

Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods

[<sup>F1</sup>CHAPTER I

**SUBJECT MATTER, SCOPE AND DEFINITIONS**

*Article 1*

**Subject matter and scope**

<sup>F1</sup> 1 .....

2 This Regulation shall apply to nutrition and health claims made in commercial communications, whether in the labelling, presentation or advertising of foods to be delivered as such to the final consumer.

[<sup>F2</sup>In the case of non-prepackaged foodstuffs (including fresh products such as fruit, vegetables or bread) put up for sale to the final consumer or to mass caterers and foodstuffs packed at the point of sale at the request of the purchaser or pre-packaged with a view to immediate sale, Article 7 and Article 10(2)(a) and (b) shall not apply [<sup>F3</sup>, unless the appropriate authority by regulations prescribes that those provisions shall apply]. <sup>F4</sup> ...]

This Regulation shall also apply in respect of foods intended for supply to restaurants, hospitals, schools, canteens and similar mass caterers.

3 A trade mark, brand name or fancy name appearing in the labelling, presentation or advertising of a food which may be construed as a nutrition or health claim may be used without undergoing the authorisation procedures provided for in this Regulation, provided that it is accompanied by a related nutrition or health claim in that labelling, presentation or advertising which complies with the provisions of this Regulation.

[<sup>F24</sup> For generic descriptors (denominations) which have traditionally been used to indicate a particularity of a class of foods or beverages which could imply an effect on human health, [<sup>F5</sup>the appropriate authority may by regulations grant a derogation from paragraph 3], on application by the food business operators concerned. The application shall be sent to the [<sup>F6</sup>competent authority] which will forward it to the [<sup>F7</sup>relevant authorities] without delay. [<sup>F8</sup>The appropriate authority may publish guidelines setting out the procedure and requirements for applications made by food business operators under this paragraph.]]

5 This Regulation shall apply without prejudice to <sup>F9</sup> ...:

- a [<sup>F10</sup>Regulation (EU) No 609/2013 and other relevant enactments] relating to foodstuffs for particular nutritional uses;
- b [<sup>F11</sup>enactments implementing] Council Directive 80/777/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters <sup>(1)</sup>[<sup>F12</sup>and Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral water (Recast)];
- c [<sup>F13</sup>enactments implementing] Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption <sup>(2)</sup>;

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d [<sup>F14</sup>enactments implementing] Directive 2002/46/EC.

#### Textual Amendments

- F1** Art. 1(1) omitted (31.12.2020) by virtue of The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Substituted by Regulation (EC) No 107/2008 of the European Parliament and of the Council of 15 January 2008 amending Regulation (EC) No 1924/2006 on nutrition and health claims made on foods as regards the implementing powers conferred on the Commission.
- F3** Words in Art. 1(2) inserted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(2)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 1(2) omitted (31.12.2020) by virtue of The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(2)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 1(4) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(2)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 1(4) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(2)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 1(4) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(2)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 1(4) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(2)(c)(iv)** (as amended by S.I. 2020/1476, regs. 1(2), **5(2)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F9** Words in Art. 1(5) omitted (31.12.2020) by virtue of The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(2)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 1(5)(a) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(2)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 1(5)(b) inserted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(2)(d)(iii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 1(5)(b) inserted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(2)(d)(iii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 1(5)(c) inserted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(2)(d)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 1(5)(d) inserted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(2)(d)(v)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Article 2

#### Definitions

- 1 For the purposes of this Regulation:
  - a the definitions of ‘food’, ‘food business operator’, ‘placing on the market’, and ‘final consumer’ set out in Articles 2, 3(3), 3(8) and 3(18) of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(3)</sup> shall apply;
  - b the definition of ‘food supplement’ set out in Directive 2002/46/EC shall apply;
  - c the definitions of ‘nutrition labelling’, ‘protein’, ‘carbohydrate’, ‘sugars’, ‘fat’, ‘saturates’, ‘mono-unsaturates’, ‘poly-unsaturates’, ‘fibre’ set out in [<sup>F15</sup>Annex I to Regulation (EU) 1169/2011] shall apply;
  - d the definition of ‘labelling’ set out in [<sup>F16</sup>Article 2(1)(j) of Regulation (EU) 1169/2011] shall apply.

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- 2 The following definitions shall also apply:
- 1 ‘claim’ means any message or representation, which is not mandatory under [<sup>F17</sup>any enactment], including pictorial, graphic or symbolic representation, in any form, which states, suggests or implies that a food has particular characteristics;
  - 2 ‘nutrient’ means protein, carbohydrate, fat, fibre, sodium, vitamins and minerals listed in [<sup>F18</sup>Annex I to Regulation (EU) 1169/2011], and substances which belong to or are components of one of those categories;
  - 3 ‘other substance’ means a substance other than a nutrient that has a nutritional or physiological effect;
  - 4 ‘nutrition claim’ means any claim which states, suggests or implies that a food has particular beneficial nutritional properties due to:
    - a the energy (calorific value) it
      - i provides;
      - ii provides at a reduced or increased rate; or
      - iii does not provide; and/or
    - b the nutrients or other substances it
      - i contains;
      - ii contains in reduced or increased proportions; or
      - iii does not contain;
  - 5 ‘health claim’ means any claim that states, suggests or implies that a relationship exists between a food category, a food or one of its constituents and health;
  - 6 ‘reduction of disease risk claim’ means any health claim that states, suggests or implies that the consumption of a food category, a food or one of its constituents significantly reduces a risk factor in the development of a human disease;
  - [<sup>F19</sup>7 ‘expert committee’ means a committee with appropriate expertise in the matter to be considered, approved by an appropriate authority to give advice for the purposes of this Regulation;]
  - [<sup>F20</sup>8 ‘appropriate authority’, subject to point 9, means:
    - a for regulations, guidelines, applications or the register of claims in relation to England, the Secretary of State;
    - b for regulations, guidelines, applications or the register of claims in relation to Scotland, the Scottish Ministers;
    - c for regulations, guidelines, applications or the register of claims in relation to Wales, the Welsh Ministers;
  - 9 The appropriate authority is the Secretary of State if consent is given by:
    - a for regulations, guidelines, applications or the register of claims in relation to Scotland, the Scottish Ministers;
    - b for regulations, guidelines, applications or the register of claims in relation to Wales, the Welsh Ministers;
  - 10 ‘relevant authorities’ means the Secretary of State, the Scottish Ministers and the Welsh Ministers;
  - 11 ‘enactment’ includes any enactment of the types specified in the definition of ‘enactment’ in section 20(1) of the European Union (Withdrawal) Act 2018.]]

#### Textual Amendments

- F15** Words in Art. 2(1)(c) substituted (31.12.2020) by [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **17(3)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F16** Words in Art. 2(1)(d) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(3)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 2.2(1) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(3)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 2.2(2) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(3)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Art. 2.2(7) substituted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(3)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Art. 2.2(8)-(11) inserted (31.12.2020) by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651), regs. 1(1), **17(3)(b)(iv)** (as amended by (S.I. 2020/1476), regs. 1(2), 5(2)(b)); 2020 c. 1, **Sch. 5 para. 1(1)**

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#### **Editorial Information**

- X1** Substituted by Corrigendum to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (Official Journal of the European Union L 404 of 30 December 2006).

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- (1) [<sup>X1</sup>OJ L 229, 30.8.1980, p. 1. Directive as last amended by Regulation (EC) No 1882/2003.]
- (2) [<sup>X1</sup>OJ L 330, 5.12.1998, p. 32. Directive as amended by Regulation (EC) No 1882/2003.]
- (3) [<sup>X1</sup>OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).]

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