

To: Interested Parties

December 2006

Reference:

Revision of Council Directive 90/496/EEC on the Nutritional Labelling of Foodstuffs

Dear Interested Party

A working group meeting took place in Brussels on 13 November 2006 to discuss the outcome of the Commission consultation on the revision of the Nutritional Labelling of Foodstuffs Directive. The Commission reported that 95 of the 175 non-Government responses were in relation to nutritional labelling issues, and that the responses indicated that:

- There was no clear consensus on whether nutritional labelling should be mandatory – the main issues raised were concerns about the burden on SMEs, whether some foods should be exempt from the requirements and the need to encourage reformulation and healthy food choices.
- There was no clear consensus on the nutrients which should be labelled – views included limiting the number of nutrients, keeping the existing 8 plus trans fats, focussing on the nutrients for which there are public health issues and providing a closed list of nutrients.
- There was no clear consensus on front of pack labelling, although there was a willingness to consider the evidence for at-a-glance nutritional information and the desirability of a standardised approach. It was generally felt that any approach should not discriminate against certain foods and should not reduce emphasis on achieving a balanced diet. Many respondents felt front of pack information should be in addition to the back of pack information.
- In relation to back of pack nutrition information most people felt the issue of GDAs needed to be explored further – particularly in relation to the presentation of the information and that there was a need to provide harmonised GDAs at EU level. Some felt that the inclusion of serving size information should also be encouraged, but that use of this information should be monitored.

The Commission reported that both individual responses to the consultation exercise and a summary document would be published on its website.

Revision of Nutrition Labelling Legislation

The Commission also orally presented its proposed options in respect of four key issues and sought initial reactions from Member States.

Mandatory vs Voluntary nutritional labelling

- **Maintain the status quo (option 1)**
- **Mandatory nutritional labelling for all foods and all businesses (option 2)**
- **Mandatory nutritional labelling for all businesses with some exceptions for SMEs (option 3).**
- **Mandatory nutritional labelling for all businesses with exceptions for a few SMEs (option 4).**

There was support from Member States for both maintaining the status quo and the introduction of mandatory labelling nutrition labelling. While several of States appeared to favour mandatory labelling there were conflicting views on the inclusion of exemptions or flexibilities for SMEs. A number of Member States felt unable to comment on this issue before the issue of what information should be provided in nutrition labelling had been resolved.

Nutrients to include on label

- **Maintain the status quo (option 1)**
- **Restrict the nutritional label to 5 key nutrients (calories, fat, saturated fat, salt and sugars) (option 2)**
- **5 key nutrients in option 2 on back of pack and allow it to be supplemented with additional nutrients from a positive list (option 3)**
- **9 key nutrients (as for option 2 plus protein, fibre, carbohydrate, trans fatty acids) and allow it to be supplemented with additional nutrients from a positive list (option 4)**

Member States were divided in their support for the options. Some expressed a wish to keep nutrition information short and simple while others wanted greater levels of information. Some States wanted compulsory labelling of trans fats while others argued that regulating against its use was a better option to control consumer intake.

Front of Pack Labelling

No options were presented by the Commission on this issue, but a number of States made presentations regarding the research into front of pack nutrition labelling and the approaches that were in use in their markets. The Commission stated that there was a need to find a balance between what industry wants, without distorting the internal market, and ensuring the consumer is not misled.

Presentation of Information

- **Maintain the status quo (option 1)**
- **Introduce minimum legibility criteria (such as font size etc) (option 2)**
- **Introduce prescriptive legislation on format and layout (option 3)**

Of the Members States who offered an opinion most were in favour of having a standard framework laid down in legislation but there was no clear consensus regarding what the format should look like. Suggestions were made regarding the use of bold text and colour to highlight key nutrients. The Commission suggested that it may be possible to build in some flexibility to address certain aspects of nutrition labelling at a national level with a national reporting arrangement that would allow the identification of best and worst practice. The Commission indicated that it would provide further information on the suggested approach at the next meeting.

Next Steps

The Commission intends to publish a paper setting out its proposed options before the next meeting of the working group, which is scheduled for early next year, and that they would request Member States to provide further details of their position on the options presented at that time. The Commission also indicated that they planned to take forward the technical issues identified in their discussion paper in parallel to this process. The Agency will contact stakeholders to seek their input into this process when the Commission paper becomes available. In the meantime we would ask that interested parties **do not** send us their views on the above options but wait for the official paper to be published.

Yours faithfully

Claire Boville

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Bydd yr amgaeëdig ar gael yn Gymraeg cyn hir, er mwyn eu derbyn cysylltwch â Hilary Neathey, ffôn 029 20678911, ebost Hilary.Neathey@foodstandards.gsi.gov.uk , os gwelwch yn dda.

To: Interested Parties

16 March 2007

Reference:

Revision of Council Directive 90/496/EEC on the Nutritional Labelling of Foodstuffs

Dear Interested Party

A second meeting of the Expert Working Group on Nutritional Labelling took place in Brussels on 16 February 2007 to discuss various issues relating to the review of the Nutritional Labelling of Foodstuffs Directive. The discussion focused on the following aspects:

- front of pack signpost nutritional labelling;
- whether nutritional labelling should be mandatory and if so what exemptions should be prescribed in terms of foods and business types;
- the nutrients which should be labelled on back of pack; and
- presentation of nutritional labelling information.

Front of Pack Labelling

In light of the rapid increase in the use of front of pack nutritional labelling on product the Commission is considering production of a framework for this type of labelling in the revised Directive. The Commission sought views on which nutrients should be covered by a front of pack scheme, and noted that the schemes currently in operation all used elements contained within the current requirements for back of pack nutrition labelling, i.e. calories, fat, saturated fat, salt and sugars. There was a general desire for a framework to harmonise the issue and facilitate the provision of simplified and consistent information.

There was some recognition that consumers wanted front of pack information and that there was a need for clear rules where front of pack labelling is applied on a voluntary basis.

Mandatory vs Voluntary nutritional labelling

The Commission noted that countries outside the EU had opted for mandatory nutritional labelling and had conducted surveys that confirmed its usefulness. Mandatory nutritional labelling was felt to be acceptable provided there were a suitable list of exceptions in terms of certain foods items (e.g. tea, coffee, spices, vinegar, fresh produce (such as fruit and vegetables, meat, fish, poultry and

shellfish), non pre-packaged goods, products sold in small packages and products packaged at point of sale).

There was no clear view on whether some businesses should be exempt from the rules, although it was felt that there needed to be clear criteria against which certain businesses might be exempt. Longer transition times for SMEs were also considered as an alternative to exemptions.

Nutrients to include on label

The main issue discussed was whether trans fatty acids should be included in the nutritional label. The majority of Member States who expressed a view supported this and the Commission concluded that there was a desire for trans fatty acids to be included, possibly as part of the saturated fat declaration and that the Codex definition of trans fats should be included in the Directive.

There was some support for the idea that the number of nutrients should be limited to four or five. A number of Member States called for "salt" to replace "sodium" in the nutritional panel and it was noted that there should be consistency in the way the issue is handled in relation to general labelling and health claims legislation.

Presentation of Information

The Commission sought views on whether the nutritional information should be presented according to the amount of each nutrient per 100g or per portion. A number of States favoured the mandatory use of per 100g information and some of these also suggested that per serving information should also be allowed on a voluntary basis. It was noted that some of the current front of pack schemes in the market place provide information on a per serving basis and others are based on 100g but also include per serving information.

There was a general desire that nutritional information should be set out in a tabular format, unless there was insufficient space on the packaging in which a linear format was considered acceptable. Several MS asked for the order in which the nutrients are declared to be standardised and some asked for a minimum font size to be specified and for the information to be boxed. The Commission concluded that there was no appetite for prescriptive rules on how the information should be presented and agreed to look at the rules being applied in third countries and review the consultation comments before making a proposal on this aspect.

Next Steps

The next Working Group meeting is expected to be held in late April 2007. The Food Standards Agency will seek stakeholder views on Commission proposals when they become available. Until such time the Agency will keep stakeholders informed through the usual channels.

Yours faithfully

Claire Boville

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To: Interested Parties

14 May 2007

Reference:

Dear Interested Party

Revision of Council Directive 90/496/EEC on the Nutritional Labelling of Foodstuffs

As outlined in our letter of 16 March, the European Commission is seeking views from Member States on a number of specific areas relating to nutrition labelling on prepacked foods. The Food Standards Agency would be interested to hear your views on the following issues in advance of the next Working Group meeting, which is expected to take place in June or July.

Front of Pack nutrition signpost labelling

1. The Commission is considering including provisions for some form of front of pack nutrition signpost labelling in their proposals for revised nutrition labelling rules. We would be interested to know whether you think the format of front of pack nutrition signpost labels should be prescribed and if so in what level of detail. If not, how would you suggest that schemes are regulated to ensure that consumers receive consistent, meaningful and transparent information both within Member States and across the EU?

Mandatory nutrition labelling

2. The UK Government made a commitment in the *Choosing Health* white paper to seek mandatory nutrition labelling on prepacked foods, the Agency will be pressing for any new rules on nutrition labelling to be evidence based and to make sure that any costs to industry are reasonable and proportionate to the benefits that they provide to the consumer. With this in mind, if nutrition labelling were to be mandatory should there be:
 - exemptions for certain food items, non pre-packed goods, products sold in small packages or products packaged at point of sale? If so which foods should be covered and why?
 - concessions for SME's such as derogations and if so what they might be and why?
 - a requirement to label certain nutrients? If so, which ones and why? The Agency believes that there is a case for the labelling of calories, fat, saturated fat, salt and sugars. Should additional nutrients be allowed to be declared on a voluntary basis? If so, should these be restricted to those that are associated with public health issues?

- nutritional information for alcoholic drinks? If so, which nutrients should be required to be declared and why?

Trans Fats

3. The current nutrition labelling rules do not allow businesses to give customers information on trans fat levels unless they make a claim. Current dietary intakes, and voluntary industry action to reduce trans fats levels in foods, would not suggest that there is a need to introduce specific measures to ban or limit trans fats in foods. However, we would be interested to hear your views on options for providing consumers with this information to enable them to make informed decisions on the foods that they buy when in the shopping environment?

Presentation of nutrition information

4. How should the amount of a nutrient present in a food be presented on the label - per 100g or per portion or both? Are there other formats that would provide consumers with the information that they need to make informed choices? Explain the rationale for your suggestion.
5. Should GDA information be harmonised at EU level and be included in the nutrition labelling panel? How should GDA information be presented so that it is meaningful in an international market?

Respondents are also asked to provide assessments of costs and benefits of doing / not doing any of the above to help inform the Commission's thinking when drawing up their proposals.

Responses should be sent to Julie Lucas at the address below no later than **Monday 11 June 2007** to allow us to take your views into account ahead of the next Expert Working Group on nutrition labelling. Further updates on the progress of discussions at the Commission Working Group will follow in due course.

Yours faithfully

Claire Boville

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The FSA may want to publish a summary of responses to this call for stakeholder views, which may include personal data, such as your full name and contact address details. If you do not want this information to be released, please complete and

return the Publication of Personal Data Form. Return of this form does not mean that we will treat your response to this letter as confidential, just your personal data.

 [Publication of Personal Data Form](#) (Word)

 [Publication of Personal Data Form](#) (pdf)

In accordance with the provisions of freedom of information legislation, all information contained in your response may be subject to publication or disclosure. If you consider that some of the information provided in your response should not be disclosed, you should indicate the information concerned, request that it is not disclosed and explain what harm you consider would result from disclosure.

Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

To: Interested Parties

16 July 2007

Reference: CPD/0008

Revision of Council Directive 90/496/EEC on the Nutritional Labelling of Foodstuffs

Dear Interested Party

A meeting of the Expert Working Group on Nutritional Labelling took place in Brussels on 6 July 2007 to discuss various issues relating to the review of the Nutrition Labelling of Foodstuffs Directive. This note outlines the main issues discussed at the meeting.

The next Working Group meeting is expected to be held in September 2007.

Governance mechanism for the adoption of best practice procedures on a European level

The Commission held an exploratory discussion on its governance proposals that are intended to provide a framework that identifies and monitors proven best practice that can be promoted on an EU basis. This issue is also being discussed in the general food labelling working group and will be considered further at the next meeting of both groups.

Front of pack labelling

Discussion focussed on the extent of harmonisation needed at EU level. Member States felt that if the Commission was to set rules for front of pack labelling then these should be in the form of overarching principles, such as the nutrients that could appear and whether per 100g/ml or per portion information should be used, and that Member States should have the flexibility to decide the detail of schemes that operate within their countries.

Back of pack nutrition panel

There was further discussion of the nutrients that should appear on back of pack nutrition information. At the present time there appears to be general support for provisions based upon the group one and / or group two nutrients, with an additional requirement to label any nutrients for which a claim is being made.

Trans fatty acids

The Commission confirmed that it was considering using the following Codex definition for trans fatty acids for the purposes of nutrition labelling:

“For the purpose of the Codex Guidelines on Nutrition Labelling and other related Codex Standards and Guidelines, trans fatty acids are defined as all the geometrical isomers of monounsaturated and polyunsaturated fatty acids having non-conjugated, interrupted by at least one methylene group, carbon-carbon double bonds in the trans configuration.”

Due to time constraints there was no discussion of this issue.

The Agency will provide a further update to stakeholders following the next Working Group meeting in September. In the meantime if you any queries please contact the Agency at the address below.

Yours faithfully

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To: Interested Parties

October 2007

Reference: CPD/0008

Revision of Council Directive 90/496/EEC on the Nutritional Labelling of Foodstuffs

Dear Interested Party

A meeting of the Expert Working Group on Nutritional Labelling took place in Brussels on 5 October 2007. This note outlines the main issues discussed at the meeting.

Definitions for use in the revised Nutrition labelling Directive

The Commission is considering including a number of new definitions that would bring the revised Directive into line with the Food Labelling Directive and other legislation. The Commission indicated that it was minded to adopt a definition for trans fatty acids based upon that used in the Codex Commission food labelling guidelines.

Exemptions from mandatory nutrition labelling

The Commission sought views from Member States on possible exemptions from nutrition labelling requirements. A number of States indicated that they thought alcoholic drinks could provide information on energy content but that full nutrition labelling should not be required. The Commission is also considering whether a minimum surface area should be set for provision of nutrition information.

Front of pack nutrition signpost labelling

The Commission is considering a provision to enable Member States to develop labelling systems that would allow consumers to make quick and informed judgements between products and on the contribution of a food to their overall diet. They are also considering setting a framework within which individual schemes would operate to ensure that they provide a set level of common information that consumers could use to make healthier choices.

Governance system for identifying and monitoring best practice

The Commission explained that it is proposing to introduce a system of Governance to facilitate mutual recognition of best practice systems endorsed by individual Member States.

Other business

The Commission confirmed that the technical issues identified by the Commission in 2006 would be considered in parallel to the proposal for the revision of the Nutrition Labelling Directive. This would include a review of NRVs, adoption of a definition for dietary fibre and permitted tolerances for nutrition declarations.

Next Steps

The Commission is not planning to hold any further Working Group meetings ahead of publication of their proposal for the revision of the Nutrition Labelling Directive, which is expected in December 2007. Following publication of the proposal the Agency will be conducting a formal public consultation exercise to seek stakeholder views on the text. We will also hold stakeholder meetings to discuss the issues with you directly and we will be writing to you shortly with more information about this. However, if you have any views on the issues raised in this letter please feel free to send these to us at the address below.

Yours faithfully

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