



HFMA UPDATE

by Graham Keen,
Executive Director

Our amazing Jubilee and Olympics summer

I am writing this article with just two days of the Olympics to go and then I head off on my annual holiday, still feeling, like so many people, pretty high on the back of a glorious summer of Jubilee festivities and Olympic greatness – and yes, it miraculously even stopped raining for a while!

And I will travel through the Eurotunnel in a few days time, still revelling in the spectacular Tour achievements of Brad and Cav.

All of which leaves me wondering about the impact of this summer's events on our industry? There has been a lot of talk about the Olympic legacy, and, like many of you I'm wondering if one legacy is the spin-off effect of millions of people galvanised into leading a healthier lifestyle, and the key role that our products can play in that? I am a firm believer that a generally healthier population will, as a result, be more interested in the health benefits of our products.

And so the key question is how do we continue to communicate those health benefits to our consumers, set against the backdrop of a draconian Nutrition and Health Claims Regulation (NHCR) that will severely curtail our ability to do this? I'm sure it can't have escaped anyone's attention that only a few short months remain before the December 14, 2012 transition period deadline, requiring all commercial communications from food manufacturers to comply with the NHCR.

All claims not on the Permitted or 'On-Hold' lists will be prohibited when the deadline ends. Over 95 per cent of the non-vitamin/mineral claims assessed to date – over 1,600 claims – have been placed on the



Commission's 'Rejected' list and the implications for manufacturers are far reaching and necessitate a significant review of all packaging, labelling and communications.

I am not expecting an immediate adverse sales impact because consumers know and understand the health benefits of the products they have been safely consuming for years. It is the longer-term erosion of awareness that is of far greater consequence to us all. This legislation applies to all forms of product marketing communications, so if we can't do anything to reverse its worst impacts it will be left to conventional non-product specific PR to communicate these messages to consumers. It remains to be seen whether word-of-mouth and perhaps social media will play an increasing role moving forward.

Most of you will by now be aware that the HFMA, in partnership with the lead Dutch trade association NPN, has initiated a legal action against the European Commission seeking the annulment of the Permitted List Regulation, the

passing of which triggered the ridiculously short transition period.

The six-month transition period for this legislation, without any accommodation for our industry at a national level, is unprecedented, unworkable and unfair. It disproportionately impacts an industry sector that, unlike the mainstream food industry, which has relatively short shelf-life products, has the majority of products legitimately carrying two to three years of shelf-life. And why only six months when the most recent example of new food legislation, Regulation 1169/2011 on the Provision of Food Information to Consumers, very sensibly has a three to five year transition period? It's crazy and simply makes no sense at all.

So, what will happen in December? A lot will depend on the approach of individual enforcement authorities, on what is after all not an issue of consumer safety, but of product labelling. We are still working to achieve a consistent, sensible and pragmatic enforcement

approach and in the meantime are advising all of our members to have a plan for change and to be consulting with their own local Trading Standards Officers.

With this very much in mind we have recently circulated to our members a new *HFMA Guidance on Interpretation and Compliance with the Nutrition & Health Claims Regulation*. It is hoped that this comprehensive new document will help provide members with a better understanding of the regulation itself and the many complex questions of interpretation that arise from it. It is anticipated that this is a 'living' document, which will probably need to be regularly updated in subsequent versions as we learn more.

We are also holding another of our useful and informative workshops on this particular subject, and this takes place in central London on Tuesday, September 18. As well as our own expert advisers, the event will also feature a guest speaker from one of our member companies, giving a 'coal-face' perspective, and speakers from the Trading Standards Institute and the Business Expert (Food Standards and Labelling) Group. It is likely to be both interesting and great value for money, and these events typically are sell-outs. You can contact the HFMA at the link below for further information.

STOP PRESS: A follow-up seminar, entitled *The Future for Botanicals*, is being planned for Tuesday, October 30, so please reserve the date and watch out for further details to be announced shortly.

HFMA membership is vital to ensure that your company keeps abreast of the fast-changing regulatory environment. The HFMA is the UK's best source of information and most effective defender of our industry's interests. To help the HFMA defend your business at this most critical time contact hfma@hfma.co.uk or call 020 8481 7100.

hfma
The Voice of the Natural Health Industry