FSE proposed comments on notification TRIS 2023/116/FR and 2023/117/FR (Standstill 19 June 2023)

Food Supplements Europe represents companies that are involved in the manufacturing and placing on the market of food supplement and food supplement ingredients.

We herewith offer our comments on the proposed Draft Orders, the effect of which is that Vitamin D3 (cholecalciferol), which is an essential nutrient for which there is insufficient intake in the population, is included in a proposed list of possible endocrine disruptors.

The inclusion of Vitamin D3 in this list triggers the obligation to provide information to consumers on finished products containing the substance. The proposed statement relating to Vitamin D is "*contains cholecalciferol: this substance has health benefits when used according to the precautions and dosage specified on the package leaflet or product labelling. If in doubt, seek the advice of a health professional."*

We believe that this is highly confusing for consumers as it indicates that Vitamin D3 is a harmful substance, while it is also an essential nutrient.

We therefore call upon the European Commission and the Member States to submit detailed opinions and not accept this national legislation for the following reasons:

- Cholecalciferol (Vitamin D3) is an essential nutrient of public health importance because the intake is insufficient in many EU Member States, as confirmed by the European Food Safety Authority (EFSA).[1]
- France's own advisory body ANSES (French Agency for Food, Environmental and Occupational Health & Safety) has advised against including Vitamin D3 in the list of endocrine disruptors and the indication of such properties for food products.[2]

  In particular ANSES has highlighted that:

  - identifying cholecalciferol as an endocrine disruptor on labels (or equivalent information provisions) of food products is likely to provide erroneous information on the risk;
  - avoidance of these products by consumers would exacerbate the situation of requirements not being adequately met that already concerns a significant proportion of the population (34.5% of the population had an inadequate vitamin D status in 2015).

  On 28 October 2022, ANSES reiterated its advice against including vitamin D3 in the list of endocrine disruptors on food products in a news item for the general public.[3]

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[1] https://connect.efsa.europa.eu/RM/s/publicconsultation2/a0l1v00000E877g/pc0108

[2] https://www.anses.fr/en/system/files/NUT2022AST0099EN.pdf

[3] https://www.anses.fr/en/content/vitamine-d-no-endocrine-disruptor-label-food-products

The inclusion of Vitamin D3 in the list of endocrine disruptors is therefore inappropriate and is likely to undermine public health recommendations aimed at increasing the intake of Vitamin D3 in the population. The obligation by the law to provide information on the presence of endocrine disruptors present in foodstuffs is likely to confuse and deter consumers from consuming products that contribute to vitamin D3 intake in the diet.

We therefore call upon the European Commission to request France to:

- Remove cholecalciferol from the annex to the law;
- Exclude products placed on the market as food from the scope of the law;

Food Supplements Europe

June 2023

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