consumption is recommended; or,
- b) low in, reduced in, or free of the constituent in the case where reduced consumption is recommended

Where applicable, the conditions for nutrient content claims and comparative claims will be used to determine the levels for “high”, “low”, “reduced”, and “free”.

4.6.1.5 Nutrient function claim shall only be made for those essential nutrients for which a Nutrient Reference Value (NRV) has been established in EAS 803 or those nutrients which are mentioned in officially recognized dietary guidelines of the national authority having jurisdiction.

4.6.2 Health claims shall have a clear regulatory framework for qualifying and/or disqualifying conditions for eligibility to use the specific claim, including the ability of competent national authorities to prohibit claims made for foods that contain nutrients or constituents in amounts that increase the risk of disease or an adverse health-related condition. The health claim shall not be made if it encourages or condones excessive consumption of any food or disparages good dietary practice.

4.6.3 If the claimed effect is attributed to a constituent of the food, there shall be a validated method to quantify the food constituent that forms the basis of the claim.

4.6.4 The following information shall appear on the label or labelling of the food bearing health claims:

- a) a statement of the quantity of any nutrient or other constituent of the food that is the subject of the claim;
- b) the target group,
- c) how to use the food to obtain the claimed benefit and other lifestyle factors or other dietary sources,
- d) advice to vulnerable groups on how to use the food and to groups, if any, who need to avoid the food;
- e) maximum safe intake of the food or constituent;
- f) how the food or food constituent fits within the context of the total diet; and

- g) a statement on the importance of maintaining a healthy diet
- h) any other supplementary nutrition information required under applicable East African Standards or national laws, regulations

4.7 Claims related to dietary guidelines or healthy diets

Claims that relate to dietary guidelines or “healthy diets” shall be subject to the following conditions:

- a) only claims related to the pattern of eating contained in dietary guidelines officially recognized by the appropriate national authority;
- b) flexibility in the wording of claims is acceptable, provided the claims remain faithful to the pattern of eating outlined in the dietary guidelines;
- c) claims related to a “healthy diet” or any synonymous term are considered to be claims about the pattern of eating contained in dietary guidelines and shall be consistent with the guidelines;
- d) foods which are described as part of a healthy diet, healthy balance, etc., shall not be based on selective consideration of one or more aspects of the food. They shall satisfy certain minimum criteria for other major nutrients related to dietary guidelines;
- e) foods shall not be described as “healthy” or be represented in a manner that implies that a food in and of itself will impart health; and
- f) foods may be described as part of a “healthy diet” provided that the label carries a statement relating the food to the pattern of eating described in the dietary guidelines.

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