

## CONSULTATION

**Topic:** Food Labelling in the EU

**Start date of consultation:** Monday, 10<sup>th</sup> April 2006

**Closing date of consultation:** Wednesday, 31<sup>st</sup> May 2006

### Consultation details

Food labelling issues have generated much debate in recent times and as the EU have scheduled certain aspects of labelling legislation for review in 2006-2008; there is a need to identify as far as possible a coherent overall approach to labelling. With this in mind the EU have published a consultation document "*Labelling: Competitiveness, Consumer Information and Better Regulation for the EU*" which addresses the areas highlighted as a result of an external evaluation carried out on behalf of the EU which aimed to identify points on which to focus modernisation of labelling legislation.

The EU consultation paper includes the labelling of non food products which are outside the remit of the Food Safety Authority of Ireland (FSAI) and is not dealt with in this consultation note.

The FSAI welcomes your comments with regard to the EU consultation document and in particular in relation to the questions highlighted in this paper.

Responses should be submitted by 5pm on Wednesday, 31<sup>st</sup> May 2006 to:  
[consultation@fsai.ie](mailto:consultation@fsai.ie)

### Or via post to:

Consultations, Food Safety Authority of Ireland, Abbey Court, Lower Abbey Street, Dublin 1.  
Fax +353 1 817 1301

## GENERAL FOOD LABELLING AND NUTRITION LABELLING

Common labelling requirements applicable to all foodstuffs are laid down in horizontal legislation (Directive 2000/13/EC and related texts), whilst specific provisions for some foods are included in vertical legislation (e.g. cocoa and chocolate products, coffee and chicory etc). The existing horizontal labelling legislation consists of the following texts:

- Directive 2000/13/EC as amended by Directives 2001/101/EC (category name "meat") and 2003/89/EC (allergenic ingredients)
- Directive 87/250/EEC (indication of alcoholic strength)

- Directive 89/396/EC (lot indication)
- Directive 94/54/EEC (additional indications on labelling provided for in cases where certain ingredients are present) as last amended by Directive 2004/77/EC (glycyrrhizinic acid)
- Directive 1999/10/EC (indication of the quantity of volatile ingredients)
- Directive 2002/76/EC (foods containing caffeine or quinine)

***Question 1: Structure of the legislation***

- a) What is the most appropriate legislative instrument to implement these laws more homogeneously in the European market - should it be an EU regulation instead of a directive?
- b) How should the labelling provisions be brought together? - It would be very difficult to compile all specific information requirements applicable from fish to chocolate for example, in the same legislative package. Is it more feasible to recast all horizontal provisions in a single proposal - i.e. present, simplify and clarify the provisions currently spread across the horizontal legislation (see bullet points above) and bring them together in an Annex?

***Question 2: Scope of the legislation***

- a) Several key points will require clarification with regard to the scope of existing labelling legislation, for example, could the legislation distinguish the “information” that must be provided from that which should be available for the purchaser of the foodstuff, this purchaser being the final consumer, regardless of the place of consumption ( home or restaurant)
- b) Could the legislation have general rules for how the information is to be provided, depending on whether it is mandatory information or information that it would be useful to have available also taking into consideration whether the products are prepackaged or sold loose
- c) Could the legislation then stipulate that Member States decide on the detailed arrangements at national level where no implication arises on the single market

***Question 3: Provisions concerning some compulsory information***

- a) Should the approach concerning the information on durability be modified?

***Question 4: Alcoholic beverages***

The EU state that research shows that consumers have little interest in having information on all ingredients in alcoholic beverages but that they do express a desire to have information in cases where ingredients are added to “natural products” .

- a) What could be meant by “natural” in the case of alcoholic beverages
- b) What ingredients should be labelled on alcoholic beverages – should all ingredients be listed (currently an exemption exists for products with an alcoholic strength of more than 1.2%) or just those substances which are likely to have an adverse effect in certain groups of consumers – e.g. sulphites, should food improvements agents be labelled also?
- c) Should mixed drinks like Alco-pops be treated like all other foodstuffs regarding ingredient listing?

***Question 5: Voluntary information***

- a) Should the legislation provide for requirements to be fulfilled, or guidance to be followed with a view to preventing risk of misleading where voluntary information takes place?

***Question 6: Clear and readable labelling***

- a) Should the legislation be more prescriptive on format, size of the text, or could the objective be achieved through voluntary or soft legislation?

## **NUTRITION LABELLING**

Nutrition labelling of food 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 i.e. Nutrition information must be presented in either Group 1 or Group 2 format, depending on the nutrient that the claim is being made for.

Nutrition labelling in Group 1 format must declare the following where a nutritional claim is made for one or more of these nutrients:

- Energy value (specified numerically in kilo joules and kilo calories)
- Amount of protein, carbohydrate and fat (specified numerically in grams)

Group 2 format requires nutrition information to be given on a more extensive list of eight nutrients where a nutrition claim is made for sugars, saturates, fibre or sodium.

Nutrition labelling in Group 2 format must declare the following:

- Energy value (specified numerically in kilo joules and kilo calories)

- Amount of protein, carbohydrate, sugars, fat, saturates, fibre and sodium (specified numerically in grams)

There is a general consensus that the current system of nutrition labelling is not working and that it needs changing; however there is no agreement on the best way forward. The major issues to be addressed, many of which were covered in an EU consultation in 2003, include;

- a) Should nutrition labelling be mandatory? It is felt that mandatory labelling is useful, its introduction could adversely affect some businesses, especially smaller ones, who would find it hard to bear the costs. However, ways of minimising these, such as longer implementation dates, derogations for short production runs or low turnover businesses, providing tools or guidance to help implementation, could be considered.
- b) How much information is required? Providing too much information may be counterproductive, leading to consumer confusion about what is important and how the label should be used. Is there an optimum number of elements, i.e. energy and nutrients, that should be declared and, if so, what these should be?
- c) Should information on salt content be mandatory?
- d) Should information on transfatty acids be mandatory?
- e) Are there alternative formats for providing nutrition information? If the consumer finds difficulties in using the current numerical format then are there alternative, better, ways of providing nutritional information on labels?
- f) Where should the nutrition label be put? Simplified front of pack labelling ('signposting') may increase consumer use. How can this be taken forward in any revision of the legislation?
- g) Is there any benefit in having dual labelling – the 'traditional' label on the back of the pack with a signpost on the front?
- h) How important is presentation of the information? Consumers often complain that nutrition labels are poorly presented, making them difficult to use. In particular concern is expressed that the labels contain too much information and the type size is too small (especially when multi-lingual labels are used on products). Whilst it might be difficult to set down prescriptive rules on presentation, because of the many different types of packaging used, is this something that should be considered? Alternatively, would this be an opportunity for best practice to be developed by industry?

## **OTHER FOOD ISSUES – ORIGIN/WELFARE/GMOs/HEALTH**

### **Origin Labelling**

Common labelling requirements (name, composition, durability, etc.) applicable to all foodstuffs are laid down in horizontal legislation (Directive 2000/13/EC and related texts). In that framework, origin or provenance must be indicated in cases where consumers could be misled to a material degree on the true origin of the product. Specific labelling provisions detailing rules for the mandatory indication of origin/provenance are included in vertical legislation applicable to products ranging from fruits and vegetables to meat, eggs, fish, wine, honey and chocolate.

- a) Should there be a general mandatory indication of “Member State”/ “EU”/ “third country” origin applicable to all foodstuffs? However, how could the difficulties which could arise with products which include raw materials and ingredients from different origins (member states, third countries) be dealt with?
- b) Should there be a general mandatory indication or either “EU”/“third country” origin applicable to all foodstuffs?
- c) Should new rules be introduced to prevent misleading on the true origin of foodstuffs or raw material? for example, rules for situations where labels suggest or indicate a given origin but the information, though not false, is potentially misleading or deceptive (e.g. ham manufactured in a given country with meat from another).
- d) Should such rules be laid down in legislation or through guidelines?

### **Welfare Labelling**

The Community Action Plan on the Protection and Welfare of Animals, adopted in January 2006, foresees as one of the five main areas of action the introduction of standardised animal welfare indicators to classify the hierarchy of welfare standards applied (from minimum to higher standards). On this basis, options for labelling will be explored in a systematic manner.

### **GMO Labelling**

The labelling related to all genetically modified organisms (GMO) is currently regulated by Directive 2001/18/EC. In addition, specific labelling for food containing, consisting of, or produced from GMO is provided for in Regulation (EC) No 1829/2003. A detailed report on the implementation of the GMO labelling provisions for food and feed will be provided in the forthcoming EU report on the implementation of Regulation (EC) No 1829/200

## **Health warnings on alcoholic beverages**

Some Member States (France, Finland and Sweden) are planning to introduce health warning labels on alcoholic beverages containers to raise awareness on alcohol's negative health impact on the foetus. Such labelling measure proposed by France is viewed by the EU as an obstacle to the free movement of goods, but that the measure is justified and proportionate and therefore in accordance with Article 30 of the Treaty.

Facing this development in some Member States, views on the feasibility and viability of using warning labels on the containers of alcoholic beverages are welcome. The EU plan to publish an EU Alcohol Strategy later on in 2006.

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