



Vol. 4, Issue 1

January 2019 €36

www.vitafoodsinsights.com





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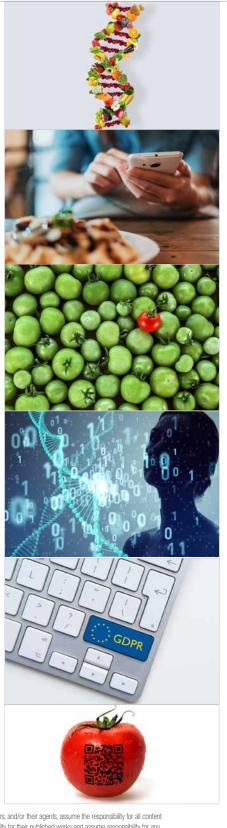
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## Market matters

**Globally, consumers** are getting to tighter grips with their health and thanks to the rise of technology, it's becoming easier to take control of nutrition choices to support better wellbeing. More and more people are resorting to self-solving their individual health questions through nifty digital apps and solutions, but with this empowerment comes a greater demand for tailored answers.

Although personalised nutrition is nothing new to our ears, advancing technology and enabled consumers are driving the market at such a pace that it can become difficult to keep up with the change. In past years, personalised nutrition has been an exciting concept, but one that lacked definition and needed more work before promise could be delivered. Well, arguably, we're in the early stages of that now. There are some meaningful, targeted health offerings on the market all geared toward supporting consumers in their health and nutrition efforts.

As the market continues to see more innovation, naturally, an array of new questions arise. Both established brands and newcomers to the market want to know what tickles their customers' fancy, so keeping up with consumer trends (page 4) is paramount to staying in the game and gaining buy-in. As we continue to lean on technology to bring personalised solutions to light, we can't ignore how tricky it can be to navigate the digital landscape – especially with the recent GDPR law that was passed last year. Head to page 16 where Kristof Van Quanthem walks us through where personalised nutrition stands in relation to legal compliance.

With big changes on the horizon, we can't help but be excited about what's still to come from the emerging and growing market of personalised nutrition.



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## **Consumer evolution**

#### What do they really want from personalised nutrition?

by Mariette Abrahams

Personalised nutrition is hot. Interest in nutrition and health is at an all-time high, and consumer demand for hyper-personalised products and services across the globe is rising. The personalised nutrition industry is only emerging but has expanded rapidly as lines between industries become increasingly blurred. From food to devices and personalisation based on taste, the industry is driven by increasingly connected, educated and vocal consumers. In this article, we identify three key consumer trends that are driving the personalised nutrition industry.



#### 1. Driver: Confusion

#### Trend: Using technology to simplify decision-making

There is a lot of information online on food, nutrition and health. However, more is not necessarily better. The recent U.S. International Food Information Council (IFIC) Food & Health survey showed that 80% of consumers found information on food and nutrition conflicting, and 59% said this conflicting information makes them doubt their choices.1

This confusion is one reason consumers flock to technologies to help them to make the process of choosing foods and products easier—food choices people make an average of 200 times a day. From choosing nut-free to low salt, or shopping in-store to online, technologies are removing the burden and challenge of having to choose from a wave of products that help consumers to meet their health goals. There has been a rapid growth in smart-eating apps and



platforms that can help the majority of lifestyle consumers who are looking for easy health hacks to swap to healthier options, suggest easy recipes, or provide small nudging suggestions for a healthier lifestyle. Many apps and platforms are available on a subscription basis or freemium basis, and retailers are increasingly adopting these technologies to help their customers stay healthy.

#### 2. Driver: Prevention

#### Trend: Personalisation in dietary pattern and behaviour change

Consumers don't eat ingredients and products, they eat meals—and experts recently stressed the importance of looking at dietary patterns and diet quality rather than individual ingredients when looking at health outcomes. According to a Nielsen (2017) report, approximately 64% of consumers follow some type of dietary restriction, whether for medical or personal reasons.<sup>2</sup> Looking at the IFIC report, these dietary patterns can range from intermittent fasting to the Mediterranean diet, whilst plant-based eating is a current strong trend driving personalisation. This brings us to the key driver of disease prevention. Consumers are increasingly interested in preventative measures that will help them improve or maintain their health status to delay or prevent the onset of diseases. This means consumers are adopting dietary patterns that suit their lifestyle and beliefs, and expect companies to know and understand exactly what it is that they need, based on the information they provide or that companies have collected from them. It is no surprise that mass marketing is out, and hyper-personalised messages are in.

While Mintel reported recently that 42% of UK consumers would be interested in having a personalised diet based on their DNA,<sup>3</sup> it is important to note that the majority of consumers are not drawn to the lure of diagnostic products and are interested in personalised food and products that are based on science to help them improve their health.<sup>1</sup>

#### 3. Driver: Purpose

## Trend: A move away from brand loyalty and focus on products that match personal needs and have social impact

The prevention driver is also linked to a rise in self-diagnosis and DIY health solutions leading to consumers being less brand-loyal and shopping around for solutions that best match their values, their level of commitment to change, and their personal needs. Personal needs go beyond just a health goal. As sustainability, climate change and income disparity become growing areas of concern, consumers are changing their consumption behaviours—increasingly cooking at home, buying local produce and reducing food waste.

It is obvious there is no lack of opportunity and innovation in the personalised nutrition space, yet there is also a long way to go.



There is no lack of opportunity and innovation in the personalised nutrition space, yet there is also a long way to go.

#### How can businesses adapt their marketing strategy?

Consumers are more wary of marketing and advertising tactics that aim to confuse and mislead. Authenticity, transparency, credibility and data-driven strategies should form the hallmark of any marketing campaign. Engaging consumers with educational and entertaining content that is science driven but easy to understand will help them visualise how products could easily fit into their lifestyle and why.

Interestingly, consumers currently spend on average around six hours per day on their phone, meaning anyone making false or misleading claims can be called out online, and any misleading claims can be easily researched with the wealth of information resources available online. Understanding consumer behaviour through data-driven insights is important to create the best customer experience. However, insights are only as good as the analyst and the type of data collected and, therefore, are easily biased. It is also important to understand the context of the behaviour and, for that, it may be

#### Shoppable content

useful to obtain an external independent opinion.

Finally, shoppable content is the current buzzword. If your content, whether it is video, blog, vlog or article, is not shoppable—meaning the target consumer cannot add a product immediately to a shopping cart—it's time to ramp up your online digital strategy and team up with a digital agency. Omnichannel shopping is on the rise with Nielsen predicting that 70% of sales will be online by 2025.<sup>2</sup>



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## Head in the game

Talking tactics for consumer buy-in

by Charlotte Bastiaanse

**Through technology advances**, consumers know more about themselves and their health than ever before. Naturally, this has led to consumers demanding products tailored to their personal health conditions and lifestyle. Consequently, personalised nutrition is an ever-rising area of interest for both suppliers and consumers. Businesses are talking to shoppers more than ever before, and consumers are talking back.

#### Where businesses need to be present

Consumers are choosing to shop horizontally, rather than vertically, and will take into consideration factors such as price, value for money, location, and convenience. Currently, the personalised nutrition market is flooded with options, and businesses are under pressure to find the right communication avenues to reach their target market.

Companies are focusing on optimising their marketing efforts through myriad channels – using forms ranging from online, direct mail, and face-to-face interaction to television and radio advertising. Consumers are curating their own set of preferred content channels; they increasingly select brands or products linked to information they find attractive and relative to them. Consequently, businesses are targeting consumers through more sophisticated content marketing strategies.

Brands must have a presence in as many digital and physical places as possible in order to maximise their reach and engagement with their target market. With the rise of online shopping, a brand's identity needs to be clear and online platforms need to be easy to navigate to prevent losing the interest of the consumer.





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#### **Engaging the consumer**

Once consumers visit an online platform, usually in the form of a website, businesses will seek to personalise the visitor's experience and target their offerings, often by collecting data in the form of a questionnaire or digital form. If consumers choose to physically engage with a brand, they may be asked for 'input data' in the form of a blood test or saliva swab, for example.

The information consumers give up almost always pertains to their personal health and wellbeing, and therefore must be treated with the confidentiality it deserves. Furthermore, consumers choose to give businesses their personal data because they perceive they will receive value of some sort in return. It's important for businesses to deliver on this return of data as this will, in turn, promote a consumer's commitment and loyalty to a brand.

#### Macro trends

Particular granular trends are driving the personalised nutrition market:

#### Snacking

Globally, people are encouraged to eat smaller meals throughout the day rather than fewer, larger meals. Snackification is on the rise with many consumers seeking alternative ways to achieve their target nutrient intake – for example, vegetables delivered in the form of healthy crisps in a bag rather than a conventional side dish. Of course, this can raise the question of whether foods retain their nutrient values when converted to snack form.

In addition to snackification, consumers also look for food forms that make eating convenient. Consider the market dominance of products that have already been measured or portioned, such as sachets that can easily be taken to work in a person's bag, or cereal protein bars that do not require milk.

#### **Delivery forms**

Interest in achieving optimal nutrition intake through food form instead of conventional pills, supplements and tablets is also still trending. Often in favour are products in squeeze packs, sachets, gummies, vita-straws, beverages and even chewing gums. Ingredient suppliers and product formulators need to be mindful of the continued trend and focus on product innovation. Gen Z, for example, is not going to be lining up 10 pills per day.





One innovative supplier sought to adapt its delivery form strategy to meet desires of the current generation by launching a vaping liquid with nutritional benefits. Although met with controversy and regulatory challenges, the effort to offer nutrition through vaping reflects an effort to meet consumers with a delivery form that is familiar to them.

#### Convergence in the marketplace

Across the market, traditionally drawn lines are being blurred. Multiple types of convergence are happening across categories. For example, collagen for 'beauty from within' is now being offered in food form, and usually in appropriate, researched amounts.

Retailers are also seeing channel convergence with many consumers moving away from physical retail and toward digital and online platforms. They especially seek out convenience in delivery, making use of direct home and work delivery, or 'click-and-collect' stores.

On the technology side, consumers no longer need to consult a nutritionist for a general health and wellbeing evaluation. Many mobile and online apps offer diagnostics for biomarkers such as steps per day, sleep patterns, and body mass index; the new Apple Watch can track heartbeat and rhythm, and alert users to irregular patterns. The convergence between health care diagnoses and apps or tools to track and manage certain health conditions opens up many possibilities. Where nutrition and pharma may play a role is still to be seen.

Revisiting the topic of media, consumers have moved away from formal research and toward their preferred and various channels of influence for information. In terms of format, people increasingly look for easily digestible content like video clips and infographics.

#### **Customised nutritional programmes**

The speed of innovation and technology today means consumers are more empowered than ever. But, at the same time, the variety in choice often leaves them feeling confused. They see an array of tactics but may not necessarily understand an integrated application into their daily health and wellness needs. Consumers have access to a range of content and personal data insights, but there is no single digital platform to bring the information together for them and compile a personalised nutrition outline.

This lack of ability to customise for themselves is why consumers are attracted to companies that offer personalisation, such as meal kits tailored to specific meal requirements, like keto, vegan, gluten-free, or calorie controlled for weight loss. Consumers will continue to seek out ready-made solutions, targeted at their personal health needs.

#### Looking to the future

It is necessary for businesses to actively and consistently understand the evolution of the consumer. Keeping up to date with the direction of purchasing decisions and consumer needs is one aspect of guiding a brand's success, but companies must also be prepared to adapt strategies accordingly. Businesses are increasingly advised to promote their brand through storytelling. However, some of these stories are made-up, which compromises transparency as consumers do not tolerate dishonesty. A company's brand and origin story should be in the DNA of the business. Companies should also adhere to their morals and beliefs, and communicate these clearly to consumers. For example, a company founded on sustainability should explain to the consumer exactly how those efforts are being achieved and through what initiatives. Consumers may not necessarily absorb everything, but will appreciate that information being available to them.



In recent years we have seen an evolving trend in wellness, health and prevention and consumers are looking to tackle their needs with broader and more holistic solutions than ever before. The main factors of health such as health behaviour, the environment, genetic predisposition, the microbiome and access to healthcare can certainly be influenced by nutrition, physical activity, mental wellness, considering valuable information and then following up with related health actions.

## Digital health and how it impacts consumers and the nutrition category

Digital health-related tools include mobile health apps, wearable sensors, web-based applications, and telemedicine, for example, and can support consumers in improving health outcomes. Modern consumers are far more actively engaged in making decisions about their health and nutrition than in previous decades. Digital health tools can empower consumers in many ways to take health-related actions according to their personal needs.

Access to digital apps allow consumers to shop for healthier food and beverages based on individual health goals—like avoiding certain allergens or particularly ingredients like salt—using apps like ShopWell. Other tools such as Lifesum make it easy to track food and physical exercise to optimise diet, fitness and body weight goals. These tools are equipped with artificial intelligence (AI), which, by gathering more data over time, allows them to further adapt to individual needs and preferences. Consumers are also increasingly interested in natural products and are seeking full transparency related to the components and ingredients in the products they buy. They want to avoid artificial ingredients, preservatives, and synthetic colourants, and apps like Foodocate make it easy to check the composition of a product and make informed buying decisions.

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The nutrition industry should further support consumers in their digital health journey by building reliable and validated digital tools and platforms to support them in healthy lifestyle decisions. Data from consumer apps and wearables can also be valuable in better understanding consumer preferences and adjusting new product development accordingly. For products targeting specific health benefits, such as functional food or food supplements, digital tools can be used to collect health and behaviour data directly at the front end from consumers. This is also valuable for consumers as they can track progress by using specific products or changing certain behaviours in a very personalised manner. Thus, in the future it may be possible to test the efficacy of products directly on individuals.

#### Data acauisition

The proliferation of digital health tools, including mobile health apps and wearable sensors, holds great promise for improving consumer health. More than 55% of the most downloaded health apps now use sensor data,1 with significant adoption of consumer wearables like Fitbit, Jawbone and Apple Watch driving this phenomenon. Detecting various health parameters and vital signs with accuracy, these connected sensors stand to replace complicated and dated devices found in doctor's rooms or rival clinical wearables, and may enable population-based screening and monitoring.

Digital sensors linked to apps are enabling innovation in three key areas: the creation of smart devices, digital diagnostics, and data collection generated from consumers. Digitally enabled smart devices are now used to target specific concerns, such as connected pens for diabetes and smart blisters packs to help improve consumer compliance when long-term consumption of certain products is critical for efficacy. New value is also generated through smart algorithms enabling the creation of digital biomarkers based on activity tracking including movement, daily steps, and sleep patterns. This could be used, for example, to provide an objective tool for consumers to check if a nutritional

product impacted the final desired health outcome.

At the same time, such approaches can help design real world clinical trials in a new way by gathering long-term data in a cost-efficient manner to further measure the efficacy and benefits of nutritional products. Over 850 clinical trials worldwide now incorporate digital health tools, primarily via apps and text message interventions to smartphones. This likewise should be an innovative and cost-effective way to do research in the nutrition area. For the area of personalised nutrition, this means individual needs could be deduced from digital information. As a simple example, digital sensors can detect factors like increased physical activity, weight gain, changes in sleep pattern, or unfavourable glucose blood levels, which can result in dedicated personalised information or recommendation for food and micronutrient intake, amongst other measures. Electronic medical health records (including genetic profiles) could also be used by apps, and analytical tools can estimate related dietary and behavioural needs. This is already

established through systems like 23andMe where certain elements of a person's genetic profile are fed into an app supporting the users with individual health and nutrition recommendations.

#### **Challenging areas**

Despite increasing progress and benefits, a range of concerns are still present around privacy, security and malpractice liability, financial incentives, and workflow integration. A variety of industry and policy initiatives have now emerged to address these barriers and accelerate the ongoing adoption of digital health tools.

With increasing health literacy and access to technology, consumers are becoming more health-smart and proactive towards self-care. This evolution from traditional 'reactive' to proactive and predictive consumer of healthcare leads to new expectations.

One of the next levels of innovation is certainly the further personalisation of products and services. Such approaches increase consumers' expectation for more individualised health offerings. The Quantified Self movement, initiated in Silicon Valley, is increasingly exploring the world of mainstream users.



With increasing health literacy and access to technology, consumers are becoming more health-smart and proactive towards self-care.

Everything gets connected and a broad range of stakeholders from healthcare professionals, online shopping platforms, health insurance companies to healthcare companies are interested in exploring biometric consumer data for different reasons. Data privacy is a big topic and dedicated solutions will evolve over time to make sure that individuals are protected properly.

#### Personalised nutrition of the future

For nutrition companies, the digitalisation of healthcare presents new opportunities to adopt innovative engagement strategies to drive growth. Companies can interact directly with consumers through digital platforms, and insights can be used to consider information for new product development, and to facilitate the collection of real world evidence for substantiating health claims or for informed marketing strategies.

Again, with increasing health literacy and access to technology, consumers are becoming more health-smart and proactive towards self-care. This evolution naturally leads to new expectations.

One of the next levels of innovation is the further personalisation of products and services. This is in line with 'empowered consumers' who are ready to take on responsibility for their specific health needs and look for solutions tailored to them. Newly generated scientific evidence deriving from the 'Human Genome Project', microbiome research, and other personalised nutrition research is supporting such individualistic approaches where individual prevention and treatment

strategies based on proper diagnostics may finally improve individual health outcome compared to mass market products. Personalisation offers companies a unique opportunity to better engage with consumers and build a stronger brand relationship.

From an industry perspective, there currently is no specific leader in this area as the capabilities to establish personalised solutions are spread across many industry sectors such as digital health, informatics and data management, diagnostics, consumer products, and health services.

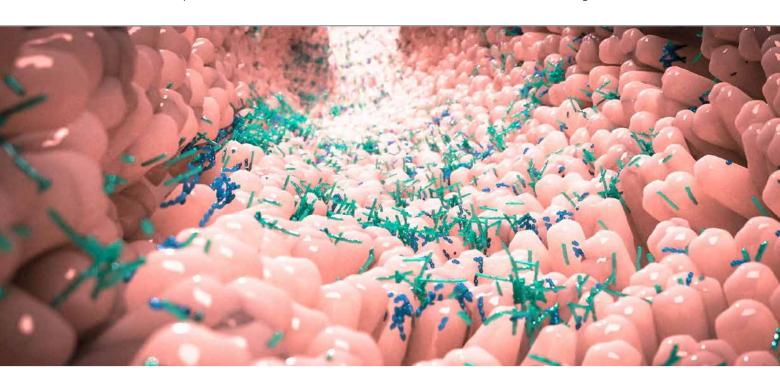
To develop solutions for consumer benefit successfully, smart collaboration between different stakeholders is needed. The industry must change its way of thinking by connecting relevant capabilities with a new and attractive business model for all stakeholders.

For current innovation and production processes (such as in multinational companies), more individualised product offerings seem like a major challenge. In many ways, it goes against the established industrialisation process characterised by scale, repetition and efficiency.

Obviously, start-ups and smaller players have the opportunity and capability to take advantage of these personalisation trends as they have greater flexibility. History shows that success stories in breakthrough areas start small in most cases and develop step by step. Further progress can be expected through new technologies, such as 3-D printing, robotic systems and AI, which help to manage involved costs and adapt more efficient industrial processes.

#### Tech innovation for future personalised nutrition analytics

Consumers are motivated by tracking their health and fitness indicators because they can influence their behaviour in a positive way and empower themselves to achieve their personal health goals. More detailed diagnostic tools such as genomics or microbiome analysis can identify individual needs and potential health issues. The application of AI and machine learning will be important in dealing with the 'big data' derived from such tests and other sources of health-related information. Algorithms that not only track the different health parameters but also make personalised recommendations on nutrition are needed. This is evolving into an





area of 'predictalytics'—meaning that through integration of different sources of growing individual health information, data can be analysed that will help to understand trends and react to them accordingly. Of course, this even

goes far beyond just nutrition.

#### The role of science and research

Nutrition needs to be considered within the greater context of health and related science. Each year, more than 800,000 scientific citations are added to Medline.<sup>2</sup> Looking over several decades of scientific literature, there are many controversial recommendations related to nutrition derived from related research.

This may be related to the fact that the application of clinical research methods for studying pharmaceuticals is not always an ideal fit for nutritionals. Another reason for conflicting research results in nutrition may derive from the individual differences of study subjects. Genetic predisposition and the human microbiome are of high relevance and we are just starting to understand certain aspects of these areas in relation to nutrition and health.

The human microbiome, as an example, seems to play a significant role in influencing the interactions between nutrition and body, and may even change the health status and psychological factors in a significant and broad way.

Research shows that the physiological response to dietary changes or supplementation is highly variable among individuals—what is good for one is not necessarily good for another. Recent studies show how impactful the influence of individual factors can be. In a study with a group of 312 volunteers receiving high-dosed omega-3 fatty acids, it was shown that many participants benefitted from the supplementation by showing reduced levels of triglycerides (TGs). However, there was a fraction of about 30 percent of the volunteers who responded with an increase of TGs. This shows that dietary intake recommendations may not always be suitable for the general population, but instead need to be individualised. In another trial with 262 type-II diabetes patients, it could be shown that with personalised nutrition recommendations, more than 50 percent of the participants were able to reduce or even abandon diabetes medication after 10 weeks.<sup>4</sup> Another example demonstrated that hypertension linked to a certain polymorphism (MTHFR 677TT genotype) is modifiable by enhancing riboflavin (vitamin B2) status. In this case, riboflavin may offer a personalised non-drug approach to managing hypertension.5

Currently, nutritional recommendations, safety considerations, and related regulations are based on the requirements of the average healthy

population, differentiated in terms of life-stage and sex. These values were established many years ago, before potential individual requirements were studied. Regulators require a certain dosing range of individual micronutrients and maximum levels, which can conflict with the concept of personalisation. Although the EU is preparing for a new era of nutrition towards 2050, we are still far away from dedicated regulations for personalised products.

The ultimate end goal is to improve public health, and when the solutions for this are based on further personalisation, this needs to be worked out over time. Personalised medicine involving the use of an individual's genetic and epigenetic information to tailor a drug therapy or preventive care is certainly evolving at fast pace demonstrating indirectly the potential benefits of tailored solutions for nutrition.

Volker Spitzer PhD has over 27 years of R&D, innovation and medical marketing experience in the academia, consumer health and natural ingredients industry. He has a background in chemistry/ pharmaceutical sciences and holds a doctorate in food chemistry and is state-certified in food law. He has authored over 65 papers and as of October 2017, he is Global Principal at IQVIA – responsible for strategic management consulting in the area of consumer health R&D/innovation.

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### Law and order

## Protecting consumer data and ensuring GDPR compliance

by Kristof Van Quathem

The development of personalised nutrition is making great strides.

The potential is enormous for our health and for commerce. Commerce has long picked up on this with plenty of offerings already on the market promising personalised diets and recommendations on the basis of an individual's biomarkers—such as metabolism, blood sugar levels, and even phenotype. While researchers lament the sometimes poor scientific underpinning of those offerings, universities and private companies are investing heavily in such research to create the next generation of personalised nutrition and nutrition advice.

#### We've got to talk about GDPR

Both the offering of personalised nutrition services and research into it raise significant questions under data protection laws in the EU. In May 2018, the General Data Protection Regulation (GDPR) went into effect. In addition, various national laws of EU countries have been amended to supplement the GDPR. Together, they create a mix of rules that is difficult to digest for companies and researchers. In this contribution we set out some of the main features of EU data protection law that affect personal nutrition efforts.

The GDPR applies to the collection, use and export of personal data, which is a very broad concept that may include data that does not directly reveal a person's identity. It would obviously include name, address, and associated data (like dietary preferences and test results) of an individual utilising a personalised nutrition service. But the concept is much broader than that. For example, key-coded data—which is regularly used in scientific research—is often still considered to be personal data (pseudonymised data) subject to the GDPR. Only truly anonymous data—a high standard to achieve in the EU—is considered outside the scope of the GDPR.

Much of the personal data collected in personalised nutrition offerings or used for research qualifies as 'special data' under the GDPR because it relates to the health of individuals or consists of genetic information. The concept of health data is interpreted broadly and includes glucose levels, sample test results and even body mass index (BMI).

#### What this means for personalised nutrition

The GDPR generally prohibits the collection and use of such special data unless a justification can be found in the GDPR or national law. For personalised nutrition offerings based on health data, the only available justification is through user consent. This consent must be explicit, informed and precise. It cannot be tied to uses that are unrelated to (or incompatible with) the offering. As a result, consent to use an individual's data for this type of service must be

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supplemented by separate consents for any unrelated uses—such as marketing or sharing the data with business partners. Individuals must be free to withdraw their consent at any time.

On the side of scientific research, the GDPR contains a number of broad and useful exceptions, among others with regards to consent. First, the GDPR accepts that consent for research can be broadly stated (so not particularly precise) because the objectives of scientific research can be difficult to predict and may change over time. The GDPR also contains even broader derogations in favour of scientific research and lifting consent requirements. Unfortunately, since the GDPR allows member states to maintain or create their own rules in relation to health and genetic data, these derogations do not always apply so broadly and remain subject to conditions and restrictions that may differ from one member state to the other.

#### Keeping consumers in the loop

Transparency is a fundamental feature of EU data protection law. Individuals must be informed about how their data will be used, who it will be shared with, where it will be stored, how long it will be retained, what rights may be exercised with respect to the data, and so forth. The GDPR significantly increased the required detail of this information. Therefore, drafting effective website and/or app privacy policies (and informed consent forms for research) has become particularly tricky, especially if efforts must be made to keep these texts short and easy to understand.

In addition, users of personalised nutrition services have certain rights with respect to their data. When collected on the basis of consent, they have the right to withdraw that consent and potentially the right to ask for deletion. They may also have a right to request data portability, which means they can ask the service provider to move their data to a competing provider. Invariably, users have a right to request access to their personal data, to obtain a copy of it and to request rectification if needed. These rights can be challenging to meet (especially considering the one-month standard deadline), and companies have struggled to put processes in place to comply with their obligations.

During the negotiation of the GDPR, one of the buzzwords was accountability—the ability of a company or research institute to demonstrate its compliance with the GDPR. In practice, this translates into various obligations, such as the obligation to implement appropriate security measures and appoint a Data Protection Officer when processing health data on a large scale. They also include the obligation to perform a 'privacy impact assessment' when rolling out



innovative technologies or services, as well as maintaining up-to-date 'records of processing operations' describing the collection and use of personal data.

#### **Beyond the EU**

For companies outside the EU, it is useful to know that borders do not necessarily stop the GDPR. This can occur in two ways. First, companies not established in the EU but targeting their services at EU residents are fully subject to the GDPR for the personal data they collect (regardless of the EU resident's nationality). Such companies have to appoint a representative in one of the EU member states where they collect personal data.

Second, if the relevant personal data was first collected in the EU (for example, by an affiliate or a business partner), these parties cannot transfer the data outside the EU without additional safeguards (unless the country of destination has been formally considered to offer 'adequate' protection by the EU, which is only the case for about a dozen countries so far). These safeguards occur most commonly in the form of dedicated transfer contracts and similar instruments, or in some cases (although less favoured by regulators), the individual's consent.

It goes without saying that in a complex regulatory regime like the GDPR, the sharing of (special) personal data is often complex. A number of options are nevertheless available. For example, parties could only share anonymous data; but, as indicated above, that is a high standard to meet and often data will lose much of its use if it is overly aggregated.





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Alternatively, the parties could rely on consent, but then the consent must be sufficiently clear and/or a new consent must be obtained for additional purposes, which is often difficult or undesirable. In new projects, parties can also present themselves as jointly responsible (joint controllers), which means each party can use the collected data even if those uses are not entirely similar, subject to the transparency requirement.

Overall, it would be rare for the GDPR to completely block reasonable data uses to develop and offer personalised nutrition services. But it does require some forward thinking about what data companies actually need, how they intend to use and share the data, and how they communicate this to the users. Making this effort early on in the process can help companies more easily develop services that are compliant and remain compliant as they develop. Think of it as a GDPR detox.

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## **Takeaways for Your Business**

**Personalised nutrition** is an ever-rising area of interest for suppliers and consumers, and there are no signs of slowing down any time soon. The market is hugely driven by the consumer evolution, and businesses are constantly needing to engage and adapt new strategies if they want to keep up. Analysing consumer trends and reacting quickly are paramount to a business's success in this competitive market.

When it comes to reaching the target market, brands need to adapt their strategies to have a presence in as many cyber and physical places as possible. Today's consumers are led by content, and have curated their own preferred channels. According to Innova Market Insights, eight in 10 consumers are more likely to buy brands that are honest and transparent about how and where products are produced – so businesses are encouraged to make use of storytelling as well as expand their content offering to win consumers.

Digital health is an emerging area driven by the advances of technology. Tools include devices and apps geared toward supporting consumers in improving their health and nutrition. Digital health tools can empower consumers in many ways to take health-related actions according to their personal needs. However, these systems typically rely on consumer data input to generate individualised solutions, which raises questions around protection of this confidential information. Businesses in Europe, and in fact across the world, cannot ignore the General Data Protection Regulation (GDPR) that came into effect in May 2018. The regulation is complexly layered, and it's important that businesses are clued up about

compliance with the GDPR and how they use consumer data.

In a market that is growing in its personalised nutrition offerings, businesses need to differentiate their brand, maximise their marketing strategies, stay alert to consumer trends and exercise compliance if they want to stay ahead of the game.



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