

Protein labelling risk analysis roadmap

- ESSNA members have identified an emerging concern in the internal market, where the current definition of protein on labelling allows for protein to be calculated from the nitrogen content of ingredients containing non-protein nitrogen (NPN) such as creatine, glycine, taurine and free amino acids. This results in higher protein content in the nutrition information table than what actually is in the product when defining protein as “total Kjeldahl nitrogen x 6.25”. Furthermore, it may also enable a brand/product to wrongly leverage an approved protein based health claim(s).
- Protein spiking is a problem for the entire health food industry, particularly as the use of protein and their respective health claims is increasingly promoted on a large number of mainstream products, such as breakfast cereals, drinks and snacks. This is supported with an increasing consumer interest in the protein content on labels. ESSNA has defined protein spiking as, “The addition of free form amino acids and other nitrogen rich/containing nutrients added for the primary purpose of increasing the calculated protein content of a food.” This is misleading and therefore illegal.
- Whilst such activities go against some of the General Food Law Principles, in particular Article 7(1) of the FIC covering fair information, Article 169 TFEU, Article 8(1)(C) of EC Regulation 178/2002, and Article 3 and 5(1) of the NHCR, there is currently no specific legal requirement to list the source of protein as part of the mandatory nutrition declaration. However, there is a requirement under Article 22 of Regulation 1169/2011 to quantify ingredients appearing in the name of the food, emphasised in words, pictures or graphics or to characterise a food and to distinguish it from products with which it might be confused because of its name or appearance. In addition, as a general requirement, all ingredients have to be labelled in an ingredients list (Article 9 (1)(b), Article 18 and Annex VII FIC).
- ESSNA has brought together a “roadmap” with the proposal that members accept the recommendations as part of the ESSNA code of conduct, and subsequently apply its guidance on their products (Annex I). By doing so, ESSNA is looking to prevent the deliberate act of protein spiking in the industry, whilst also protecting its members from misrepresented claims of inadvertent spiking. ESSNA condemns strongly all deliberate acts of protein spiking, which are against its Code of Practice. Therefore members may also find this roadmap helpful when labelling and formulating products.

Protein labelling risk analysis roadmap:

Q1. Does your product make any reference to **protein**, **specific protein sources**, and/or **amino acids** on pack? (Such as in the name of the product, claims or statements)

Yes: []

No: [] You are
outside the scope of
this roadmap

Q2. Name the food source(s) of protein, referred to on pack.

If you only make reference to protein in general on pack, name the food source(s) of protein declared in the list of ingredients:

Declare: g,

This is the 'definition of protein', specific to your product.

Q3. How much of the total protein declared in the product's Nutrition Information table is provided by the food source(s) above:

Declare (g/100g or ml):

Declare (g/portion):

(see recommendations →)

Proposed Recommendations:

a) If amount = total protein, no action is required other than considering the importance of including a QUID for the source of protein (Article 9(1)(d), 22 and ANNEX VIII FIC Regulation 1169/2011)

b) If not, you should also consider labelling either:

- "Calculated protein, of which, [protein source(s) and respective amount, xg per 100g/100ml and xg per portion]" in close proximity but not within the nutrition declaration; or

c) List of protein sources, which are considered to be non-protein nitrogen-containing (NPN) ingredients: creatine, glycine, taurine, free amino acids, extractions of amino acids.

Extractions of amino acid such as functional peptides.

Q4. Is the amount declared in Q3 a significant amount of protein? Does the product claim to be a SOURCE OF, or HIGH IN, protein, or make similar protein nutrition claims?

This means: 1) at least 12% (or 20%) of the energy value of the food provided by protein and, if you have instructions for use, 2) the total amount recommended per portion should add up to the amount declared in Q3.

Yes: No:

You are OK. You must reformulate the product to provide the minimum amount required or recommended or re-label to reflect actual protein content.

Q5. Do you claim any beneficial health properties of protein?

Yes: No:

Proceed to Q6 You are OK.

Permitted Protein health claims:

"Protein contributes to a growth in muscle mass"

"Protein contributes to the maintenance of muscle mass"

"Protein contributes to the maintenance of normal bones"

The European Union Register of nutrition and health claims made on foods can be found [here](#).

Q6. Does the amount declared in Q3 meet the minimum conditions of use to make the health claim?

Yes: [] No: []

You are OK.

You must withdraw the claim or reformulate the product

Minimum conditions:

At least 12 % of the energy value of the food is provided by protein.

Protein nutrition claims:

"Source of protein": at least 12 % of the energy value of the food is provided by protein.

"High protein": at least 20 % of the energy value of the food is provided by protein

Q7. Do you declare all the ingredients of the product in the List of Ingredients?

Yes: [] No: []

You are OK.

Your product is illegal and you must re-label to declare all ingredients.

All ingredients must be declared according to Article 9 and 18 of Food Information to Consumer Regulation (Regulation 1169/2011)