

# Nutrition labelling of foodstuffs

## Consultation document

### 1. Background

Nutrition labelling of foodstuffs is currently regulated by Directive 90/496/EEC, under which *nutrition labelling is optional*; it becomes *compulsory when a nutrition claim is made* in the labelling, presentation or advertising of a foodstuff.

The Directive also lays down a *standardised format* in which nutrition labelling must be presented; two types of declaration are provided for:

- Group 1 (basic information to be given when nutrition labelling is provided consisting of *energy, protein, carbohydrate and fat*)
- Group 2 (extended information required if a declaration is made for certain nutrients consisting of *energy, protein, carbohydrate, fat, saturates, sugars, sodium/salt and fibre*).

Rules about the optional provision of information on other nutrients and technical rules regarding the presentation of the information are also included in the Directive.

Finally, the Directive also requires that a report on the application of the Directive shall be submitted to the European Parliament and to the Council and that it be accompanied with appropriate proposals for amendments.

### 1.2 Consultation on application/revision of the nutrition labelling Directive

In January 2003, the Health and Consumer Protection Directorate General launched a survey, in the form of a questionnaire, on the application of Directive 90/496/EEC and on the desirability of revising it. The questionnaire included specific questions that identified the main issues that should be addressed.

There were 52 responses, of which: 14 from governments; 25 from the food industry; 6 from NGOs (consumers, health groups) and 6 from retailers/catering. All comments are now available on the SANCO Website:

[http://europa.eu.int/comm/food/fs/fl/fl02a\\_en.html#Nutrition%20labelling](http://europa.eu.int/comm/food/fs/fl/fl02a_en.html#Nutrition%20labelling)).

On the basis of these responses the Health and Consumer Protection Directorate General services have prepared a draft report on the application of Directive 90/496/EEC.

The responses show that overall Member States and stakeholders welcome a revision of the Nutrition Labelling Directive. While all agree that the focus should be on the simplification of nutrition labelling legislation in order to better serve the end user (consumers), agreement regarding the nature of the declaration (mandatory/voluntary) and the actual content and format of nutrition labelling was less clear.

Consequently, and before proceeding with the preparation of any concrete proposals for amending of Directive 90/496/EEC, the Health and Consumer Protection Directorate General services consider it useful to pursue the consultation on the basis

of more targeted considerations. These are set out in Section 2 below and interested stakeholders are invited to comment. These targeted considerations are limited, at this stage, to issues that would be dealt with in proposals for measures amending Directive 90/496/EEC to be adopted by the European Parliament and the Council.

The draft report on the application of Directive 90/496/EEC is also made available and comments are also invited on it.

## **2. Elements to be considered in the context of the revision of nutrition labelling**

### **2.1 Towards mandatory nutrition labelling**

The vast majority of Member States that answered the aforementioned consultation were in favour of mandatory nutrition labelling for pre-packaged foods provided that:

- The information given is short and relevant.
- There are appropriate exemptions for certain foods/certain small packages.

Consumer organisations and NGOs with an interest in the area of health were in favour of mandatory nutrition labelling.

The majority of the food industry did not oppose outright mandatory nutrition labelling but stressed the considerable burden it would pose for Small and Medium Enterprises (SMEs). The latter were against mandatory nutrition labelling considering that such measures would result in a considerable burden on their resources. Retailers also expressed strong opposition to mandatory nutrition labelling.

**Consideration should be given** to making a list of elements/nutrients **mandatory** for all pre-packaged food, subject to appropriate *transition periods* and *derogations*.

### **2.2 The mandatory list of elements/nutrients in nutrition labelling**

A mandatory list should reflect key elements/nutrients in relation to the reduction of risk of chronic diseases, in particular cardiovascular disease and obesity as have been identified by authoritative international and national organisations. It should also be consistent with nutrition related public health messages. The mandatory information required to appear on food labels of products marketed in the USA, comprising no less than 14 elements/nutrients, would serve as a model of the most extensive of such a mandatory list. All products exported from the EU to the USA have to bear this information. On the other hand a minimum mandatory list could consist of Group 1 (*energy, protein, carbohydrate and fat*) of the current EU Directive. This list, however, would not provide information on some nutrients which are very relevant to reduction of risk of chronic diseases. An intermediate list would consist of Group 2 (*energy, protein, carbohydrate, fat, saturates, sugars, sodium/salt and fibre*) of the current EU Directive maybe with the addition of *trans fatty acids*.

However, from the consultation on this point it emerged that a mandatory list of nutritional information needs to be *short* in order to:

- Gain acceptance for the concept of mandatory nutrition labelling.
- Be comprehensible by consumers and enhance use and understanding of the information by them.

- Gain acceptance from and be feasible for industry, particularly SMEs.

**Consideration should be given**, therefore, to making mandatory the declaration on all foodstuffs of a short list of elements/nutrients as follows:

<b>Energy</b>	:
<b>Fat</b>	:
- of which <i>saturates</i>	:
<b>Carbohydrates</b>	:
- of which <i>sugars</i>	:
<b>Salt/Sodium</b>	:

### 2.3 Additional nutrients/components that may need to be declared

It has to be noted that “protein” and “fibre” are not included in the above mandatory list. The main reason for this is to keep the list short. In addition, the intake of protein in the EU, is considered adequate, not much in excess and not related to any chronic disease.

This choice may be questioned. However, as is currently the case, it should remain possible to declare on a voluntary basis a number of selected nutrients or components of nutrients included in a defined list. This should include protein and fibre. Given the positive image that both fibre and protein can confer to a product it is very likely that they would often be included voluntarily in additional nutrition labelling of products.

Furthermore, as is currently the case and in line with the Proposal on Nutrition and Health Claims, *it should be compulsory to declare* any other nutrient or component of a nutrient for which a *claim* is made.

**Consideration should be given**, therefore, to continue to allow the **additional, voluntary declaration** of certain nutrients or components of nutrients (such as: protein, fibre, mono- and polyunsaturates, vitamins and minerals), to be specified in a list, and to retain the obligation to declare in the nutrition labelling nutrients in respect of which a claim is made.

### 2.4 Transition periods and derogations

It is expected that the introduction of mandatory nutrition labelling would prove burdensome to varying degrees for some parts of the industry, notably SMEs. The Commission services would particularly appreciate relevant information which would facilitate the assessment of the impact of any proposals based on the above considerations.

Appropriate transition periods, and possibly permanent derogations for certain enterprises, will have to be considered. In addition, certain foods or categories of foods, such as foods with little contribution to energy/nutrient intakes e.g. spices, tea, coffee, water; small packs, might benefit from specific derogation.

Derogation could be granted directly in the Proposal and/or laid down through delegated powers to the Commission (Comitology). Suggestions on these particular issues would be most welcome.

**Consideration should be given**, therefore, to providing for appropriate **transition periods** and possibly **derogations** for SMEs, and to allow for further appropriate **derogations** for specified food or categories of food.

## 2.5 Reference quantity

The information on the nutrient composition of a food is presented as the amount of the nutrient in a reference quantity of the food. The reference quantity can be per 100g, per 100ml or per serving.

Most respondents to the consultation supported maintaining the current system of the declaration of nutrient content per 100g/ml, with the option for the manufacturer to also present information on a per serving basis. Consumers and health groups supported an obligatory dual declaration (i.e. per 100g/ml and per serving). However, such a requirement may not be feasible across all foods (due to space constraints) and may deter acceptance of mandatory nutrition labelling.

It is suggested that the option of providing nutrient content on a per serving basis should be maintained as consumer research on nutrition labelling shows that users value both presentations (i.e. per 100g/ml and per serving). In addition, per serving presentation is useful if consumers are to relate nutrient content of a particular food to their overall diet. Thus, the possibility could be provided to make additional per serving presentation *mandatory* through Comitology where servings can be defined at EU level.

**Consideration should be given**, therefore, to maintaining the obligation to declare nutrients on the basis of per **100g or 100ml**, with the option for the manufacturer to also present information on a **per serving** basis, and to provide for the possibility of making presentation per serving mandatory where servings can be defined at EU level.

## 2.6 Presentation of nutrition information and nutrition labelling formats

The format provided for in the current Directive is suitable for allowing consumers to compare the nutrient content of foods. However, as the objective of nutrition labelling is also to help consumers in evaluating the role of specific foods in their diet, modifications to the current format are no doubt required.

Consumer research should be undertaken in order to support future development of nutrition label formats. Such research would seek to investigate consumer views regarding format and layout (e.g. use of bold, highlighting, colour coding...), order of nutrients, graphical presentation (e.g. use of pie charts, bar diagrams...), language, legibility/font, accuracy of figures. It would also test several concepts to evaluate whether expression of nutrient intake in comparison with recommended daily intakes is appreciated by and useful to consumers, and how best to communicate the nutritional information (e.g. numerical and non numerical expression).

**Consideration should be given**, therefore, to providing the addition to or modification of format/layout rules may be fixed by the Commission (through Comitology) on the basis of relevant research.

### **3. *Revision of technical points***

The current Directive delegates power to the Commission to revise, in accordance with the Comitology procedure, certain technical rules which are very important for the overall provision of nutrition labelling. The principal elements that will need to be addressed are:

- Modification and/or updating of the list of energy conversion factors.
- Modification and updating of the list of vitamins and minerals and of their reference values included in the Annex of the current Directive.
- Rounding rules for nutrient declaration.
- Tolerance margins between the declared quantity of a nutrient on the label and the results of analysis by enforcement authorities.
- Definition for some nutrients, such as dietary fibre, trans-fatty acids, salt, organic acids, polyunsaturated fatty acids, etc.

Work on the above technical amendments should be undertaken in parallel to the main legislative procedure involving Council and the European Parliament in order to ensure that the revision of technical rules necessary for the implementation of the Directive are tackled in an appropriate time frame.