

UK Food National Labelling Provisions

SUMMARY REPORT OF RESPONSES TO CONSULTATION FROM STAKEHOLDERS

The UK National Labelling provisions consultation was issued on 4 June 2007 and closed on 31 August 2007. The consultation sought views on the FSA recommendations in respect of a number of national provisions within the Food Labelling Regulations 1996 (as amended) ('FLR'). These national provisions have evolved over time in response to domestic need, and have so far been unaffected by EU law. The European Commission is reviewing EU food labelling legislation and the new legislation is likely to be in the form of a directly applicable Regulation. The national labelling provisions were therefore reviewed with the objective of looking at option of either allowing them to lapse on the adoption of the new legislation, or seeking to retain them at European level

1 The FSA is grateful to those stakeholders who responded and sets out in the table below responses in order of the issues considered.

2 The key proposals on which the consultation sought views were:

The labelling provisions in question are:

- 'Provident Societies' provision — Regulation 4(3)(b)
- 'Charities' provision — Regulation 4(3)(c)
- 'Fortified Flour' provision — Regulation 18(1)(e)
- 'Added Ingredients' provision — Regulation 18(2)
- 'Manner of Presentation' flexibility — Regulations 20(3)(b) and 21(3)(b)
- 'Flour Confectionery' provision — Regulation 23(1)(b)
- 'Minor accompaniment' provision — Regulation 26(3) and 26(3)(a)

3 The Food Standards Agency's considered responses to stakeholders' comments are given in the last column of the table. A summary of changes to the original proposal(s) resulting from stakeholder comments is set out in the final table.

4 A list of stakeholders who responded can be found at the end of the document.

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Respondent	Comment	FSA Response
<p>Associated British Foods</p>	<p>Of the labelling provisions in question, the following would be of relevance and comments are therefore focused on these only:</p> <ul style="list-style-type: none"> - 'Fortified flour' provision – Regulation 18(1)(e) - 'Minor accompaniment' provision – Regulation 26(3) and 26(3)(a) <p>'Fortified flour' provision – Regulation 18(1)(e) The UK currently exempts white and brown flour from declaring the presence of flour fortificants, i.e. calcium, iron, niacin, and thiamin. The EU food labelling review will no longer allow for UK national food labelling provisions to continue. This will affect all products containing flour in the UK, including pre-packed flour, bread, biscuits, etc. The declaration of flour on UK pack labels currently permitted is: 'Ingredients: Wheat Flour'. When the EU legislation is adopted, the following declaration would be required if the exemption is rescinded: 'Ingredients: Wheat Flour (calcium, iron, niacin, and thiamin)'.</p> <p>Consumer Issues UK consumers are currently not informed of the addition of the statutory additives, due to the current UK labelling derogation. Although it is accepted that a declaration will be necessary under the new EU legislation, we would like FSA to support the following suggestions to help consumer understanding:</p> <ul style="list-style-type: none"> - To allow an explanatory statement to be added to packs to explain the fortification to consumers. - To link the statement to a government sponsored information source to give more detailed explanation. <p>Proposed format: <i>Ingredients: Wheat Flour (with added calcium, iron, niacin, and thiamin)**</i> <i>*nutrients added by law. Further information is available at www....</i></p> <p>Minimum Threshold The possibility of establishing a minimum threshold level whereby micronutrients would not require labelling is supported. The declaration of statutory additives in products containing small amounts of flour could potentially mislead consumers into thinking that the foodstuff concerned has a positive nutrition benefit, when in reality it</p>	<p>It would be up to industry to provide additional labelling information as they see fit, so long as the information is accurate and not misleading.</p> <p>We have noted these comments. The Agency is still considering policy and will</p>

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	<p>does not.</p> <p>In addition, we recommend that a threshold of nutritional insignificance is introduced for non-staple foods i.e. products that have no significant contribution of vitamins and minerals to the diet. Where the non-staple food products are below the established threshold, the flour fortificants should not need to be declared.</p> <p>‘Minor accompaniment’ provision – Regulation 26(3) and 26(3)(a) The UK currently exempts minor accompaniments to another food or service from much of the labelling requirements. Amongst other things allergen information is still required. This provision will not feature in the new EU legislation.</p> <p>This will affect a large number of individual pre-packed portions of foods such as tea, coffee, sugar, sauces, etc.</p> <p>If no action is taken to retain this exemption, it will be extremely difficult and costly for the industry to provide the full labelling information in a legible format.</p> <p>The proposed lobbying position (Option 2) to increase the ‘small packages size’, whilst retaining allergen labelling, is supported, although this would still have some significant cost implications.</p>	<p>take comments into consideration in coming to a final policy position.</p> <p>Noted.</p> <p>Noted</p>
<p>(2)Biscuit Cake Chocolate & Confectionary Association</p>	<p>Regulation 18(1)e – ‘Fortified Flour’ Provision We note the FSA’s proposal to do nothing but explore the possibility of a agreeing a threshold, below which labelling would not be required.</p> <p>BCCCA has grave concerns about following this course of action, for a number of reasons, not least of which is its potential impact on the export markets for biscuits and cakes. Declaration of UK mandatory fortificants could cause rejection of products, especially from European countries. Despite the notion of free trade within Europe, there is evidence that certain markets do not accept the fortification of standard food products. For those countries that do permit fortification, there are often stringent requirements and significant administrative burdens attached, the costs of which are hidden in lower productivity for businesses. As it is the European export market that is the most significant for biscuit and cake manufacturers, at £80 million per year, the effect of losing this Provision will pose large risks.</p> <p>There is also a risk that British manufacturers will be disadvantaged against overseas competitors if, as a result of the complex fortificant labelling that will be required, consumers avoid British biscuits and cakes altogether, due to the list of “additives”, in favour of European alternatives.</p>	<p>For costs that you feel would accrue as a result of any labelling changes, we requested figures that would help us draft an accurate impact assessment to inform policy decision and negotiations in Brussels. There will be further opportunity to provide these figures when we consult later on the proposal for new</p>

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<p>We also believe that the addition of fortificants to a product ingredients list is in no way consistent with clearer labelling objectives. The requirement to fully label the mandatory flour fortificants would result in many products in our members' portfolios requiring label changes. This process is costly and we estimate that, for our sector alone, the costs are likely to be somewhere in the region of £5 million, which would be an additional burden on an industry already struggling to achieve profitability. In addition, many labels will only be changed every few years, so the process is also likely to be a lengthy one.</p> <p>The above costs and complexities seem very unfair when, due to the mandatory requirement laid down in the Bread & Flour Regulations, all UK flour is fortified with nutrients and no choice can be exercised in practice on the basis of this information, ie businesses are unable to use any other flour to make their products. If it is generally believed that consumers benefit from such fortification, we do not support the FSA's recommended option to do nothing in relation to this Provision, as this would cause British companies disproportionate labelling and export problems against competitors in other EU markets.</p> <p>We would also stress that the review of this Provision cannot be done in isolation and must be co-ordinated with the folate fortification debate, also ongoing at this present time, as many of the issues are common and it would be helpful for industry to have some standardisation in this respect.</p> <p>In considering the FSA proposal for a threshold, below which labelling would not be required, we would agree that this would avoid unnecessary labelling of certain products. It is not clear what this threshold would be, but we would propose that it should be on the basis of nutritional significance (ie. 15% of an RDA per 100g) laid down in the Nutrition Labelling Directive. In other words, any fortificants present in the finished product at less than 15% of an RDA per 100g, are considered to be insignificant for the purposes of declaration.</p> <p>4.6 Regulation 18(2) – 'Added Ingredients' Provision We note the FSA's recommended option to negotiate for inclusion in the new EU legislation. BCCCA agrees that this Provision should be retained. However, there is some suggestion that it is already implicit in the Labelling Directive. Accordingly, we believe that FSA should not be asking for an addition to the labelling exemptions, but an explicit clarification, as provided in the UK Regulations.</p> <p>4.7 Regulation 20(3)b and 21(3)b – Manner of Presentation We support the FSA's recommended option to do nothing, but seek clarification/redrafting of Articles 9 and 10 of Directive 2000/13/EC.</p> <p>4.8 Regulation 23(1)b – 'Flour Confectionery' Provision</p>	<p>legislation which is expected later this year.</p> <p>We have noted these comments. The Agency is still considering policy and will take comments into consideration in coming to a final policy position.</p>
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	<p>BCCCA supports the FSA in it's proposal not to negotiate for this exemption in the new EU Regulations. For our members, this is only likely to represent an issue for a very small number of products and we believe that such products should be brought under general labelling requirements.</p> <p>4.9 Regulation 26(3) and 26(3)A – ‘Minor Accompaniment’ Provision BCCCA members have a number of products in their portfolios, such as after dinner mints that benefit from this current Provision. To require full labelling on these products would cause significant problems. If all the information could be provided on such small packs, it would not be able to be provided in any meaningful manner for the consumer. There would also undoubtedly be costs, in the complete re-design of all labels, at a minimum of £1000 per product. We therefore support the approach of negotiating for a change in the small packages provision, to increase the cut-off above 10cm² and to take account of irregularly shaped packages. We also concur that allergen information should be part of the minimum information requirements, although this will mean extra cost to members in changing wraps to accommodate such information. Again, the cost for this will be upwards of £1000 per product.</p>	
<p>British Retail Consortium</p>	<p>The BRC welcomes the opportunity to comment on the UK national labelling exemptions. Please find below our response to the questionnaire.</p> <p>QUESTIONNAIRE ON NATIONAL PROVISIONS IN THE UK FOOD LABELLING REGULATIONS 1996 AS AMENDED</p> <p>Section 1: Categories of interested parties</p> <p>Q1. Which of the following best describes you or your organisation? <u>Manufacturer/retailer/importer/wholesaler/trade association</u></p> <p>Section 2: General</p> <p>Q2. What are your views on the recommended options in the RIA? In general we support the Agency's views; however we have some additional considerations: 1) Retail's own brand products will be affected by the removal of the majority of exemptions, however the retail sector only features in the 'sectors and groups affected' section, on the exemption for minor accompaniments, 2) We strongly believe that the fortification of flour is not exclusively a labelling issue and therefore all implications need to be taken into account before making a final decision. The suggested option of 'doing nothing' can only be supported if the removal of the mandatory requirement to fortify UK flour is explored.</p>	<p>Noted</p>

	<p>Q3. Would consumers be particularly affected by the loss of these provisions? If so, how? The amount of information provided on pack will increase potentially reducing clarity. If the exemption for fortified flour is lost and the fortificants have to be declared in the ingredients list, consumers may be lead to believe that they are consuming vitamins, when in fact these would have been present at a very low and nutritionally insignificant amount in some products.</p> <p>Q4. Are there any businesses (e.g. rural, ethnic minority, particular types of small business) that you think would be particularly affected by the lapsing of these provisions? All of those identified by the Agency. Retailers will certainly be affected by the removal of these exemptions.</p> <p>Q5. Would there be any implications for enforcement officers if these provisions were no longer available in the UK? N/A</p> <p>Q6. Are there any other general comments you would like to make? Does the Agency know whether other Member States have similar national exemptions in their national labelling legislation? For example we believe that the exemption to only declared added ingredients in foods which are exempted for ingredient declaration (cheese, butter, etc.) is widely used in many Member States.</p> <p>Section 3: Questions on the potential impact of the loss of the provisions</p> <p>Q7. What products would be affected by the lapsing of the provisions? 1) Yogurt, butter, cheese and other dairy products and all products containing those ingredients, 2) All products containing flour produced in the UK, 3) Products made available to customers as minor accompaniments, 4) Potentially all products, if storage conditions are required to be provided straight after the durability indication.</p> <p>Q8. If these provisions were to be lost, do you believe there are any other provisions you could employ to the same effect? Flour confectionery products are in many cases sold as pre-packed for direct sale and therefore could benefit from that exemption.</p> <p>Q9. Approximately what percentage of total product costs does labelling and packaging constitute? Please split these if possible. Cost varies depending on the type of product, type of packing material and size of business.</p>	<p>We will be seeking to establish other Member State practices during upcoming meetings.</p>
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	<p>Q10. If the provision(s) were to be removed, what additional labelling would you have to provide? 1) Yogurt, butter, cheese and other dairy products and all products containing those ingredients would have to be relabelled to include all dairy ingredients as part of the ingredient declaration, 2) Statutory fortificants would have to be included on the ingredient list of any product containing flour, 3) Full labelling information would have to be provided for minor accompaniments, 4) Labels may need to be reformatted to include storage conditions straight after the durability indication.</p> <p>Q11. If you had to re-label, how much would this cost per product on average? The retail industry has estimated £1,000 per label change, per average.</p> <p>Q12. Would products have to be repackaged? Y/N. Yes</p> <p>Q13. What volume of products would be affected? It will depend on what final provisions are agreed. In the case of flour fortification setting a threshold will significantly reduce the number of products affected.</p> <p>Q14. What is the total value of these products? It will depend on what final provisions are</p> <p>Q15. How many outlets would be affected? All food retail stores.</p> <p>Q16. Who would absorb the costs (consumer or producer, and if split between the two, in what ratio)?</p> <p>Q17. Would the lapsing of the provisions have any other effects not mentioned above? Consumers will lose some clarity of labels due to the increased volume of information. There would also be potential consumer confusion due to the declaration of fortificants in the ingredients list. The Agency will need to run consumer information campaigns on the subject. The declaration of fortificants on pack will have an impact on exports of products containing flour.</p> <p>Q.18. Could these changes be feasibly absorbed in your normal labelling cycle? If yes, how frequently do you redesign labels and how much transition time would you need to make these changes to fit into your normal labelling cycle? Labelling cycles differ for different product types. While the average cycle is a year and a half, this period it is much longer for products with a long shelf life such as canned foods or some alcoholic beverages. The</p>	<p>Noted</p> <p>Noted</p> <p>We acknowledge that there could be some loss of label clarity should the labels become cluttered as a consequence of more information being required on the labelling.</p>
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	<p>frequency with which the labels are reviewed will also depend on the size of the business. It is also important to note that the provision on general labelling are not the only ones affecting the labelling and therefore any change will need to be coordinated with labelling changes imposed by any other piece of legislation, such as provisions on claims or hygiene.</p> <p>Q19. Are there any other costs that you would incur, over and above what you would do commercially, as a result of the removal of these provisions?</p> <ul style="list-style-type: none"> • Training of technical staff and suppliers. • Training of customer line operators. • Change on electronic product specifications • Potential disposal of labels • Export – having to look for suppliers in other countries <p>Section 4: Questions on the potential impact of the loss of particular provisions</p> <p>‘Provident Societies’ provision (Regulation 4(3)b of the FLR)</p> <p>Q20. How often/to what extent do such societies take advantage of this regulation? N/A</p> <p>Q21. What food products are sold by these societies? N/A</p> <p>Q22. How much funds are raised through the sale of such foods? N/A</p> <p>Q23. If this provision was to be no longer available, and products had to comply with full labelling requirements, would it become more difficult for members of the society/organisation, to carry out their business? N/A</p> <p>Q.24. Please provide some indication and detail of additional costs of having to comply with labelling requirements? N/A</p> <p>‘Charities’ provision (Regulation 4(3)c of the FLR)</p> <p>This regulation provides general labelling exemption for food prepared otherwise than in the course of business</p>	
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	<p>carried out by the person preparing it, for example fund-raising/charity events/Church/school fetes.</p> <p>Q25. How often do these charity events take place? N/A</p> <p>Q26. If this provision was lost, and products had to comply with full labelling requirements, would it become more difficult for such charity events to take place? Would those who donate food for such events for example be 'put-off'? N/A</p> <p>Q27. Please provide some indication and detail of additional costs of having to comply with labelling requirements if possible. N/A</p> <p>Fortified Flour (Regulation 18(1)e of the FLR) This regulation provides labelling exemption for nutrients added to wheat flour under the Bread and Flour 1998 Regulations, namely calcium, thiamine, niacin and iron.</p> <p>Q28. What are the trade issues involved, for example with respect to intra-Community trade? Many countries do not have a favourable opinion on fortification, i.e. Denmark has just proposed a ban on fortification of flour, products containing flour and breakfast cereals.</p> <p>The Commission will need to set maximum and minimum levels of vitamins and minerals by the end of 2009 under Regulation 1925/2006 on the addition of vitamins and minerals. Levels currently set under the UK Bread and Flour Regulations may not comply with the future European harmonised levels.</p> <p>Q29. Would the increased labelling information result in a change in consumer purchasing pattern, for example, fortified and labelled UK flour/flour products versus unfortified imported flour/ flour products? The Agency will need to do some consumer research</p> <p>Q30. Would the sector be affected by consumer perception that flour now has added ingredients? The Agency will need to do some consumer research</p> <p>Q31. Would the market for wholemeal be affected (given that labelling requirements there would remain unchanged)? No</p>	<p>Reg 1925/2006 relates to the voluntary addition of vitamins and minerals, whilst the requirement in the UK Bread and Flour Regulations 1998 is mandatory, and will have to be re-notified in the new legislation.</p>
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	<p>Q32. Where flour is present in only small amounts in a food, the introduction of a threshold level below which labelling would not be required, might help. What might a practical threshold level be? Labelling should be triggered by the presence of the fortificants in the final food at a significant amount (15% of RDA).</p> <p>Flour confectionery (Regulation 23(1)b of the FLR) Q33. These food products are essentially pre-packed and would under the recent EU allergen legislation, require allergen information. We would like to have your views on whether you consider there is still need to try and continue to maintain this exemption. Small retailers that source their flour confectioner products from local bakeries will be the most affected by loosing this exemption.</p>	
<p>Scottish Commission for the Regulation of Care (known as the Care Commission)</p>	<p>The majority of the proposals do not affect services regulated by the Care Commission. Some of the services we regulate could be affected by 4.4 Charities provision, such as a voluntary hospice or residential school holding a fete as a charity event. Where pre-packed food is not labelled, there may be a risk to service users if a service provider provides that food, but in terms of the Regulation of Care Act, 2002 Requirements No 114:4(1)(a) the provider of a care service must ensure the health and welfare of service users.</p> <p>The Care Commission supports the labelling proposals in general as a means of helping providers of care services to meet service users' dietary needs.</p>	
<p>Community Nutrition Group</p>	<p>I am currently the Chair person for the Health Promotion Subgroup of the Community Nutrition Group in Northern Ireland. We are a collection of dieticians throughout NI who specialise in health promotion.</p> <p>Reviewing the options for each national provision outlined in the document we agree with most of the food standard agencies recommendations.</p> <p>We agree with the following:-</p> <p>Regulation 4(3)b- "provident societies" provision- do nothing but ensure the provision for prepacked for direct sale is retained</p>	

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	<p>Regulation 4(3)c- "charities provision" - negotiation for provision at EU level</p> <p>Regulation 18(1)e- "fortified flour" provision- do nothing but explore the possibility of agreeing a threshold below which labelling would not be required.</p> <p>Regulation 18(2)- "added ingredients" provision- negotiate for inclusion in new EU legislation</p> <p>Regulations 20(3)b and 21(3)b-manner of presentation- do nothing but seek clarification of articles 9 and 10 of directive 2000/13/EC</p> <p>Regulation 23(1)b-"flour confectionery" provision- do nothing</p> <p>However, we feel that in relation to regulation 26(3) and 26(3)A "minor accompaniment" provision. The recommendation for a negotiation for a change is not the most appropriate. We recommend option 1: Do nothing. This is more appropriate and that full labelling requirements should be complied with if the products surface area is greater than 10 squared centimetres.</p>	<p>Noted.</p>
<p>East Ayrshire Council (Environmental Health & Licensing)</p>	<p>‘Provident Societies’ provision — Regulation 4(3)(b) We agree with the recommendation that we do nothing to save this exemption, therefore allowing this derogation to lapse.</p> <p>‘Charities’ provision — Regulation 4(3)(c) We therefore agree with the recommendation that we negotiate for adoption of this provision at EU-level.</p> <p>‘Fortified Flour’ provision — Regulation 18(1)(e) We therefore recommend that we do nothing to save this exemption, therefore allowing this derogation to lapse.</p> <p>‘Added Ingredients’ provision — Regulation 18(2) We therefore agree with the recommendation that we negotiate for adoption of this provision at EU-level.</p> <p>‘Manner of Presentation’ flexibility — Regulations 20(3)(b) and 21(3)(b) We therefore agree with the recommendation that we do nothing, but seek clarification/redrafting of Articles 9 and 10 of Directive 2000/13/EC</p> <p>‘Flour Confectionery’ provision — Regulation 23(1)(b)</p>	

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	<p>We recommend that we do nothing to save this exemption, therefore allowing this derogation to lapse.</p> <p>‘Minor accompaniment’ provision — Regulation 26(3) and 26(3)(a) We therefore agree with the recommendation that we negotiate for increase in small packages size allowance (Article 13(4)), and require allergen labelling.</p>	
<p>Food and Drink Federation</p>	<p>FDF welcomes the opportunity to respond to FSA’s 22 June consultation on the above. An outline of the representative scope of FDF is given at Annex 2. Due to the multi-factorial nature of this consultation, the comments below are embodied within an extract from the FSA tabulation, showing FLL reference, issue and identified/recommended options in each case.</p> <p>Regulation 4(3)b – ‘Provident Societies’ Provision Recommended option: Do nothing, but ensure provision for pre-packed for direct sale is retained at EU level.</p> <p>FDF comment: None</p> <p>Regulation 4(3)c – ‘Charities’ Provision Recommended Option: – Negotiate for adoption of provision at EU-level.</p> <p>FDF comment: Whilst this issue is not within the remit of FDF, we support the principle of making this allowance for such activities.</p> <p>Regulation 18(1)e — ‘Fortified Flour’ provision Recommended Option: Do nothing, but explore the possibility of agreeing a threshold below which labelling would not be required. It is very unlikely that the UK would be successful in negotiating for this national provision at EU level.</p> <p>FDF comment: FDF requests that a means be found of avoiding this additional labelling requirement, which would be particularly burdensome for some sectors and especially in respect of exports to other EU and non-EU countries. Particularly on this trade issue, see Annex 1 which is taken from the views of the BCCCA on the FSA consultation.</p> <p>FDF supports pursuit of the option of seeking a threshold in the final product below which labelling is not required. A threshold of nutritional insignificance is appropriate, in order to avoid misleading consumers as to the content of these nutrients.</p>	<p>We have noted these comments. The Agency is still considering policy and will</p>

	<p>Such a measure is also consistent with the objective of de-cluttering labels by eliminating unnecessary on-label information. The same considerations are relevant to prospective folate fortification of flour.</p> <p>Where a set threshold would be exceeded, or should the labelling of flour fortificants become required for all products containing flour (including pre-packed flour, bread, biscuits, etc.) the declaration of flour on UK pack labels will have to change from: <i>'Ingredients: wheat flour'</i> to, for example, <i>Ingredients: wheat flour (with calcium, iron, niacin, and thiamin)</i>'. This raises the issue of consumer understanding, since UK consumers are currently not informed of the addition of the statutory additives, due to the current UK labelling derogation. Accordingly, FDF asks FSA to consider supporting the following options to help consumer understanding:</p> <ul style="list-style-type: none"> • An explanatory statement to be added to packs to explain the fortification to consumers, • To link the statement to a government sponsored information source to give more detailed explanation, e.g.: Ingredients: wheat flour (with calcium, iron, niacin, and thiamine*) <p>*nutrients added by law. Further information available at www.....</p> <p>Regulation 18(2) — 'Added Ingredients' provision Recommended option: Negotiate for inclusion in new EU legislation</p> <p>FDF comment: FDF agrees that the provision should be retained but believes that it is already implicit in the Labelling Directive. Accordingly, FSA should not be asking for an addition to the labelling exemptions but an explicit clarification as provided in the UK Regulations.</p> <p>Regulations 20(3)b and 21(3)b — Manner of Presentation Recommended option: Do nothing, but seek clarification/ redrafting of Articles 9 and 10 of Directive 2000/13/EC</p> <p>FDF comment: FDF believes that the Directive allows for the current UK practice and therefore supports the option of clarifying this in re-drafting the EU legislation. At the least, this interpretation should be clarified in guidance. Alteration of current UK industry practice would necessitate substantial label amendment across a wide range of products to no consumer benefit.</p> <p>Regulation 23(1)b — 'Flour Confectionery' provision Recommended option: Do nothing. Whilst this provision benefits SMEs, the products being considered are</p>	<p>take comments into consideration in coming to a final policy position.</p> <p>It would be up to industry to provide additional labelling information as they see fit, so long as the information is accurate and not misleading.</p>
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	<p>essentially prepacked and it is unlikely that we would be able to negotiate successfully in Brussels for it to be adopted at EU-level.</p> <p>FDF comment: FDF supports a consistent approach to the labelling of pre-packed products. On the basis that the impact will be upon products sealed in wholly transparent packaging, which are effectively pre-packed, FDF supports the option of doing nothing and allowing these products to be brought under general labelling requirements.</p> <p>Regulation 26(3) and 26(3)A — ‘Minor accompaniment’ provision Recommended option: Negotiate for change in small packages provision (Article 13(4) of Directive 2000/13/EC).</p> <p>FDF comment: FDF supports the approach of negotiating for a change in the small packages provision, to increase the cut-off above 10cm² and to take account of irregularly shaped packages. We recommend that, as a minimum, a small package should be defined as a package on which no single face is larger than 25 cm².</p> <p>Allergen information should be part of the minimum information requirements. We would request adequate time to introduce such additional information in order to minimise label amendment costs as far as possible.</p>	<p>Noted</p>
<p>Federation of Bakers</p>	<p>Our responses are concerned with the section of the Questionnaire on Fortified Flour (Regulation 18(1) e of the FLR)</p> <p>Q.28: Our Members export £15m loaves a year. We do expect there to be trade issues.</p> <p>Q.29: There is a danger the consumer, if not clearly informed, will question why is the flour fortified? (see later comments).</p> <p>Q.30: White flour products, e.g. bread, may be affected with consumers questioning why flour now has fortificants, if not advised that have always been there.</p> <p>Q.31: Market for wholemeal may increase because of perception outlined in answer to Q.30. However, this is already a growing market.</p> <p>Q.32: We would wish to explore further with FSA what a threshold may be, bearing in mind bread is a staple product and portion size consumed would be relevant to the contribution made by the nutrients.</p>	<p>We have noted these comments. The Agency is still</p>

	<p>Further Comments: UK consumers are currently not informed of the addition of the statutory additions. The FOB suggests that there needs to be comprehensive consumer information available which explains that the flour has always been fortified and the reasons why it has been fortified.</p> <p>Government needs to support the bread industry so that we can explain why there are fortificants in flour.</p> <p>Although it is accepted that a declaration will be necessary under the new EU legislation, we would like the FSA to support the following suggestions to help consumer understanding:</p> <ul style="list-style-type: none"> ➤ To allow an explanatory statement to be added to packs to explain the fortification to consumers. ➤ To link the statement to a government sponsored information source, e.g. FSA website, to give more detailed explanations of the fortification and why it is there. <p>Proposed format:</p> <p>Ingredients: wheat flour (with added calcium, iron, niacin and thiamin).</p> <p>Nutrients added by law. Further information is available at www.....</p>	<p>considering policy and will take comments o consideration in coming to a final policy position.</p> <p>Noted</p> <p>It would be up to industry to provide additional labelling information as they see fit, so long as the information is accurate and not misleading.</p>
<p>Foodaware: the Consumers' Food group</p>	<p>Foodaware supports the principle of full and accurate labelling on products to enable consumers to make informed choices and to contribute to the principles of fair competition in the market. We have expressed concern in the past about national derogations and exemptions from European laws which undermine the principles of fair and equitable treatment for consumers wherever they live, and which can distort competition between domestic products and imports. Therefore, we are generally supportive of the Commission's review of</p>	

	<p>labelling law and will comment in detail on the proposals when they emerge. In our comments to DG SANCO on its consultation, we noted that ‘there is little justification for many of the differences in labelling requirement between pre-packed foods, non-pre-packed foods and those packed on the premises’.</p> <p>Exemptions from general rules always make comparisons more difficult for consumers, and, in principle, we believe that foods packed on the premises should be fully labelled. Information on durability is essential for the safety of those who eat perishable products and should be required on all products where shelf life affects safety or quality. We nevertheless acknowledge some of the benefits of flexibility identified in the FSA consultation particularly for suppliers of non-prepacked products, those sold at the farm gate, and those provided for charitable events.</p> <p>Our regard to the specific recommendations are views are as follows:</p> <p>Regulation 4(3)b – Provident Societies including WI Markets Ltd. We support the recommendation that this provision should be allowed to lapse as it can be covered by the retention of provisions for produce pre-packed for direct sale.</p> <p>Regulation 4(3)c – Charities Provision. We recognise the value to charitable organisations, schools, community groups and non-profit-making bodies of one-off sales of bakery produce and preserves donated by individuals in support of fund-raising activities. There is an obvious inconsistency in that such produce is not required to comply with the general food labelling requirements in relation to ingredients, safety information or information concerning allergens, but is required to carry gm information where appropriate. We support the view that an appropriate and proportionate approach to labelling foods prepared other than in the course of a business should be negotiated at EU level.</p> <p>Regulation 18(1)e – Fortified Flour – We strongly support the view that consumers should be informed of nutrients added to flour and that these should be listed. We support the option to do nothing, so this provision will drop. We have some reservations about the establishment of a threshold below which labelling would not be necessary, as it would undermine the principle of informed choice and potentially cause problems for those who suffer from allergic reactions.</p>	
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	<p>Regulation 18(2) – Added Ingredients Provision – It is not clear in the proposal how the current UK provision differs in practice from the existing UK requirement. Since there are generally accepted definitions of products such as cheese, butter, vinegar etc we support the view that it should only be necessary to identify individually any added ingredients and so support Option 2.</p> <p>Regulations 20(3)b and 21(3)b – Manner of Presentation – Consumers now understand the meaning of ‘use by’ and ‘best before’ dates on products which offer a valuable food safety protection measure. We agree that any ambiguity in the current Directive should be clarified so that these terms can continue to be used.</p> <p>Regulation 23(1)b – Flour Confectionary Provision – As stated above, the exemption of flour confectionary products packaged in crimp cases or wholly transparent packaging from full labelling requirements is not justified particularly where those products are produced on a regular basis, for example, by large retailers in store. We support the FSA proposal that this exemption should be dropped.</p> <p>Regulation 26(3) and 26(3)A – Minor Accompaniment Provision – These regulations exempt food sold in individual portions or supplied as a minor accompaniment to another food from much of the labelling requirements (eg sachets of sauce in a restaurant). Information which is so small that it cannot be read by the naked eye is wholly unhelpful to consumers and adds cost. We support the proposal that the FSA should seek a negotiated solution to the issue of the size of packaging which would require full ingredients listing, provided the requirement to state known allergens is retained.</p>	
<p>Health Food Manufacturers’ Association</p>	<p>The HFMA thanks the FSA for the opportunity to respond to the above consultation. Apologies for the slightly delayed response – I hope you are still able to consider the point we raise re the Partial RIA.</p> <p>Partial RIA</p> <p>In the main, the HFMA agrees with the options proposed by the Food Standards Agency in relation to the various national provisions that may no longer be available to UK business following adoption of proposed EC general food labelling legislation. Particularly relevant to HFMA members are the national provisions relating to ‘added ingredients’ and ‘manner of presentation’ flexibility.</p> <p>However in regards to the ‘Fortified Flour’ provision, FLR Regulation 18 (1)e, to prevent unnecessary cost burdens on small businesses we would consider it appropriate for the Agency to seek the retention of the current national provision.</p>	

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	<p>The European Commission Community Register on the addition of vitamins and minerals and of certain other substances, relevant to EC Regulation on the Addition of Vitamins, Minerals and Other Substances to Foods, No 1925/2006, includes notification by the UK of the national provisions relating to the fortification of wheat flour, so this information is currently readily available to other countries and businesses outside the UK.</p>	<p>Reg 1925/2006 relates to the voluntary addition of vitamins and minerals, whilst the requirement in the UK Bread and Flour Regulations 1998 is mandatory, and will have to be re-notified in the new legislation.</p>
<p>Infant and Dietetic Foods Association</p>	<p>The Infant and Dietetic Foods Association (IDFA) represents manufacturers of specialist nutrition products in the UK including infant formula, weaning foods, sports foods, slimming foods and clinical nutrition products.</p> <p>IDFA members could potentially be affected by the loss of two of the identified national provisions, those being:</p> <ul style="list-style-type: none"> • Manner of presentation flexibility – Regulation 20 (3)(b) and 21 (3)(b) • Fortified Flour provision – Regulation 18(2) <p>In the case of the “fortified flour provision” IDFA supports the FSA proposal to do nothing but explore the possibility of agreeing a threshold below which labelling would not be required. In the case of the manner or presentation flexibility” the IDFA once again supports the FSA proposal to do nothing, but seek clarification /redrafting of Articles 9 and 10 of Directive 2000/13/EC.</p>	<p>With regard to the possibility of seeking to negotiate a threshold for labelling, the Agency is still considering policy, but will take comments o consideration in coming to a final policy position.</p>
<p>Local Authorities Coordinators of Regulatory Services (LACORS)</p>	<p>Response to Questionnaire</p> <p>Categories of interested parties</p> <p>Q1. Which of the following best describes you or your organisation?</p> <p>Enforcement. LACORS is a UK wide national body established by the UK Local Government Associations to coordinate the regulatory activities of local authority service providers including those relating to food law enforcement.</p> <p>General</p>	

	<p>Q2. What are your views on the recommended options in the RIA? For example Do you support or oppose the UK Government negotiating for the retention of the provisions in EU law? Why?</p> <p>LACORS supports the UK government proposals to remove the UK only exemptions with the sole exception of that relating to Provident Societies and Charities. LACORS takes the view that this exemption should be retained as these types of sales are largely outside the accepted definition of food sold for commercial purposes. That is to say that the profit derived from such sales is used for social purposes (funding school/sports/community activities etc) rather than financial gain. Such activities should not be discouraged by over-rigorous labelling requirements. See also comments relating to the position of WI Country Markets Ltd under the Industrial and Provident Societies Act 1965 in the answer to Q20.</p> <p>Q3. Would consumers be particularly affected by the loss of these provisions? If so, why?. LACORS takes the view that consumers would not be unduly affected by the loss of these provisions and would gain from increased product information. There may be marginal additional costs resulting from the requirement for producers and sellers to provide additional labelling.</p> <p>Q4. Are there any businesses (e.g. rural, ethnic minority, particular types of small business) that you think would be affected by the lapsing, of these provisions? LACORS would anticipate that the trade sector most likely to be affected by the removal of the current exemptions would be small bakers.</p> <p>Q5. Would there be any implications for enforcement officers if these provisions were no longer available in the UK? In general terms there are unlikely to any enforcement problems resulting from the removal of these provisions and indeed in theory it should make the application of the Regulations easier. There is likely to be an increase in enquiries to enforcement authorities from those food businesses, probably mainly SME's, around the time any exemptions are revoked.</p> <p>Q6. Are there any other general comments you would like to make? Picking up on the comment made in answer to Q5 above, if exemptions are revoked it would be helpful if the FSA could produce trader guidance notes to explain to SME's what the new labelling provisions are that they need to comply with.</p> <p>Section 3 : Questions on the potential impact of the loss of the provisions</p> <p>Q7. What products would be affected by the lapsing of the provisions? LACORS is aware that bread and flour confectionery would be affected by the lapsing of these provisions.</p>	
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<p>Industry representative bodies will be better placed to provide more detailed information.</p> <p>Q8. If these provisions were to be lost, do you believe there are any other provisions you could employ to the same effect? LACORS is aware that the alternative provisions relating to " food sold pre-packed for direct sale" may provide the same flexibility currently afforded by some of the existing exemptions.</p> <p>Q13. What volume of products would be affected? Industry representative bodies will be better placed to provide more detailed information on this aspect. It should be noted that it may be difficult to establish these facts in relation to foods sold by industrial and provident societies and charities.</p> <p>Q14. What is the total value of these products? Industry representative bodies will be better placed to provide more detailed information on this aspect. It should be noted that this may be difficult to establish these facts in relation to food sold by industrial and provident societies and charities.</p> <p>Q15. How many outlets would be affected? Industry representative bodies will be better placed to provide more detailed information on this aspect. It should be noted that this may be difficult to establish these facts in relation to food sold by industrial and provident societies and charities.</p> <p>Section 4 : Questions on the potential impact of the loss of particular provisions Provident Societies Provision (Regulation 4(3)(b))</p> <p>Q20. How often/to what extent do such societies take advantage of this Regulation? LACORS understands that Women Institute (WI) Markets and WI Country Markets Ltd take advantage of this current exemption.</p> <p>LACORS would welcome clarification of the legal position with regard to WI Country Markets Ltd. LACORS is aware that in addition to WI members independent food business operators can also pay the WI in order to sell foods from the same premises. If these independent food businesses are not themselves subject to the provisions of the Industrial Provident Societies Act 1965 it could be argued that they should not be able to avail themselves of the exemptions resulting from coverage under the Act. ' ,</p> <p>Q23. If this provision was to be no longer available, and products had to comply with full labelling requirements, would it become more difficult for members of the society/organisation, to carry out their</p>	<p>The Agency understands that the WI changed structure a few years ago and Country Markets (CM), the business arm, became a separate entity. WI are still a charity and as such would benefit from the retention of Reg 4(3)c ('the Charities' provision). The Agency understands from CM that if Reg 4(3)b lapsed, they would be able to take advantage of the provision for</p>
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	<p>Regulation 4(3)(c) - Charities Provision LACORS supports option 2 set out in Annex A.</p> <p>Regulation 18(1)(e) - Fortified Flour Provision LACORS supports the option set out in Annex A</p> <p>Regulation 18(2) - Added Ingredients Provision LACORS supports option 2 set out in Annex A.</p> <p>Regulations 20(3)(b) and 21(3)(b) - Manner of Presentation Provision LACORS supports the option set out in Annex A.</p> <p>Regulation 23(1)(b) - Flour Confectionery Provision LACORS supports the option set out in Annex A.</p> <p>Regulations 26(3) and 26(3)(A) - Minor Accompaniment Provision LACORS supports option 2 set out in Annex A. LACORS would however, wish to draw attention to a possible unintended consequence of the reported FSA proposals for further action. To summarise: Regulation 26(1) exempts pre-packed foods, whose surface area is less than 10 sq cm from full labelling; but Regulation 26(3) relates solely to foods like sachets of ketchup used as accompaniments; so Regulation 26(1) applies to all foods whilst Regulation 26(3) applies only to accompaniments. The accompaniment provision does not appear in current EC legislation and if removed food businesses could only rely on the 10 sq cm provision of Regulation 26(1). The FSA propose to lobby the EC for an increase in the size of the current 10 sq cm small package threshold. However, if the FSA is successful some products which are now fully labelled, not just accompaniments, would as a result only require minimal labelling.</p>	<p>Comment noted and will be taken on board.</p>
<p>National Association of Master Bakers</p>	<p>General Comments.</p> <p>This consultation highlights a very important conundrum. It also very neatly illustrates a major and potentially critical problem. Namely the increasingly inflexible legislative process within the Commission, as typified by the move from Directives to Regulations.</p> <p>This problem is growing because of the ever increasing number of Member States.</p>	

<p>These UK national food labelling provisions, which are all exemptions from the main labelling requirement, were not created on a whim. They were created because there was a need for them. They have continued in existence, despite the EU Food Labelling Directive, because they are still required. In at least one instance they are more necessary now than when they were initially created.</p> <p>Most of them have been in existence for decades and predate the 1979 EU Food Labelling Directive. They were produced at a time when the decision to legislate was the exception and they would have not been created lightly and without an awful lot of discussion and thought; as opposed to now where legislation appears to be the rule.</p> <p>In terms of the legislative process within the Commission it is ridiculous that the UK has got to spend a considerable amount of time and effort negotiating to retain some of these provisions. Particularly as, in reality, a couple of them are very minor issues in the whole scheme of things, affect a very small and specific sector and are obviously UK specific. It is nonsense that the UK has got to waste the time of the rest of the Commission Expert Working Group negotiating for the retention of these "trivial" national provisions.</p> <p>They are nonetheless important, very important for those sectors/ businesses in the UK who use them and/or are affected by them.</p> <p>I presume that it is not just the UK which will have national provisions which are now under threat by the move from a Directive to a Regulation</p> <p>Rather than having to negotiate on each little point and try and get it included and thus covered by the Regulation, wouldn't it make more sense to have a general provision included in the Regulation which allows Member States to make specific national rules/exemptions to allow for particular problems, issues within their country? The introduction of these national provisions would be dependent on them being notified to the Commission with accompanying justification and getting the agreement/ approval procedure of the Commission. The specific national provisions would obviously only apply within the Member State concerned and thus would have no impact on cross-border trade/the internal market.</p> <p>A provision/concept similar to this already exists within existing Commission legislation concerning fresh meat and animal by products in respect of "remote islands".</p> <p>Regulation 4(3)b - "Provident Societies" provision. The consultation document states that the main beneficiary of this provision is the Country Markets Ltd (formerly part of the Women's Institute). They are of the opinion that they can use the current labelling exemption for</p>	<p>We would need to wait to see how the new legislation deals with the specific areas under consideration before we can decide how to progress with trying to get it adopted EU-wide.</p>
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	<p>foods sold pre-packed for direct sale.</p> <p>In the Food Labelling Regulations 1996, Interpretation, the phrase "pre-packed for direct sale" means- "(a) in relation to a food other than flour confectionery, bread, edible ices and cows' milk, pre-packed by a retailer for sale by him on the premises where the food is packed or from a vehicle or stall used by him,"</p> <p>Whether this exemption can be used depends on how the term retailer is interpreted.</p> <p>Regulation 4(3)c - "Charities" Provision. We would agree that it would be disproportionate to require labelling of foods produced by individuals for sale at fund raising events on behalf of "charities" and other good causes such as schools and church fetes. We would support the FSA intended course of action, namely to negotiate for the adoption of this provision and EU level.</p> <p>However we find it difficult to see the difference between the two sets of organisations and why the Provident Societies can make use of the "pre-packed for direct sale exemption" but Charities cannot.</p> <p>With regard to the Country Markets Ltd we presume that the people making the cakes, preserves, etc are not employees but members. Similarly parishioners making cakes and preserves for their church fete are not employees, but members of the church. With schools obviously it is a slightly different situation in that the parents will not be members of the school, it will be the children and a similar situation will arise with some sports clubs, etc.</p> <p>We would ask that FSA just double check to ensure that in all cases organisations covered by the Provident Societies Act 1965 will be able to make use of the "pre-packed for direct sale exemption."</p> <p>Regulation 18(1)e - "Fortified Flour" provision.</p> <p>There has been mandatory addition "fortification" of brown and white wheat flour with calcium, iron, niacin, thiamine since the mid 1940s. However by virtue of this provision they are exempt from declaration in the ingredients list. The FSA is proposing that this exemption be allowed to lapse.</p> <p>However this provision cannot be viewed in isolation as the present recommendation by the FSA Board that wheat flour the fortified with folic acid also has a bearing on this issue. If the Minister accepts the recommendation and flour is fortified with folic acid then its presence will be declared in the ingredients list. It could be argued that the removal of this exemption and the declaration of these four mandatory "fortificants"</p>	<p>Charities can make use of pre-packed for direct sale exemption in addition to Reg 4(3)c, which is an exemption specifically for charities' type activities.</p> <p>See FSA comment on WI/CM above.</p> <p>Timescales for any label changes are not all clear at present and there would be the potential for some flexibility</p>
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	<p>levels found in whole wheat and therefore their addition is restorative. Only calcium is added back in an amount greater than that found in whole wheat. As such should only calcium require declaration?</p> <p>The other issue, which has been highlighted, is whether it is appropriate to declare the presence of these four mandatory fortificants in every product containing wheat flour. Wheat flour is present in thousands of products, sometimes in minute if not trace amounts. To declare the presence of the four mandatory fortificants when there is only a minute amount of flour present in the food is illogical. It does not provide any useful information to the consumer and could even be construed as misleading as the amount of the fortificants present will be negligible. For foods where wheat flour is only present in minute levels we would support the introduction of the threshold level below which labelling would not be required.</p> <p>The need to change labels, whether for all products containing wheat flour or just those containing a significant proportion of wheat flour, will disproportionately affect SMEs, including craft bakers. SMEs/craft bakers change their labels relatively infrequently. It is very unlikely that this label change will coincide with their periodic updating of their labels. It is also likely therefore that significant quantities of existing labels will have to be scrapped. The cost of amending labels is about the same for everybody, but as percentage of sales, turnover, profit is disproportionately higher for SMEs.</p> <p>We do not accept the argument put forward in the consultation that because consumers will be able to make more informed choices that on the basis of "a willingness to pay" or "choices experiment" methodology the declaration of the four fortificants will result in an increase in sales. We believe this change will result in a short-term, one-off cost to the Food Industry in general and the Baking Industry in particular. With absolutely no discernible benefits to Industry and only a negligible/theoretical benefit to consumers with regard to additional information Whilst there is a theoretical benefit in that consumers will now know that these four, or should it be just one, fortificants are a mandatory addition to wheat flour. This addition has been going on for generations. We expect that for most consumers it will be totally meaningless and irrelevant. However there will be a very small minority who undoubtedly will be upset to learn that wheat flour has been fortified for all these years.</p> <p>Regulation 23(1)b - "Flour Confectionery" provision.</p> <p>This provision exempts flour confectionery packaged in wholly transparent packaging from the full labelling requirements and allows flour Confectionery so packed to be marked with only a Lot Mark (best before date) and the price. This exemption is totally different to the exemption for products which are deemed to be "pre-packed for direct sale". It specifically applies to flour confectionery packaged in wholly transparent packaging which is</p>	<p>course of manufacture, and would in essence relate to the 4 nutrients.</p> <p>We have noted these comments. The Agency is still considering policy and will take comments into consideration in coming to a final policy position.</p> <p>There would be opportunity to consider longer transition periods as a flexibility to help SMEs bring in any new labelling provisions.</p>
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	<p>sold wholesale i.e through a third party retailer or catering establishment rather than through a bakers shop.</p> <p>We are aware that because of the way that the Act setting up the Devolved Administrations was worded, this exemption is technically illegal in Scotland because it is not based on, included in the EU Food Labelling Food Directive. It also conflicts with the allergen labelling requirements for pre-packed food introduced in 2003.</p> <p>We note that the FSA does not believe that it will be able to successfully negotiate its adoption and inclusion in the new EU Food Labelling Regulation. Therefore the decision is to do nothing and to allow the exemption to lapse.</p> <p>This provision vividly illustrates the issue/conundrum discussed in our general comments. This is a very specific provision affecting a specific and very small sector of the UK Food Industry and therefore to try and negotiate at EU level to include it in the new EU Food Labelling Regulation is not only impractical and probably impossible, but also ridiculous. The EU Food Labelling Regulation, like the Directive it replaces, is effectively a framework, set of labelling principles, which since enlargement, will now have to cover 27 Member States. To try and include one-off specific provisions which will only be applicable in one Member State is contrary to the whole basis of EU Legislation and is a complete nonsense.</p> <p>However I am sure the other Member States will also have one-off, specific labelling provisions tailored to a particular set of circumstances/type of food/sector of their Food Industry which they will also wish to keep. Hence our contention that there should be a "catch all" provision included in the new Food Labelling Regulation which allows Member States to make specific and very tightly defined and restricted in their use national provisions to take account of issues, problems particular to that country, but which do not arise in any other Member State. If such provision were to be included it would stop the FSA having to bother to negotiate to retain some of these National Provisions.</p> <p>The exemption for flour confectionery is a very good example of this need. The Baking Industry across the EU is incredibly diverse and the range of bakery products produced in all the different Member States varies dramatically. The Baking Industry in the UK is very different to that in virtually the whole of the rest of Europe. Nowhere else has there been the massive consolidation of bread, cake and biscuit production resulting in very large, "industrial" producers which now totally dominate the UK market and the massive decline in numbers of craft bakers and their shops. Elsewhere in Europe the craft baker is still a significant part of the Baking Industry with thousands upon thousands of craft bakeries in existence.</p> <p>In France and Germany there are in the region of 35 to 40,000 craft bakers with even more bakers shops. The majority of the flour confectionery is high-class patisserie which will be sold unwrapped. There is no need for a</p>	<p>The Agency will be endeavouring to establish</p>
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<p>UK style exemption for flour confectionery as consumers in France and Germany and in most other Member States can buy flour confectionery direct from a bakers shop. Where it is pre-packed prior to sale it will be covered by the existing "pre-packed for direct sale" exemption. Whereas in the UK, and figures are virtually impossible to come by, we estimate there are at most some 3000 craft bakeries and about 6000 to 7000 baker shops. Therefore the UK by comparison has at best 1/5 the number of bakers of France and Germany and consequently 1/5 the number of outlets from which consumers can buy flour confectionery direct and which can make use of the pre-packed for direct sale exemption, if required!</p> <p>Thus a considerable number of craft bakers in the UK who wish to sell their flour confectionery will have to sell it wholesale via a third party retailer, which normally would trigger full labelling were it not for this exemption. We would therefore maintain that the UK is a "special case" and there is a need for this very specific exemption for flour confectionery.</p> <p>We also believe that this needs to be considered in a wider social context. Already because of the number of craft bakeries that have closed many consumers can no longer buy direct from a bakers shop, particularly in certain urban and rural areas, however there is still a demand for "locally" craft produced flour confectionery.</p> <p>Instead consumers now buy their flour confectionery (cakes) from the small local grocers, newsagents, convenience stores, etc. The majority of the flour confectionery produced by craft bakers is not the type of cake produced by the large cake manufacturers. Therefore the small retailers cannot source these types of cakes from one of the large manufacturers. Even when they can, the appearance of the two cakes is totally different, one is simply wrapped the other in sophisticated, glossy packaging covered in pictures and print.</p> <p>In the few cases where similar cakes are available sourcing can be a problem, delivery round/van sales from large manufacturers have all but ceased. When they were more common, in general they would not service small retail shops as the shop could not fulfil either the minimum order number, the minimum order value, or order sufficient product on a regular enough basis to justify the delivery call.</p> <p>Sustainability and minimising energy usage must also be considered. It is preferable to source the product locally rather than having it manufactured a considerable distance away and then delivered by a very sophisticated and costly distribution system.</p> <p>Locally produced product will be more simply wrapped, in transparent packaging hence minimising packaging use and packaging waste. More importantly in terms of the well-being and sustainability of the local community it means there are increased sales for the local baker, increased sales for the small local retailer which is mutually beneficial and this contributes towards their short and long-term viability and the "viability" of the whole local community by providing and maintaining local shops.</p>	<p>practices in other Member States to see where there are common practices that could then be harmonised, but there could at this stage be no guarantees that this would be achievable.</p> <p>Other comments have been noted.</p>
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(a) How widely used is the exemption?

It is very difficult to gauge how widely this exemption is used. Principally because this is an exemption used only by craft bakeries delivering pre-packed confectionery wholesale and we have very few purely wholesale craft bakeries in membership. The majority of our members are retail bakers i.e. have their own shops, however a large proportion of them will also do some wholesale, the majority of this is unwrapped. We estimate that possibly some 80 to 100 retail craft bakers will be making use of this exemption. We also have very, very few ethnic bakeries in membership. We have one Greek patisserie, one Italian bread bakery and around seven or eight Jewish bakeries.

It is therefore important to note when trying to estimate how widely this is used that: -this exemption is only used by craft bakers selling pre-packed flour confectionery wholesale. -virtually all of the wholesale craft bakeries in the UK are not members of our Associations. -virtually all ethnic craft bakeries in the UK are not members of our Associations. Anecdotally we believe it is more widely used than the figures we can provide would suggest. Unlabelled pre-packed flour confectionery is widely available in small retail outlets, sandwich bars and coffee kiosks, etc throughout London and I would suspect most large cities. This exemption also lends itself to the supply of pre-packed flour confectionery (cakes) to small grocers, convenience stores, petrol stations in urban and more especially rural areas, etc. Certainly those of our members that we know are making use of this exemption tend to be supplying small grocers and convenience stores in small market towns and more rural areas

The need for this exemption is growing.

Many of our members currently deliver bread, rolls and flour confectionery wholesale, but this is normally unwrapped. At present there are conflicting pressures on this supply. The public in general tend to equate pre-packaged food, especially heavily pre-packaged, as being heavily processed. There is also a growing trend amongst consumers to demand less packaging or to try and buy their food loose i.e non pre-packed or with minimal amounts of packaging. The Government is also trying to reduce the amount of food packaging being used, simply to ease the problem with the ever-growing waste mountain and the rapidly diminishing space in and availability of landfill sites.

There are others, both consumers and Enforcement Officers who object, almost on principle, to the display and sale of open food, believing that there is unjustifiable risk of contamination. In my view this perceived risk of contamination is normally grossly exaggerated and overemphasised, if it exists at all. A number of our members have been "challenged" about their wholesale supply of unwrapped products. I believe overtime that more of our members will have to wrap their products, especially the flour confectionery because of its sticky, more sugary nature. In future more of our members will have to wrap their wholesale flour confectionery and therefore would

want to make use of this labelling exemption, if it still existed.

Potential costs if the exemption is removed.

If the exemption is abolished then the flour confectionery will need a full label including the name of the product, a full ingredients list, a quantitative ingredient declaration (QUID) i.e typical percentage of any ingredient appearing in the name of the cake or typical percentage of the ingredient/s normally associated with this cake name, a best before date, storage instructions and the name and address for the bakery. Additional information may also have to be given such as "may contain" statements/warnings e.g. made in a bakery where nuts are used or may contain nuts. Nutritional information will be not required at present, unless a nutritional claim is made for the product. The potential costs are very difficult to quantify as there are a range of options/ solutions available. These include:

-commissioning artwork for the labels and having them printed externally

-buying a software package and a basic label printer. Composing the labels in-house and printing them i.e extremely basic black and white sticky labels.

-buying a software package and a more sophisticated printer. Compose the labels in-house, use pre-printed basic labels and then print the required information onto the pre-printed labels.

One of our members who uses the first option claims that the initial artwork cost £800 and the individual labels cost 5p each. She has to buy a minimum of 100,000 at a time to make it economic. Another member uses the third option. The pre-printed labels cost 2p each and then he prints on the additional product specific information e.g. ingredients list, best before, etc. However what is not included in this cost is the software package, the sophisticated printer, the ink cartridges and the time the baker has to spend composing each label. This option carries a much higher initial "setup cost". We note that in the Regulatory Impact Assessment the estimated potential costs are based solely on the second option, with a cost of 0.53p per label. Whereas depending on which option is chosen the cost could be anything from 0.53p to 50p per label.

It has been estimated that it would take one day for the bakery to set up the printer and familiarise itself with the software and templates. For most small craft bakers this will have to be done by the owner when he/she can find the time. Also as it will be the owner we believe the hourly rate quoted is a significant under estimate. Talking to a couple of our members we understand that it takes them at least an hour just to re-familiarise themselves with the system, printer when they have to compose and print a new label. We believe that the amount of time taken to compose the labels has been grossly underestimated. One of the key factors as to why it will take so long is that our members and craft bakers in general are unfamiliar with the labelling legislation, as they deal with it so

<p>infrequently. They do not create and produce labels on a regular basis and therefore they have to relearn the process every single time.</p> <p>Apart from the problems and cost of producing the labels, there is also a significant additional labour cost whichever option is used as the labels will have to be stuck on by hand. A label applicator is not an option because the products are wrapped one at a time and do not pass through a conveyorised wrapping machine onto which a label applicator could be fitted.</p> <p>This additional staffing requirement will be difficult to manage as the amount of extra staff time may only be half an hour, an hour or couple of hours a day. It is also likely that sales will not be constant but will fluctuate across the week and therefore the time required each day will be different. The extra number of hours will probably be insufficient to warrant the employment of a part-time member of staff so existing staff will have to cover this, possibly on overtime.</p> <p>The use of a conveyorised wrapping machine e.g. a flow wrapper is not feasible, because of the incredibly small volumes. Also flow wrappers are quite difficult to setup and can be temperamental. They are normally only used in larger bakeries where there are engineers on-site who can tend to them. The cheapest flow wrapping machine is around £10,000.</p> <p>Possible effects if the exemption is removed.</p> <p>At this point it is worth emphasising that the majority of the flour confectionery (cakes, pastries) that we are talking about are small individual cakes and pastries and are relatively low value products. They probably have a wholesale price in the range of 50p to 65p each! To then have to apply a label costing up to 5p or even more if the labour costs are included means a very significant increase to the basic wholesale price. This increased cost cannot be absorbed by the baker but will have to be passed on to the customer. This may be sufficient to take the retail price over £1. Whilst this is not a lot of money, it is more a matter of perception and it could harm sales.</p> <p>There are likely to be three principal outcomes:</p> <ul style="list-style-type: none">-initially there will be significant increased costs and disruption to the business and thereafter an additional annual cost to the business. However the bakery will manage its way through. Sales will either not be affected or not be affected substantially.-sales will decline because of the price increase to point where the volumes make it no longer viable to produce and/or deliver the products to some or all of the customers. <p>The number of customers/outlets served could drop and this part of the business will decline or even cease altogether</p>	
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-the baker will decide that the costs and hassle of providing full labels is not worth it and will just cease to produce and supply pre-packed flour confectionery wholesale.

In the last two outcomes the profitability of the bakery and potentially even the viability could be damaged. There will also be a reduction in consumer choice. However in some respects far more importantly are the intangible, unintended consequences which are impossible to quantify, where a customer would call into a small rural grocery shop, convenience store, petrol station, etc. just to buy a cake and whilst there buy various other things as well. Now they will not call in because the cakes are no longer available. Thus this retailer has not only lost the sale of the cake but also other sales as well which they may never recover. The re-labelling of thousands of products will also be very costly particularly if, due to the phasing of the introduction of folic acid and the loss of this exemption, labels have to be changed twice in a 12 to 18 months period. In a recent article the Biscuit Cake Chocolate Confectionery Association (BCCCA) estimated the re-labelling costs for their members at some £5 million.

This may seem trivial and irrelevant, but particularly in rural areas where many small shops are struggling to survive, it is the little seemingly inconsequential things like this which can make the difference between whether the shop remains viable and open or closes.

We note in the benefits section of the Regulatory Impact Assessment that because of the provision of full labelling information and thus the consumer's ability to make better, informed choice if "a willingness to pay" or "choice experimenting" methodology was used this would predict that there would be a significant increase in the sales of flour confectionery. The implication being that this will more than offset the cost of providing the labelling information. Whilst this methodology might predict there would be an increase in sales we do not believe that in reality sales will increase. If anything we believe the reverse is likely to happen. Even if sales remained more or less static there will nevertheless be significant initial costs to those craft bakers affected by the removal of the exemption and there will then be additional year-on-year costs which they will have to absorb, recover.

Conclusion

We understand the pragmatic decision that the FSA have made not to attempt to try and negotiate for the inclusion of this exemption in the new Food Labelling Regulation, for the simple reason that they will not be successful. However, we believe that there is a very strong case for this exemption to be retained. Its loss will affect a small, but significant number of craft bakers. There will inevitably be unintended consequences in respect of particularly rural convenience stores and rural communities. It clearly demonstrates the need for the inclusion of a "catchall" provision in the new Food Labelling Regulations to allow Member States, subject to approval by the Commission, to be able to have national labelling provisions to take account of particular, one-off

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	<p>situations which are important and affect that country, but are of no relevance or significance to all the other Member States.</p> <p>We would urge the FSA to explore the possibilities of this so-called “catchall” provision to allow Member States to have specific national labelling exemptions.</p> <p>We have no further comments to make regarding this consultation. If there is anything that you wish to discuss or clarify and please do not hesitate to contact me.</p>	
<p>National Association of British and Irish Millers</p>	<p>Our comments are related exclusively to the regulation on fortified flour (regulation 18(1)e).</p> <p>The requirement to add nutrients to flour was introduced some 50 years ago; hitherto, it has never been a requirement that these statutory nutrients are declared either on flour or products made from it. The basis of this approach has been that the definition of flour is that it shall contain these nutrients, therefore there is no need to declare them. Of course this does not mean that the status quo should be retained for ever, but it does mean that a change is likely to be noticed by consumers who will assume that products have been altered.</p> <p>A very large number of products will be affected by the proposed changes to regulation 18(1)e. It is very difficult to make an assessment of the number of stock keeping units (and therefore labels) which would have to be changed. Apart from obvious products such as bread (in all its forms) , pastry, biscuits, pizzas, cakes, pies, puddings etc, flour is also used as a minor ingredient in a range of confectionery products, recipe dishes, coatings and batters, soups and sauces, breakfast cereals, snacks.... We would expect the total number of units affected to be well over 100,000. The origination cost of label changes is therefore likely to run into tens of millions of pounds.</p> <p>So far as flour itself is concerned, we would not anticipate a big reaction from overseas customers if labelling of added nutrients were to become a requirement. There could be a reaction from the domestic market as some manufacturers seek to avoid declaration of “additives” even if these are mandatory and of consumer benefit. There is therefore a risk that some of these might either seek to use imported flour in their products or relocate manufacture elsewhere in Europe, where fortification is not required. We do not know how the consumer would react, but it is certain that the sector would be affected by any change in consumer perception, positive or negative. It is likely that some buyers would act on the basis of their perception of risk rather than waiting for the consumer reaction</p> <p>Some users of flour, especially in the biscuit and confectionery sector, are very uneasy about the impact of</p>	

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	<p>nutrient declarations on their export sales. It is this sector that is perhaps most likely to shift production outside the UK. This could result in loss of sales for UK millers and reduced volume of fortified product available in the UK market and overseas.</p> <p>The consultation refers to the possibility of a threshold, below which labelling of consumer products would not be required. In many ways this is an attractive idea, which could reduce both the number of label changes and the potential for consumers to be misled. However discussions with FSA staff in relation to a possible requirement to add folic acid suggest that the threshold would have to be in the range 5-10%. Even this would be insufficient to avoid declarations on biscuit products. In the event the FSA Board decided that it would be inappropriate to introduce a threshold for labelling purposes.</p> <p>Overall, we believe that labelling of statutory nutrients in products made from flour would result in very large costs for label change. It could also have an effect on demand, both at home and overseas. The first impact of this would not be as a result of consumer reaction, but manufacturers' perception of risk driving their purchasing decisions. Nevertheless, if the choice lies between labelling statutory nutrients and not requiring their addition at all, on balance we would favour the labelling route.</p>	<p>We have noted these comments. The Agency is still considering policy and will take comments into consideration in coming to a final policy position.</p> <p>Noted.</p>
<p>National Council of Women</p>	<p>QUESTIONNAIRE ON NATIONAL PROVISIONS IN THE UK FOOD LABELLING REGULATIONS 1996 AS AMENDED.</p> <p>Categories of Interested Parties</p> <p>Q1. The National Council of Women [NCW] is a Charity. The Science & Technology and Consumer Groups are responding to the consultation on behalf of NCW.</p> <p>General</p> <p>NCW comments:-</p> <ul style="list-style-type: none"> ➤ Consumers have the right to know in detail what is in the food they buy. ➤ Labelling of ingredients should be clear and easily read. Currently labels can be 'legal' but very misleading giving considerably more emphasis, both in position and size, to what is NOT in a product rather than to what is in it. This causes problems to those who need to know, for medical reasons, exactly what it contains and those who can read large but not small print. The size of a label is often given as an excuse for small print, however room for a gimmick to aid its sale can usually be found. ➤ Consumers require 'choice' and one of these must be the availability of food free from synthetic chemicals. ➤ Small businesses should not be put at a disadvantage from demands from regulators unless the rules 	

	<p>are necessary due to a well-defined need. Sometimes a desire for bureaucracy seems to prevail.. If essential changes are required they must be implemented in such a way as to minimise costs</p> <ul style="list-style-type: none"> ➤ NCW believes the presence of a synthetic substance should be clearly indicated on all labels in the same way as allergens and GM ingredients. <p>Q2. What are your views on the recommended options in the Regulatory Impact Assessment [RIA]?</p> <p>Regulation 4(3)b – ‘Provident Societies’ Provision. The FSA proposal is accepted - to ensure the provision for direct sale is retained at EU level.</p> <ul style="list-style-type: none"> ➤ The view of ‘Country Markets Ltd.’ appears to be in direct contradiction to paragraph 2.4 on page 1. of Annex A. Clarification would be helpful. ➤ The produce of Country Markets is accepted as a source of healthy food, less likely to contain artificial sweeteners, colourings and preservatives. Production of such products should be encouraged. <p>Regulation 4(3)c – ‘Charities’ Provision. The FSA proposal is agreed – Option 2 – Negotiate for adoption of a similar provision at EU level</p> <ul style="list-style-type: none"> ➤ Charities need to raise money and unnecessary controls should be avoided. ➤ As with the above, the food is usually ‘healthy’. <p>Regulation 18(1)e – ‘Fortified Flour’ provision.</p> <ul style="list-style-type: none"> ➤ Many consumers are unaware of these mandatory additions. It would be more open and honest to have all bread display a list of all ingredients including those that must be added by law. ➤ NCW believes the FSA should ‘Do nothing’. <p>Regulation 18(2) – ‘Added Ingredients’ provision</p> <ul style="list-style-type: none"> ➤ NCW supports the suggestion that the FSA should negotiate for this to be included in new EU regulation <p>Regulation 20(3)b and 21(3)b Manner of presentation.</p> <ul style="list-style-type: none"> ➤ NCW agrees the FSA should seek clarification/redrafting to permit retention of current practice. <p>Regulation 23(1)b – ‘Flour Confectionary’ provision.</p> <ul style="list-style-type: none"> ➤ NCW regrets the initial cost for small firms the removal of this exemption may incur, but agrees the FSA should do nothing. ➤ NCW does not accept that the likelihood of failure should ever be a reason for not working for a cause, if it were believed to be right. 	<p>As a business manufacturing pre-packed food, they would need to comply with labelling rules.</p>
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	<p>Regulation 26(3) and 26(3)A – ‘Minor accompaniment’ provision.</p> <ul style="list-style-type: none"> ➤ NCW regrets that it will have an adverse effects on small businesses but agrees that the FSA should negotiate for change in small packages provision to increase the size of the provision and require allergen labelling ➤ NCW also stresses the need for the presence of synthetic substances to be shown on the label. Some of these also cause allergy or intolerance reactions. <p>Q3. Would consumers be particularly affected by the loss of these provisions?.</p> <ul style="list-style-type: none"> ➤ Yes, if it resulted in closure of small firms particularly those producing products free from chemicals such as synthetic colourings, preservatives and sweeteners. Choice is always important. ➤ Yes, if provident Societies and Charities were further restricted in their social and fund-raising activities. <p>Q4. Are there any businesses that would be particularly affected by the lapsing of these provisions?</p> <ul style="list-style-type: none"> ➤ NCW regrets all regulations that impose competitive disadvantages on small businesses unless essential for health reasons - particularly if they are not in response to recognised problems. <p>Q5. Would there be any implications for enforcement officers if the provisions were no longer available?</p> <ul style="list-style-type: none"> ➤ Work with previously exempt organisations implies more work. <p>Q6. Are there any General Comments you would like to make?</p> <ul style="list-style-type: none"> ➤ NCW recognises that natural foods can be allergenic or toxic, but believes improved labelling to show the presence of added synthetic ingredients is essential. <p>Questions on the potential impact of the loss of the provisions.</p> <p>Q16 Who would absorb the costs?</p> <ul style="list-style-type: none"> ➤ Eventually it is always the consumer, unless companies are put out of business. <p>Questions on the potential impact of the loss of particular provisions</p> <p>Provident Societies Regulation.</p> <p>Q20 – 24 NCW is not a Provident Society so cannot answer these detailed questions. However the importance of Country Markets Ltd. [formerly part of the Women’s Institute] to the lives of a great many women is well known. Their work must not be disadvantaged by new EU regulations.</p> <p>Charities Regulation</p>	
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	<p>How often do these charity events take place?</p> <ul style="list-style-type: none"> ➤ NCW has many Branches and Regions which raise funds in many different ways. The total annual number of events could be well over a hundred each year. <p>Q26 If this provision was lost, and products had to comply with full labelling requirements, would it become more difficult for such charity events to take place? Would those who donate food for such events for example be ‘put-off’?</p> <ul style="list-style-type: none"> ➤ Yes. Over regulation and interference at this level of society will always be a ‘put-off’ and could easily be interpreted as a gender or even a human-rights issue. How many men raise funds in this way? <p>Q27 Please provide some indication of additional costs of having to comply with labelling requirements if possible.</p> <ul style="list-style-type: none"> ➤ The costs for NCW would be mainly in time and inconvenience. NCW members are very generous with these but added burdens of regulations deemed ‘unnecessary’ are naturally a disadvantage. <p>Fortified Flour Regulation Q28- 32. NCW is unable to predict consumer reaction to the change of the labelling of bread.</p> <p>Flour Confectionary Q33. Should we try to maintain this exemption?</p> <ul style="list-style-type: none"> ➤ NCW regrets the extra cost to producers, particularly small businesses but with the escalating incidence of people suffering from allergies this warning is important. 	
<p>National Federation of the Women’s Institute</p>	<p>Section 1 1. The NFWI is an educational charity and is the largest voluntary women’s organisation in the UK representing over 200,000 members throughout England, Wales and the Islands. WI members are engaged in all aspects of community life including the support of village fetes and charity fundraising at a local level. Many of these activities include the provision of food and refreshments.</p> <p>We wish to comment on “Charities” provision – regulation 4 (3) (c)</p> <p>Section 2 General 2. Do you support or oppose the UK Government negotiating for the retention of the provisions in EU law? The NFWI supports the UK Government proposal to retain provision in EU Law as community social gatherings</p>	

	<p>such as village fetes, tea parties and fund raising activities would be reduced or stopped if this provision was lost. Therefore we support the recommendation of Option 2 Negotiate for adoption of provision at EU level</p> <p>3. Would consumers be particularly affected by the loss of these provisions? Yes they would lose both the opportunity to purchase food etc from local organisations knowing that money is supporting charities of their choice; also food is an important draw or expectation to local events and therefore this side of community life is likely to be diminished. These gatherings provide opportunities for community cohesion and often feature local traditional delicacies. These charities, often using volunteer members do great work for local initiatives which may not be funded by other means.</p> <p>4. Are there any businesses that you think would be particularly affected by the lapsing of these provisions? These provisions will affect small rural organisations in particular that produce local traditional food</p> <p>Section 3 Questions on the potential impact of the loss of the provisions</p> <p>7. What products would be affected by the lapsing of the provisions? Foods, particularly home baked products as well as preserves which use seasonal foods and a glut of fruit or vegetables.</p> <p>8. If these provisions were to be lost, do you believe there are any other provisions which you could employ to the same effect? No there is no other provision.</p> <p>9. Approximately what percentage of total product cost does labelling and packaging constitute? It is estimated that costs are approximately labelling 5% and packaging 10%, although this differs from product to product as well as generic items; with more cost to package preserves and to label some baked goods..</p> <p>10. If the provisions were to be removed what additional labelling would you have to provide? Double the cost of labelling, the cost of training staff (volunteers) and management time and training. The cost of management time and training volunteers will be very time consuming and expensive due to the number and turn over of volunteers and their limited availability. This will probably make food production prohibitive for charities.</p> <p>11. If you had to re-label how much would this cost per product on average? Double costs</p>	
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	<p>12. Would products have to be repackaged? No</p> <p>13. What volume of products would be affected? All</p> <p>14. What is the total value of these products? Not known nationally</p> <p>15. How many outlets would be affected? All WIs which number 7,000 nationally</p> <p>16. Who would absorb the costs? The consumer would have to pay more for the products and volunteers (and supervisory staff) would have to spend more time in production</p> <p>17. Would the lapsing of the provisions have any other effects not mentioned above? The food sales will be reduced to such an extent that some charities will stop food sales as it would not be cost effective.</p> <p>18. Could these changes be feasibly absorbed in your normal cycle? No please see Q10</p> <p>19. Are there any other costs that you would incur over and above what you would do commercially as a result of the removal of these provisions? No</p> <p>Questions on the potential impact of the loss of particular provisions</p> <p>Please note the NFWI are only commenting on one provision</p> <p>“Charities” provision (Regulation 4 (3) c of the FLR) This regulation provides general labelling exemption for food prepared otherwise than in the course of business carried out by the person preparing it, for example fundraising/charity events/church/school fetes</p> <p>25. How often do these charity events take place?</p>	
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	<p>Charity events take place on an ad hoc basis; not frequently but usually one off events; once or twice a year</p> <p>26 If this provision was lost and products had to comply with full labelling requirements, would it become more difficult for such charity events to take place? Would those who donate food for such events for example be put “off”? Yes, absolutely please see section 2 question 3</p> <p>27. Please provide some indication and detail about costs of additional costs of having to comply with labelling requirements if possible The cost of this nationally is impossible to quantify accurately but includes: Training of volunteers – cost of training and time, a number of training opportunities would have to be offered to cover all of the volunteers and their availabilities Management/supervisor time to check this on an ongoing basis Increased costs for Labelling and packaging – materials To summarise the cost of additional labelling would be disproportionate to the revenue received for the charity.</p>	
<p>Nutrition Society</p>	<p>The Nutrition Society was established in 1941 'to advance the scientific study of nutrition and its application to the maintenance of human and animal health'. Highly regarded by the scientific community, the Society is the largest learned society for nutrition in Europe. Membership is worldwide and open to those with a genuine interest in the science of human or animal nutrition.</p> <p>The Nutrition Society is pleased to have the opportunity to comment on the Food Standards Agency’s proposed actions to retain the national food provisions in EU law, and hopes the Agency finds the comments useful.</p> <p>Categories of interested parties</p> <p>Q1. Which of the following best describes you or your organisation? <ul style="list-style-type: none"> • Charity • Other (please specify) Learned Society </p> <p>Section 2: General</p> <p>Q2. What are your views on the recommended options in the RIA? For example: <ul style="list-style-type: none"> • Do you support or oppose the UK Government negotiating for the retention of the provisions in EU law? Why? </p> <p>The Nutrition Society supports the UK Government in negotiating with the EC for the retention of the provision in</p>	

	<p>EU law. The provisions were implemented in the UK to benefit the consumers, business, in particular small business, and charitable organisations, and retention in EU law may be beneficial to other EU countries. As discussed in the RIA, the complete removal of certain provisions would be detrimental to these stakeholders, but the cost of removing others would be minimal. The Society agrees with the proposed action on each of the provisions.</p> <p>Q3. Would consumers be particularly affected by the loss of these provisions? If so, how? The Society is committed to the principle that as much information on nutritional content should be provided to the consumer to facilitate informed choice.</p> <p>Q6. Are there any other general comments you would like to make? The Society supports that there should still be exceptions for charities.</p> <p>Questions on the potential impact of the loss of particular provisions</p> <p>‘Charities’ provision (Regulation 4(3)c of the FLR)</p> <p>Q26. If this provision was lost, and products had to comply with full labelling requirements, would it become more difficult for such charity events to take place? Would those who donate food for such events for example be ‘put-off’? The Society feels that people who donate to such events would be ‘put off’ as there would be additional work required, and it is unlikely that the donators would be fully informed about the requirements of the regulation and therefore be able to produce a compliant label.</p> <p>Fortified Flour (Regulation 18(1)e of the FLR) This regulation provides labelling exemption for nutrients added to wheat flour under the Bread and Flour 1998 Regulations, namely calcium, thiamine, niacin and iron.</p> <p>Q29. Would the increased labelling information result in a change in consumer purchasing pattern, for example, fortified and labelled UK flour/flour products versus unfortified imported flour/ flour products? Whether or not there is a resulting change in consumer behaviour, the Society considers it important to provide as much information on nutritional content as practicable. The Society considers that a threshold should be agreed for flour when used as an ingredient to prevent consumers from being misled.</p> <p>The Society has no comments on the other questions that are posed, and in general supports the FSA’s proposed actions.</p>	
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<p>Provision Trade Federation</p>	<p>PTF's members are companies of all sizes involved in supplying bacon and ham; chilled and processed meats; dairy products of all kinds, including milk powders, cheese, butter, yogurt and other dairy desserts; and canned foods. Our members include importers and exporters of these products, as well as UK processors. Of the labelling provisions that are under discussion, we have an interest in the following three:</p> <ul style="list-style-type: none"> • 'Added ingredients' provision – Regulation 18(2); • 'Manner of presentation' flexibility – Regulations 20(3)(b) and 21(3)(b) • 'Minor accompaniment' provision – Regulation 26(3) and 26(3)(a) <p>In all three cases, we support the FSA's provisional recommended option.</p>	
<p>Small Business Service</p>	<p>The main area of interest to the SBS is at Paragraphs 2.6 & 2.7 (Annex A; on page 2).</p> <ul style="list-style-type: none"> • 2.6 - If these labelling provisions do not feature in the new directly-applicable EU Regulations, UK food businesses might have to comply with additional labelling requirements which may result in additional costs, some of which may be significant, particularly for some small businesses. • 2.7 - This consultation on the RIA will provide the opportunity for interested parties to make their own representations to the UK Government, and in particular, with respect to the potential impact on businesses, consumers and enforcement. These representations will inform the Government's thinking and the development of policy, which will in turn form the basis of negotiations in Brussels. <p>I agree with your reasoning that these proposals seem likely to have an impact on Small Businesses. I note that you are engaging with Small Businesses as part of this consultation and will take on board any issues that arise during this process.</p>	
<p>Scotch Whiskey Association</p>	<p>As set out in the consultation, the current UK interpretation of EC Directive 2000/13; allows storage instructions to appear separately from the phrase 'best before' or 'use by'. While Directive 2000/13/EC</p>	

	<p>provides an exemption from the requirement to provide 'best before' or 'use by' dates for products with an alcoholic strength greater than 10% vol., some of our member companies nonetheless provide this information voluntarily on some of their liqueurs or mixed drinks, essentially those that contain cream or eggs, in an effort to provide appropriate guidance to consumers.</p> <p>Depending on the content of the new EU labelling law, we very much hope that, if alcoholic beverages above 10% vol. continue to be exempt from use by/best before information (which we also hope will be the case since spirits have an indeterminate shelf life), they should nonetheless be able to provide this information on a voluntary basis. This being so, we hope the UK's pragmatic interpretation with regard to placement is maintained. With the prospect of new labelling requirements being introduced at national and/or EU level, flexibility in the provision of information on labels is extremely welcome.</p> <p>In line with the FSA's suggestion, we believe it would be useful to seek clarification of Articles 9 and 10 of Directive 2000/13/EC to ensure that the UK interpretation is an acceptable one, before any European proposal is finalised.</p>	
<p>Sea Fish Industry Authority</p>	<p>I am responding to the consultation on the Review of National Provisions in the Food Labelling Regulations 1996. This response is on behalf of the Seafish Legislation Expert Group, a cross-sectoral group composed of representatives from the various trade organisations of the UK seafood industry, from catchers through to retailers.</p> <p>The Commission is expected to introduce draft proposals for labelling by the end of this year. The FSA has identified a number of provisions which do not have a basis in European legislation and will be lost when the new Regulation is introduced. This consultation gives stakeholders the opportunity to comment on the provisions they wish to retain through negotiation in Europe.</p> <p>The majority of the identified provisions are sector specific and do not effect the seafood industry. For this reason our comments only refer to the 'manner of presentation' flexibility that allows storage conditions to be placed separately from the durability indication on the packaging.</p> <p>Articles 9 and 10 of the Directive 2000/13/EC require the indication of durability to be followed by the date , and/or storage conditions . However national provisions go further in allowing storage conditions to be placed separately from the durability indication. This may not be allowed under the new Regulation.</p>	

or a reference to where the date may be found
or a reference to where the storage conditions may be found.

	<p>We believe that is a reasonable interpretation of the Directive and therefore support the option of seeking clarification of the interpretation. The loss of this provision will cause considerable expense for the manufacturers in redesign of packaging or new packaging equipment. Where such information is given voluntarily on labelling it may be removed therefore reducing the amount of information provided to the consumer to ensure food safety and quality.</p> <p>We would also like to make the comment that during negotiations it is important that the permitted names list of the Fish Labelling Regulations remains linked to the general food labelling provisions so that the correct names for fish must be used and the consumer is protected from misleading names being used on fish products.</p>	
<p>Scottish Food Advisory Committee</p>	<p>The Scottish Food Advisory Committee (SFAC) is an independent body established to provide advice to the Food Standards Agency (FSA) and, through the Agency, advise Scottish Ministers. SFAC's areas of work reflect those of the FSA, particularly as they relate to Scotland, to Scottish interests and to FSA Scotland (FSAS). This includes work on food standards, nutrition and diet; general food hygiene, fish, shellfish, milk, meat and meat products; animal feedingstuffs; novel foods, radiological safety; food related emergencies; and consumer affairs. SFAC is committed to conducting its work in an open, accessible and transparent way. It holds meetings in public and makes minutes and papers generally available via the Internet.</p> <p>The Scottish Food Advisory Committee established a Sub Group to specifically focus on the issues arising from the EU Labelling Review. The UK National Food Labelling Provisions consultation was discussed at the Committee's Open meeting in May, where the combined response below was agreed.</p> <p>'Provident Societies' provision – Regulation 4(3) (b) Members agreed with the Agency's recommended option to do nothing, but added that the Agency should ensure the provision for pre-packed for direct sale is retained at EU level.</p> <p>'Charities' provision – Regulation 4(3) (c) Members agreed that food labelling for one-off charity events would be a disproportionate requirement and would support the Agency's recommendation to negotiate for adoption of this provision at EU level.</p> <p>'Fortified Flour' provision – Regulation 18(1) (e)</p>	

<p>Members agreed that additives required by law to be added to wheat flour should be included on ingredients lists to improve consumer choice and information. Concerns were raised however, that there could be a danger of some consumers being misled and believing that products were a rich source of these vitamins and minerals when in reality, many micronutrients would only be present in nutritionally insignificant quantities of the finished product. In many cases product ingredient lists could become very long and detailed in product sectors where complex ingredient lists are already present therefore causing possible confusion for consumers. Members agreed that a threshold level below which labelling would not be required would be useful particularly for additives that are added to counteract the loss caused by the milling process rather than to fortify, by enhancing the original content of these nutrients in the wheat. It is recognised though that this may be difficult to find approval for at EU level.</p> <p>‘Added Ingredients’ provision – Regulation 18(2) Members agreed that the provision for added ingredients only being listed for cheese, butter, fermented milk, fermented cream (yogurts), vinegar and compound foods containing these foods, should be negotiated for inclusion in the new EU legislation. It is felt that current terms such as “yogurt” and “vinegar” are easily understood by consumers and adding further detail on ingredients added in production (e.g. lactic products and enzymes) would not be helpful unless special claims were made. Members agreed that full ingredient listing could deter consumers and as a result stifle innovation and new products. Consumer choice could also be reduced in affected product sectors.</p> <p>‘Manner of Presentation’ provision – Regulations 20(3) (b) and 21(3) (b) Members were assured that this provision was already incorporated within EU directives but clarification was required. There would be major implications across the whole of the food industry if indication of durability was not allowed to be shown on the product as currently is the case. It is essential that this flexibility be retained.</p> <p>‘Flour Confectionery’ provision – Regulation 23(1) b Members recognised many bakeries of all sizes made use of this provision to provide some flexibility in production processes (e.g. lack of weight marking allows increased flexibility in baking losses and scaling weights). Removal of this provision would result in significant on costs to some businesses for product labelling materials and labour as already considered by the Agency. Inevitably, some businesses would have difficulties in achieving consistency and therefore label accuracy, especially in multi component products. Members felt consumers would benefit from the increased information and would allow them to make informed choices. They also stated that flour confectionery should be in line with all other pre packed food in this regard. The legislation does allow some tolerances for labelling and many traditional craft bakers will still benefit from the “pre-packed for direct sale” provision. Members were supportive of the Agency’s recommended option to do nothing.</p>	<p>We have noted these comments. The Agency is still considering policy and will take comments into consideration in coming to a final policy position.</p>
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	<p>‘Minor accompaniment’ provision – Regulation 26(3) and 26(3) (a) Members agreed with the Agency to negotiate for an increase in the small package size allowance and required allergen labelling. Full product information on small packages could result in a text size being too small to be legible, thus defeating its purpose of informing consumers. Allergen information however must be clearly visible to allow interested consumers to make informed choices. It was felt important that full product information (e.g. ingredient lists) should be available elsewhere if consumers requested it.</p>	
<p>Southern Health and Social Services Board</p>	<p>We would like to make the following comments:-</p> <p>4.4. Regulation 4(3)c "Charities" Provision We would certainly support the Recommended Option under this regulation namely to "negotiate for adoption of provision at EU level" as this would safeguard organisations and individuals who give willingly of their time and resources to prepare food for fundraising events. It must be remembered that the actual food is provided for these events at no cost and that any money raised through people purchasing it cannot be regarded as profit hence a business. If we are to continue to support and engender community spirit, volunteering and building community capacity, we must not place undue regulations on people when they endeavour to do something for others.</p> <p>4.5 Regulation 18 (1)e - "Fortified Flour" Provision Again, we support the recommended option. In particular it would be preferable to actually "do nothing" because the most affected by any change would be small local bakeries which are providing a local service to communities, offering local speciality breads and flour based products using local ingredients, all of which supports local industry and a sustainable environment.</p> <p>4.6 Regulation 18(2) "Added Ingredients" provision We would fully support the recommended option.</p> <p>4.7 Regulation 20(3)b and 21 (3)b - Manner of Presentation It is important that these issues are clarified because firms of all sizes are labelling their products in compliance with the current EU requirements and have invested in technology and costs to do so. It would be preferable if changes were to be introduced that a considerable time frame for their implementation was permitted so that small firms in particular were not disadvantaged.</p> <p>4.8 Regulation 26(3) and 26(3)A - "Minor Accompaniment" provision There has to be an element of common sense here with the realisation that most people who lift a sachet of</p>	<p>We have noted these comments. The Agency is still considering policy and will take comments into consideration in coming to a final policy position.</p>

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	<p>tomato sauce, vinegar or tartar sauce to eat with their fish and chips in a road side cafe are not interested in food labelling. Size really does matter here and we would support the recommended option to negotiate for an increase in the cut off size for small packages.</p> <p>On a general note, with the increase in food retail outlets in Northern Ireland providing specialised and cultural food products from countries both within and beyond the European Union, it is important that there is not a two tier system within anyone country. If there are food products being imported into this country and which are under different food labelling regulations, individuals need to made aware of this.</p>	
<p>SWERCOTS - Trading Standards Partnership (South West)</p>	<p>‘Provident Societies’ provision (Regulation 4(3)b of the FLR) It is thought to be pragmatic to remove this exemption and bring this sector into line with other food producers and have a level playing field. There are many comparable operations now (which are not registered and therefore do not benefit from the exemption) and it is sensible that they should all be subject to the same requirements. It appears that the definition for 'prepacked for direct sale' in the consultation seems to be the one applicable to flour confectionary whereas Country Markets Ltd sell many other products such as jam, honey, meat products, fish, cakes etc. Many Country Market members actually fall into a half way house with their labelling - they generally still follow the old WI handbook and label with ingredients name and address etc (and sometimes a 'Sell By' date) but then often do not label allergens or meat content. It is felt that it would be beneficial to the consumer and regulators to clear up the anomalies and have consistent labelling from producers be they registered or not.</p> <p>The response from Country Markets seems to imply they do not think this will have any impact on them as they will then benefit from the definition of 'Prepacked for direct sale'. Is this the case? At some of their markets, not all producers are on site as only some producers do the selling the others just drop the goods off first thing.</p> <p>We agree with the option suggested in the consultation document.</p> <p>‘Charities’ provision (Regulation 4(3)c of the FLR) It is felt that this exemption should continue if possible, as the removal of it may lead to people who are raising money for genuine causes choosing not to carry on.</p> <p>Member authorities receive a number of queries about this where members of the public wish to make cakes on behalf of the church etc and want to know how to comply. They are unlikely to benefit from prepacked for direct sale exemptions as not on site when sold and made for the organisation rather than themselves. The removal of this exemption will just lead to non compliance with the legislation which potentially makes a mockery of it and of</p>	<p>The two definitions were combined in the consultation document.</p> <p>Please refer to FSA comment on WI/CM above.</p> <p>These activities would be able to benefit from the ‘Charities’ provision, Reg 4(3)c.</p>

	<p>course lead to “Red Tape” claims and bad press if some authorities provide advice or require compliance.</p> <p>We agree with Option 2 set out in Annex A</p> <p>Fortified Flour (Regulation 18(1)e of the FLR) Agree with the option set out in the consultation document. In view of health concerns and provision of consumer information we feel there are benefits in providing this information.</p> <p>Flour confectionery (Regulation 23(1)b of the FLR) With the complexities of modern food production, it is difficult to see how the exemption can be justified in comparison with other foods. Consumers of these foods should be just as entitled to information about them as they are with other products.</p> <p>Agree with Option set out in Annex A</p> <p>4.6. Regulation 18(2) — ‘Added Ingredients’ provision Agree with Option 2 set out in Annex A</p> <p>4.7. Regulations 20(3)b and 21(3)b — Manner of Presentation Agree with the Option set out in Annex A</p> <p>4.9. Regulation 26(3) and 26(3)A — ‘Minor accompaniment’ provision Agree with Option 2 set out in Annex A</p>	
<p>TESCO</p>	<p>Categories of interested parties</p> <p>Q1. Which of the following best describes you or your organisation? • Manufacturer/retailer/importer/wholesaler/trade association</p> <p>General</p> <p>Q2. What are your views on the recommended options in the RIA? The do nothing option for fortified flour can only be supported if the removal of the mandatory requirement to fortify UK flour is explored.</p> <p>Q3. Would consumers be particularly affected by the loss of these provisions? If so, how? Consumers will lose some clarity of labels due to the increased volume of information.</p>	<p>We have noted these comments. The Agency is still considering policy and will take comments o</p>

	<p>Questions on the potential impact of the loss of the provisions</p> <p>Q7. What products would be affected by the lapsing of the provisions? Yogurt and cheese and all products containing those ingredients. Products containing UK fortified flour. Products made available to customers as minor accompaniments.</p> <p>Q8. If these provisions were to be lost, do you believe there are any other provisions you could employ to the same effect? The provisions on pre-packed for direct sale food could be used in place of the flour confectionery exemption.</p> <p>Q9. Approximately what percentage of total product costs does labelling and packaging constitute? Please split these if possible. This varies considerably depending on the type of product and type of packaging.</p> <p>Q10. If the provision(s) were to be removed, what additional labelling would you have to provide? Yogurt and cheese and all products containing those ingredients would have to be relabelled. Statutory fortificants would have to be included on the ingredient list of any product containing UK flour. Full labelling information would have to be provided for minor accompaniments</p> <p>Q11. If you had to re-label, how much would this cost per product on average? £1,000</p> <p>Q12. Would products have to be repackaged? Y/N. Yes</p> <p>Q13. What volume of products would be affected? Several thousand</p> <p>Q17. Would the lapsing of the provisions have any other effects not mentioned above? Consumers will lose some clarity of labels due to the increased volume of information.</p> <p>Q.18. Could these changes be feasibly absorbed in your normal labelling cycle? If yes, how frequently do you redesign labels and how much transition time would you need to make these changes to fit into your normal labelling cycle? Yes, but label cycles vary depending on the product type. Labels for canned good have a much longer cycle</p>	
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	<p>than labels for chilled lines. To ensure changes are fully absorbed within the label cycle we would require a transitional period of 5 years.</p> <p>Q19. Are there any other costs that you would incur, over and above what you would do commercially, as a result of the removal of these provisions?</p> <p>The effect of the changes would have to be trained out to technical staff and suppliers. Product specifications would have to be redrafted and there may be some label write off costs depending on the transitional periods.</p>	
<p>Trading Standards South East</p>	<p>The Partnership wishes to comment on the proposal in relation to the exemption for Flour Confectionery in the Food Labelling Regulations.</p> <p>The Partnership believes that mass self service catering sector has been missed by the RIA. Many of these outlets take advantage of this provision as they have products, particularly bakery products, displayed in wholly transparent packaging (apart from some kind of traceability indication) for self selection. The purpose of the packaging is to enable hygienic handling, especially where customer self selects, and also effective stock rotation. These products are 'pre-packed' and not for direct sale. Removal of this exemption would require full labelling on the confectionery, or a significant change in the way these outlets operate, to enable unwrapped display without deteriorating the product through mass handling.</p> <p>The Partnership believes that there should be a possible EC wide exemption to enable wholly transparent wrapping for hygienic purposes with a durability/lot/stock rotation marking, only if associated requirements for information display for loose/direct sale products (i.e. additives, allergens & irradiation) were also applied to such products.</p> <p>The Partnership would also like to highlight that the wording of any exemption in the Food Labelling Regulations should be made clear, to enable it to be understood by both business and regulators.</p> <p>I hope these comments help in relation to the negotiations at EU level. If you require any further information, please do not hesitate to contact me.</p>	<p>If manufacturing pre-packed food, they would need to comply with labelling rules, if not being sold as pre-pack for direct sale. There may be opportunity to explore transition periods as a flexibility to enable these small businesses comply with any new legislation.</p> <p>FSA will explore this.</p>
<p>Vegan Society</p>	<p>We would support improved labelling of all foods so that consumers can make informed choices for ethical, religious, health or medical reasons.</p> <p>If ingredients are fortified this should be stated on the label along with a statement as to whether the additions</p>	

	<p>are of plant or animal origin. Consumers also want to know if small packs of condiments meet their dietary requirements and so there needs to be some means of providing ingredient information even on small packs. Either all ingredients need to be listed or the product needs to be labelled as suitable for vegans, as defined by the Vegan Society.</p> <p>Very low levels of animal ingredients in a food are still not acceptable to vegans.</p>	
<p>Which?</p>	<p>Provident Societies’ provision (Regulation 4(3)b) The Partial RIA indicates that this mainly affects Country Markets Ltd, formerly part of the Women’s Institute. It makes it clear that there is another relevant provision under EU law exempting products pre-packed for direct sale from the general food labelling requirements. Removal of the UK derogation is therefore unlikely to have an effect on the current UK situation.</p> <p>The Partial RIA states that Which? ‘has reported that removal of this derogation would benefit consumers as it would provide ingredient information to facilitate informed choice’ although Which? has not previously commented on any proposal to remove Regulation 4(3)b.</p> <p>It is important that consumers have clear information that enables them to make informed food choices. However, we also appreciate that any food labelling requirements have to be proportionate. We are concerned therefore that this consultation misses a more fundamental issue. We do not think that very limited production of food products in domestic premises for sale at a market is an area of particular concern. However, the wider EU exemption for products pre-packed for direct sale does exclude larger food businesses, such as sandwich chains mass producing the same sandwiches for direct sale nationwide, from providing important information to consumers.</p> <p>We therefore agree that the Government should not fight to retain Regulation 4(3)b. But we do think that the Government should ensure that there is a more fundamental review of this EU exemption to ensure that it is more in line with consumer information requirements.</p> <p>‘Charities’ Provision – Regulation 4(3)c The Partial RIA states that this derogation relates to charities and public fund raising events such as school and church fetes and individuals preparing food for such events. Although we have not asked the public about this issue, we do not think that people would expect to have food labelling information provided under these circumstances where it is clear that the food has been prepared by someone in their own home, on a voluntary basis, for a special charitable event and that this has not been done as part of a business.</p>	

We therefore agree that the Government should negotiate for this UK derogation to be adopted within the new EU legislation.

Fortified Flour - Regulation 18(1)e

The Partial RIA recognises that removal of this provision would facilitate informed consumer choice, but would affect a wide range of food categories and lead to longer ingredients lists.

We appreciate that this is a long-standing derogation, but we believe that consumers have come to expect transparency over what is included in their food – as well as an understanding of the reason why particular ingredients or nutrients have been added. Reference is made to the addition of folic acid to flour which has also recently been considered by the FSA Board. We do not see how these types of fortification can be differentiated in terms of labelling requirements and therefore think that it is not necessary for the FSA to negotiate to retain this derogation. We also do not agree with the proposed approach that the UK explores the possibility of agreeing a threshold below which labelling would not be required. In our opinion, consumers are likely to want to know whether these nutrients have been added or not and a threshold is likely to be irrelevant.

Flour confectionery – Regulation 23(1)b

The FSA makes it clear that while some of these products can take advantage of other exemptions for foods sold loose and pre-packed for direct sale, others are pre-packed and therefore would not be able to do so.

We agree with the proposed Government position to do nothing as these products are essentially pre-packed and therefore should be labelled. As stated in relation to Regulation 4(3)b, a more general review of what is currently included under the exemption for food 'pre-packed for direct sale' should also be undertaken.

'Added Ingredients' provision – Regulation 18(2)

Where foods are fermented from a single ingredient, we consider that it is clearer to consumers if the added ingredients are prominently stated in the name of the food as highlighted in the stilton cheese example provided (stilton cheese with added apricots) and do not consider it necessary to repeat this information in the ingredients list if it is not a requirement at the moment.

We therefore agree that the Government should negotiate for inclusion of this provision in the new EU legislation so that it can be retained.

Manner of presentation – Regulations 20(3)b and 21(3)b

The Partial RIA explains that the FSA's legal advice is that the Articles in the Directive can be interpreted to allow for the practice permitted under these two UK Regulations.

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	<p>We therefore agree with the proposed approach to seek clarification based on this legal opinion.</p>	
<p>Wales Heads of Trading Standards</p>	<p>Q1 - Enforcement</p> <p>Q2 -We agree with all the FSA recommended options in the RIA</p> <p>Q3 – We would add that the removal of the provision to allow "signposting" for durability date marking would not only necessitate the purchase of new labelling, but also new labelling machines in many businesses - eg where bottling plants put best before dates on bottle caps.</p> <p>Q4 - Small bakers supplying other retailers direct are likely to be adversely affected by the removal of the flour confectionary exemption. An unintended consequence might be that businesses would leave food unwrapped to avoid having to provide full "prepacked" labelling, and thus create new food hygiene hazards.</p> <p>Q5 - Removal of the "flour confectionary" exemption will simplify explanation of the law for enforcement officers.</p> <p>Q26 - Requirement for one-off charity events to label food is unreasonable – in practice these are likely to be sales of non prepacked products, so for cakes (the most likely products), only the name and 6 additive categories would have to be given (or the "flour confectionary exemption" would be used if retained), so minimal beneficial information would be given to purchasers. Organisers would be faced with considerable administrative hassle attempting to collect the information.</p>	
<p>Aberdeen Environmental Health</p> <p>(31)Law Society of Scotland</p> <p>(32)Meat Promotion Wales</p> <p>(33)National</p>	<p>Responded with No Comments.</p>	

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Farmers' Union (34)Royal Environmental Health Institute of Scotland		
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List of Respondents

- (1) Associated British Foods
- (2) Biscuit Cake Chocolate & Confectionary Association
- (3) British Retail Consortium
- (4) Scottish Commission for the Regulation of Care (known as the Care Commission)
- (5) Community Nutrition Group
- (6) East Ayrshire Council (Environmental Health & Licensing)
- (7) Food and Drink Federation
- (8) Federation of Bakers
- (9) Foodaware: the Consumers' Food group
- (10) Health Food Manufacturers' Association
- (11) Infant and Dietetic Foods Association
- (12) Local Authorities Coordinators of Regulatory Services (LACORS)
- (13) National Association of Master Bakers
- (14) National Association of British and Irish Millers
- (15) National Council of Women

(16)National Federation of the Women’s Institute

(17)Nutrition Society

(18)Provision Trade Federation

(19)Small Business Service

(20)Scotch Whiskey Association

(21)Sea Fish Industry Authority

(22)Scottish Food Advisory Committee

(23)Southern Health and Social Services Board

(24)SWERCOTS - Trading Standards Partnership (South West)

(25)TESCO

(26)Trading Standards South East

(27)Vegan Society

(28)Which?

(29)Wales Heads of Trading Standards

Response without comments:

(30)Aberdeen Environmental Health

(31)Law Society of Scotland

(32)Meat Promotion Wales

(33)National Farmers' Union

(34)Royal Environmental Health Institute of Scotland