



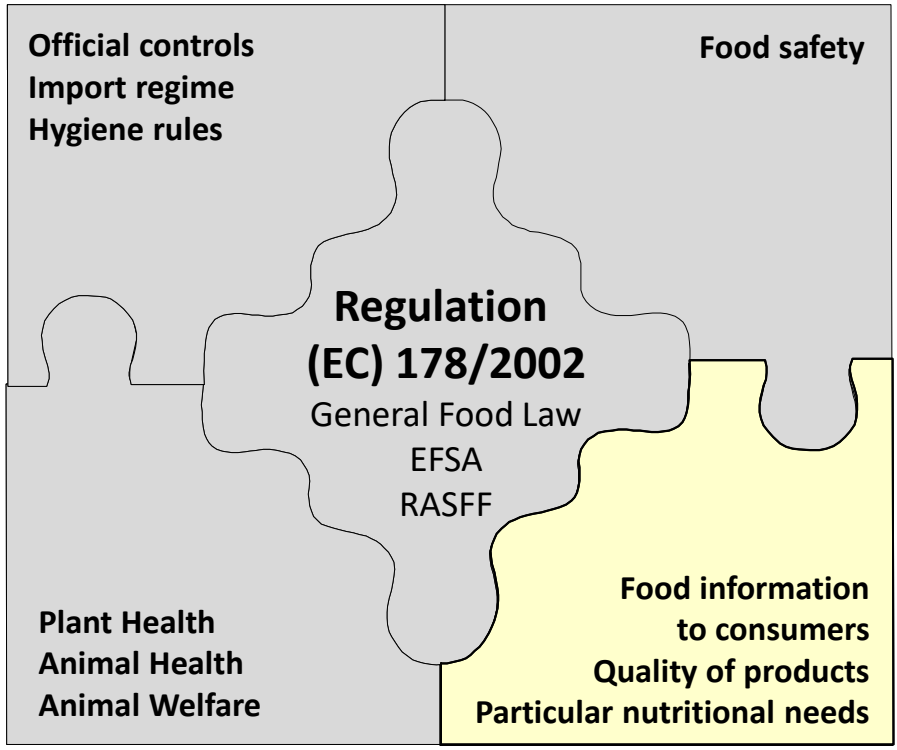
Diploma e Master Universitario in Alti Studi Europei
Collegio Europeo di Parma

Course on:
"EU Food Law and Policy"
2023
Prof. Patrick Deboyser

6

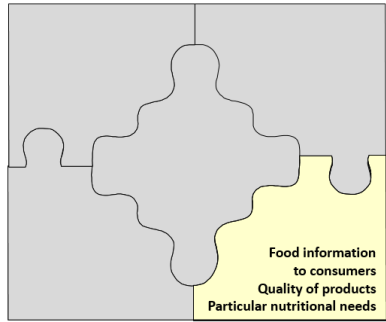
" Food Information to Consumers in the EU "
Wednesday 17 April 2024

EU Food Law



EU Food Law

Food Information to Consumers



- ❑ **Food labelling**
 - General principles
 - Mandatory labelling
 - Labelling modalities



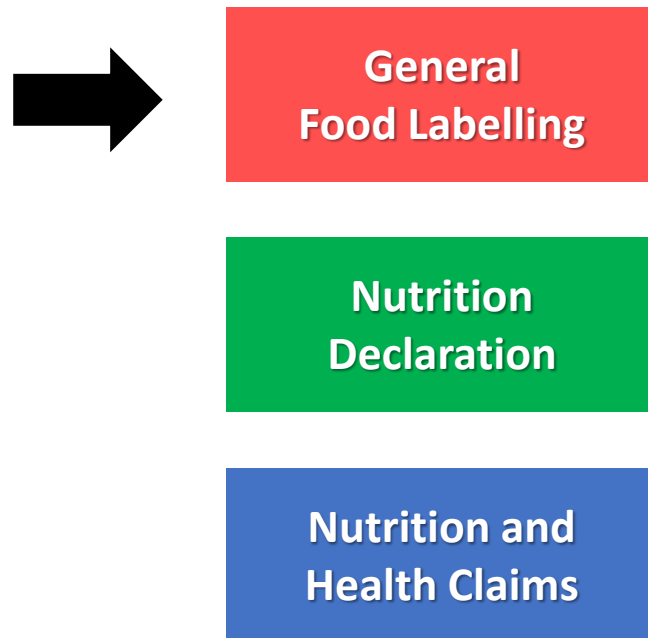
- ❑ **Nutrition labelling**
 - Nutrition panel
 - Front-of-pack labelling
 - Alternative forms of presentation



- ❑ **Nutrition and Health Claims**
 - Nutrition Claims
 - Functional claims
 - Claims relating to children’s development
 - Disease risk reduction claims



Food Information to Consumers



Regulation (EU) No 1169/2011

☐ Title:

- Regulation (EU) No 1169/2011 on the provision of food information to consumers

☐ Consolidated text:

- <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02011R1169-20140219&from=EN>

☐ Guidance (Q&A)

- http://ec.europa.eu/food/safety/docs/labelling_legislation_qanda_application_reg1169-2011_en.pdf

General Food Labelling

Scope

- Food information to consumers
- On pre-packed food
- Non-prepacked food?
 - Mandatory labelling of allergenic substances
 - Under Member States responsibility



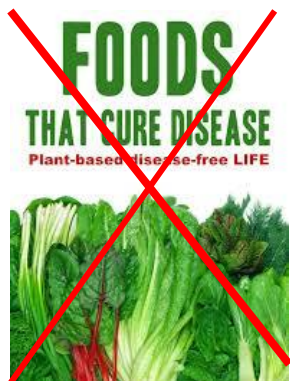
General Food Labelling

Fair information practices



❑ Food information **may not**:

- a) mislead the consumer as to the **characteristics** of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, country of origin or place of provenance, method of manufacture or production
- b) attribute to the food effects or properties which it does **not** possess
- c) suggest the **presence of a particular food or ingredient** when a natural component or expected ingredient has been substituted
- d) suggest that the food possesses special characteristics when in fact **all similar food possess such characteristics**
- e) attribute to any food the property of **preventing, treating or curing** a human disease, nor refer to such properties



General Food Labelling

Mandatory food information

- Name of the food
- List of ingredients
- Labelling of allergens
- 'Best before' or 'use by' date
- Country of origin or place of provenance
- [Nutrition declaration]



General Food Labelling

Name of the food

- ❑ Need for a name
 - alternative: a description of the product
 - cannot be a trade mark, a brand name or a fancy name
- ❑ Reserved names
 - because of the characteristics
 - because of the origin



General Food Labelling

Name of the food

☐+ Physical condition / specific treatment

- powdered
- deep-frozen
- from concentrate
- defrosted
- irradiated
- smoked



General Food Labelling

List of ingredients (1)



- ❑ What are the ingredients of a food?
 - all **substances** or **products**, including food additives, food enzymes, and flavourings and all constituents of a compound ingredient
 - **used in the manufacture** or **preparation** of a food and **still present** in the finished product, even if in an altered form

- ❑ Not included:
 - constituents such as **processing aids** and **carriers**
 - **residues** of contaminants (pesticides, veterinary medicines, heavy metals, etc.)

General Food Labelling

List of ingredients (2)



❑ Quantitative indication declaration (QUID):

- When the name of an ingredient appears in the name of the food
- When the ingredient is usually associated with the name of the food by the consumer
- When the ingredient is emphasized on the labelling in words or pictures

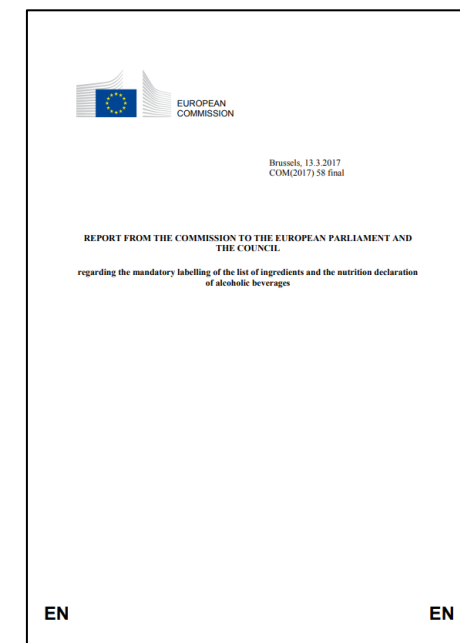


INGREDIENTS
 Water, Lentils (22%), Carrots
 Wheat Flour
 Concentrated Tomato Puree
 Modified Cornflour, Salt
 Potatoes, Onions, Pea Fibre
 Flavourings, Yeast Extract
 Spice Extracts, Herb Extract

Alcoholic beverages (1)



- ❑ **Exempted from:**
 - List of ingredients.
 - Nutrition declaration.
- ❑ **Commission to issue report (by 13 December 2014) addressing:**
 - whether alcoholic beverages should be covered in the future
 - whether and how to provide information on the energy value.
- ❑ **Commission report published in March 2017:**
 - invites the industry to respond to consumers' expectations and present within a year a self-regulatory proposal that would cover the entire sector of alcoholic beverages;
 - if approach proposed by the industry is unsatisfactory, the Commission will launch an impact assessment to review further available options.



General Food Labelling

Alcoholic beverages (2)



❑ Self-regulatory industry proposal :

- Submitted in March 2018.
- Outlines general principles the different alcohol sectors could agree.
- In addition, each sector developed its own implementation plans:
 - ❖ Wine producers proposed the labelling of calorific content only, and providing ingredient information off-label online.
 - ❖ In contrast, European brewers announced a commitment to progressively implementing ingredients listing and nutrition information of beers across the EU, following the rules as laid down in Regulation (EU) No 1169/2011.



Nutritional Values per 100 ml

Energy	176 kJ 42 kcal
Fat	0 g
of which saturates	0 g
Carbohydrate	3,0 g
of which sugars	< 0,5 g
Protein	0,5 g
Salt	< 0,01 g

Ingredients:
water, barley malt, hops

*Ingredients list and nutrition information for a sample beer at SNABV

In February 2021, the European Commission adopted the “Europe’s Beating Cancer Plan”.

The plan announces that the Commission will propose to introduce the mandatory indication of the list of ingredients and the nutrition declaration on labels of all alcoholic beverages.

Labelling of allergens (1)

- List of allergenic substances (established by EFSA):

Cereals containing gluten

Crustaceans

Eggs

Fish

Peanuts

Soybeans

Milk (including lactose)

Nuts

Celery

Mustard

Sesame seeds

Sulphites

Lupin

Molluscs

TOP 14 FOOD ALLERGENS European Union



Labelling of allergens (2)

- ❑ Prepacked food – with list of ingredients
 - Clear reference to the allergen must be given in the ingredients list.
 - Name of the allergen must be **emphasized through a typeset** that clearly distinguishes it from the rest of the ingredients list, for example by means of the **font, style or background colour**.



Current
format

Labelling of allergens (3)

❑ Non-prepacked food:

- Most food allergy incidents can be traced back to non-prepacked food.
- Regulation 1169/2011 therefore requires the **labelling of allergens on all food**, including non-prepacked food.
- **Member States** may adopt **national measures** concerning the format of allergen labelling for non-prepacked food



'Best before' or the 'use by' date (1)

- ❑ 'Best before' date:
 - Date until which the food **retains its specific properties** if properly stored.
 - Must be preceded by the words:
 - ❖ «Best before:...»
 - ❖ «Da consumarsi preferibilmente entro il ...»
 - ❖ «A consommer de préférence avant le... »
 - 'Best before date' not well understood by consumers! Commission considering action to **reduce food waste**.



'Best before' or the 'use by' date (2)

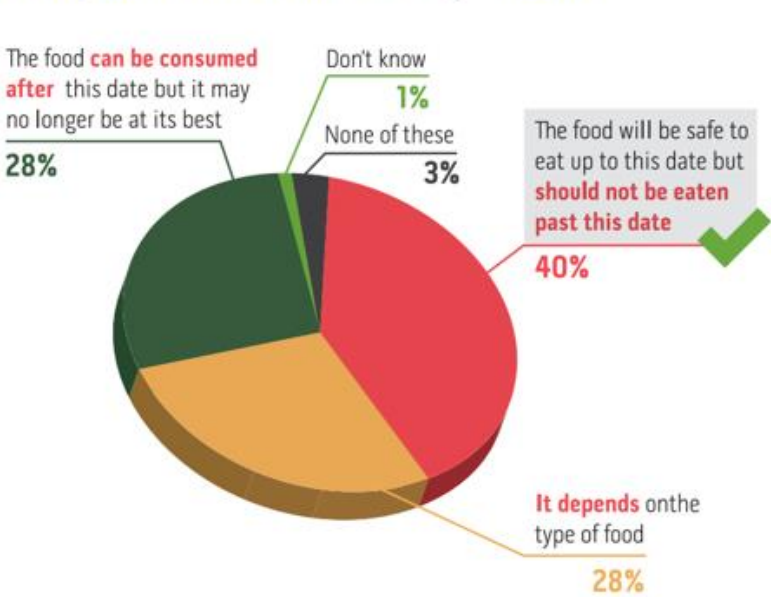
- ❑ 'Use by...' date:
 - Must be used for **highly perishable food**.
 - At the expiry of the 'use by' date the food is **deemed to be unsafe**.
 - Where appropriate, a **time limit for consumption** after opening the package must also be indicated.

General Food Labelling

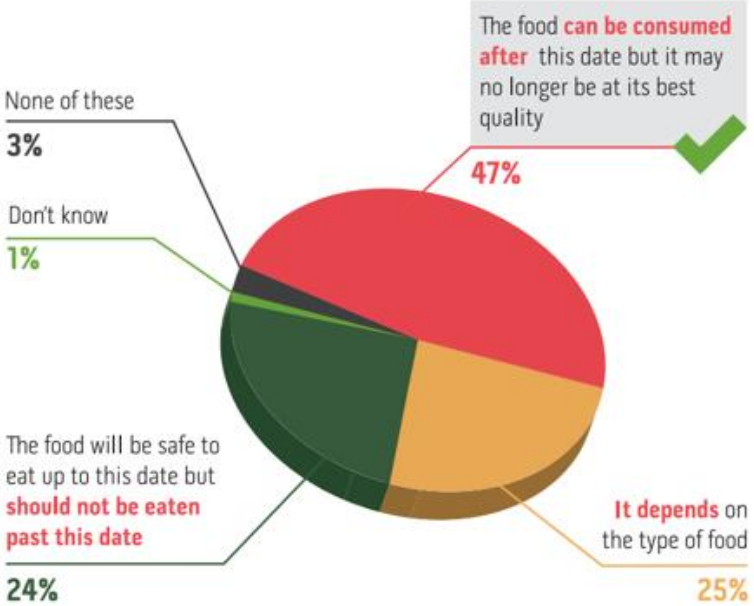


BUT... WHAT DO CONSUMERS THINK?

Europeans think that "use by" means:



Europeans think that "best before" means:



General Food Labelling



"USE BY"
informs you about



"BEST BEFORE"
informs you about

FOOD SAFETY

FOOD QUALITY



USE BY: 4 Oct 2016



Mind the date!
Food can be eaten up **UP UNTIL THE END of this date** but not after, even if it looks and smells fine

BEST BEFORE: 4 Oct 2016



Judge for yourself!
Food can be eaten **AFTER this date** but it may no longer be at its best quality



General Food Labelling



General Food Labelling

Optional Information
Best Before Date



Origin labelling (1)

❑ Common organization of the market:

- Fruits and vegetables
- Wine
- Beef and beef products
- Eggs
- Fish
- Olive oil

❑ Mandatory origin labelling in Regulation (EC) 1169/2011:

- For fresh, chilled or frozen meat from **swine**, **sheep**, **goats** and **poultry**



Origin labelling (2)



- ❑ Towards more and more mandatory country of origin labelling?
 - **Fresh meat** not already covered by mandatory rules (e.g. **horse, rabbit, birds, game...**) and all types of **meat used as an ingredient**
 - **Milk** and milk used as an ingredient in dairy products
 - **Unprocessed** foods
 - **Single ingredient** products
 - **Ingredients** that represent **more than 50%** of the food
- ❑ Commission report in May 2015:
 - Additional original labelling would have **an uneven impact on producers** and are likely to be **burdensome** for some
 - **Consumers** are interested in origin labelling for these food but ... **not willing to pay!**
 - **Voluntary origin labelling** is the most suitable **way forward!**

Origin labelling (3)

❑ Definitions:

- **Country of origin:** where the goods were wholly obtained or produced or, if produced in more than one country, where they last went substantial change



Pulp fiction: Asda's 'made in Italy' tomato puree hails from China

Self-styled 'tomato king' appeals against sentence for fraudulently passing off Chinese tomato puree as Italian



Under EU regulations, it is legal to describe Chinese tomato puree as "produced in Italy" if it was processed there into a different form. Prosecutor Roberto Lenza, who was in charge of the investigation, said: "Antonino Russo hasn't denied having used Chinese tomato. Russo defended himself by saying that, because he did process the Chinese concentrate in his plant, he could label it and sell it as Italian."

Origin labelling of the primary ingredient of a food:

- Article 26(3) of Regulation (EU) No 1169/2011 requires that where the origin of a food is given and is different from the one of its primary ingredient, the origin of the primary ingredient shall be given or at least indicated as being different to the origin of the food.
- [Commission Implementing Regulation \(EU\) 2018/775](#) EN | ... clarifies how the information on the origin of the primary ingredient should be displayed on labels, if required according to Article 26(3) of Regulation (EU) No 1169/2011. The new rules are applicable as of 1 April 2020.
- On 30 January 2020, the Commission adopted a [NOTICE on the application of the provisions of Article 26\(3\) of Regulation \(EU\) No 1169/2011 with regard to the origin indication of the primary ingredient of a food](#) EN | It aims at assisting all players in the food chain as well as the competent national authorities to better understand and correctly apply the provisions of Regulation (EU) No 1169/2011 related to the origin indication of the primary ingredient.

Mango beverage - Made in Ireland with concentrated mango juice from Brazil



Frozen and defrosted food



❑ Frozen food

- The date of freezing is required in the case of frozen meat and meat preparations and frozen unprocessed fishery products.

❑ Foods which have been frozen before sale and which are sold defrosted must bear the indication "defrosted"

- May be taken as an indication that the foods concerned should not be refrozen by the consumer.



Mandatory labelling modalities

- ❑ Minimum size for mandatory information:
 - **1.2mm** ('x-height ') = roughly 8 point font
 - **0.9mm** (roughly 6 point font) if largest surface of pack < 80 cm²
- ❑ Minimum size for voluntary nutrition labelling:
 - **1.2mm** (irrespective of pack size)



Voluntary labelling

- ❑ May be added provided that:
 - it is not ambiguous or confusing for the consumer,
 - it is based on relevant scientific data, and
 - it is not displayed to the detriment of the space available for mandatory food information.

Voluntary labelling



Green dot

The producer has made a financial contribution towards the recovery and recycling of packaging



Tidyman

Reminder to be a good citizen, disposing of the item in the most appropriate manner



Mobius loop

The object is capable of being recycled.

Labelling by symbols



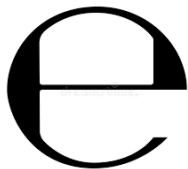
Food Contact Material

The symbol indicates that the material used in the product is considered safe for food contact.



Irradiated Food

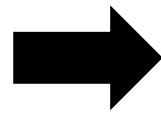
In the EU, all foods or ingredients of foods that have been irradiated must be labelled as 'irradiated' or 'treated with ionising radiation'.



E-mark or *quantité estimée*

Indicates that the net quantity (weight, volume) is in conformity with EU tolerance on maximum error (Directive 76/211/EEC).

Food Information to Consumers



**General
Food Labelling**

**Nutrition
Declaration**

**Nutrition and
Health Claims**

Nutrition Policy

- ❑ Most important risk factors for premature death in the EU:
 - tobacco
 - blood pressure
 - cholesterol
 - body mass index
 - inadequate fruit and vegetable intake
 - physical inactivity
 - excessive alcohol consumption.

Nutrition Policy

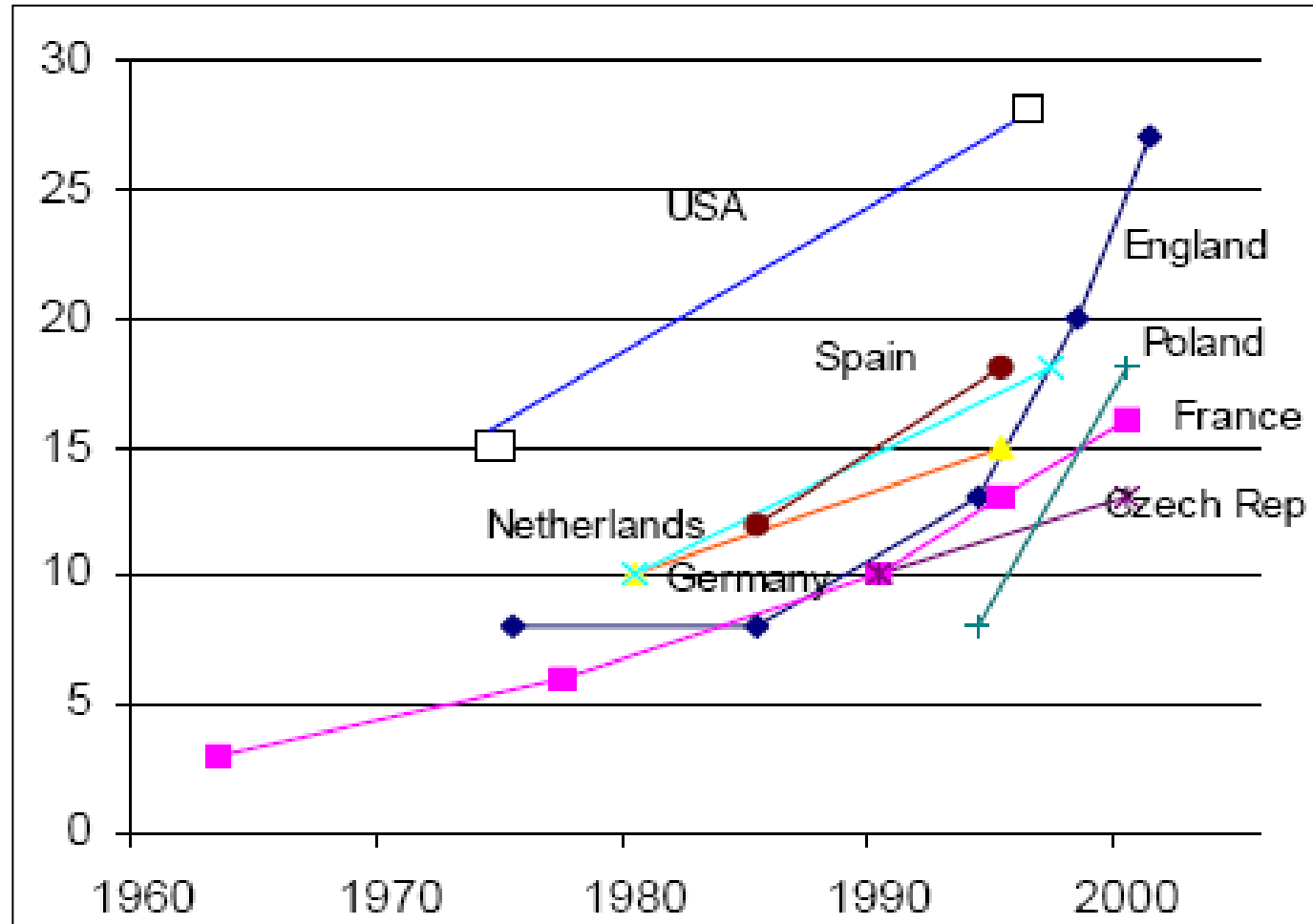
☐ EU consumers:

- eat too much saturated fat : saturated fat provides **13.4%** of food energy compared with the recommended level of **11%**;
- eat too much sugar : 'added' sugar provides **16.5%** of food energy compared with recommended level of **11%**;
- eat too much salt : currently average salt consumption is **9.5g** compared with recommended **6g**.

Nutrition
Declaration

Nutrition Policy

Obesity





Nutrition Declaration

Nutrition Policy

- ❑ Better informed consumers:
 - Nutrition labelling
 - Nutrition and health claims
 - Advertising and marketing
 - Scientific information and education campaign
- ❑ Making the healthy option available
 - Promoting the consumption of fruits and vegetables
 - Promoting the reformulation of foods to:
 - reduce the levels of certain nutrients
 - Improving the nutrient content of manufactured foods.
- ❑ Encouraging physical activity

Nutrition Declaration

Nutrition declaration

- ❑ Regulation (EU) 1169/2011
 - Nutrition declaration becomes mandatory on pre-packed food
 - Nutrition declaration must appear:
 - directly on the package, or
 - on a label attached to it
- ❑ Exemptions:
 - Food supplements
 - Natural mineral waters
 - Foods for Specific Groups (FSG)
 - Alcoholic drinks



Nutrition		
Typical Values	per 100ml	per 150ml serving
Energy Value	180 kJ	260 kJ
(Calories)	40 kcal	60 kcal
Protein	0.5 g	0.8 g
Carbohydrate	9.0 g	13.5 g
(of which Sugars*)	9.0 g	13.5 g
Fat	0.1 g	0.15 g
(of which Saturated)		
Fibre		Tr
Sodium		
Salt		
Vitamin C		
(% of the R.D.A.)		

**Nutrition
Declaration****Nutrition declaration: items**

Mandatory	Voluntary
Energy	Mono-unsaturates
Fat	Polyunsaturates
Saturated fat	Polyols
Carbohydrate	Starch
Sugar	Fiber
Protein	<u>Vitamins</u>
Salt	<u>Minerals</u>

Nutrition Declaration

Nutrition declaration: other items

No other substance or nutrient may be declared in the nutrition declaration

~~Transfats~~

~~Cholesterol~~

New nutrient order:

- **Energy**
- **Fat** of which:
 - **Saturates**
 - Mono-unsaturates
 - Polyunsaturates
- **Carbohydrate** of which:
 - **Sugars**
 - Polyols
 - Starch
- **Fibre**
- **Protein**
- **Salt**
- **Vitamins and minerals**

**Nutrition
Declaration****Reference intakes (GDA)**

Energy or nutrient	Reference intake
Energy	8.400 kJ / 2.000 kcal
Total fat	70 g
Saturates	20 g
Carbohydrate	260 g
Sugars	90 g
Proteins	50 g
Salt	6 g



Nutrition Declaration

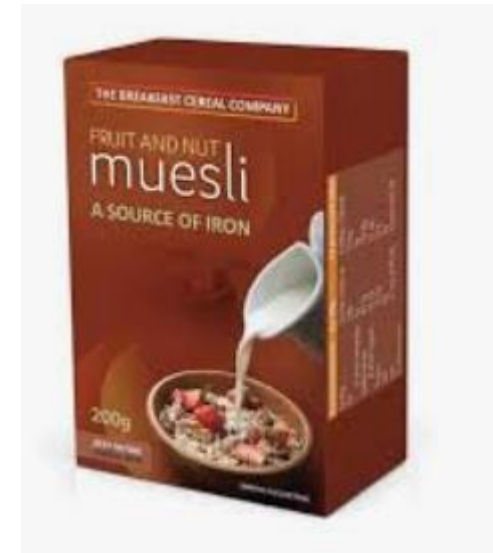
Nutrition declaration: expression

Expression of the nutrition declaration:

Per 100 g or 100 ml

**On a per portion basis or per
consumption unit**



**Nutrition
Declaration****Nutrition declaration: expression****Expression of the nutrition declaration:****Per 100 g or 100 ml****Mandatory****On a per **portion basis** or per
consumption unit****Voluntary**

Nutrition Declaration

'Front-of-pack' (FoP) labelling

- ❑ 'Front-of-pack' labelling :
 - Voluntary repetition on the front of the pack
 - of those elements of the mandatory nutrition declaration that are of key importance for public health.
- ❑ Front of pack repetition must be in one of the following formats:
 - Energy value (kJ and kcal), or
 - Energy value (kJ and kcal) + Fat – Saturates – Sugars - Salt



One serving contains

Energy
104 kcal

5%

Based on 2000kcal



**Nutrition
Declaration****FoP: additional forms of expression**

	Per 100 g
Energy	924 kJ 220 kcal
Total fat	13 g
Saturates	5,9 g
Sugars	0,8 g
Salt	0,7 g



Grilled burger (94g)

**Nutrition
Declaration****FoP: additional forms of expression**

	Per 100 g	Reference intake
Energy	924 kJ 220 kcal	8400 kJ 2000 kcal
Total fat	13 g	70 g
Saturates	5,9 g	20 g
Sugars	0,8 g	0,8 g
Salt	0,7 g	6 g



Grilled burger (94g)

**Nutrition
Declaration**
FoP: additional forms of expression

	Per 100 g	Reference intake	% of RI
Energy	924 kJ 220 kcal	8400 kJ 2000 kcal	19 %
Total fat	13 g	70 g	19 %
Saturates	5,9 g	20 g	30 %
Sugars	0,8 g	0,8 g	≤ 1 %
Salt	0,7 g	6 g	12 %



Grilled burger (94g)

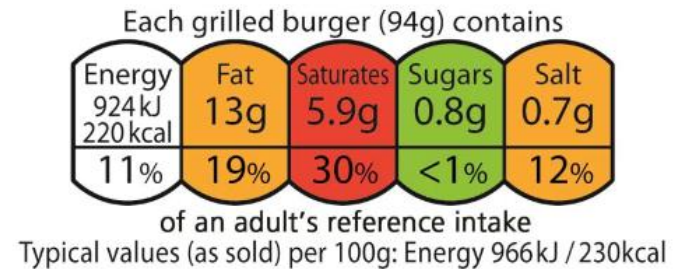
Nutrition Declaration


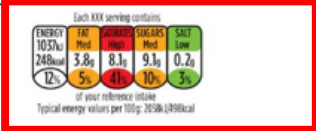





FoP: additional forms of expression

	Per 100 g	Reference intake	% of RI	Traffic lights
Energy	924 kJ 220 kcal	8400 kJ 2000 kcal	19 %	11 %
Total fat	13 g	70 g	19 %	19 %
Saturates	5,9 g	20 g	30 %	30 %
Sugars	0,8 g	0,8 g	≤ 1 %	≤ 1 %
Salt	0,7 g	6 g	12 %	12 %



Grilled burger (94g)



<i>Taxonomies put forward in the literature</i>				<i>Examples of FOP schemes</i>		<i>Developer</i>	<i>EU Member State</i>	<i>EU legal status</i>
Nutrient-specific labels	Numerical	Non-directive	Reductive (non-interpretative)	<i>Reference Intakes label</i>		Private	Across the EU	Art. 35 FIC Regulation (additional form)
	Colour-coded	Semi-directive	Evaluative (interpretative)	<i>UK FOP label</i>		Public	UK	Art. 35 FIC Regulation (additional form)
				<i>Other 'traffic light' labels</i>		Private (retailers)	PT, ES	Art. 35 FIC Regulation (additional form)
Summary labels	Positive (endorsement) logos	Directive	Evaluative (interpretative)	<i>Keyhole</i>		Public	SE, DK, LT	Art. 36 FIC Regulation and Nutrition claim
				<i>Heart/Health logos</i>		NGO	FI, SI	Art. 36 FIC Regulation and Nutrition claim
	<i>Healthy Choice</i>				Private	CZ, PL Phased out in NL	Art. 36 FIC Regulation and Nutrition claim	
	Graded indicators			<i>Nutri-Score</i>		Public	FR, BE	Art. 36 FIC Regulation and Nutrition claim
				<i>SENS (frequency scheme)</i>		Private (retailer)	PL	Art. 36 FIC Regulation and Nutrition claim

Nutrition Declaration

FoP : additional forms of expression

Nutri-Score (France)

Nutriment /100g	Points
Energie (KJ)	0-10
Sucres simples (g)	0-10
Acides gras saturés (g)	0-10
Sodium (g)	0-10

Elément /100g	Points
Fruits, légumes, légumineuses, noix (%)	0-5
Fibres (g)	0-5
Protéines (g)*	0-5

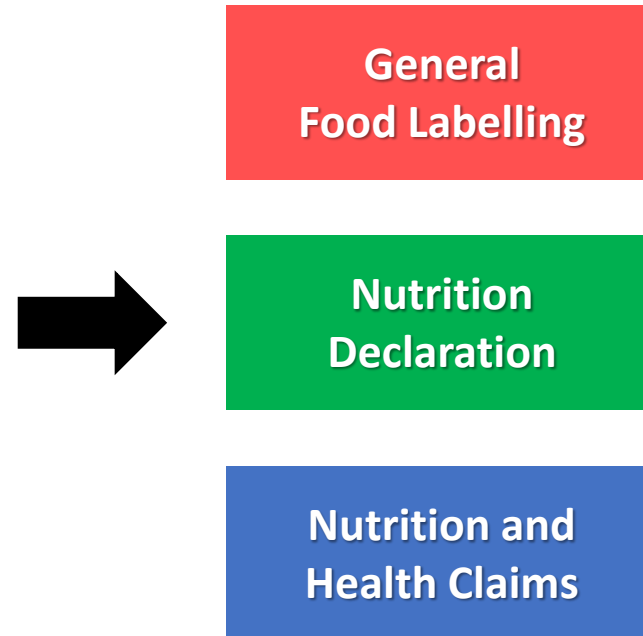
Points
négatifs (N)
0-40 points

—

Points
positifs (P)
0-15 points



Food Information to Consumers



Nutrition and Health Claims



□ Title:

- Regulation (EC) No 1924/2006 on nutrition and health claims made on foods

□ Consolidated text:

- <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02006R1924-20121129&from=EN>

□ Guidance:

- http://ec.europa.eu/food/safety/docs/labelling_nutrition_claim_reg-2006-124_guidance_en.pdf

Nutrition and Health Claims : Examples

☐ Nutrition claims:

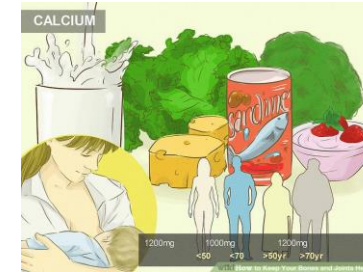
- "this product is **high in calcium**"



☐ Health claims:

❖ Function claims:

- "calcium plays an important role in **strengthening the bones**"



❖ Disease risk reduction claims:

- "regular consumption of calcium may help **reduce the risk of osteoporosis**"



❖ Claims referring to **children's development and health**:

- "calcium is needed for the **development of bone in children**"

Endocrine Development
Editor: P. E. Mullis
Vol. 16

Calcium and Bone Disorders in Children and Adolescents

Editors:
J. Allgrove
N.J. Shaw



KARGER

Nutrition Claims: Specific conditions

☐ Only authorized if:

- they are listed in Regulation (EC) No 1924/2006 (Annex)
- they conform with the conditions laid down in the Regulation.



LOW FAT

A claim that a food is low in fat, and any claim likely to have the same meaning for the consumer, may only be made where the product contains:

- no more than **3 g** of fat **per 100 g** for solids or
- no more than **1,5 g** of fat **per 100 ml** for liquids (1,8 g of fat per 100 ml for semi-skimmed milk).

HIGH PROTEIN

A claim that a food is **high in protein**, and any claim likely to have the same meaning for the consumer, may only be made where at least **20 % of the energy value** of the food is provided by protein.



Nutrition and Health Claims

Function Claims: Specific conditions

☐ Only authorized if:

- They are listed in [Regulation \(EU\) No 432/2012](#) (Annex); Additional claims can be submitted to [EFSA](#), and [authorized by the European Commission](#), and will be [added to the Annex](#) to the Regulation.



Claim	Condition
Melatonin contributes to the alleviation of subjective feelings of jet lag	The claim may be used only for food which contains at least 0,5 mg of melatonin per quantified portion. In order to bear the claim, information shall be given to the consumer that the beneficial effect is obtained with a minimum intake of 0,5 mg to be taken close to bedtime on the first day of travel and on the following few days after arrival at the destination.

Nutrition and Health Claims

Disease Risk Reduction Claims

- Only authorized if **expressly approved** by the European Commission, further to an application by the sponsor of the claim and on the basis of a **scientific opinion by EFSA**.



Claim

Plant sterols have been shown to lower/reduce blood cholesterol. High cholesterol is a risk factor in the development of coronary heart disease.

Condition

Information to the consumer that the beneficial effect is obtained with a daily intake of 1,5-2,4 g plant sterols. Reference to the magnitude of the effect may only be made for foods within the following categories: yellow fat spreads, dairy products, mayonnaise and salad dressings.



FOOD

European Commission > Food Safety > Food > Labelling and nutrition > Health and nutrition claims



HEALTH

FOOD

ANIMALS

PLANTS

AMR

LABELLING AND NUTRITION

Food labelling legislation

Nutrition and Health claims

Claims being processed

EU Register

Health claims

Nutrition claims

REFIT Evaluation

Food supplements


Addition of vitamins and minerals

Natural mineral waters

Food for specific groups

EU Register of nutrition and health claims made on foods

The EU Register is for information only, showing:





- Permitted nutrition claims and their conditions of use
- Authorised health claims, their conditions of use and applicable restrictions, if any;
- Non-authorised health claims and the reasons for their non-authorisation;
- EU legal acts for the specific health claims;
- National measures mentioned in Art. 23(3) of Regulation EC 1924/2006  (115 Kb)

The Commission will update the EU Register when required, namely upon adoption of EU decisions on applications for claims or on changes to conditions of use and restrictions.

EU Register of Nutrition and Health Claims 

Claims not in the EU Register

A number of submitted health claims do not appear in this EU Register:

- Health claims submitted as Article 13(1) 'function claims'  (8 Kb) but that do not qualify as such.
- Health claims not related to human health  (6 Kb) which cannot consequently be used on foods.
- Health claims for combinations of substances  (7 Kb) where health claims are already authorised for some of the individual substances.
- Some 'function claims', for which the assessment by EFSA or the consideration by the Commission is not finalised  (177 Kb) . These include health claims:

Next :



Diploma e Master Universitario in Altissimi Studi Europei
Collegio Europeo di Parma

Course on:
"EU Food Law and Policy"
2023
Prof. Patrick Deboyser

7

" Genetically Modified Food "
Wednesday 17 April 2024