

## ESSNA's position on front-of-pack nutrition labelling and nutrient profiles initiatives on the provision of food information to consumers

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### Specialist food sectors, such as sports nutrition, should be excluded from front-of-pack nutrition labelling and nutrient profiling initiatives

This document outlines the [European Specialist Sports Nutrition Alliance \(ESSNA\)](#)'s position on front-of-pack nutrition labelling (FOPNL) and nutrient profiling initiatives, considered as part of the revision of the [Food Information to Consumer](#) (FIC) Regulation. It is submitted in the context of the Commission's consultation on these issues.

#### Summary of ESSNA's position

- ESSNA supports the European Commission's objective to facilitate a shift to sustainable and healthy diets via the provision of food information to consumers. ESSNA and its members contribute to these objectives by working, amongst other things, to educate consumers on nutrition and promoting consumer safety by working to address non-compliance and food fraud and emphasising the importance of balanced diets and physical activity.
- ESSNA is of the view that FOPNL and nutrient profiles would unfairly penalise specialist food sectors and supports the exclusion of food intended for sportspeople (also known as sports nutrition, active nutrition or sports food) from FOPNL and nutrient profiles. This is because the underlying nutrient profiling framework does not consider the specific dietary needs of certain groups, which may be different from those of the general population.
- Sports foods are specifically formulated to meet the dietary needs of those undertaking physical activity and performing exercise. For this reason, sports nutrition products typically contain higher concentrations of certain nutrients, such as protein or carbohydrates. They are intended for use by adults who lead an active lifestyle, are specifically formulated for this target market and their marketing and conditions of use are very clear in explaining their intended use.
- Due to their special composition, sports foods may score poorly on FOPNL schemes and may not be allowed to bear health claims. In turn, it would also become increasingly difficult for consumers to understand the benefits of sports nutrition products, defeating the very purpose of these initiatives.
- Voluntary FOPNL schemes like the Nutri-Score already recognise their inadequacy for certain specialist foods, including sports nutrition product. National Competent Authority, the [French Santé Publique](#) clearly recommends an exemptions for sports nutrition products from the scheme.
- ESSNA calls on the Commission to consider macronutrients and food groups which play an important part in consumer diets, such as protein, the end use of the food and consumer understanding of such schemes.

## General exclusion from front of pack nutrition labelling and setting nutrient profiling criteria to restrict claims

ESSNA believes that **the setting of nutrient profiles** would be potentially damaging for a multitude of specialist sectors, such as the sports nutrition industry and their consumers. These products are likely not to meet their specifications due to the concentration of certain nutrients in food intended for sportspeople, with unintended consequences for consumers who rely on these products to support their active lifestyle.

Similarly, on the introduction of a **mandatory front-of-pack nutrition labelling**, ESSNA agrees that such a scheme may be beneficial for the general population and is overall supportive of a harmonised and EU-wide approach that would promote better harmonisation and uniform provisions across the EU. However, ESSNA believes that such schemes would have a negative impact on the sports nutrition sector, whose products are only marketed to active consumers.

ESSNA therefore calls on the European Commission to include adequate exemptions from nutrient profiles and mandatory FOPNL for food intended for sportspeople.

### 1) Sports nutrition products are specifically formulated with higher concentrations of certain nutrients to support sportspeople

Foods intended for sportspeople are intended for a very specific target group – that is adults who usually lead a healthy and active lifestyle. People performing high intensity exercise or other form of sport activity also have very specific dietary needs, therefore food products designed for this category are, by design, made with higher levels of certain nutrients (usually sodium or carbohydrates/sugar) to cater for these needs. As an example, both sugar and sodium are needed by people performing sport and other physical activity as they provide energy and electrolytes. The clear benefit of these nutrients is also acknowledged by the European Commission and the European Food Safety Authority (EFSA) who approved [two health claims](#) for carbohydrate-electrolyte solutions. If nutrient profiles are set, authorised claims for carbohydrate solutions may not be compatible with these profiles, depriving consumers of valuable information necessary to make an informed choice. Adding to this, the scope for reformulation of these products is limited, precisely due to their intended design and use. Any FOPNL scheme which does not consider the specificity of sports nutrition products would result in low scores for sports nutrition products, given the necessity of some sports nutrition products to provide fats, sugars, and salt in order to meet the requirements of the physically active.

Food information to consumers needs to acknowledge the importance of certain nutrients, such as proteins. For example, products scoring well for substances like protein but also scoring high for other nutrients such as fat, and / or sugars, are disproportionately negatively affected in the final score. The European Commission already acknowledged that consideration should be given to food groups which have important roles in diets of European subgroups, due to the presence of nutritional elements that have been scientifically recognised as having an effect on health, in the [mandate](#) given to European Food Safety Authority (EFSA) to deliver scientific advice on the setting of nutrient profiles.

Introducing nutrition scores to sport nutrition products will also confuse consumer understanding and will likely stop consumers from making the most relevant sport nutrition product choice that would support a healthy and active lifestyle. It [has also been shown](#) that low (or negative) scores have a negative impact on sales, with a consequent impact on the availability of these products for consumers – and industry.

### 2) The policy context supports exemptions for sports nutrition products from these initiatives

In the [Report from the Commission to the European Parliament and the Council on food intended for sportspeople](#), the European Commission stated that *"sports food may include some element of specificity and the analysis in this report shows that this may have to be taken into account by the Commission in the application and implementation of the horizontal rules, so that such specificities can be adequately addressed. The Commission will ensure proper application of horizontal legislation and*

monitor the developments after 20 July 2016." ESSNA is of the opinion that these specificities should be taken into account in the context of the FIC revision in line with the Commission's commitment taken in 2016. Moreover, the European Commission states that "*the possibility to apply specific conditions to certain categories of food will be explored*". This is the case of sports nutrition products, especially when information is clearly presented to the consumer that they are to be used by adults in the context of physical activity.

### 3) FOPNL and nutrient profiles should be regarded in a wider context and the end use of food products

ESSNA is also of the opinion that a mandatory FOPNL would not be in line with the aim of improving consumers' understanding of the nutritional value of sports nutrition products, which can only be understood in the context of the related physical activity. In this regard, ESSNA would like to draw attention to the findings of the Joint-Research Centre's 2020 [review of FOPNL schemes](#), which reiterated that FOPNL schemes should always be regarded in the wider context, taking into consideration specific groups of consumers. This observation has also been echoed by the French Public Health Authority, which does not [recommend](#) the application, specifically, of the Nutri-Score, on sport nutrition products, citing that the underlying nutrient profiling system of the Nutri-Score was developed in regard to the needs of the general population, whereas sports nutrition must meet particular needs.

ESSNA also supports the position outlined by [the European Parliament's](#) Own-Initiative report on the Farm to Fork Strategy that FOPNL legislation should be developed based on independent scientific evidence and demonstrated consumer understanding, taking into account special purpose foods as well as the additional burden for food operators and unions.

In this context, ESSNA recommends that consideration should be given to:

- **End use of the food:** None of the proposed schemes address the specific needs of sports nutrition products' consumers because the schemes are not based on the requirements of the physically active, particularly during exercise and intensive training. Therefore, the clear specificities of the sports nutrition sector and the clear purpose they are designed for needs to be taken into consideration against nutrition needs.
- **Portion size:** The nutrient score should realistically show the impact the food has on the overall nutrition intake which can only be done by basing nutrition scores on portion size. Many nutrition score profiles refer to 100g of product and not to the portion that is really consumed, which is understood to be misunderstood by consumers.
- **Fibre inclusion:** Fibre should be included as part of mandatory labelling, as a key macronutrient beneficial to nutrition.
- **Consumer validation:** Overall it is critical for consumer insights and studies to be carried out to validate any chosen nutrient scoring system. This will ensure the chosen system is as impactful as expected and avoid confusion over introducing a new system in many member states.
- **Transition period:** Any system will have significant impact to product labelling and consumer education. Due to the sheer volume of products impacted by these changes, the industry should benefit from an adequate transition period to allow for the changes to be applied.
- **EU/UK divergence:** Given the growing size of the sports nutrition market in both the EU and the UK, it is important to pay particular attention to the impact that the divergence between EU and UK labelling mandatory obligations may have on both EU and UK economies and trade relations as a consequence of the need to create bespoke packaging.

## About ESSNA

The European Specialist Sports Nutrition Alliance (ESSNA) is the leading European trade association for the sports and active nutrition industry. It brings together major manufacturers and distributors of sports nutrition products, suppliers of ingredients, national associations as well as specialist scientific and legal consultants advising the sector. ESSNA was established in 2003 to promote a positive regulatory and policy environment for sports nutrition products and coordinate complex technical positions on issues surrounding the food chain, consumer safety and fair commercial practices. Today ESSNA is a mature and respected organisation, widely recognised as the voice of the responsible specialist sports and active nutrition sector in Europe. ESSNA's main aim is to campaign for appropriate policy and regulation for sports nutrition products in Europe, as well as to improve the reputation of the sector with regulators, industry stakeholders and the public. We do so by working to improve consumer knowledge of sports nutrition products and the industry.

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