2023/195 Brussels, 29 March 2023

SNE views on the draft Commission delegated Regulation on date marking

Summary

Whilst it may be relevant for some products, '*often good after*' is not appropriate for specialised nutrition products due to their intrinsic properties and their target population. In certain cases, 'often good after' on those products could lead to a loss of necessary nutrients, or even increase risks such as choking – as outlined below.

SNE believes that the statement 'often good after' should therefore not be required on a mandatory basis and should be left at the discretion of specialised nutrition products manufacturers.

SNE welcomes the Commission's objective to halve food waste by 2030. However, SNE has serious concerns regarding the proposal of the Commission to accompany best before dates with the statement '*often good after*' on a mandatory basis.

Expressions such as '*often good after*' can create the expectation that the product retains its nutritional and quality characteristics for an indefinite period of time. But whilst it may be relevant for some products, '*often good after*' is not appropriate for specialised nutrition products (i. e. foods for infant and young children, foods for special medical purposes [FSMPs], slimming foods, sport foods and gluten-free foods).

While the consumption of specialised nutrition products after the 'best before date' does not constitute any immediate microbiological risk to human health, it does not mean that these products keep all their nutritional and quality characteristics beyond the 'best before' date for the below-mentioned reasons.

1. Nutritional characteristics

- Vitamin content: Fortification with vitamins is an important feature of most specialised nutrition products, which may be the sole source of nutrition of certain population groups (e.g. for infant formula, FSMPs, total diet replacements), and/or are designed to meet specific nutritional needs (e.g. sports foods, meal replacements for weight control). Minimum levels of vitamins are set out at EU level for many of these products. However, the amount of vitamins, for example vitamins C and A, can decrease over time, and compliance with these levels cannot be guaranteed after the 'best before' date has passed. Adding the statement 'often good after' could lead consumers to mistakenly believe that they retain all their nutritional qualities in terms of micronutrient composition after this date.
- Mineral content: Minerals are also added to many specialised nutrition products. However, over time, there may be irreversible sedimentation (e.g. with calcium), trapping them at the bottom of the container and leading to suboptimal intake, especially in ready to feed liquid products.

2. Quality characteristics

It is also possible that the quality of specialised nutrition products decreases over time. For example:

- Infant biscuits and rusks: these products have a carefully designed texture to ensure a safe consumption by infants. However, after some time when the 'best before' date has passed, changes due to water migration and/or humidity might trigger texture change and create an unexpected hazard (choking). This element is taken into account to define the 'best before' date, but with the 'often good after' statement, it would be rather difficult to understand what the consumer behaviour would be, and to assess potential risks.

Avenue des Nerviens 9-31 1040 Brussels, Belgium
Tel: + 32 2 508 10 74
Fax: + 32 2 508 10 25
s@specialisednutritioneurope.eu
www.specialisednutritioneurope.eu

- Another example concerns tube feeding (FSMPs): The viscosity ('thickness') of some liquid tube-feeding FSMP increases over time. Such products may become too viscous after the 'best before date' to smoothly run through the thin tubes used for feeding and might end up blocking them or increasing the feeding time.
- Changes over time in viscosity may also occur with some FSMP products used to thicken the foods of dysphagic patients (patients with swallowing difficulties). These products are used to modify the texture of the food ingested by dysphagic patients to reduce their risk of choking. They are designed to achieve a targeted texture for the beverages or food. The targeted texture would not be achieved if the FSMP used for thickening no longer has the appropriate viscosity, which could increase the risk of choking for patients.
- In addition, due to the composition of some FSMPs or formula with, for example, hydrolysed proteins, there may be a change in taste over the shelf life, making the product more bitter. This could affect consumers and patients as they may then refuse to eat it, which could lead to dehydration and/or malnutrition.
- Regarding gluten-free foods, there is a risk of consumer disappointment due to the loss of organoleptic qualities of the product over time. This could turn consumers away from these products specifically formulated for them (coeliac patients).

For the above-mentioned reasons, SNE believes that the expression 'often good after' should not be required on a mandatory basis for specialised nutrition products and should be left at the discretion of the manufacturers, based on their in-depth knowledge of the essential characteristics of their products.

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