

23 MAY 2007

AGENDA ITEM 6

**FSAS POLICY ISSUES UPDATE**

**Executive Summary**

The Committee is asked to:

- **Note** the information provided in this paper on EU Food Labelling Review.

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## **EU Food Labelling Review: Forthcoming Consultations**

### Purpose

1. The purpose of this briefing is to provide the Scottish Food Advisory Committee (SFAC) with information on two consultations that are part of the EU Food Labelling Review, which are due to be issued in late May 2007. In addition SFAC's views on these consultations are welcome.

### Background

2. SFAC considered a paper on the European Union Food Labelling Review at their meeting on 24 January 2007. The paper (attached for reference) provided an update on the Labelling Review and provided SFAC with the opportunity to comment and feed into the Food Standards Agency Board discussions on the establishment of labelling principles that will determine mandatory labelling requirements; the labelling of food sold loose; and a proposal for further consumer research in order to understand how consumers use labelling information.
3. At the February open meeting, the Board discussed and endorsed the proposed labelling principles, which will provide a framework for consideration of both current and future information needs. This issue will now be subject to full public consultation. The Board also agreed that the Agency should conduct consumer behavioural research in order to test the validity of the proposed principles.
4. With regard to the labelling requirements for food sold loose, the Board agreed that the most appropriate way forward would be to consult on the suggestion of applying a best practice voluntary approach to providing off-label information. The Agency will consult on the issues of labelling principles and food sold loose/pre-packed for direct sale together at the end of May.
5. As part of the EU Food Labelling Review, the Agency is addressing a number of provisions that have evolved over a period of time and which are set out in our national food labelling Regulations. These provisions have largely been unaffected by EU law. However, because the new proposal from the Commission will be in the form of a Regulation, which will be directly applicable in Member States, the UK will need to present a case for these provisions if they are to be retained and incorporated into the new Regulation. The Agency will issue a consultation on these provisions in May.

## Consultations – brief outline of the issues

6. **Labelling Principles:** There are general principles governing all food – food should be labelled so as to enable consumers to make informed choices and information provided must be accurate, easy to understand, clearly legible and indelible and not be misleading. In addition to these general principles it is proposed that current mandatory labelling requirements will be evaluated on the basis of the principles of ‘safety’ e.g. durability indications, ‘key product identifiers’ e.g. list of ingredients and ‘nutrition’ e.g. nutrition panel. The principle of ‘majority interest/consumer demand’ will not be a stand alone principle, but will be linked to the principle of ‘key product identifier’ and ‘nutrition’ as a ‘filter test’ when considering mandatory labelling requirements. For example, most consumers want to know the ingredients in a food and this represents a majority consumer interest under the principle of ‘product identifier’.
7. In the short term, use of these principles will mean that all relevant information is on the label. However, if technology develops to allow this information to be provided in other ways, its use should be considered. The legislation that is developed should allow for changes/development in technology and communication.
8. **Food sold loose/pre-packed for direct sale:** In the EU, Member States may, on a national basis, decide how much of the current mandatory information, if any, is required for such foods providing that the consumer receives sufficient information. The UK requirements, like those of other Member States, are minimal, reflecting the nature of the goods and how they are sold. Retaining the existing national arrangement would seem to be appropriate because it continues to minimise the burdens place on SMEs. In addition, there has been no call for mandatory information for these foods by consumers. A better approach might be to encourage a best practice approach to providing off-label information – this will be explored in the consultation.
9. **National Provisions:** The main objective of this consultation is to facilitate discussion on a number of provisions that are set out in the Food Labelling Regulations. The consultation will set out a number of options as they are currently understood and seek to obtain views on the potential impact of the lapsing of the provisions. The Agency met with a number of key stakeholders between 2005 and 2006 as part of the process of developing the options set out in the consultation and has worked closely with other Government Departments. If a robust case emerges for retaining any of these provisions, the UK will be in a position to negotiate for their inclusion in the new EU Regulation.

## SFAC Action

10. The views from SFAC on the above issues are welcomed.

The consultations, which will be issued after the SFAC meeting in May would normally be subject to discussion and comment at the next meeting (3 July). However, as the Agenda for the July meeting is full, the SFAC labelling sub group may wish to meet out with the July meeting and bring their response to that meeting for agreement. Agency Officials will be available to provide advice to the sub group.