



European Institute for Food Law

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Food Information to Consumers

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Overview

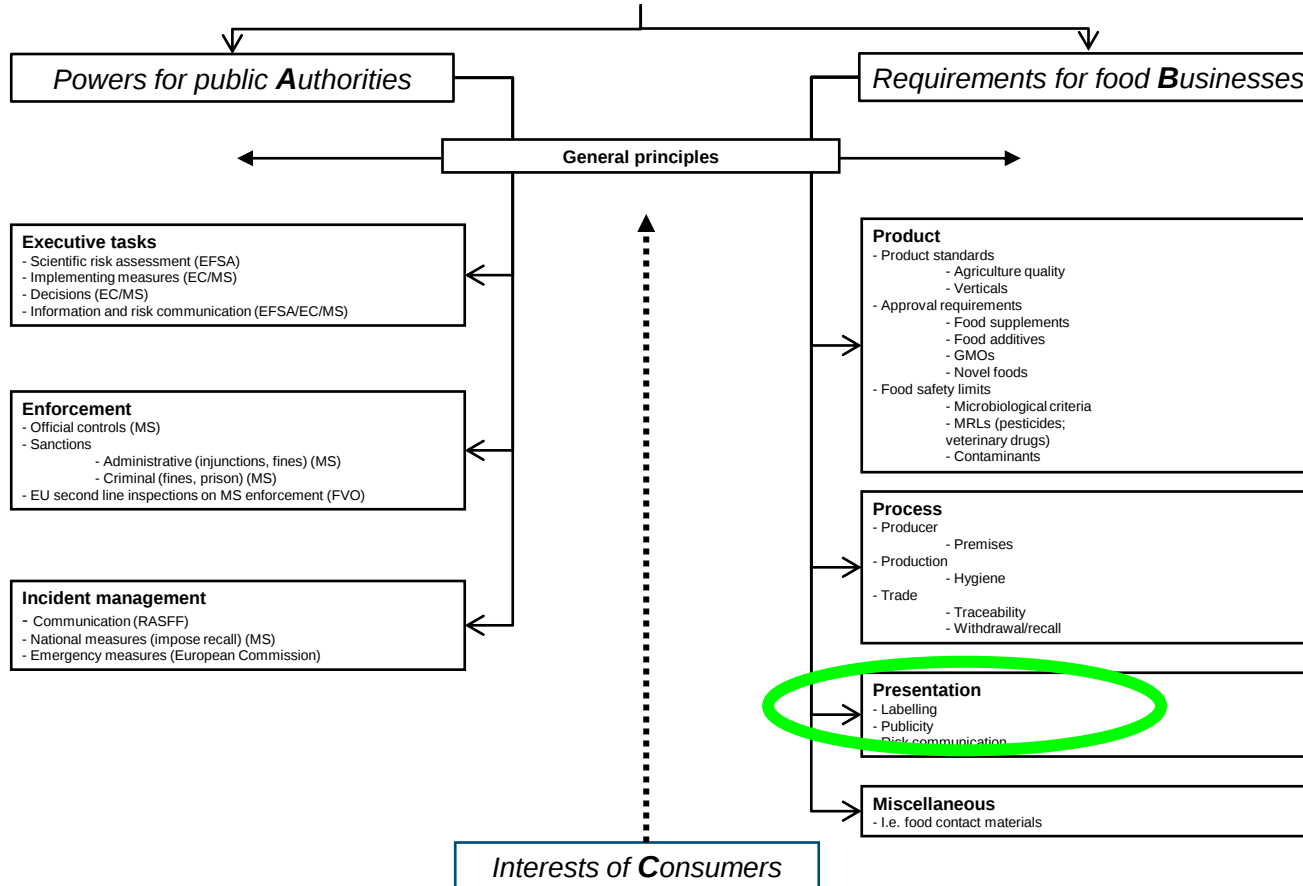
- Materials
- Labelling in general
 - Name
 - Ingredients
 - Etc.
- Nutrition & health claims



Materials

- Dario Dongo, The food label
- Regulation (EU) 1169/2011 (“FIC”)
- Regulation (EC) 1924/2006 (“NHCR”)

Framework of analysis for European Food Law





Food labelling



- Information is provided on the packaging of food (incl. drink) products to help consumers make choices between different products, brands and flavours.
- There is a legal requirement to provide certain information on food labels.



FIC • Basic Principles

- High level of protection for consumers' health & interests
- Assist in the free movement of foodstuffs – EU Internal Market
- Food information should not be misleading and should be provided in a clear, accurate and easy to understand format so the consumer can make 'informed' choices



FIC • Article 1- Scope

- Covers business operators at all stages of food chain concerning provision of information to consumers:
 - Food intended for the final consumer
 - Foods delivered by mass caterers
 - Foods intended for supply to mass caterers
- Also applies to catering services provided by transport leaving from the EU Member States
 - Airline catering
 - Trains, ships ...



Internet; Art. 14 distance selling

1. Without prejudice to the information requirements laid down in Article 9, in the case of prepacked foods offered for sale by means of distance communication:

- (a) **mandatory food information, except** the particulars provided in point (f - **durability**) of Article 9(1), **shall be available before the purchase** is concluded and shall appear on the material supporting the distance selling or be provided through other appropriate means clearly identified by the food business operator. When other appropriate means are used, the mandatory food information shall be provided without the food business operator charging consumers supplementary costs;
- (b) **all** mandatory particulars shall be available **at the moment of delivery**.

2. In the case of non-prepacked foods offered for sale by means of distance communication, the particulars required under Article 44 shall be made available in accordance with paragraph 1 of this Article. (**Allergens**)



Distance selling

- In the case of foods offered for sale by means of distance communication, mandatory food information to be available before purchase is concluded and to appear on the material supporting the distance selling or be provided through other appropriate means clearly identified by the food business operator
- All mandatory information to be available at the moment of delivery



Definition of food information

- information concerning a food and made available to the final consumer by means of:
 - a label,
 - other accompanying material,
 - or any other means including modern technology tools or verbal communication.



Article 12 - 13 Clarity and Legibility

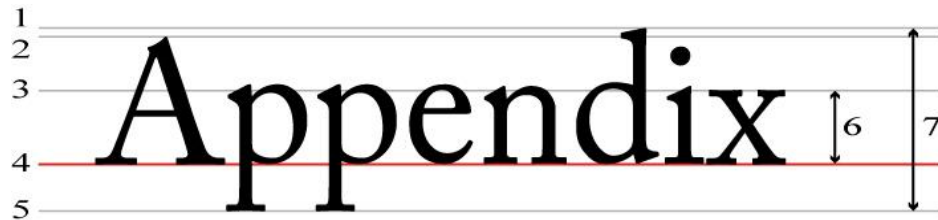
- For **prepacked foods**, mandatory information to appear directly on the package or on a label attached to it
- Mandatory food information to be available and easily accessible for **all foods**
- Mandatory information to be marked in a conspicuous place, be easily visible, clearly legible and, where appropriate, indelible. It should not be hidden, obscured, detracted from or interrupted by other written or pictorial matter
- To ensure clear legibility, use characters with a font size where the x-height is at least 1.2mm
- In the case of packaging or containers, the largest surface of which has an area of less than 80 cm², the x-height of the font size to be at least 0.9mm





Legibility – minimum font size

- Most frequent consumer complaint: small print on labels
- minimum font size
 - 1.2 mm (“x-height”)
 - 0.9 mm largest surface < 80 cm²



- Commission expected to introduce rules - on other aspects - for legibility



Language; Art. 15 FIC

- in a language easily understood by the consumers of the Member States where a food is marketed



Structure of FIC

- Art. 9: list of mandatory particulars
- Each particular elaborated in separate Article
- Technical aspects further elaborated in annexes



List of mandatory particulars

FIC • Article 9

- a. name of the food
- b. list of ingredients
- c. 'allergens' as listed in Annex II
- d. quantity of certain ingredients or category of ingredients
- e. net quantity of the food
- f. date of minimum durability or "use by" date
- g. any special storage conditions and/or conditions of use
- h. name or business name and address of the food business operator



List of mandatory particulars

- i. country of origin or place of provenance
(where provided for in Article 26)
- j. instructions for use where it would be
difficult to make appropriate use of the
food in the absence of such instructions
- k. alcoholic strength by volume for beverages
containing more than 1.2 % by volume of
alcohol
- l. nutrition declaration



Name of food (a) Art. 17

- FIC name $\neq$ commercial name
- Coca Cola $\rightarrow$ carbonated beverage...
- 1) Legal name – if legal standard exists ‘verticals’
- 2) Customary name
- 3) Descriptive name



Name of food

- It is important that the name of the food must be clearly stated and not be ambiguous or misleading.
- If the food has been processed in some way, the process must be included in the title if it would be misleading not to, e.g. dried apricots, salted peanuts, smoked bacon.





Ingredients (b) Art. 18

- All of the ingredients of a product are listed in descending order of weight, according to the amounts that were used to make the food. Food additives and water must also be included in the list if they have been added.



Name of ingredients

- Same rules apply
 - Legal name,
 - Customary name
 - Descriptive name



Additives in ingredient list

- By name
- By e-number
- + mention of function, i.e. preservative
- Annex VII part C.



Allergen labelling (c) Art. 21

- Substances causing allergies or intolerances:
 - List of 14 substances or products causing allergies or intolerances (Annex II).
 - Allergens must be indicated in the list of ingredients with a clear reference to the name of the substance or product.
 - In the absence of a list of ingredients, the presence of any allergens must be indicated by use of the word 'contains' followed by the name of the substance.
 - The declaration of allergens is not required where the name of the food clearly refers to the substance.



Allergen labelling

- Substances causing allergies or intolerances:
 - The name of the substance as listed in Annex II must be emphasised through a typeset that clearly distinguishes it from the rest of the list of ingredients, for example by means of the FONT, style or colour.
- e.g.
- INGREDIENTS: Wheat flour, water, eggs, vinegar,....



Allergen labelling examples



INGREDIENTS: Water, Carrots, Onions, Red Lentils (4.5%) Potatoes, Cauliflower, Leeks, Peas, Cornflour, **Wheat**flour, Salt, **Cream**, Yeast Extract, Concentrated Tomato Paste, Garlic, Sugar, **Celery** Seed, Vegetable Oil (sunflower), Herb and Spice, White Pepper, Parsley.



EU list of allergens

Peanuts

Nuts

Milk

Soya

Mustard

Lupin

Eggs

Fish

Shellfish

Molluscs

Cereals
containing
gluten

Sesame

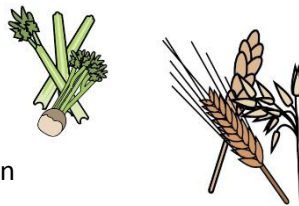
Celery

Sulphur
dioxide



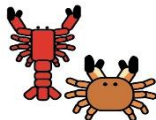
Annex II: 'The Big 14'

Celery



Cereals containing gluten

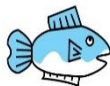
Crustaceans



Eggs



Fish



Lupin



Milk



Molluscs



Mustard



Nuts



Peanuts



Sesame seeds



Soya



Sulphur dioxide





Distance selling

For food offered for sale online, by telephone or catalogue etc, mandatory food allergen information to be made:

- **available before the purchase is concluded** (i.e. appearing on material supporting the distance selling or other appropriate means clearly identified by the food business operator)
- **available upon delivery** in writing (eg. stickers on takeaway food containers)



Article 44(1) – national measures for non-prepacked foods

- Where foods are offered to sale to the final consumer or to mass caterers without pre-packaging, or where foods are packed on the sales premises at the consumer's request or prepacked for direct sale, the provision of the information about allergenic ingredients is mandatory



Article 36 Voluntary information

- The Commission has option to introduce new rules on the following voluntary information:
 - ‘information on the possible and unintentional presence in food of substances or products causing allergies or intolerances’
- Precautionary allergen warnings (“may contain”) can still be used
- Permits the introduction of agreed phrases or allergen reference doses for the accidental presence of allergens in prepacked foods



Weight and volume (e) Art. 23

- The weight or volume of the food must be shown on the label. By comparing the weight with the price of different brands, consumers can make sure that they are getting value for money. The net weight or volume of a product must be within a few grams or millilitres of the quantity stated on the label. If the product weighs less than 5g or 5ml, the weight need not be stated; however, this does not apply to spices and herbs.



Weight and volume

- The symbol 'e' is used to show that the weight complies with the EU requirement for weight under the 'average system', i.e. the average pack is at least the weight declared.
- For solid foods that are presented in a liquid medium, e.g. canned tuna in brine, the drained net weight of the food should be included on the packaging.

e



Quantitative Indications (QUID)(d) Art. 22

- When the ingredient
 - appears in the name of the food or is usually associated with that name by the consumer;
 - is emphasised on the labelling in words, pictures or graphics; or
 - is essential to characterise a food and to distinguish it from products with which it might be confused because of its name or appearance.





Date marks (f) Art 24

- There are two different date marks that appear on food labels
- ‘Use-by’ - found on perishable foods, e.g. milk, red meat, fish. Foods are not safe to eat after this date.
- ‘Best before’ - found on a wide range of foods including frozen, dried and canned foods. ‘Best before’ dates are about quality, not safety, and are reliant on the food being stored according to the instructions on the label.





Storage and preparation (g) Art. 25

- In cases where foods require special storage conditions and/or conditions of use, these must be clearly indicated.
- When necessary, instructions on how to prepare and cook the food must also be given on the label. If the food has to be heated, the temperature of the oven and the cooking time should be stated.
- Instructions may also be given for heating in a microwave oven. These instructions should ensure the food tastes its best and that it will be thoroughly heated to a core temperature of 75°C, which minimizes the risk of food poisoning.



Name and address of the manufacturer, packer or seller (h)

- The name and address of the manufacturer, packer or seller must be stated on the label.
- Consumers can then contact the manufacturer if they have a complaint about a product or if they wish to know more about it.





Country of origin and place of provenance

(i) Art. 26

- The label must display clearly where the food has come from if it would be misleading not to show it. It has also become mandatory to show origin information for most fresh and frozen meat.
- The origin of the main ingredients will have to be given if different from where the final product is made.



Protected designations



- The EU has created three systems to promote and protect regional food products. These include the Protected Designation of Origin (PDO), the Protected Geographical Indication (PGI), and the Traditional Specialty Guaranteed (TSG). Reg. Regulation (EU) 1151/2012 on quality schemes for agricultural products and foodstuffs.
- Organic Reg. (EC) 834/2007



Nutritional Declaration (L.)

- The mandatory nutrition declaration shall include the following:
 - (a) energy value (in kJ and kcal) and
 - (b) fat, saturates, carbohydrate, sugars, protein and salt
* (expressed in g)
- * salt = salt equivalent = sodium $\times$ 2,5
- Where appropriate, a statement indicating that the salt content is exclusively due to the presence of naturally occurring sodium may appear close to the nutrition declaration.



Format

Per 100g

Energy	1500kJ/356kcal
Fat	7.4g
of which saturates	1.1g
Carbohydrates	58.1g
of which sugars	16.8g
Protein	9.9g
Salt	Below 0.1g



Nutritional Declaration

- The content of the mandatory nutrition declaration may be supplemented with an indication of the amounts of one or more of the following:
 - (a) mono-unsaturates;
 - (b) polyunsaturates;
 - (c) polyols;
 - (d) starch;
 - (e) fibre;
 - (f) vitamins or minerals present in significant amounts.



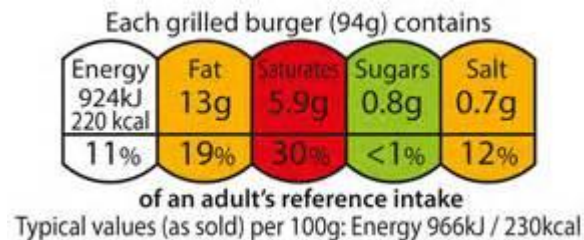
Nutritional declaration

- Nutrients have to be listed in a certain order – energy (both in kJ and kcal) and the amounts of fat, saturates, carbohydrates, sugars, protein and salt (in place of ‘sodium’ which is no longer permitted).
- The information has to be given in per 100g/ml but can additionally be given:
 - per portion or per consumption unit (e.g. per slice);
 - as % Reference Intakes.



Reference Intakes

- Nutritional information can be provided as a percentage of the Reference Intake.



Energy or nutrient	Reference Intake
Energy	8400kJ/2000kcal
Total fat	70g
Saturates	20g
Carbohydrate	260g
Sugars	90g
Protein	50g
Salt	6g



Nutrition and health policy

- Enable healthy choices
 - Availability information on content
- Protect from misconceptions regarding healthiness
 - Health benefits advertised only when true
 - Health benefits not advertised for unhealthy foods



White Paper COM(2007) 279

A Strategy for Europe on Nutrition, Overweight and Obesity related health issues

- Principles
 - The **individual** is ultimately responsible for his lifestyle and that of their children
 - A well-informed consumer is able to make **rational** decisions
 - Consistent and evidence based information



Functional foods

Nutrition and Health Claims

- Regulation 1924/2006 on nutrition and health claims made on foods



Aim and Scope

- Aim: harmonisation of national rules on nutrition and health claims to ensure effective functioning of internal market and to guarantee high level of consumer protection
- Scope: nutrition and health claims in **commercial communication**
- Including trade-marks

Claims where?

- NHCR Art. 1(2)
- Commercial communications, whether in the labelling, presentation or advertising of foods to be delivered as such to the final consumer
- FIC Art. 2(2)(j)
- Labelling means any words (...) placed on any packaging, document (...) accompanying or referring to such food



Including trademarks

- Anti Aging Beer??



Anti Aging Bier mit Kurbad-Sole, Spirulina -Algen und Flavonoiden zeichnet sich durch einen hohen Anteil an wertvollen Vitaminen, Mineralstoffen und Aminosäuren aus. Das erste Bier für Körper, Geist und Seele begeistert durch seinen unverwechselbaren Biergeschmack, der sich schon auf der Zunge gesund anfühlt.

Genießen Sie Anti Aging Bier bitte wohldosiert, denn es enthält Alkohol.



Definitions (1)

- Claim: any message or representation, which is not mandatory under Community or national legislation, including pictorial, graphic or symbolic representation, in any form, which states, suggests or implies that a food has particular characteristics
- NB: word 'claim' may have other meanings in law!
 - Intellectual property: distinctive elements of a patented invention
 - Liability: demand to pay damages



Acceptable label?

new

Cholesterol
lowering
health claim
approved

on OatWell®
oat bran





Two main categories of claims

- Nutrition claims: ‘what *is* in the food’?
 - Content
- Health claims: ‘what does the food *do*?’
 - Effect



Definitions (2)

- Nutrition claim: any claim which states (etc.) that a food has particular *beneficial* nutrition properties due to the energy
 - it provides,
 - provides at reduced/increased rate or
 - does not provide.
- Nutrients or other substances
 - it contains,
 - Contains in reduced/increased proportions or
 - does not contain

E.g.: low energy, low cholesterol, high fibre, light



Definitions (3)

- Health claims: refers to relationship between a food category, food or one of its constituents and health
- Covers:
 1. claims describing a generally accepted role of a nutrient or other substance in growth, development, normal body functions.
 2. reduction of disease risk claims



Definitions (4)

- Reduction of disease risk claim: consumption of a food significantly reduces a risk factor in the development of a human disease. E.g.: sufficient calcium intake may reduce the risk of osteoporosis in later life; food A is rich in calcium.



General conditions (1)

- Not false, ambiguous or misleading.
- Not give rise to doubt about safety or nutritional adequacy of other foods.
- Encourage excessive consumption
- Not state or imply that balanced diet cannot provide appropriate quantities of nutrients.
- Not refer to changes in bodily functions in improper or alarming terms.
- Based on generally accepted scientific evidence.
- Food operator must justify the claim.



General conditions (2)

- For a substance on which claim is made a beneficial nutritional or physiological effect must be shown by means of generally accepted scientific evidence.
- Substance is present or absent in significant quantity.
- Substance should be bio-available.
- Normal consumption quantity of foodstuff must contain effective quantity of substance.
- Average consumer must understand the beneficial effects in the claim.



Nutrition claim: Annex

SOURCE OF OMEGA-3 FATTY ACIDS

A claim that a food is a source of omega-3 fatty acids, and any claim likely to have the same meaning for the consumer, may only be made where the product contains at least 0,3 g alpha-linolenic acid per 100 g and per 100 kcal, or at least 40 mg of the sum of eicosapentaenoic acid and docosahexaenoic acid per 100 g and per 100 kcal.

HIGH OMEGA-3 FATTY ACIDS

A claim that a food is high in omega-3 fatty acids, and any claim likely to have the same meaning for the consumer, may only be made where the product contains at least 0,6 g alpha-linolenic acid per 100 g and per 100 kcal, or at least 80 mg of the sum of eicosapentaenoic acid and docosahexaenoic acid per 100 g and per 100 kcal.



Health claim

- Commission approval on basis of EFSA assessment. Dossier must include information about food, scientific studies & wording of claim. Summary of final decision in Register.



Forbidden health claims

- Warning against not consuming
- Amount of weight loss
- Claims referring to advice of doctors or health professionals



Medicinal claims



- Art. 7(3) FIR
 - Subject to derogations provided for by Union law applicable to natural mineral waters and foods for particular nutritional uses, food information shall not attribute to any food the property of preventing, treating or curing a human disease, nor refer to such properties.



Labelling health claims

- Statement indicating importance of balanced diet & healthy lifestyle.
- Quantity of food & consumption pattern for claimed beneficial effect.
- Statement about persons who should not consume the food (where appropriate).
- Warning not to exceed quantities of the food (where appropriate).



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Thank you for your kind attention

Q&A

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