

## EU FOOD INFORMATION REGULATION: NUTRITION LABELLING

### Executive Summary

1. This paper sets out the proposals for nutrition labelling in the recently published EU Food Information Regulation and discusses their likely impact on UK consumers. It recommends priorities for the Agency's input into development of the UK's negotiating objectives.

### Board Action Required

2. The Board is invited to **agree** that the objective of negotiations should be to:
  - support mandatory nutrition labelling;
  - promote continued use of front of pack (FoP) schemes which follow the FSA's core principles approach, and take account of the independent evaluation currently under way;
  - ensure that FoP and back of pack (BoP) information can work effectively together to meet consumer needs;
  - support calorie labelling on alcoholic drinks;
  - support moves to harmonise portion sizes; and
  - challenge the basis for inclusion of 'carbohydrates with special reference to sugars' and the specific reference intakes proposed.

#### **Nutrition Division**

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## **EU FOOD INFORMATION REGULATION: NUTRITION LABELLING**

### **Issue**

1. To propose advice regarding the negotiating position on the nutrition labelling element of the EU Food Information Regulation (FIR).

### **Strategic Aims**

2. To contribute to making it easier for consumers to make healthier choices.

### **Background**

3. The European Commission published on 30 January 2008 a proposal for a new regulation on the Provision of Food Information to consumers, bringing together legislation on general and nutrition labelling into a single text. This follows a review of legislation in this area, and will be taken forward via co-decision procedures. The earliest this legislation is likely to be adopted is 2010.
4. Currently foods only have to provide nutrition labelling if a nutrition claim or health claim is made, or if vitamins or minerals have been voluntarily added to a food. Over 80% of prepacked foods sold by businesses in the UK currently provide some form of nutrition information on a voluntary basis on back of pack. Companies that do not provide this information tend to be small and micro businesses. Most of the major retailers and manufacturers also provide some form of front of pack nutrition labelling.

### **Development of the Agency's policy on front of pack nutrition labelling**

5. Between 2004 and 2006, in response to concerns about the difficulty of using the detailed nutrition information on the back of pack (BoP), the Agency carried out extensive consumer research which showed that traffic light colour-coded front of pack (FoP) nutritional signposting helped consumers to make quick and accurate assessments of the nutritional qualities of foods, and that there was strong consumer demand for this information, particularly on complex processed food such as ready meals and sandwiches.
6. In March 2006 the Agency's Board recommended voluntary use of front of pack labelling on seven categories<sup>1</sup> based on the following four core principles:
  - provision of information for fat, saturated fat, sugars and salt;

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<sup>1</sup> Sandwiches, wraps, filled baguettes and similar products; prepared or ready meals, whether hot or cold; burgers, sausages, pies, pasties and quiches; beaded or coated or formed meat, meat alternative, poultry, fish and similar products including those in sauces; pizzas; breakfast cereals

- red, amber or green colour coding to provide at a glance information on the level (i.e. whether high, medium or low) of individual nutrients in a product,
- provision of additional information on the amounts of nutrients present in a portion of the product; and
- use of the nutritional criteria developed by the Agency to determine the colour code.

Information on calories or Guideline Daily Amounts may also be provided.

7. Since then several companies have chosen to apply the Agency's approach to a wider range of products and the Agency does not object to this.
8. The Agency's recommended approach is now being used by 8 retailers (Asda, Boots, Budgens, Co-op, Lonsdale, M&S, Sainsbury's, Waitrose), 16 manufacturers (including McCain and Bernard Matthews) and 4 service providers. A total of nearly 10 000 different products currently carry traffic light colour coded labels. The annex provides a full list of adopters.
9. All the major professional medical associations and consumer groups (in all 23 organisations) support this approach. The annex provides a full list of supporters.
10. A group of manufacturers and retailers, including Tesco and a number of multinational companies, have developed an alternative FoP scheme based upon displaying the amount of each nutrient as a percentage of the GDA in a portion of food. GDAs were developed by the Institute of Grocery Distribution, an organisation funded by food manufacturers, distributors and retailers, to undertake research and share information and best practice throughout the food and grocery industry.
11. The Agency has commissioned an independent evaluation of the three approaches (traffic lights with GDA, traffic lights without GDA and GDA without traffic lights) used in the UK; it will report in December 2008. The aim is to assess independently the impact of FoP schemes on purchasing behaviour and consumer knowledge. When the results are available the Agency will need to consider implications for the recommendations set out in paragraph 6.

## **Government Policy**

12. The 2008 'Healthy Weight Healthy Lives' strategy for England includes a commitment to work with stakeholders on a Healthy Food Code of Good Practice. The Code includes establishing a single simple and effective approach to FoP food labelling used by the whole food industry and based on Agency recommendations.

13. The Scottish Government launched a public consultation discussion paper in January entitled “Choosing the Right Ingredients – The Future for Food in Scotland” to help Scottish Ministers to agree a high level, cross-cutting food policy. An announcement on the policy will be made at the Royal Highland Show in June. The Scottish Government is also producing an action plan on Food, Health, Physical Activity and Obesity which will include commitments to providing clear labelling in relation to healthy eating.
14. The Welsh Assembly Government is in the process of producing a national draft action plan aimed at improving the quality of food consumed in Wales, through incorporating nutrition and safety with local procurement, supply chain, environment issues and other political objectives. This 'Quality of Food' plan will link agendas across the Assembly, including the joint FSA Wales/Welsh Assembly Government nutrition strategy for Wales, 'Food and Well Being', and is expected to be submitted to the Minister for Health and Social Services by the end of May and launched in the Autumn. FSA Wales was a member of the Task and Finish Group which developed the 'Quality of Food' consultation document. A main theme emerging from the consultation phase last Autumn was a consensus opinion that food labelling was confusing and needed to be made clearer in order not to mislead the public.
15. In Northern Ireland the Department of Health, Social Services and Public Safety (DHSSPS) held an inaugural meeting of the Obesity Prevention Steering Group (OPSG) in February 2008. The OPSG will oversee, co-ordinate and drive forward the implementation of 'Fit Futures: Focus on Food, Activity and Young People' and agree the way forward to prevent obesity in the adult population with the view to producing an Obesity Prevention Strategy for Northern Ireland by March 2009. Membership of the group is drawn from a wide range of organisations including the statutory, voluntary and community sectors. DHSSPS is proposing to set up four advisory groups to inform the OPSG; a Food and Nutrition Group, a Prevention, Education and Public Information Group, a Physical Activity Group and a Data and Research Group. It is proposed that FSANI will be represented on the Steering Group and all of the advisory groups with the exception of the Physical Activity group.

### **EU Proposal**

16. The key nutrition labelling elements of the proposal are:

- the introduction of mandatory nutrition labelling on front of pack (energy, fat, saturates, carbohydrates with specific reference to sugars and salt);
- introduction of a declaration of a percentage reference intake value (similar to the GDA declaration described above) for mandatory nutrients. The proposal is silent on where on pack this should be;

- information on other nutrients, including trans fats, can be provided on a voluntary basis;
- arrangements for voluntary national schemes to provide additional forms of expression of the mandatory nutrition declaration; and
- mandatory nutrition labelling for alcoholic drinks (other than wines, beers and spirits);

17. The FSA is currently conducting a formal consultation on the contents of the proposal and responses will be available for the May Board meeting, when the overall Agency position on the proposal will be agreed.

### **Discussion**

18. Inclusion of mandatory nutrition labelling recognises the importance of this information as the UK, and other MS, encourage citizens to choose healthier diets. The Commission has also recognised the benefits of FoP labelling as pioneered by the FSA and incorporated 2 of the 4 core principles recommended by the Agency. Schemes following all 4 principles would continue as a national voluntary scheme. GDA systems without traffic light colours would also be able to continue.

19. The Agency's FoP recommendations envisage FoP labelling as a simplified scheme which works alongside more detailed back of pack (BoP) information. The proposal, however, emphasises FoP, with other information only given on a voluntary basis. Since in the UK 8 nutrients are commonly given this risks reducing the amount of nutrition information available to consumers, or losing the at a glance simplicity which is key to an effective FoP scheme.

20. The Commission has used IGD GDA values as the basis for reference intakes, rather than seek independent advice. In the case of total sugars the figure is much higher than Government advice on the maximum intake of added sugars. This could lead to consumers being misled.

21. It is not clear what 'carbohydrates with special reference to sugars' means. Inclusion of carbohydrates in FoP labelling is inappropriate as this nutrient does not fit the pattern of other FoP elements; excess intake is not a key public health concern and there is no maximum recommended intake. Dietary advice for diabetics as well as the rest of the population, is to base meals on starchy carbohydrate, such as potato or wholegrain cereal. Carbohydrate information on labels is not widely used by consumers.

22. Consumer and public health groups would like to see compulsory labelling of trans fats. Action by the UK food industry to remove hydrogenated vegetable oils (HVO) – a key source of artificial trans fats - from foods, has been successful in

reducing average dietary intakes to 1% of energy, this is just half the Scientific Advisory Committee on Nutrition (SACN) maximum recommended average intake. Dietary intakes of trans fats in the UK are not therefore a cause for concern<sup>2</sup>. The comprehensive action taken by the UK food industry to eliminate HVO from UK foods means that labelling of artificial trans fats would be unlikely to provide an effective means by which consumers can make healthier choices.

23. Saturated fat, not trans fat, is the priority for labelling of fats. Encouraging consumers to reduce saturated fat intakes, which currently exceed recommendations by around 20%, is the priority to reduce cardiovascular disease risk, and should be the priority with respect to labelling of fats. Saturated fat is among the nutrients included for front of pack labelling in the Commission's proposal.
24. The proposal requires nutritional information to be given on a 100g basis or 100 ml or per portion with the Commission setting portion sizes for foods that are sold in multi serve packs. This approach would address concerns about use of unrealistic portion sizes. It may however be difficult to do this because of inherent variability and the lack of consistent evidence on food consumption patterns across the EU.
25. Alcoholic drinks provide on average 7% of total energy, which is comparable to that provided by potatoes and savoury snacks (9%). Calorie information would help consumers understand the contribution restricting alcoholic drink consumption can make to maintaining a healthy weight, but this should apply to all alcoholic drinks.

## **Conclusions**

26. It is important that the proposal should enable the Government to pursue its stated public health objectives in this area. Recognition of the importance of mandatory nutrition labelling, and of FoP, is welcome. It is important however not to lose sight of the rationale for FoP as a simplified signpost to enable at a glance assessments, working alongside more detailed information on BoP. FoP labelling is an innovative approach and evidence is still emerging, not least through the FSA's independent evaluation. Any legislative regime must therefore maintain flexibility to take account of this.
27. Harmonising portion sizes, allowing voluntary trans fat declarations and introducing nutrition information on some alcoholic drinks would benefit consumers. However, it would be more beneficial if all alcoholic drinks were included.

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<sup>2</sup>Board Discussions of 13<sup>th</sup> December 2007. Paper FSA 07/12/07: [www.food.gov.uk/multimedia/pdfs/board/fsa071207.pdf](http://www.food.gov.uk/multimedia/pdfs/board/fsa071207.pdf), Minutes: [www.food.gov.uk/multimedia/pdfs/board/fsa080201.pdf](http://www.food.gov.uk/multimedia/pdfs/board/fsa080201.pdf)

28. The basis for inclusion of mandatory carbohydrate levels on front of pack and the specific percentage reference intakes detailed in the proposal should be challenged.

### **Board Action Required**

29. The Board is invited to **agree** that the objective of negotiations should be to:

- support mandatory nutrition labelling;
- promote continued use of front of pack (FoP) schemes which follow the FSA's core principles approach, and take account of the independent evaluation currently under way;
- ensure that FoP and back of pack (BoP) information can work effectively together to meet consumer needs;
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- support moves to harmonise portion sizes; and
- challenge the basis for inclusion of 'carbohydrates with special reference to sugars' and the specific reference intakes proposed.

**Supporters of the Agency's FoP labelling approach**

British Dietetic Association  
 British Heart Foundation  
 British Medical Association  
 Cancer Research UK  
 Chartered Institute of Environmental Health  
 Diabetes UK  
 National Consumer Council  
 National Heart Forum  
 Netmums  
 NFWI  
 The Office of the Children's Commissioner  
 Royal College of Paediatrics and Child Health  
 Royal College of General Practitioners  
 Royal College of Nursing  
 Royal College of Physicians  
 UK Public Health Association  
 Stroke Association  
 Which?  
 Trading Standards Institute  
 Scottish Consumer Council  
 Chief Medical Officer Scotland  
 Northern Ireland Chest Heart and Stroke  
 Cardiff City Council

**Adopters of the Agency's FoP labelling approach**

Asda	Moypark
Budgens	Mash Direct
Boots/Londis	Paterson Arran
Co-op	Lockwoods Limited
Sainsburys	Tasty Foods Cuisine Ltd
Marks and Spencer	Korkers
Waitrose	Whites/Speedicook
Virgin Trains	Kallo Foods
National Express	Bombay Halwa
Roadchef	Swankies
MySupermarket.com	Yo Sushi!
New Covent Garden Food Company	
McCain	
Avondale	
Bernard Matthews	
S&B Herba Foods	
Britannia Brands	