

NCC, SCC and WCC response to FSA consultation on proposal for a new regulation on the provision of food information to consumers

by the National Consumer Council, Scottish Consumer Council and the Welsh
Consumer Council

About the National Consumer Council

The National Consumer Council (NCC) makes a practical difference to the lives of consumers around the UK.

The NCC uses its insight into consumer needs to advocate change. We conduct rigorous research and policy analysis to investigate key consumer issues, and use this to influence organisations and people that make change happen. We don't just respond to policy discussions, but shape future debate through our groundbreaking thinking.

An open and collaborative organisation, we seek to work with public service providers, businesses and regulators. We hold regular policy forums which provide us with a unique opportunity to exchange views and test our thinking.

Our relationship with the Department for Business Enterprise and Regulatory Reform– our main funder – gives us a strong connection within government. But we are ready to challenge any organisation, public or private, that does not give consumers a fair deal.

We have linked organisations in Scotland and Wales, and a close relationship with colleagues in Northern Ireland. We play a leading role within European and worldwide consumer groups, ensuring that cross-border consumer issues are tackled and the consumer voice is heard within global institutions.

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Summary

The National Consumer Council (NCC), Scottish Consumer Council (SCC) and Welsh Consumer Council (WCC) welcome the opportunity to comment on the Commission of the European Communities proposal for a new regulation on the provision of food information to consumers.

Labels provide a key source of information when consumers are making food purchasing decisions and consumers have the right to expect that products are accurately and informatively labelled. We believe that with some amendments the new proposal will make a real difference in ensuring the safe use of foods and enabling consumers to make better, more informed food choices.

1. Introduction

The Commission proposal is welcomed in recasting, amending and merging current legislation; imposing mandatory requirements for nutrition labelling; providing for a mandatory font size for important labelling information as well as providing clarity on origin declarations and extending labelling to distance selling operations.

We welcome the far reaching scope of the regulations in enabling the provision of food information to distance selling operations. This will provide additional confidence for consumers using the internet for example when purchasing food products.

Ensuring the mandatory labelling particulars are passed along the food chain from supplier to consumer will guarantee that food information is accurate when reaching the final consumer.

2. Key Points

- We do not support the use of reference intakes as an expression of nutrient content for front of pack labelling given widespread evidence in favour of a colour coded information provision tool

- Reference intakes for front of pack labelling have not been independently verified

3. Detailed considerations

Article 8 (6); responsibilities

In order to ensure consumer protection, full mandatory particulars outlined in article 9 (the name of the food; ingredients and their quantity; allergen indication; durability; country of origin; storage conditions; business particulars; instructions for use; alcoholic strength and nutrition declaration) should appear on food packaging presented for marketing by business operators. Mandatory particulars provided on accompanying documentation may get separated from the food when not presented on the packaging.

Article 9 (2 and 3) and 13; mandatory particulars

Indication of the mandatory particulars (article 9 listed above) should appear on the package. There should be no deviation from this principle and any amendment should be subject to the co-decision principle.

Article 14; minimum font size

Provision of a minimum font size of 3mm for mandatory labelling requirements (article 9 listed above) and the requirement for this information to be clearly conspicuous and visible is welcomed.

Research by the FSA¹ found that 42% of consumers found print size on food labels quite hard or very hard to read.

Poor vision means that older consumers often find it difficult to read the nutritional details or cooking instructions on food labels. Research by the Welsh Consumer Council², on what factors make it difficult for older people to access a healthy diet, found that this was an issue especially when people needed to look at nutritional information for health reasons (such as sugar or salt content). Inability to read labels can be problematic for all consumers on a special diet who need to check the

¹ Consumer attitudes to food standards wave 8 England. www.food.gov.uk

² 'Food Poverty and Older People', Welsh Consumer Council (August 2006)

nutritional content or ingredients in food and can be a matter of consumer safety where allergens are concerned.

Article 15; distance selling

To ensure consumer protection, mandatory particulars (article 9 listed above) should be provided at the moment of delivery in respect of foods offered for sale by means of distance communication.

Article 35; country of origin

We support a mandatory country of origin labelling for food.

The Commission should introduce mandatory country of origin labelling to ensure similar rules across member states. By allowing mandatory origin indications only 'where there is a link between the qualities of the food and its origin or provenance' ignores the consumer right to buy national goods for whatever reason be it for environmental, ethical, or perceived food standards.

Consumers have repeatedly expressed their support for country of origin labelling of food products in European countries. A qualitative study for the European Commission in 2005³ showed that consumers tend to be more attentive when buying food products than when buying other products. For food products, the study found that consumers spontaneously not only mention durability and composition, but also provenance as being the kind of information for which they most frequently look. In the UK, country of origin labelling was important to just over half (54%) of respondents interviewed in a survey in 2007⁴, with 25% rating it as very important and only one in five (19%) rating it as not at all important.

Voluntary labelling programs do not offer the same benefit as a mandatory labelling program since, by definition, voluntary programs do not require all foods in a particular category to be labelled.

³ European Commission, Directorate General Health and Consumer Protection, 'The Attitudes of the European Consumers Regarding Product Labelling', Qualitative Study in 28 European Countries, conducted by OPTEM, May 2005

⁴ Country of Origin Labelling Omnibus Research Report July 2007 carried out for the Food Standards Agency www.food.gov.uk

In the case of multi ingredient foods the main ingredient should be labelled with the country of origin even if the processing of the food has taken place in another country. Additional information concerning where prepacked foods have been processed, should be provided on a mandatory basis.

4. Particular areas of concern; Article 31 and Annex XI

Given widespread evidence in favour of a colour coded information provision tool and the lack of an evidence base for reference intakes, we do not support the use of reference intakes on their own as the expression of nutrient content (outlined in Annex XI and article 31) for front of pack labelling.

Food Standards Agency (FSA) research⁵ concluded that the best performing format for signalling nutrition information at a glance was a colour coded high, medium and low system. NCC's own research⁶ confirms that consumers want a standard, colour coded, at a glance front of pack labelling system to help them make quick, informed decisions before they buy. In 2006, BEUC, the European consumer organisation, chaired a discussion group⁷ to review the evidence behind the use of different simplified labelling schemes. Following the recommendations of this group and subsequent research conducted by BEUC members, BEUC has concluded that the front of pack labelling scheme which works best for consumers is a multiple colour coding labelling scheme that uses red, amber and green colours to interpret the levels of key nutrients.

We are concerned the reference intakes intended have not been independently verified and for sugar could mislead consumers. Using the reference intake of 90g for total sugar provided in the proposal, the amount of sugar will appear low in products

⁵ www.food.gov.uk/foodlabelling/signposting/signpostlabelresearch/

⁶ MORI interviewed a nationally representative quota sample of 2,056 adults aged 15+ between 6th and 10th October 2005 in 197 sample points, using Computer Assisted Personal Interviewing (CAPI). Interviews were conducted face to face, in respondent's homes. All data have been weighted to the known profile of the population.

⁷ Discussion group on Simplified Labelling: Final Report, Simpler Labelling for Healthier Choices, BEUC July 2006.

such as soft drinks where the sugars are predominantly added – and less desirable from a nutrition point of view, but high for fruit and milk where sugars are intrinsic and are less of a health concern.

Consideration should be given to GDAs for products aimed at children since the reference intakes provided are for adults only.

5. Alternative suggestions and evidence base

The Commission proposes a system of nutrition labelling based on percentages of reference intakes as the mandatory front of pack format for simplified labelling. We would only support the use of a tool based on reference intakes if designed in conjunction with a colour coded scheme.

The colour coding criteria should be based on sound independently science driven criteria based on advice from the European Food Safety Authority (EFSA).

6. Response to specific questions

Article 29 (1): content of mandatory nutrition declaration

We consider that mandatory nutrition declaration on front of pack should include the health critical nutrients; saturated fats, fat, sugar and salt as a minimum guide to consumers. Energy/calorific information is also seen by consumers as useful to control their dietary energy intake.

Additional mandatory information on the back of pack to include the ‘big 8’ (energy, fat, saturated fat, carbohydrate, sugar, protein, fibre and salt) would complement a front of pack scheme and enable consumers to access further detail if required.

Derogation for wine, beers and spirits from mandatory nutrition declaration appears unjustified. Alcohol provides 6.5% and 3.9% of total energy on average for males and females aged 19–64 years respectively⁸. Due to this significant contribution to total

⁸ NDNS adults survey 16–64 volume 2 2003 (surveyed in 2000/01),
www.food.gov.uk/science/dietarysurveys/ndnsdocuments/

energy intake, measures to ensure consumers have the benefit of energy labelling are required.

Article 30 (3): calculation of nutrition declaration

Consumers want clear, concise and comprehensive nutrition information. In the interests of avoiding any consumer ambiguity as to amount of nutrients actually consumed, data should be supplied on an 'as sold' basis.

Article 31 (3): form of expression

We propose a front of pack colour coded criteria for low, medium and high amounts of key health critical nutrients – salt, saturated fat, fat and sugar, as well as energy with the criteria agreed by EFSA.

NCC's research confirms that consumers are trying to adopt healthier lifestyles and want a standard, colour coded, at a glance front of pack labelling system to enable quick, informed decisions before they buy.

Reference nutrient intakes do not distinguish if a product is high or low in a nutrient and infers that the consumer has an understanding of intake requirements and percentages. Some research for example has found consumers use reference intakes as a target to aim for⁹.

Companies should be able to provide reference intakes on the back of pack alongside a nutrition information panel to enable consumers to access more detailed information if required.

Consumer research shows that colour coding works best for consumers. If reference intakes are to be taken forward front of pack then a colour coding interpretation of reference intakes should be included to enable consumers to make quick interpretation of intake levels.

The expression of the reference intake if used should be per 100g/ml unless the portion is greater than 100g, this enables consumers to make effective comparison between products as well as taking into account products that are consumed in high quantities and which can potentially contribute a large amount of nutrient/s.

⁹ Logoland – 'Simplified nutrition labelling in the Netherlands', Consumentenbond; September 2007

Article 32 (2) & (3): expression of nutrition declaration on a per portion only basis

We agree that per portion information would be useful addition to information provided per 100g or 100ml. Research by the FSA¹⁰ found that per-serving values were felt by the majority of respondents to be necessary as they provided reassurance and provide ‘all the information in one place’. Nutrition declaration per 100g or 100ml provides the benefit of comparison across products.

With the number of portions clearly stated on the package and Commission intention to look at harmonising portions sizes in foods containing multiple portions, consumers should ultimately be provided with the information required to understand the actual amounts of the nutrients that will be consumed. Without such a harmonising procedure consumers could be misled by the labelling of products even within the same categories.

We look forward to considering the Commission proposal in this regard.

Article 33: additional forms of expression

33 (1) Care must be taken not to further confuse the consumer with alternate and additional front of pack nutrition labelling schemes to that ultimately agreed. Any agreed scheme must be scientifically proven to be the most appropriate tool to inform consumers.

33 (2) We recognise the value that front of pack signpost labelling will have to enable all consumers, and particularly those from disadvantaged backgrounds to make healthier choices easier. There is wide support among consumers for a front of pack signposting scheme to encourage healthier eating. In addition to FSA’s own research – NCC’s research also shows support. MORI research for NCC showed that consumers want foods to carry clear signpost labelling as a means to encourage them to eat more healthily. NCC research supports the evidence that Multiple Traffic Lights (MTL) were found to be the preferred option for the majority of consumers and that it was the most easily understood format for those consumers from low-income and ethnic backgrounds.

¹⁰ Qualitative Signpost Labelling Refinement Research, Synovate for the FSA; November 2005

In light of this evidence we fully support recommending the MTL format to be mandatory for a front of pack labelling scheme and if necessary for this to be incorporated alongside the reference intake expression (subject to the reference intake levels being based on independent advice from EFSA) outlined in the proposal.

Article 34 (1): presentation of the nutrition declaration

We support a minimum nutrition declaration for front of pack of salt, fat, saturated fat, and sugar and energy with additional nutrient information on back of pack.

Nutrient declarations should be mandatory rather than voluntary to enable consumers to assess the nutrient contribution of foods to overall diet in order to eat healthily. Such a front of pack declaration should include those nutrients of interest to consumers and of importance to health outcomes for consumers and public health authorities alike and should include energy, fat, saturated fat, sugar and salt. It is unclear why the proposal includes specific notification for carbohydrate for front of pack labelling given that it is not a significant health critical nutrient.

Consumer research supports mandatory labelling; BEUC¹¹ found that consumers were largely in favour of detailed labelling with 68% interested in saturated fat, 77% in protein, 72% fibre, 73% salt, 79% energy, 86% sugar and 88% fat.

Thank you for the opportunity to comment we look forward to seeing the outcome of this consultation.

¹¹ Report on European Consumers' Perception of Foodstuffs Labelling, BEUC 2005