



**EU rules on lactose-free labelling:
Suitability of plant-based food products for lactose-intolerant people**

ENSA, the European Natural Soyfoods Manufacturers Association, supports the harmonisation of rules for the labelling of lactose-free products at EU level. ENSA would like to stress how important it is that products for normal consumption, such as soyfoods and other plant-based foods with similar usage and purpose as dairy, can also indicate suitability.

Lactose-free labelling of naturally lactose free food products is providing consumers with useful information and ensuring an equal treatment between similar products. **ENSA therefore calls for lactose-free labelling rules which would allow products which are NATURALLY free from lactose such as soy-based food and other plant-based food to be labelled as such.**

1) Lactose-free labelling is useful information for consumers

With the recent adoption of Regulation 609/2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control (which replaces the previous Parnuts regulation), lactose-free labelling will now be regulated in the framework of Regulation 1169/2011 on Food Information to Consumers.

Recital 42 of Regulation 609/2013 stresses that indications of the absence or reduced presence of lactose are important for people who are intolerant to lactose, to enable them to make informed choices which are safe for them. Under these new rules, the Commission now has to adopt an implementing act on lactose-free labelling under article 36 of Regulation 1169/2011 on Food Information to Consumers.

The objective of the Regulation on Food Information to Consumers is to empower consumers to make informed decisions which are safe for them at the moment of purchase. Lactose-free labelling on plant-based products with similar usage and purpose as dairy products, would provide consumers with factual, meaningful information on the specific characteristics of these products. When consumers are doing their grocery shopping, they see these drinks next to milk, or these soy-based alternatives to yogurt next to dairy yogurts in the supermarket shelves. However, not all consumers are aware that soy-based products are naturally lactose free. Explicit lactose-free labelling on soy products allow them to see at a glance which products are safe to purchase and to consume.

Lactose-free labelling on soy products and plant-based products with similar usage to dairy is important information for lactose-intolerant people because it is not obvious for the average consumer to know which products are lactose-free. People who just found out about their intolerance to lactose do not know which products are lactose-free and which products might be suitable for them as an alternative to dairy products.

The scope of the Regulation on Food Information to Consumers goes beyond labelling and also covers all types of communications to consumers. An absolute ban of lactose-free labelling on naturally lactose-free products would be disproportionate as it would prohibit general claims such as “plant-based alternatives to dairy are naturally lactose-free” and would therefore make it impossible to inform consumers about the alternatives that are available for people who are lactose-intolerant, even off-pack.



ensa

Unlike lactose-free labelling, specific rules on gluten-free labelling have already been adopted in Regulation 41/2009. This Regulation provides that foodstuffs intended for normal consumption (i.e. foods which are naturally gluten-free) can be labelled as gluten-free. As both gluten- and lactose-free are regulated under the same article of Regulation on Food Information to Consumers, logically, the same principle rules should apply allowing foodstuff for normal consumption being able to label lactose-free. In both cases, consumers who suffer food intolerances benefit from the explicit labelling of foodstuffs which are suitable for their needs.

2) Milk and plant-based products with similar usage, needs and purpose as dairy should be treated equally

Lactose-free labelling on plant-based products such as soy-based foods and drinks is a tool to clarify the difference of these from their dairy equivalents. **Soy products are indeed fully-fledged alternatives to dairy products and other plant-based foods and drinks are a great variation to dairy products:**

- Soy products have the same **nutritional composition** with high quality protein and other plant-based products contain little fat and little saturated fat;
- they are used in the **same way and at the same consumption moments;**
- they are sold in the **same shelves** in the supermarkets.

The principle of equal treatment in EU competition policy requires that all products on the same market should be provided with the right conditions for fair competition on a level playing field.

In addition, it should be noted that lactose-free milk cannot be called 'milk' according to the Single CMO Regulation. As a result, lactose-free dairy products are marketed under the denomination 'milk-based lactose-free drinks', in the same way as soy products are marketed under the denomination 'soy-based drinks'. **All lactose-free drinks, regardless of their origin, should be treated equally to provide conditions for fair competition and should be therefore be subject to the same conditions for lactose-free labelling.**

Because lactose-free labelling on plant-based products similar to dairy is useful information for consumers and because it provides a level playing field for similar products, **ENSA calls on you to ensure that EU rules for the labelling of lactose-free products also allow products which are naturally lactose-free to be labelled as such.**

Established in January 2003, the ENSA represents the interests of Natural Soyfoods Manufacturers in Europe. The term "natural" refers to the production process used by ENSA members to produce food using whole soybeans. Soy food products from ENSA members are produced without any use of GM (genetically modified) material or GM beans.

The founding principle of ENSA combines a belief in natural soy products and the use of sound science. ENSA seeks to raise awareness among EU citizens and promote the consumption of natural soy products, which are an integral part of a healthy balanced lifestyle.

The ENSA is an association of internationally operating companies, ranging from large corporations to small, family-owned businesses. ENSA gathers 10 members:

- Alpro, Belgium
- Hain Europe, Belgium
- Grupo Leche Pascual, Spain
- Liquats Vegetals, Spain



ensa

- Mona, Austria
- Nutrition&Nature, France
- Raisio, Finland
- Taifun, Germany
- Triballat Noyal, France
- Valsoia, Italy

ENSA members employ more than 1500 employees and realize a combined turnover of close to 620 Mio €.

For more information on ENSA, please visit www.ensa-eu.org or contact the ENSA Secretariat

ENSA Secretariat

Neo Building box 7

Rue Montoyer 51

Brussels 1000

Tel:+ 32 2 741 62 15

Fax: + 32 2 737 95 01

email: secretariat@ensa-eu.org

website: www.ensa-eu.org