

# Rural Development Sub-Committee

RDC(3)-06-09 Paper 4: 6 May 2009

## National Assembly for Wales Rural Development Sub Committee: Inquiry into the Production and Promotion of Welsh Food.

### Paper by the Food Standards Agency (FSA) on Food Labelling.

#### The Food Standards Agency (FSA).

The FSA is a non Ministerial Government Department established in April 2000 under the Food Standards Act 1999 to protect the public's health and consumer interests in relation to food. As a Government Department, independent regulator and consumer protection body FSA makes use of the best available evidence and works with: business from farm to fork to help them keep consumers safe; local authorities and other food law enforcement bodies to help them take proportionate, timely and resolute action; and consumers to provide reliable and up to date information to help them make healthy choices about food. Our vision is to ensure 'safe food and healthy eating for all'.

FSA is, amongst other things, responsible for advising Ministers in the UK Government and the Devolved Administrations on food safety and standards policy and related legislation matters.

#### Labelling principles

Food should be appropriately labelled so as to enable the consumer to make an informed purchasing decision. Information provided to the consumer should be accurate and easy to understand. It should also be clearly legible and indelible. Products should not be labelled, either by description or pictorially, in such a way as to mislead the consumer as to the true nature or quality of a product.

Food labelling legislation is harmonised at the EU level, and is based on three basic principles: to protect public health; to inform consumer choice; and to facilitate free trade within the Community.

The current framework legislation is Directive 2000/13/EC which establishes general labelling requirements for all **pre-packaged** food sold in the EU. The Directive was intended to constitute a single 'horizontal' legislative framework for the labelling of foodstuffs, that is to say a framework which applies to all foods in all product sectors. The Directive aims to ensure that the consumer is able to find out the exact nature and characteristics of a product by reference to information on the label. Directive 2000/13/EC is implemented into UK domestic law by the Food Labelling Regulations 1996 (as amended).

The Framework Directive is complemented by a plethora of other pieces of legislation which relate to specific food commodities and miscellaneous characteristics of food. These "vertical" Directives contain separate marketing provisions for commodities such as cocoa and chocolate products, olive oil and jams, jellies, marmalades and sweetened chestnut puree. Other specific Directives cover requirements to label GM food and feed, nutritional information, additives, colourings and sweeteners in foods, or for labelling of dietary foods for special medicinal purposes.

The list at Annex 1 specifies the main current food labelling requirements; the majority of these requirements only apply to certain foods, and foods containing certain ingredients

Producers and manufacturers are then free to provide whatever additional information they wish, provided that it is accurate and does not mislead the consumer.

#### Foods sold loose / pre-packed for direct sale including caterers

In the EU, Member States may, on national basis, decide how much of the current mandatory labelling information, if any, is required for such foods, providing that the purchaser receives sufficient information. This minimal statutory approach is considered sufficient because this type of purchase is face to face with the vendor, who should be able to provide additional information on request. This approach also reflects the desire to minimise regulatory burdens on small and medium sized enterprises (SMEs).

Loose food accounts for a significant proportion of food sold in the UK (estimated at around 30-40%, including catering establishments, butchers, bakers, grocers, fishmongers, delicatessens etc). Such information could be made available in various ways, provided it was available at point of purchase.

#### Food Information Regulation

The FSA has policy lead on food labelling and since 2000 has set about reviewing food labelling through adoption of an 18-point action plan. Currently, the Agency represents the UK in the negotiations of the Commissions' proposal for a Food Information Regulation. This draft Regulation follows an EU-wide review of both general food and nutrition labelling legislation, which began in 2004. The Regulation is intended to bring together general and nutrition labelling for all pre-packed foods and also covers requirements for foods sold loose. The main areas of policy covered by the proposed Regulation include nutrition labelling, clarity, country or origin, allergy labelling for foods sold loose, distance selling, alcoholic drinks and national schemes.

The overall aim of the UK in these discussions is to deliver better regulation in a proportionate package for UK consumers and businesses with genuine simplification and phased implementation to spread costs

The Food Information Proposal has to be adopted through a co-decision process involving the European Commission, the European Council and the European Parliament. The FSA leads the negotiation for the UK in the Council Working Group.

When eventually in force the Regulation will be directly applicable in all Member States, and replace current UK law.

Some of the key issues that are of particular relevance from a UK perspective include:

### **Country of Origin labelling**

The proposal in respect of country of origin supports the retention of existing rules, requiring origin labelling to be provided only where failure to do so might mislead.

Moreover, there is current specific EU commodities legislation that requires country of origin labelling for beef, veal, fish and shellfish (whether pre-packed or sold loose), honey, olive oil, wine, most fresh fruit and poultry meat imported from outside the EC. For foods other than those listed above there are general rules in EU labelling legislation which require country or origin labelling in cases where purchasers might otherwise be misled. The Food Labelling Regulations 1996 (as amended) implement this in the UK. Voluntary country or origin labelling may be provided on foods but legislation demands that information must not mislead the consumer.

One of the Agency's objectives in respect of food labelling is to encourage good practice to be followed by the food industry. To support this, the Agency produces guidance intended to improve food labelling: one example is the country or origin guidance published in 2002, containing suggestions that food businesses may wish to adopt in order to provide information that is clear to consumers. This guidance was reviewed following public consultation and a revised version was released in October 2008: although it contained few new recommendations, it was set out in a simpler format and contained more examples of best practice.

For example, where a product is declared to be "produced in the UK", many consumers may assume that it is a wholly British product. In recognition of the potential for confusion where composite processed products are so labelled the FSA voluntary guidance suggests that industry provides additional origin information for consumers. Consumers have expressed an interest in seeing more origin labelling for meat and dairy products. The FSA intends to measure uptake of revised guidance across the various food sectors later in 2009 to test the progress made on improving the provision of origin information.

The Commission's Food Information Proposal maintains current rules, which require origin information, where failure to do so might mislead. Where origin information is given for meat and meat products, the place/country of birth, rearing and slaughter must be given. Where these stages occur in the same place/country, a single origin declaration may be given. The Commission's proposal, in effect, provides a legal and enforceable basis for some of the recommendation in the FSA guidance.

### **Front of pack 'signpost' labelling**

Nutrition labelling is an important public health policy tool which works alongside Government dietary advice and industry reformulation programmes to make healthier choices easier. Consumer research shows UK consumers want detailed nutritional information on the back of pre-packaged foods supplemented with simplified information on front of pack so that they can see and use at a glance. Over 80% of all UK pre-packed foods voluntarily carry nutrition information on back of pack and more than 30,000 product lines in the UK carry some form of simplified front of pack nutrition labelling. There are three main labelling approaches in use in the UK:

monochrome schemes providing information on percentage of Guideline Daily Amount (GDA) in a portion of the food

traffic light colour-coded schemes which indicate the nutrient level per 100g and amount in a portion of the food

hybrid schemes which provide both a traffic light colour code per 100g and percentage of GDA in a portion of the food

Many manufacturers, and some retailers, have developed their own schemes. Based on a percent Guideline Daily Amount (GDA) approach. GDA schemes inform the consumer of the product's contribution to their maximum daily intake of certain nutrients (based on portions determined by the manufacturer, and GDA figures developed by the IGD - an industry group).

Since March 2006 the UK Government has recommended voluntary use of a front of pack 'traffic light' labelling approach based on four principles:

Separate information on: fat, saturated fat, sugars and salt;

Information on the amount of each nutrient in grams per portion;

Use of red, amber, green to indicate whether there is a high, medium or low amount of each nutrient; and

Use of nutritional criteria set by the Government's independent scientific advisory committees on nutrition to determine the colour coding.

Information on calories and % GDAs may also be provided in addition to the information set out in the core principles. The approach which is recommended for composite processed foods that consumers have difficulty in assessing for nutrient value was developed on the basis of extensive FSA published consumer research and in consultation with UK stakeholders.

Protection of the national scheme provision in the draft Food Information Regulation would allow continued development of front of pack schemes so that Member States could meet the public health needs of their countries.

An independent study, drawn up with the help of industry and other stakeholders will shortly report on its assessment of the three main front of pack labelling schemes in use in the UK to explore how consumers use them or elements of them. The objective is to evaluate the impact of such schemes on purchasing behaviour and consumer knowledge. Preliminary findings reported in September 2008 suggest that people are generally positive about using nutritional signposting on the front of packs of food and provide valuable insights on how people actually use the labels. They also highlight areas which cause confusion for some shoppers and need to be explored further. The areas of confusion include the use of colours in the various schemes, understanding information about portion sizes, interpreting and using numerical information. The study is due to report this Spring and its findings will inform UK negotiations in Europe on the Food Information Regulation.

## **Nutrition and health claims**

No foods are allowed to claim they are 'good for your heart' or 'help lower cholesterol' without scientific backing. All nutrition and health claims must comply with European Regulation (EC) 1924/2006, which has applied since 2007, to help protect consumers from misleading claims. There are however transitional measures to allow industry time to comply. This Regulation puts in place a list of claims that can be made on food and sets the criteria a product must meet to use them. The Annex of the Regulation contains a list of permitted nutrition claims.

### **Nutrition claims**

A nutrition claim is defined as any claim which states, suggests or implies that a food has particular beneficial nutritional properties due to the presence, absence, increased or reduced levels of a particular nutrient or other substance and includes claims such as 'low fat', 'high fibre', and 'reduced salt'.

### **Health claims**

The Regulation defines a health claim as 'any claim that states, suggest or implies that a relationship exists between a food category, a food or one of its constituents and health. Examples include 'Calcium helps build strong bones' or 'Omega 3 may help maintain a healthy heart'. In general only health claims which are listed in the Community register (to be established by the European Commission ) can be used on food and only if the product meets with any specific conditions of use as well as the requirements of the Regulation

The Regulation requires a list of permitted health claims, such as "helps to maintain joint mobility and flexibility", to be adopted by 31 January 2010. Compilation of the list of permitted health claims is currently underway and there are two main routes for authorisation. Claims based on generally accepted scientific evidence were compiled by Member States accompanied by conditions of use and references to the scientific substantiation. The Commission has now compiled Member States' lists into a single Community list which has been sent to the European Food Safety Authority (EFSA) for assessment before Member States agree the final list

For claims based on newly developed scientific evidence, disease risk reduction claims and claims referring to children's development and health, a dossier of information will need to be submitted in justification of the claim for assessment by EFSA.

Until the list of authorised health claims is in place, claims must comply with the general requirements of the Regulation and existing national legislation that makes it an offence to falsely describe a product or provide misleading information regarding its nature, substance or quality.

For further information please visit:

[www.food.gov.uk](http://www.food.gov.uk)

[www.eatwell.gov.uk](http://www.eatwell.gov.uk)

Food Standards Agency Wales

April 2009