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EFSA Panel on Dietetic Products, Nutrition and Allergies (NDA); Scientific Opinion on the substantiation of health claims related to a combination of Lactobacillus acidophilus BCCM/LMG P-18806, Lactobacillus delbrueckii BCCM/LMG P-18805 and Streptococcus thermophilus BCCM/LMG P-18807 and reduction of gastro-intestinal discomfort (ID 2946, 2951, 2974), decreasing potentially pathogenic gastro-intestinal microorganisms (ID 2946, 2951, 2974), improved lactose digestion (ID 2946, 2951, 2974), and reduction in numbers of circulating CD34+ cells (ID 2947, 2952, 2975) (further assessment) pursuant to Article 13(1) of Regulation (EC) No 1924/2006

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SCIENTIFIC OPINION

Scientific Opinion on the substantiation of health claims related to a combination of *Lactobacillus acidophilus* BCCM/LMG P-18806, *Lactobacillus delbrueckii* BCCM/LMG P-18805 and *Streptococcus thermophilus* BCCM/LMG P-18807 and reduction of gastro-intestinal discomfort (ID 2946, 2951, 2974), decreasing potentially pathogenic gastro-intestinal microorganisms (ID 2946, 2951, 2974), improved lactose digestion (ID 2946, 2951, 2974), and reduction in numbers of circulating CD34⁺ cells (ID 2947, 2952, 2975) (further assessment) pursuant to Article 13(1) of Regulation (EC) No 1924/2006¹

EFSA Panel on Dietetic Products, Nutrition and Allergies (NDA)^{2,3}

European Food Safety Authority (EFSA), Parma, Italy

ABSTRACT

Following a request from the European Commission, the Panel on Dietetic Products, Nutrition and Allergies (NDA) was asked to provide a scientific opinion on health claims pursuant to Article 13 of Regulation (EC) No 1924/2006 in the framework of further assessment related to a combination of *Lactobacillus acidophilus* BCCM/LMG P-18806, *Lactobacillus delbrueckii* BCCM/LMG P-18805 and *Streptococcus thermophilus* BCCM/LMG P-18807 and reduction of gastro-intestinal discomfort, decreasing potentially pathogenic gastro-intestinal microorganisms, improved lactose digestion, and reduction in numbers of circulating CD34⁺ cells. The food constituent that is the subject of the health claim, a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807, is sufficiently characterised. The evidence provided did not establish that the proposed claimed effect, reduction in numbers of circulating CD34⁺ cells, is a beneficial physiological effect. The claimed effect, reduction of gastro-intestinal discomfort, is a beneficial physiological effect for the general population. The claimed effect, a decrease in potentially pathogenic gastro-intestinal microorganisms, might be a beneficial physiological effect for the general population. The claimed effect, improved lactose digestion, is a beneficial physiological effect for individuals with lactose maldigestion. No human intervention studies were provided from which conclusions could be drawn for the scientific substantiation of the above-mentioned claims. On the basis of the data provided, the Panel concludes that a cause and effect relationship has not been established between the consumption of a

¹ On request from the European Commission, Question No EFSA-Q-2012-00180, EFSA-Q-2012-00181, EFSA-Q-2012-00184, EFSA-Q-2012-00185, EFSA-Q-2012-00202, EFSA-Q-2012-00203, adopted on 28 June 2012.

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combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807 and reduction of gastro-intestinal discomfort, decreasing potentially pathogenic gastro-intestinal microorganisms, and improved lactose digestion.

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KEY WORDS

Lactobacillus acidophilus P-18806, *Lactobacillus delbrueckii* P-18805, *Streptococcus thermophilus* P-18807 gastro-intestinal discomfort, pathogens, lactose digestion, CD34⁺ cells, health claims.

SUMMARY

Following a request from the European Commission, the Panel on Dietetic Products, Nutrition and Allergies (NDA) was asked to provide a scientific opinion on a list of health claims pursuant to Article 13 of Regulation (EC) No 1924/2006. The Commission has agreed with EU Member States that a certain number of Article 13 health claims would be eligible for further assessment by EFSA in order to be able to take a final decision on whether or not to include these claims in the list of permitted health claims. This opinion addresses the scientific substantiation of health claims in relation to a combination of *Lactobacillus acidophilus* BCCM/LMG P-18806, *Lactobacillus delbrueckii* BCCM/LMG P-18805 and *Streptococcus thermophilus* BCCM/LMG P-18807 and reduction of gastro-intestinal discomfort, decreasing potentially pathogenic gastro-intestinal microorganisms, improved lactose digestion, and reduction in numbers of circulating CD34⁺ cells. The scientific substantiation is based on the information provided by the competent Authority of Italy for further assessment of this claim.

The food constituent that is the subject of the health claims is a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807. The Panel considers that the combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807 is sufficiently characterised.

Reduction of gastro-intestinal discomfort

The claimed effect, which is proposed for further assessment, relates to a reduction of gastro-intestinal discomfort. The proposed target population is the general population. Reduction of gastro-intestinal discomfort is a beneficial physiological effect.

No human intervention studies were provided from which conclusions could be drawn for the scientific substantiation of the claim.

On the basis of the data presented, the Panel concludes that a cause and effect relationship has not been established between the consumption of a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807 and reduction of gastro-intestinal discomfort.

Decreasing potentially pathogenic gastro-intestinal microorganisms

The claimed effect, which is proposed for further assessment, relates to a decrease in potentially pathogenic gastro-intestinal microorganisms. The proposed target population is the general population. Decreasing potentially pathogenic gastro-intestinal microorganisms might be a beneficial physiological effect.

No human intervention studies were provided from which conclusions could be drawn for the scientific substantiation of the claim.

On the basis of the data presented, the Panel concludes that a cause and effect relationship has not been established between the consumption of a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807 and decreasing potentially pathogenic gastro-intestinal microorganisms.

Improved lactose digestion

The claimed effect, which is proposed for further assessment, relates to improved lactose digestion. Improved lactose digestion is a beneficial physiological effect for individuals with lactose maldigestion.

No human intervention studies were provided from which conclusions could be drawn for the scientific substantiation of the claim.

On the basis of the data presented, the Panel concludes that a cause and effect relationship has not been established between the consumption of a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807 and improved lactose digestion.

Reduction in numbers of circulating CD34⁺ cells

The claimed effect, which is proposed for further assessment, relates to a reduction in numbers of circulating CD34⁺ cells. The proposed target population is the general population. The Panel notes that reduction in numbers of circulating CD34⁺ cells is not a beneficial physiological effect *per se*, but needs to be linked to a beneficial physiological or clinical outcome.

The Panel considers that the evidence provided did not establish that reduction in numbers of circulating CD34⁺ cells is a beneficial physiological effect.

On the basis of the data presented, the Panel concludes that a cause and effect relationship has not been established between the consumption of a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807 and a beneficial physiological effect related to reduction in numbers of circulating CD34⁺ cells.

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BACKGROUND AS PROVIDED BY THE EUROPEAN COMMISSION

See Appendix A

TERMS OF REFERENCE AS PROVIDED BY THE EUROPEAN COMMISSION

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EFSA DISCLAIMER

See Appendix B

INTRODUCTION

The Commission has agreed with EU Member States that a certain number of Article 13 health claims would be eligible for further assessment by EFSA in order to be able to take a final decision on whether or not to include these claims in the list of permitted health claims. These claims include already assessed claims related to micro-organisms which the Panel considered to be not sufficiently characterised and claims for which the NDA Panel concluded that there was insufficient evidence to establish a cause and effect relationship between the consumption of the food and the claimed effect.

Following an opinion of the NDA Panel pursuant to Article 13 of Regulation (EC) No 1924/2006⁴ in which the Panel concluded that the data available were not sufficient to characterise a combination of *Lactobacillus acidophilus* P-18806 (ID 2946, 2947), *Lactobacillus delbrueckii* P-18805 (ID 2951, 2952) and *Streptococcus thermophilus* P-18807 (ID 2974, 2975) (EFSA Panel on Dietetic Products Nutrition and Allergies (NDA), 2009, 2010), EFSA received additional information from the competent Authority of Italy for further assessment of these claims. The information provided in the framework of further assessment for the health claims which are the subject of this opinion is tabulated in Appendix C.

ASSESSMENT

1. Characterisation of the food/constituent

The food constituent that was the subject of the health claims in the initial assessment was *Lactobacillus acidophilus* P-18806 (ID 2946, 2947), *Lactobacillus delbrueckii* P-18805 (ID 2951, 2952) or *Streptococcus thermophilus* P-18807 (ID 2974, 2975), individually. For further assessment, and from the proposed wording and conditions of use, the Panel assumes that the food constituent that is the subject of the health claims is a combination of *Lactobacillus acidophilus* BCCM/LMG P-18806, *Lactobacillus delbrueckii* BCCM/LMG P-18805 and *Streptococcus thermophilus* BCCM/LMG P-18807.

For *L. acidophilus* BCCM/LMG P-18806 a culture collection number from the Belgian Co-ordinated Collections of Microorganisms (BCCM/LMG) (P-18806) was provided. The BCCM/LMG is an internationally recognised culture collection which has the status of an International Depository Authority under the Budapest Treaty. In the LMG, cultures can be deposited in a restricted-access collection for safe deposit or for patent purposes. Data on the identification and characterisation of *L. acidophilus* BCCM/LMG P-18806 at species and strain level, by using different phenotypic (cell morphology, carbohydrate fermentation profile, PAGE) and genotypic (16S rRNA gene sequence analysis, ARDRA, Rep-PCR, PFGE) methods, were provided in the applications for further assessment and in the accompanying references (AAT, 2011a, unpublished; BCCM/LMG, 1999, unpublished; Dondi, 2000). The Panel considers that *L. acidophilus* BCCM/LMG P-18806 is sufficiently characterised.

For *L. delbrueckii* BCCM/LMG P-18805, a culture collection number from the BCCM/LMG, P-18805, was provided. Data on the identification and characterisation of *L. delbrueckii* BCCM/LMG P-18805 at species and strain level, by using different phenotypic (carbohydrate fermentation profiles, PAGE) and genotypic (16S rRNA gene sequence analyses, ARDRA, Rep-PCR, AFLP) methods, were provided in the applications for further assessment and in the accompanying references (AAT, 2011b, unpublished, 2011c, unpublished; BCCM/LMG, 1999, unpublished; Dondi, 2000). The Panel considers that *L. delbrueckii* BCCM/LMG P-18805 is sufficiently characterised.

For *S. thermophilus* BCCM/LMG P-18807, a culture collection number from the BCCM/LMG, P-18807, was provided. Data on the identification and characterisation of *S. thermophilus* BCCM/LMG P-18807 at species and strain level, by using different phenotypic (carbohydrate

⁴ Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods. OJ L 404, 30.12.2006, p. 9–25.

fermentation profile, PAGE) and genotypic (16S rRNA gene sequence analysis, ARDRA, Rep-PCR, PFGE) methods, were provided in the applications for further assessment and in the accompanying references (AAT, 2011d, unpublished; BCCM/LMG, 1999, unpublished; Dondi, 2000). The Panel considers that *S. thermophilus* BCCM/LMG P-18807 is sufficiently characterised.

The Panel considers that the food constituent, a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807, which is the subject of the claims, is sufficiently characterised.

2. Relevance of the claimed effect to human health

2.1. Reduction of gastro-intestinal discomfort (ID 2946, 2951, 2974)

The claimed effect, which is proposed for further assessment, is: “Is a probiotic; Contributes to a healthy digestive system by supporting the gut flora through an increased number of positive lactobacillus in the intestine; useful to maintain a healthy intestinal flora by adhering to the mucosa; Improves intestinal barrier function by competing (steric encumbrance) against pathogens; Reduces gastro-intestinal discomfort; Necessary to maintain a healthy digestive system by production of specific enzymes (e.g.: beta-galactosidase)”. The proposed target population is the general population.

The Panel considers that reduction of gastro-intestinal discomfort is a beneficial physiological effect.

2.2. Decreasing potentially pathogenic gastro-intestinal microorganisms (ID 2946, 2951, 2974)

The claimed effect, which is proposed for further assessment, is: “Is a probiotic; Contributes to a healthy digestive system by supporting the gut flora through an increased number of positive lactobacillus in the intestine; useful to maintain a healthy intestinal flora by adhering to the mucosa; Improves intestinal barrier function by competing (steric encumbrance) against pathogens; Reduces gastro-intestinal discomfort; Necessary to maintain a healthy digestive system by production of specific enzymes (e.g.: beta-galactosidase)”. The proposed target population is the general population.

The Panel notes that it is not possible to define the exact number of the different microbial groups which constitute a normal microbiota. Increasing the number of any groups of microorganisms, including lactobacilli, is not in itself considered to be a beneficial physiological effect.

The Panel assumes that the claimed effect refers to a decrease in potentially pathogenic gastro-intestinal microorganisms. The Panel considers that decreasing potentially pathogenic gastro-intestinal microorganisms might be a beneficial physiological effect.

2.3. Improved lactose digestion (ID 2946, 2951, 2974)

The claimed effect, which is proposed for further assessment, is: “Is a probiotic; Contributes to a healthy digestive system by supporting the gut flora through an increased number of positive lactobacillus in the intestine; useful to maintain a healthy intestinal flora by adhering to the mucosa; Improves intestinal barrier function by competing (steric encumbrance) against pathogens; Reduces gastro-intestinal discomfort; Necessary to maintain a healthy digestive system by production of specific enzymes (e.g.: beta-galactosidase)”. The proposed target population is the general population.

The Panel assumes that the claimed effect refers to improved lactose digestion and that the target population is individuals with lactose maldigestion. Lactose maldigestion is a common condition caused by reduced levels of intestinal lactase.

The Panel considers that improved lactose digestion is a beneficial physiological effect for individuals with lactose maldigestion.

2.4. Reduction in numbers of circulating CD34⁺ cells (ID 2947, 2952, 2975)

The claimed effect, which is proposed for further assessment, is: “Increases the immune defences/response by reducing the CD34⁺ cells; Necessary to maintain the natural defences/helps to maintain a balanced immune system (reducing the CD34⁺ cells)”. The proposed target population is the general population.

The Panel notes that the claimed effect, “increases the immune defences/necessary to maintain the natural defences/maintain a balanced immune system”, is not sufficiently defined and assumes that the claimed effect relates to the reduction in numbers of circulating CD34⁺ cells.

The Panel notes that reduction in numbers of circulating CD34⁺ cells is not a beneficial physiological effect *per se*, but needs to be linked to a beneficial physiological or clinical outcome.

Most of the references provided in relation to the claim were on methodologies for bacterial strain identification. One open-label, non-randomised and non-controlled human study (Mastrandrea et al., 2004) investigated the effects of a combination of *L. acidophilus* P-18806, *L. delbrueckii* P-18805 and *S. thermophilus* P-18807 on the numbers of circulating CD34⁺ human progenitor cells in 14 subjects with atopic disorders (clinical symptoms of asthma and/or conjunctivitis, rhinitis, urticaria, atopic dermatitis, food allergy) and/or irritable bowel syndrome.

The Panel considers that the evidence provided does not establish that reduction in numbers of circulating CD34⁺ cells is a beneficial physiological effect.

The Panel concludes that a cause and effect relationship has not been established between the consumption of a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807 and a beneficial physiological effect related to reduction in numbers of circulating CD34⁺ cells.

3. Scientific substantiation of the claimed effect

3.1. Reduction of gastro-intestinal discomfort (ID 2946, 2951, 2974)

Most of the references provided were on *L. acidophilus* strains other than the one which is part of the combination of microorganisms (Bernet et al., 1994), and on methodologies for bacterial strain identification (Giraffa et al., 1998; Jensen et al., 1993; Miteva et al., 2001; Moschetti et al., 1998; Ventura et al., 2000). A patent on methods for selection of *Lactobacillus* strains with ability to adhere to human mucosa (Dondi, 2000), by which the strains that are the subject of the claim were isolated, and a human intervention study on the viability of yogurt bacteria (e.g. *L. delbrueckii* subsp. *bulgaricus* and *S. thermophilus*) through the human intestinal tract (Elli et al., 2006) were also provided. The Panel notes that these studies did not address effects of the combination of strains that is the subject of the claim, notes that these studies did not address outcome measures related to the claimed effect, and considers that no conclusions can be drawn from these studies for the scientific substantiation of the claim.

The Panel concludes that a cause and effect relationship has not been established between the consumption of a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807 and reduction of gastro-intestinal discomfort.

3.2. Decreasing potentially pathogenic gastro-intestinal microorganisms (ID 2946, 2951, 2974)

Most of the references provided were on *L. acidophilus* strains other than the one which is part of the combination of microorganisms (Bernet et al., 1994), and on methodologies for bacterial strain identification (Giraffa et al., 1998; Jensen et al., 1993; Miteva et al., 2001; Moschetti et al., 1998; Ventura et al., 2000). A patent on methods for selection of *Lactobacillus* strains with ability to adhere to human mucosa (Dondi, 2000), by which the strains that are the subject of the claim were isolated,

was also provided. In the patent it was only indicated how the mucosa-adhesion ability of the lactic acid bacterial strains and pathogens was measured. A human intervention study on the viability of yogurt bacteria (e.g. *L. delbrueckii* subsp. *bulgaricus* and *S. thermophilus*) through the human intestinal tract (Elli et al., 2006) was also provided. The Panel notes that these studies did not address effects of the combination of strains that is the subject of the claim, notes that they did not address outcome measures related to the claimed effect, and considers that no conclusions can be drawn from these studies for the scientific substantiation of the claim.

The Panel concludes that a cause and effect relationship has not been established between the consumption of a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807 and decreasing potentially pathogenic gastro-intestinal microorganisms.

3.3. Improved lactose digestion (ID 2946, 2951, 2974)

Most of the references provided were on *L. acidophilus* strains other than the one which is part of the combination of microorganisms (Bernet et al., 1994), and on methodologies for bacterial strain identification (Giraffa et al., 1998; Jensen et al., 1993; Miteva et al., 2001; Moschetti et al., 1998; Ventura et al., 2000). A patent on methods for selection of lactobacilli strains with ability to adhere to human mucosa (Dondi, 2000), by which the strains that are the subject of the claim were isolated and a human intervention study on the viability of yogurt bacteria (i.e. *L. delbrueckii* subsp. *bulgaricus* and *S. thermophilus*) through the human intestinal tract (Elli et al., 2006) were also provided. The Panel notes that these studies did not address effects of the combination of strains that is the subject of the claim, notes that they did not address outcome measures related to the claimed effect, and considers that no conclusions can be drawn from these studies for the scientific substantiation of the claim.

The Panel concludes that a cause and effect relationship has not been established between the consumption of a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807 and improved lactose digestion.

CONCLUSIONS

On the basis of the data presented, the Panel concludes that:

- The food constituent, a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807, which is the subject of the health claims, is sufficiently characterised.

Reduction of gastro-intestinal discomfort (ID 2946, 2951, 2974)

- The claimed effect proposed for further assessment relates to a reduction of gastro-intestinal discomfort. The proposed target population is the general population. Reduction of gastro-intestinal discomfort is a beneficial physiological effect.
- A cause and effect relationship has not been established between the consumption of a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807 and reduction of gastro-intestinal discomfort.

Decreasing potentially pathogenic gastro-intestinal microorganisms (ID 2946, 2951, 2974)

- The claimed effect proposed for further assessment relates to a decrease in potentially pathogenic gastro-intestinal microorganisms. The proposed target population is the general population. Decreasing potentially pathogenic gastro-intestinal microorganisms might be a beneficial physiological effect.

- A cause and effect relationship has not been established between the consumption of a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807 and decreasing potentially pathogenic gastrointestinal microorganisms.

Improved lactose digestion (ID 2946, 2951, 2974)

- The claimed effect proposed for further assessment relates to improved lactose digestion. Improved lactose digestion is a beneficial physiological effect for individuals with lactose maldigestion.
- A cause and effect relationship has not been established between the consumption of a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807 and improved lactose digestion.

Reduction in numbers of circulating CD34⁺ cells (ID 2947, 2952, 2975)

- The claimed effect proposed for further assessment relates to a reduction in numbers of circulating CD34⁺ cells. The proposed target population is the general population. The evidence provided did not establish that reduction in numbers of circulating CD34⁺ cells is a beneficial physiological effect.
- A cause and effect relationship has not been established between the consumption of a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807 and a beneficial physiological effect related to reduction in numbers of circulating CD34⁺ cells.

DOCUMENTATION PROVIDED TO EFSA

Health claims pursuant to Article 13 of Regulation (EC) No 1924/2006 for further assessment (No: EFSA-Q-2012-00180, EFSA-Q-2012-00181, EFSA-Q-2012-00184, EFSA-Q-2012-00185, EFSA-Q-2012-00202, EFSA-Q-2012-00203). The scientific substantiation is based on the information provided by the competent Authority of Italy for further assessment of this claim (available on: <http://www.efsa.europa.eu/en/topics/topic/article13.htm>).

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APPENDICES

APPENDIX A

BACKGROUND AND TERMS OF REFERENCE AS PROVIDED BY THE EUROPEAN COMMISSION

The Regulation 1924/2006 on nutrition and health claims made on foods⁵ (hereinafter "the Regulation") entered into force on 19th January 2007.

Article 13 of the Regulation foresees that the Commission shall adopt a Community list of permitted health claims other than those referring to the reduction of disease risk and to children's development and health. This Community list shall be adopted through the Regulatory Committee procedure and following consultation of the European Food Safety Authority (EFSA).

Health claims are defined as "any claim that states, suggests or implies that a relationship exists between a food category, a food or one of its constituents and health".

In accordance with Article 13 (1) health claims other than those referring to the reduction of disease risk and to children's development and health are health claims describing or referring to:

- a) the role of a nutrient or other substance in growth, development and the functions of the body; or
- b) psychological and behavioural functions; or
- c) without prejudice to Directive 96/8/EC, slimming or weight-control or a reduction in the sense of hunger or an increase in the sense of satiety or to the reduction of the available energy from the diet.

To be included in the Community list of permitted health claims, the claims shall be:

- (i) based on generally accepted scientific evidence; and
- (ii) well understood by the average consumer.

Member States provided the Commission with lists of claims as referred to in Article 13 (1) by 31 January 2008 accompanied by the conditions applying to them and by references to the relevant scientific justification. These lists have been consolidated into the list which forms the basis for the EFSA consultation in accordance with Article 13 (3).

ISSUES THAT NEED TO BE CONSIDERED

IMPORTANCE AND PERTINENCE OF THE FOOD⁶

Foods are commonly involved in many different functions⁷ of the body, and for one single food many health claims may therefore be scientifically true. Therefore, the relative importance of food e.g. nutrients in relation to other nutrients for the expressed beneficial effect should be considered: for functions affected by a large number of dietary factors it should be considered whether a reference to a single food is scientifically pertinent.

It should also be considered if the information on the characteristics of the food contains aspects pertinent to the beneficial effect.

⁵ OJ L12, 18/01/2007

⁶ The term 'food' when used in this Terms of Reference refers to a food constituent, the food or the food category.

⁷ The term 'function' when used in this Terms of Reference refers to health claims in Article 13(1)(a), (b) and (c).

SUBSTANTIATION OF CLAIMS BY GENERALLY ACCEPTABLE SCIENTIFIC EVIDENCE

Scientific substantiation is the main aspect to be taken into account to authorise health claims. Claims should be scientifically substantiated by taking into account the totality of the available scientific data, and by weighing the evidence, and shall demonstrate the extent to which:

- (a) the claimed effect of the food is beneficial for human health,
- (b) a cause and effect relationship is established between consumption of the food and the claimed effect in humans (such as: the strength, consistency, specificity, dose-response, and biological plausibility of the relationship),
- (c) the quantity of the food and pattern of consumption required to obtain the claimed effect could reasonably be achieved as part of a balanced diet,
- (d) the specific study group(s) in which the evidence was obtained is representative of the target population for which the claim is intended.

EFSA has mentioned in its scientific and technical guidance for the preparation and presentation of the application for authorisation of health claims consistent criteria for the potential sources of scientific data. Such sources may not be available for all health claims. Nevertheless it will be relevant and important that EFSA comments on the availability and quality of such data in order to allow the regulator to judge and make a risk management decision about the acceptability of health claims included in the submitted list.

The scientific evidence about the role of a food on a nutritional or physiological function is not enough to justify the claim. The beneficial effect of the dietary intake has also to be demonstrated. Moreover, the beneficial effect should be significant i.e. satisfactorily demonstrate to beneficially affect identified functions in the body in a way which is relevant to health. Although an appreciation of the beneficial effect in relation to the nutritional status of the European population may be of interest, the presence or absence of the actual need for a nutrient or other substance with nutritional or physiological effect for that population should not, however, condition such considerations.

Different types of effects can be claimed. Claims referring to the maintenance of a function may be distinct from claims referring to the improvement of a function. EFSA may wish to comment whether such different claims comply with the criteria laid down in the Regulation.

WORDING OF HEALTH CLAIMS

Scientific substantiation of health claims is the main aspect on which EFSA's opinion is requested. However, the wording of health claims should also be commented by EFSA in its opinion.

There is potentially a plethora of expressions that may be used to convey the relationship between the food and the function. This may be due to commercial practices, consumer perception and linguistic or cultural differences across the EU. Nevertheless, the wording used to make health claims should be truthful, clear, reliable and useful to the consumer in choosing a healthy diet.

In addition to fulfilling the general principles and conditions of the Regulation laid down in Article 3 and 5, Article 13(1)(a) stipulates that health claims shall describe or refer to "the role of a nutrient or other substance in growth, development and the functions of the body". Therefore, the requirement to describe or refer to the 'role' of a nutrient or substance in growth, development and the functions of the body should be carefully considered.

The specificity of the wording is very important. Health claims such as "Substance X supports the function of the joints" may not sufficiently do so, whereas a claim such as "Substance X helps maintain the flexibility of the joints" would. In the first example of a claim it is unclear which of the various functions of the joints is described or referred to contrary to the latter example which specifies this by using the word "flexibility".

The clarity of the wording is very important. The guiding principle should be that the description or reference to the role of the nutrient or other substance shall be clear and unambiguous and therefore be specified to the extent possible i.e. descriptive words/ terms which can have multiple meanings should be avoided. To this end, wordings like "strengthens your natural defences" or "contain antioxidants" should be considered as well as "may" or "might" as opposed to words like "contributes", "aids" or "helps".

In addition, for functions affected by a large number of dietary factors it should be considered whether wordings such as "indispensable", "necessary", "essential" and "important" reflects the strength of the scientific evidence.

Similar alternative wordings as mentioned above are used for claims relating to different relationships between the various foods and health. It is not the intention of the regulator to adopt a detailed and rigid list of claims where all possible wordings for the different claims are approved. Therefore, it is not required that EFSA comments on each individual wording for each claim unless the wording is strictly pertinent to a specific claim. It would be appreciated though that EFSA may consider and comment generally on such elements relating to wording to ensure the compliance with the criteria laid down in the Regulation.

In doing so the explanation provided for in recital 16 of the Regulation on the notion of the average consumer should be recalled. In addition, such assessment should take into account the particular perspective and/or knowledge in the target group of the claim, if such is indicated or implied.

TERMS OF REFERENCE

HEALTH CLAIMS OTHER THAN THOSE REFERRING TO THE REDUCTION OF DISEASE RISK AND TO CHILDREN'S DEVELOPMENT AND HEALTH

EFSA should in particular consider, and provide advice on the following aspects:

- Whether adequate information is provided on the characteristics of the food pertinent to the beneficial effect.
- Whether the beneficial effect of the food on the function is substantiated by generally accepted scientific evidence by taking into account the totality of the available scientific data, and by weighing the evidence. In this context EFSA is invited to comment on the nature and quality of the totality of the evidence provided according to consistent criteria.
- The specific importance of the food for the claimed effect. For functions affected by a large number of dietary factors whether a reference to a single food is scientifically pertinent.

In addition, EFSA should consider the claimed effect on the function, and provide advice on the extent to which:

- the claimed effect of the food in the identified function is beneficial.
- a cause and effect relationship has been established between consumption of the food and the claimed effect in humans and whether the magnitude of the effect is related to the quantity consumed.
- where appropriate, the effect on the function is significant in relation to the quantity of the food proposed to be consumed and if this quantity could reasonably be consumed as part of a balanced diet.
- the specific study group(s) in which the evidence was obtained is representative of the target population for which the claim is intended.

- the wordings used to express the claimed effect reflect the scientific evidence and complies with the criteria laid down in the Regulation.

When considering these elements EFSA should also provide advice, when appropriate:

- on the appropriate application of Article 10 (2) (c) and (d) in the Regulation, which provides for additional labelling requirements addressed to persons who should avoid using the food; and/or warnings for products that are likely to present a health risk if consumed to excess.

APPENDIX B**EFSA DISCLAIMER**

The present opinion does not constitute, and cannot be construed as, an authorisation to the marketing of the food/food constituent, a positive assessment of its safety, nor a decision on whether the food/food constituent is, or is not, classified as foodstuffs. It should be noted that such an assessment is not foreseen in the framework of Regulation (EC) No 1924/2006.

It should also be highlighted that the scope, the proposed wordings of the claims and the conditions of use as proposed in the Consolidated List may be subject to changes, pending the outcome of the authorisation procedure foreseen in Article 13(3) of Regulation (EC) No 1924/2006.

APPENDIX C

Table 1. Health claims related to various microorganisms, a combination of *L. acidophilus* BCCM/LMG P-18806, *L. delbrueckii* BCCM/LMG P-18805 and *S. thermophilus* BCCM/LMG P-18807, including conditions of use, as proposed in the framework of further assessment.

ID	Food or Food constituent	Health Relationship	Proposed wording
2946	<i>Lactobacillus acidophilus</i> BCCM/LMG P-18806	<p>Is a probiotic;</p> <p>Contributes to a healthy digestive system by supporting the gut flora through an increased number of positive lactobacillus in the intestine;</p> <p>useful to maintain a healthy intestinal flora by adhering to the mucosa;</p> <p>Improves intestinal barrier function by competing (steric encumbrance) against pathogens;</p> <p>Reduces gastro-intestinal discomfort;</p> <p>Necessary to maintain a healthy digestive system by production of specific enzymes (eg: betagalactosidase).</p>	<p>The probiotic mixture (constituted by <i>L. acidophilus</i> P-18806, <i>L. delbrueckii</i> P-18805 and <i>St. thermophilus</i> P-18807) maintains the balance of healthy intestinal microflora and regulates intestinal functionality by replacing normal, natural microflora (especially after antibiotic/antimycotic treatment) which contributes to reducing gastro-intestinal discomfort which, for example, could be due to problems in lactose digestion.</p>
<p>Conditions of use</p> <p>Being 'Generally Recognized as Safe' (GRAS) by the Food and Drug Administration, this health claim is destined for the general population.</p> <p>The advised condition of use of this constituent is of at least 1×10^7 ufc per day.</p> <p>Since this product's release on the market, there have not been any reported cases of undesirable side effects due to this nutrient, however, italian national law imposes the use of these precautions on the product label: Do not exceed the indicated dosage; Keep out of reach of children under three years of age; The intake of this supplement is not meant as a substitute to a balanced diet and healthy lifestyle.</p> <p>This product is presented in a soluble powder form. Dissolve the content of one sachet in water or warm milk, and drink immediately. Should be consumed, preferably, on an empty stomach.</p> <p>(The <i>L. acidophilus</i> P-18806, exerts its action in mixture with <i>L. delbrueckii</i> P-18805 and <i>St. thermophilus</i> P-18807 so the same claim is proposed for all these three strains.)</p>			
ID	Food or Food constituent	Health Relationship	Proposed wording
2947	<i>Lactobacillus acidophilus</i> BCCM/LMG P-18806	<p>Increases the immune defences/response by reducing the CD34+ cells.</p> <p>As recommended by PASSCLAIM, the functional capacity of the immune system has been assessed by:</p>	<p>The probiotic mixture (constituted by <i>L. acidophilus</i> P18806, <i>L. delbrueckii</i> P-18805 and <i>St. thermophilus</i> P-18807) helps to support body's natural</p>

		<p>- measuring specific cell function in vivo e.g. production of cytokines or response to antigens</p> <p>-determining the incidence and severity of infection;</p> <p>Necessary to maintain the natural defences/helps to maintain a balanced immune system (reducing the CD34+ cells).</p>	defences or helps to support the development of the immune system.
<p>Conditions of use</p> <p>Being 'Generally Recognized as Safe' (GRAS) by the Food and Drug Administration, this health claim is destined for the general population.</p> <p>The advised condition of use of this constituent is of at least 1x10⁷ ufc per day.</p> <p>Since this product's release on the market, there have not been any reported cases of undesirable side effects due to this nutrient, however, italian national law imposes the use of these precautions on the product label.</p> <p>Do not exceed the indicated dosage; Keep out of reach of children under three years of age; The intake of this supplement is not meant as a substitute to a balanced diet and healthy lifestyle.</p> <p>This product is presented in a soluble powder form. Dissolve the content of one sachet in water or warm milk, and drink immediately. Should be consumed, preferably, on an empty stomach.</p> <p>(The <i>L. acidophilus</i> P-18806, exerts its action in mixture with <i>L. delbrueckii</i> P-18805 and <i>St. thermophilus</i> P-18807 so the same claim is proposed for all these three strains.)</p>			
ID	Food or Food constituent	Health Relationship	Proposed wording
2951	<i>Lactobacillus delbrueckii</i> BCCM/LMG P-18805	<p>Is a probiotic;</p> <p>Contributes to a healthy digestive system by supporting the gut flora through an increased number of positive lactobacillus in the intestine;</p> <p>useful to maintain a healthy intestinal flora by adhering to the mucosa;</p> <p>Improves intestinal barrier function by competing (steric encumbrance) against pathogens;</p> <p>Reduces gastro-intestinal discomfort;</p> <p>Necessary to maintain a healthy digestive system by production of specific enzymes (eg: betagalactosidase).</p>	The probiotic mixture (constituted by <i>L. acidophilus</i> P-18806, <i>L. delbrueckii</i> P-18805 and <i>St. thermophilus</i> P-18807) maintains the balance of healthy intestinal microflora and regulates intestinal functionality by replacing normal, natural microflora (especially after antibiotic/antimycotic treatment) which contributes to reducing gastro-intestinal discomfort which, for example, could be due to problems in lactose digestion.
<p>Conditions of use</p> <p>Being 'Generally Recognized as Safe' (GRAS) by the Food and Drug Administration, this health claim is destined for the general population.</p> <p>The advised condition of use of this constituent is of at least 5x10⁶ ufc per day.</p>			

<p>Since this product's release on the market, there have not been any reported cases of undesirable side effects due to this nutrient, however, Italian national law imposes the use of these precautions on the product label:</p> <p>Do not exceed the indicated dosage; Keep out of reach of children under three years of age; The intake of this supplement is not meant as a substitute to a balanced diet and healthy lifestyle.</p> <p>This product is presented in a soluble powder form. Dissolve the content of one sachet in water or warm milk, and drink immediately. Should be consumed, preferably, on an empty stomach.</p> <p>(The <i>L. delbrueckii</i> P-18805, exerts its action in mixture with <i>L. acidophilus</i> P-18806 and <i>St. thermophilus</i> P-18807 so the same claim is proposed for all these three strains.)</p>			
ID	Food or Food constituent	Health Relationship	Proposed wording
2952	<i>Lactobacillus delbrueckii</i> BCCM/LMG P-18805	Increases the immune defences/response by reducing the CD34+ cells. As recommended by PASSCLAIM, the functional capacity of the immune system has been assessed by: - measuring specific cell function in vivo e.g. production of cytokines or response to antigens - determining the incidence and severity of infection; Necessary to maintain the natural defences/helps to maintain a balanced immune system (reducing the CD34+ cells).	The probiotic mixture (constituted by <i>L. acidophilus</i> P18806, <i>L. delbrueckii</i> P-18805 and <i>St. thermophilus</i> P-18807) helps to support body's natural defences or helps to support the development of the immune system.
<p>Conditions of use</p> <p>Being 'Generally Recognized as Safe' (GRAS) by the Food and Drug Administration, this health claim is destined for the general population.</p> <p>The advised condition of use of this constituent is of at least 5x10⁶ ufc per day.</p> <p>Since this product's release on the market, there have not been any reported cases of undesirable side effects due to this nutrient, however, Italian national law imposes the use of these precautions on the product label: Do not exceed the indicated dosage; Keep out of reach of children under three years of age; The intake of this supplement is not meant as a substitute to a balanced diet and healthy lifestyle.</p> <p>This product is presented in a soluble powder form. Dissolve the content of one sachet in water or warm milk, and drink immediately. Should be consumed, preferably, on an empty stomach.</p> <p>(The <i>L. delbrueckii</i> P-18805, exerts its action in mixture with <i>L. acidophilus</i> P-18806 and <i>St. thermophilus</i> P-18807 so the same claim is proposed for all these three strains.)</p>			
ID	Food or Food constituent	Health Relationship	Proposed wording
2974	<i>Streptococcus thermophilus</i> BCCM/LMG P18807	Is a probiotic; Contributes to a healthy digestive system by supporting the gut flora through an increased number of positive lactobacillus in the intestine; useful to maintain a	The probiotic mixture (constituted by <i>L. acidophilus</i> P-18806, <i>L. delbrueckii</i> P-18805 and <i>St. thermophilus</i> P-18807) maintains the balance of healthy

		<p>healthy intestinal flora by adhering to the mucosa; Improves intestinal barrier function by competing (steric encumbrance) against pathogens; Reduces gastro-intestinal discomfort; Necessary to maintain a healthy digestive system by production of specific enzymes (eg: betagalactosidase).</p>	<p>intestinal microflora and regulates intestinal functionality by replacing normal, natural microflora (especially after antibiotic/antimycotic treatment) which contributes to reducing gastro-intestinal discomfort which, for example, could be due to problems in lactose digestion.</p>
<p>Conditions of use Being 'Generally Recognized as Safe' (GRAS) by the Food and Drug Administration, this health claim is destined for the general population. The advised condition of use of this constituent is of at least 10⁹ ufc per day. Since this product's release on the market, there have not been any reported cases of undesirable side effects due to this nutrient, however, Italian national law imposes the use of these precautions on the product label: Do not exceed the indicated dosage; Keep out of reach of children under three years of age; The intake of this supplement is not meant as a substitute to a balanced diet and healthy lifestyle. This product is presented in a soluble powder form. Dissolve the content of one sachet in water or warm milk, and drink immediately. Should be consumed, preferably, on an empty stomach. (The <i>St. thermophilus</i> P-18807, exerts its action in mixture with <i>L.acidophilus</i> P-18806 and <i>L.delbrueckii</i> P-18805 so the same claim is proposed for all these three strains.)</p>			
ID	Food or Food constituent	Health Relationship	Proposed wording
2975	<i>Streptococcus thermophilus</i> BCCM/LMG P18807	Increases the immune defences/response by reducing the CD34+ cells. As recommended by PASSCLAIM, the functional capacity of the immune system has been assessed by: -measuring specific cell function in vivo e.g. production of cytokines or response to antigens -determining the incidence and severity of infection; Necessary to maintain the natural defences/helps to maintain a balanced immune system (reducing the CD34+ cells).	The probiotic mixture (constituted by <i>L. acidophilus</i> P18806, <i>L. delbrueckii</i> P-18805 and <i>St. thermophilus</i> P-18807) helps to support body's natural defences or helps to support the development of the immune system.
<p>Conditions of use Being 'Generally Recognized as Safe' (GRAS) by the Food and Drug Administration, this health claim is destined for the general population. The advised condition of use of this constituent is of at least 4 x 10⁹ ufc per day. Since this product's release on the market, there have not been any reported cases of undesirable side effects due to this nutrient, however, Italian national law imposes the use of these precautions on the product label: Do not exceed the indicated dosage; Keep out of reach of children under three years of age; The intake of this supplement is not meant as a substitute to a balanced diet and healthy lifestyle. This product is presented in a soluble powder form. Dissolve the content of one sachet in water or warm milk, and drink immediately. Should be consumed,</p>			

preferably, on an empty stomach.

(The *St.thermophilus* P-18807, exerts its action in mixture with *L. acidophilus* P-18806 and *L. delbrueckii* P-18805 so the same claim is proposed for all these three strains)

GLOSSARY AND ABBREVIATIONS

AFLP	Amplified fragment length polymorphism
ARDRA	Amplified rDNA restriction analysis
BCCM/LMG	Belgian Co-ordinated Collections of Microorganisms/Laboratorium voor Microbiologie, Universiteit Gent
DNA	Deoxyribonucleic acid
PAGE	Polyacrylamide gel electrophoresis
PCR	Polymerase chain reaction
PFGE	Pulsed field gel electrophoresis
Rep-PCR	Repetitive extragenomic palindromic – PCR
RNA	Ribonucleic acid