

January 29, 2012

## Health claims on confectionery:

## EU allows ten-year transition period for trademarks

Food manufacturers across Europe are rushing to make use of health claims that have successfully passed EFSA's evaluation process and are included in the EU Commission's list of authorized health claims. For those who did not find their claim on this positive list, the Regulation offers one good exemption to bypass the stiff rulebook: trademarks.

If your health claim is a registered trademark such as the "Toothfriendly" logo, you have a transition period of ten years before the restrictions apply. According to the Article 28 (2) of the Regulation, trademarks introduced before 2005 may continue to be used until 19 January 2022. New trademarks do not qualify – the trick is that you have to establish evidence that the trademark has been in use before the year 2005.

"This is good news for companies using the Toothfriendly label", says Dr. Albert Bär. "Thanks to the trademark exemption, the Toothfriendly quality seal falls outside the health claim regulation and manufacturers avoid having to print the complicated claim wordings EFSA has proposed."

According to Dr. Bär, many health claims authorized by the EU Commission are either unattractive or incomprehensible. "For example, foods containing sugar replacers will be allowed to make the following claim: *"Consumption of foods/drinks containing <name of sugar replacer> instead of sugar contributes to the maintenance of tooth mineralization."* From a manufacturer's point of view it is much more attractive to state *"This product is Toothfriendly"*.

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**Toothfriendly International** is non-profit association working for better oral health. Its members include dental professionals, institutions in dental and public health, as well as manufacturers of confectionery and oral care products. The organization grants the Toothfriendly trademark for use on confectionery products which have been demonstrated to be safe for teeth.  
[www.toothfriendly.org](http://www.toothfriendly.org)

**Toothfriendly at the ISM:** Stand B4 between halls 10 and 11.

### Contacts for the media:

Kati Weiss, Project Manager  
Toothfriendly International  
Phone: +41 61 273 77 07  
E-mail: [kati.weiss@toothfriendly.ch](mailto:kati.weiss@toothfriendly.ch)

**Illustration attached:** The Toothfriendly Logo

