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Regulatory change will wipe out crucial weight loss programmes

SNE / VLCD IG REGRETS THE ADOPTION OF DELEGATED REGULATION GOVERNING TOTAL DIET REPLACEMENTS

Brussels, 9th October 2017: Specialised Nutrition Europe (SNE) and the European Very Low Calorie Diet Industry Group (VLCD IG) acknowledge the publication in the Official Journal of the European Union (OJEU) of the new rules on Total Diet Replacements (TDRs). Both organisations regret the adoption of this act – and our views are also shared by a majority of MEPs who last month voted to object to the Commission act in the European Parliament plenary¹.

New rules on TDRs could potentially leave tens of thousands of obese and overweight people across Europe without one of the safest and most effective nutritional options available for losing weight. This will cause consumers to turn to less regulated and potentially dangerous alternatives such as fad diets and slimming pills.

For over 30 years, overweight and obese people in Europe have benefitted from a high level of protection with specific EU rules to govern specialised products designed to help them lose weight or maintain weight loss in a safe and sustainable manner. Consumers and healthcare professionals in Europe have relied on these rules for decades to ensure the availability of safe products, of the highest quality, and in line with international standards.

SNE and the VLCD IG have always believed that appropriate regulation is necessary to ensure high levels of consumer protection and provide consumers with the information they need. However, both organisations have serious concerns that the European Commission has produced a new law that does not take into account current food technology or commercial considerations, or how consumers make food choices and, most importantly, consumer safety.

The new legislation is not supported by any evidence to show that current TDRs composition is anything other than safe, nor is there scientific evidence to show that the proposed changes would make them safer for overweight and obese people for whom these products are intended. The new rules would lead to serious issues with taste and smell, and reduce the shelf life of the products. The new Regulation will also restrict information to consumers in ways which may encourage them to turn to unsafe weight-loss alternatives that are neither appropriately formulated nor scientifically substantiated and may even ultimately be harmful.

This act would impose an unnecessary and disproportionate burden on our sector and a category of products that has been on the market safely for decades could cease to exist. This goes against the Commission's Better Regulation Agenda, and will negatively affect consumers. This is a disproportionate outcome, which could potentially have wider implications for public health, especially given that tackling obesity is a top policy priority.

Manufacturers will have five years to implement the changes.

¹ 345 MEPs voted in favor of the motion for resolution while 344 MEPs voted against. 7 MEPs abstained. The qualified majority of the EP – needed to reject the Commission act – was not reached.

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Notes to editors:

Specialised Nutrition Europe (SNE) is the trade association representing the interests of the specialised nutrition industry, including slimming foods, across the European Union.

The European Very Low Calorie Diet (VLCD) Industry Group is the trade body for manufacturers and distributors of VLCD products that campaigns for appropriate policy and legislative outcomes for slimming foods.

Our members provide weight loss and weight management products and programmes designed for the overweight and obese currently based on:

- *Very Low Calorie Diets containing less than 800 kcals per day;*
- *Low Calorie Diets (LCDs) containing between 800 - 1200 kcals per day; and*
- *Meal Replacements containing between 200 – 400 kcal.*

Total diet replacements cover Very Low Calorie Diets and Low Calorie Diets.

Professor Udo Herz, President of Specialised Nutrition Europe (SNE) commented:

“SNE very much deplores the publication of the Delegated act on Total Diet Replacements (TDRs). For over 30 years, consumers and healthcare professionals in Europe have relied on the rules on TDRs to ensure the highest quality and safe products which are in line with international standards, to help overweight and obese consumers lose weight or maintain weight loss. Whilst health issues related to overweight and obesity are on the rise, this decision is neglecting scientifically proven solutions to be part of addressing those. At the same time, so called ‘fad’ diets are booming in Europe with promising miraculous weight loss to consumers. The adoption of these new rules on TDRs will be depriving overweight and obese people who wish to lose weight from regulated, safe and efficient weight loss products.”

Professor Anthony Leeds, Medical Director of the European Very Low Calorie Diet (VLCD) Industry Group said:

“The EU has misjudged this issue. The very latest published scientific evidence shows that total diet replacement (VLCD and LCD) programmes deliver the amount of weight loss (10 to 20kg) needed to have a huge beneficial impact on Europe’s major health challenges: diabetes, osteoarthritis, and cardiovascular disease. An EU-funded trial in six EU member-states and two others² has shown that people at risk of diabetes can reduce weight by an average 10kg using total diet replacements and over one third are no-longer pre-diabetic. The health-care cost-savings of this are mind-boggling and should have convinced more MEPs to vote for this rejection of legislation. It is deeply disappointing that this European collaborative / scientific/

² PREvention of diabetes through lifestyle Intervention and population studies in Europe and around the World.

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commercial project between the UK, Sweden and Denmark, where doctors proved that elderly obese could lose 10kg and keep it off for four years, suffering less pain throughout as a consequence, has been set back when all EU countries face pressure to limit the number of knee replacement operations.

“Today’s enactment will also have catastrophic effects on ordinary consumers simply wanting to manage their weight loss, and carries a very real risk of forcing them to turn to dangerous, unregulated alternatives such as illegal slimming pills or ‘fad’ diets’ in their desperation to lose weight. It goes completely against the main objective of the Food for Specific Groups regulation to enhance consumer safety, and quite simply, will definitely not help the already shocking public health challenge of obesity in Europe.”

“What’s perhaps most frustrating is that these rules are disproportionate and largely unsubstantiated. TDRs have always been overseen by stringent EU food regulation that complies with international standards. They are carefully designed according to scientific research which ensures they consist of compositionally sound food products that provide 100% of recommended dietary allowances, including good quality protein and essential fats. The European Food Safety Authority itself has openly admitted that some of its recommendations are based on theory rather than hard scientific evidence. This legislation is not supported by evidence showing that current compositions are anything other than safe, nor is there hard scientific evidence to show that the new changes would make them safer for consumers.”

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