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Directorate-General

Summary of results for the consultation document on:
**“Labelling: competitiveness, consumer information and
better regulation for the EU”**

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INTRODUCTION

Labelling is everywhere. In the EU, there are many rules affecting labels, and there is much debate about the proper use of labels and the best parameters for labelling. Given the fact that a number of aspects of labelling legislation were scheduled for review in 2006-2008, there was a need to identify as far as possible a coherent overall approach to labelling. This takes place in the political context of the renewed Lisbon Strategy and where the Commission focuses on better regulation as a means to contribute to achieving growth and jobs and on broad dialogue as a contribution to better regulation.

DG SANCO was keen to obtain thoughts from stakeholders on how far there is scope to rethink the way the EU deals with labelling issues. A document was produced which set out the context for considering a change, identified the strategic goal, and gave an overview of the current situation for specific labelling issues¹. This was a consultative document which was designed to facilitate discussion at established DG SANCO stakeholder fora, but was also the basis for individual stakeholders to respond with views.

The public consultation was launched on March 15th and formally closed on June 16th 2006 (responses were accepted till the end of the month). A total of **247** responses were registered, of which 73 were essentially the same having come from one organisation. These were counted as one response, so it was considered that **175** contributions were received.

This document summarizes the responses received, starting with DG SANCO's overall approach to labelling and going on to look at specific labelling issues.

¹ http://ec.europa.eu/food/food/labellingnutrition/betterregulation/index_en.htm

DG SANCO's OVERALL APPROACH TO LABELLING

One of the major aims of the consultation was to challenge stakeholders to reflect on two issues – the strategic goals of labelling and views on whether changes were required in the overall approach that DG SANCO took on labelling matters. Many took up this challenge, with more than 60% of those who responded commenting specifically on these issues. Summarising these is complex as the respondents represent a range of interests and the responses are varied in terms of both their extent and the issues that are covered. However, a number of general themes can be identified which are relevant to both DG SANCO's current approach to labelling and how this might be modified in the future.

There was broad support for the consultation, with many seeing it as timely in view of the renewed Lisbon Strategy and the importance of labels as a means of communicating with the consumer. The benefits of looking at labelling as a 'whole' were also welcomed, with a number of comments saying that currently there was a lack of consistency across the various labelling areas. That said, there was a strong view that although there were common themes between the two, the labelling of food and non-food products should be dealt with separately. In fact, the vast majority of the general comments related to food labelling and this section of the summary of responses should be read with this in mind.

The consultation did appear to focus attention on the overall purpose of labelling – which was seen as being to inform the consumer in a simple and meaningful way about specific aspects of a product. Following on from this, a number of respondents recognised the need to 'take a step back' in the way labelling is dealt with in European law - highlighted that it is what is effective for the consumer that is important and that this should take priority over issues relating to enforcement and market protection. Some felt that this point had become lost over the years, with labelling rules becoming increasingly complex with some 40 separate pieces of legislation across a number of Directorate-Generals. Often these are seen as being inconsistent or even incompatible.

A number of industry respondents highlighted that a good starting point for rationalising labelling would be to provide an inventory of the current legislation. Ideally in a way that would make it easy, especially for SMEs, to understand which labelling rules were relevant to which product. This could form the basis of a simplification exercise, with those who commented tending to favour a broad regulation covering horizontal labelling issues with complementary product-specific vertical legislation. The need for such an exercise to make significant changes to the approach to labelling, rather than simply updating what is already there, was highlighted. Another point of view was that many of the problems with labelling are the result of poor enforcement, i.e. the current rules would be effective if Member States ensured they were followed.

In terms of the future approach to labelling, a broad assessment is that the industry would like to see minimum legislative requirements whilst consumer, health and animal welfare NGOs would like maximum legislative requirements. Views from Governments tended to fit between these two 'extremes'. Although an over-simplification, this does illustrate that whilst all stakeholders would like to see changes to the way DG SANCO deals with labelling, there is no clear consensus on what these should be. Further elaboration of the responses in relation to the 'common themes' set out in the consultation document will help to explain the various points of views and pick out key issues.

- *Alternatives to legislation*

Consumer, health and animal welfare NGOs have an inherent distrust of self-regulatory initiatives (codes of practice, guidance, etc.). Whilst recognising that these may have some benefits, they are not convinced that the way they will be implemented will provide the necessary impetus to make labelling more effective for the consumer. Industry are much more positive about self-regulation, highlighting how its flexibility makes it an ideal tool to take account of changing markets and consumer demands. However, the industry still sees the need for legislation in many areas of labelling as a means of ensuring a consistent approach across Europe. Especially in relation to action taken by enforcement authorities. Broadly speaking they would like to maintain a clear differentiation between mandatory and voluntary labelling information. The former could be dealt with by the use of 'hard' legislation (regulations, directives), whilst 'soft' legislation (self-regulation) has a role in the latter.

- *Small and medium sized enterprises (SMEs)*

There was a general recognition that SMEs have more difficulty in dealing with labelling legislation, particularly in relation to the costs of making labelling changes. However, the solution to this was seen as better management of implementation of legislation (longer transition times, coordination of regulations/directives coming into force) as opposed to giving specific derogations to SMEs. The comments identifying that consistency of labelling across all products will help to make it more effective.

- *Presentation of the label*

Although there was general agreement that the presentation of the label was vital in terms of engaging the consumer, there were clear differences of opinion as to why the current legislation was not effective. Looking specifically at the amount of information, industry respondents tended to highlight that legislation is requiring more and more detail to be placed on labels. There is therefore the paradox of how to fit more information on a label yet make it visible and simple to understand. However, NGOs note that much of the information on a label is not required by law. If the voluntary, commercial messages were given less prominence, then the general presentation of mandatory information could be improved.

In relation to legibility, there was a clear message from consumer and health organisations, and indeed individual consumers, that if the information is too difficult to read then it is of little use. Some went on to suggest the need for a minimum text size to be set down in legislation, with the poor legibility of some multi-lingual labels being used as a good example of why such a measure was needed. The industry responses indicated an understanding of the legibility issue, but noted that this needed to be balanced with the practicalities of labelling. For example, the provision of information on small packages and the importance of multi-lingual labels in minimising costs.

- *Logos or symbols*

There were few detailed comments on this issue. The potential benefits could be seen, for example avoiding multi-lingual labels, but concern was raised about the practicalities. Especially the potential for multiple symbols, covering a range of labelling issues, confusing the consumer.

- *Achieving the balance between a prescriptive and flexible approach*

Industry respondents highlighted the need for legislation to be more practical and less burdensome, noting that it was important not to have prescription just for the sake of it, i.e. detailed prescriptive rules must be justified. The benefits of a flexible approach in relation to keeping pace with a changing market and consumer demands were also identified. However, although a flexible approach would be welcomed, there needed to be some system for ensuring a consistent approach across the EU. For example, the extent to which the flexibility could be used should be clarified within legislation to ensure a uniform application across the EU.

Responses from consumer, health and animal welfare NGOs, and Governments, also seemed to recognise the potential benefits of a balanced approach between prescription and flexibility. Although there might be concerns if flexibility was taken forward by making use of self-regulatory initiatives.

- *Implementation of legislation*

Comments from industry, and some Governments, indicated that better coordination of the implementation of new labelling legislation would be a relatively simple way of improving the current approach of DG SANCO. There were significant costs for the industry when changing label designs and it was frustrating to have new legislation coming into force every few months. Ideally they would prefer that labelling transition times were coordinated so that changes all came into force at the same time, for example every two years.

- *The quality of research*

The lack of good quality research to support new proposals on labelling was highlighted a number of times. Mainly by industry respondents who felt that any changes to current legislation should be supported by clear evidence that they would improve the situation. Generally such comments related to the need for consumer research to assess whether or not proposed changes to labelling rules would change behaviour.

- *Dealing with 'consumers' and not 'the consumer'*

Another area where there were few detailed responses. However, where comments were made there was general agreement that a 'one size fits all' approach to labelling may not be suitable in all cases. That said, some industry respondents highlighted the difficulties of trying to meet the needs of all consumers via the label. One suggestion being that labels should be able to be understood by the 'average consumer'.

- *Finite amount of space on labels*

NGOs considered that for many labels there would not be a problem with lack of space if there was better design, e.g. minimise the number of languages on a label or addressing the imbalance between marketing and mandatory information. They were also against a move towards the provision of off-pack information, noting that many consumers were unlikely to have the time or inclination to read in-store leaflets or visit websites (even if they had easy access to a computer and the web) before making a purchase.

Industry respondents highlighted that space was a problem, especially as they needed to make the label appealing to consumers. Branding and design were all vital parts of marketing and often there was limited space to put mandatory information. The amount of information that was required by law was also mentioned, the view being expressed that off-label information should be considered as an alternative. Especially as detailed information about specific issues may only be of relevance/interest to relatively small numbers of consumers.

In relation to further analysis of how SANCO's approach to labelling might be changed, it is difficult to make any firm conclusions. It is clear that stakeholders would like to see changes to many aspects of legislation, ideally with these being part of a consistent, coherent and transparent overall approach to labelling. However, there is no clear consensus on what direction this might take. This is perhaps not unexpected as the majority of respondents, particularly from industry, will be considering labelling predominantly in relation to the specific products they manufacture and sell. Therefore their focus will be on the labelling issues relating to these products rather than an overall approach. Consumer and health organisations perhaps look more at the 'bigger picture', although again often their comments focussed on the specific issues which are currently of most concern to them.

GENERAL FOOD LABELLING ISSUES

Introduction

General Food Labelling refers to horizontal labelling requirements. These are currently regulated by **Directive 2000/13/EC**, a framework legislation which lays down common labelling requirements applicable to all foodstuffs intended for the ultimate consumer, and to foodstuffs supplied to restaurants and mass caterers.

As far as general food labelling is concerned, the major issues identified in the consultation document refer to the structure and scope of the legislation, mandatory and voluntary information, the presentation of the information (i.e. the question of its legibility), ingredient listing of alcoholic beverages and origin labelling.

General comments

It emerges clearly from the contributions that the role of the label is still viewed as essential for providing the information to the consumer. While the representatives of the big industry are in favour of exploring alternative means of making the information available (websites, e-mail, point of sale...), nearly all Member States as well as consumer NGOs and individual consumers are opposed to those alternative means for any of the mandatory requirements (i.e. the information that must be on the label according to the legislation), including the comprehensive list of ingredients.

For a significant part of the population in the EC, labelling is indeed the only means for getting the information they need about products so they can make informed choice. Alternative means of information is viewed as an interesting option, but only for all what is additional or commercial information. Besides, alternative support for information could also be a problem for SMEs, especially when referring to costly new technology means.

Structure of the legislation

- What is the most appropriate legislative instrument to implement food labelling provisions ?

A vast majority of stakeholders are in favour of a **regulation** instead of a directive. They feel it will reduce the risk of inconsistencies between Member States caused by the transposition procedure. A few stakeholders were more attached to the flexibility allowed by the directive form.

- How should the labelling provisions be brought together?

Whilst the option of bringing together into one piece of legislation as many texts (vertical as well as horizontal) as possible in order to ease the access to the legislation is favoured by some industry federations as well as by a large number of Member States, another significant part of stakeholders is in favour of recasting the horizontal provisions together, which means bringing together all the horizontal texts related to directive 2000/13/EC, leaving the product-specific rules in the vertical texts.

This solution is favoured for two reasons:

- it follows the same structure as in their national legislation and as in international standards of the Codex Alimentarius;
- combining all labelling provisions into one instrument would indisputably produce an ever more complex document, difficult to use and potentially difficult both to agree and to amend.

A few stakeholders suggested that the future regulation on labelling, while gathering all the horizontal legislation, could also include an annex referring to the vertical texts containing labelling provisions.

An interesting idea was put forward by a couple of Member States that consists in combining the recast of the horizontal provisions with a system that would ensure consistency between vertical and horizontal provisions while not overhauling the whole system. The idea would consist in setting up a similar system as the one used in the Codex Alimentarius where the vertical committees (dealing with products standards) have to refer to the horizontal committee responsible for food labelling (the Codex Committee on Food Labelling), to endorse any labelling provision that is contained in a vertical draft standard. On the Commission level, this would imply that a specific group with Member States experts is established for this purpose.

Scope of the legislation

There was a lot of interest for the notion of information that *must* be provided and information that *should be available*, but industry and consumers don't give it the same extent.

With respect to pre-packaged food, both the consumers and the vast majority of Member states consider the current mandatory requirements as the information that must be provided on the label whilst the industry would like some of these requirements to be available by other means. The industry would consider additives as not being an information that must be provided, but an information that should be available on demand, whilst consumer NGOs and nearly all Member States consider it as an information that must be provided.

With respect to food that is not pre-packaged (i.e. the food sold loose), consumer NGOs and a couple of Member States are in favour of extending the mandatory information that have to be provided on pre-packaged foods to non pre-packaged food, whether through panels or other means. On the contrary, SMEs (especially the craft industry), backed by a number of Member States, would like to keep the existing flexibility on this point, leaving it to the Member States to decide which pieces of information should be given to the consumer for the food sold loose and how. An alternative option would consist in deciding at the Community level which pieces of information should be available for the food sold loose, leaving it to the Member States to decide on how they should be provided.

The catering industry argued for keeping **food served in restaurants** out of the scope of the labelling regulation. The reasons that were put forward were, *inter alia*:

- menu-cards would be unworkable and would have to be changed on a daily basis;
- consumers' expectations are different when going to a restaurant;
- consumers can get a direct information from the restaurant's staff.

A couple of industry federations spoke for keeping the exemption from the full labelling requirement for **small packages**, presently applicable to packages having an area of less than 10cm².

The question of extending the scope of the labelling legislation to **distance selling** (foodstuffs selling by internet or catalogues) was raised.

Provisions concerning some compulsory information

There seems to be a consensus that the mandatory requirements currently listed under article 3.1 of Directive 2000/13/EC should not be questioned.

However, whilst a lot of stakeholders felt there should not be any additional requirements, some were in favour of **requiring the following additional information**:

- the alcoholic strength by volume for foods other than beverages (e.g. ice-creams, jams,...) where they contain more than 1.2% by volume of alcohol;
- transfer additives;
- indication where a meat has previously been frozen;

Other contributions are in favour of **removing from the label the information that is required by other texts than directive 2000/13/EC**, namely the health or identification mark (designed for the enforcement authorities), which some consider as superfluous since the introduction of traceability by regulation 178/2002/EC, and the “e” mark, required by the directives on metrology. The reason put forward is that it is not necessary information for the consumer, and the latter does not understand it.

There is also some support for **removing the obligation of declaring twice the same ingredient**, once on the product description and a second one on the list of ingredients. This refers to the requirements concerning the following ingredients:

- caffeine;
- phenylalanine, when there’s already mention of aspartame in the ingredient list;
- allergens : a lot of stakeholders are in favour of not repeating the allergenic source of an ingredient when the allergen is itself already declared in the ingredient list.

Some contributions are in favour of **removing** some existing **derogations concerning the durability date**, on the grounds that they are no longer justified. These refer to:

- soft drinks, fruit juices, fruit nectars and alcoholic beverages in individual containers of more than 5 litres, intended for supply to mass caterers (art. 9.5 fourth indent);
- pastry cooks’ wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture. (art 9.5 fifth indent). The removal of the exemption for bakers’ cooks is still considered justified.
- individual portions of ice-creams (art.9.5 eleventh indent)

Most stakeholders answered that on the whole **the current approach concerning the information on durability** needs not be modified, and that difficulties in interpreting the information would better be addressed through consumer education. However, the regulation

could specify that the information on durability should always be placed prominently and presented in an unambiguous way (e.g. ddmmyyy).

Alcoholic beverages

Alcoholic beverages, defined as containing more than 1,2% by volume of alcohol, are covered by the food labelling directive. Article 6 (3) states that “in the case of beverages containing more than 1,2% by volume of alcohol, the Council, acting on a proposal from the Commission, shall, before 22nd December 1982, determine the rules for labelling ingredients”. However, the Council never agreed on the proposals that were submitted over the decades to fill this gap. As a consequence, there is currently no compulsory ingredient listing for alcoholic beverages.

The consultation paper asked the stakeholders their view on the matter. There were about as many Member States (backed by several consumer NGOs, especially beer consumer associations) in favour of a full ingredient listing for all alcoholic beverages as Member States against.

Some Member States suggested an alternative consisting in requiring ingredient listing except for alcoholic beverages that result purely from the fermentation process of one ingredient, which would in fact exclude a lot of traditional alcoholic beverages and compel those containing additives and flavourings to declare it.

Voluntary information

There was no consensus emerging from the contributions on the best way forward to deal with voluntary mentions, in particular promotional messages.

On the whole, the industry wants no additional legislation on voluntary information and would favour the *status quo*, with a freedom to offer voluntary information providing that it is not misleading and can be substantiated. However, some industry representatives think there is scope for Codes of Practice that could be agreed by the industry on an EU-wide level.

Although it is quite accepted that the EU legislation could not be so prescriptive as to regulate the use of such terms as “pure”, “original”, “farmhouse”, “country style”, “traditional”, “authentic” (...), some Member States would like those voluntary mentions to be addressed by way of a Commission guidance document with a view to ensuring that the consumer is not misled. On the contrary, other Member States are of the opinion that those terms, when used, are so much linked to national culture and practices that they should be assessed locally through national case law or guidance set at national level.

Clear and readable labelling

This is one of the key issues of the revision since setting obligations as to the information to be provided to the consumer makes no sense if the latter cannot make use of it. Several contributions considered there will be no benefit from any review of the labelling legislation if it does not lead to more readable labels. Still, this is the theme where the opinions of the industry and of the consumer representatives are the most divergent.

The industry is in favour of maintaining the current rule, which means a broad requirement for the label to be legible. An improved legibility could be reached through the elaboration of industry guidelines. Consumer NGOs on the contrary disputes that such guidelines have already been in place for a long time in many countries, and this has not resulted in better practices. Moreover, it could take years to get harmonized codes of best practices in this field.

The suggestions as to prescriptive solutions to improve the readability of labels were many, but the most frequently put forward were the following :

- *Introduce a minimum font/text size for the mandatory information.* Such a requirement is mentioned by many consumer NGOs and Member States and is the consequence of the frequent consumer complaint all over Europe that the information on the label is often too small to be readable. It is believed that having to abide by the obligation of a minimum text size would encourage the industry to rationalize their overall label presentation.
- *Reduce the languages in which the information is given.* Many consumer NGOs and Member States have complained that multi-lingual labelling was often detrimental to legibility, and suggested to limit it. However, from a legal point of view, such a limitation is hardly conceivable.
- *Provide that mandatory requirements should be clearly distinguishable from marketing information.* This could consist merely in a requirement that the mandatory requirements be all gathered in a single frame so it is identified at a glance. There was also some suggestion to limit use of non mandatory requirements to a certain percentage of the package.
- *Standardize the presentation of the information.* This would mean setting up in detail the way mandatory information should be presented: its place on the label, as well as the minimum character size, the spacing of words, the type-face, colours, etc.

Origin labelling

The current situation is that the origin is only mentioned on a voluntary basis by the producers, but it becomes a compulsory indication if, without this indication, the consumer could be misled (article 3 (1), 8th indent of Directive 2000/13/EC). The question raised in the consultation was whether this approach should be maintained or whether there should be further general rules to cover all foodstuffs including processed foods.

Generally speaking, consumer NGOs and the agricultural sector are in favour of mandatory origin for main ingredients (but recognize how difficult it could be to define the notion of main ingredients) while the food manufacturers and caterers are opposed to that, owing to the frequent supply changes.

The motivation put forward in favour of origin labelling is that it is a significant factor in the choice of the consumer, for a multiplicity of reasons, some of which are justified (characteristics of the product, taste, *perceived* quality, support or avoidance of products from particular places, higher animal welfare standards in certain Member States, environmental concerns due to the transportation time) and others not (like safety concerns).

The analysis of the contributions showed that there were as many stakeholders in favour as against changing the present approach. There was however very little support for a general (meaning for all foodstuffs) mandatory origin labelling. Those who are in favour of mandatory origin labelling, generally want it to be limited to unprocessed products and mainly to meat.

Another interesting point emerging from the consultation is that those who want a mandatory origin want a country of origin or regional marking, never an EU/non EU indication (the only exception being the bovine meat sector, who wants an EU origin for bovine meat). Some don't want regional marking, only country of origin.

In the end, four ways forward could be identified:

- Introducing a **mandatory origin labelling for all foodstuffs** is the most “radical” option but it was not the most frequently put forward. In the cases where it was, there was no or little suggestion as to how the origin could be determined. There seems to have been a realization that a mandatory origin for all foodstuffs would be extremely difficult to apply for the industry and to control by the enforcement authorities, the determination of the criteria for origin marking being highly problematic for processed foods.
- Another way forward, suggested mainly by consumer representatives, is to consider a **mandatory origin labelling for all unprocessed food**, meaning raw products, even when included in a processed food.
- **A sector-based approach, which would not question the current rule for general food but address specific demands of origin marking.** Contributions showed that consumers' expectations on origin labelling are particularly important for meat and meat products. On the side of the industry, there also appears to be some concern in the spirit drinks sector, who would like an origin marking where there's a strong association between a particular type of spirit and a particular country in consumers' mind..
- There was also considerable support for **keeping the present approach with no mandatory origin labelling.** Besides the legal and practical difficulties that would imply a mandatory origin labelling, those who are against mandatory origin labelling put forward the following arguments:
 - the information could be misleading although true by suggesting that the foodstuff possesses special characteristics when all similar foodstuffs possess such characteristics. Products that have special characteristics due to origin are under Protected Geographical Indications or Protected Designation of Origin;
 - the current rules could be sufficient if properly applied.

Stakeholders that wish to keep the current approach would therefore rather promote a better enforcement of the existing rules not to give a misleading indication, together with the **setting up of a guidance to frame the voluntary use of geographical indications** for information or marketing purposes. While some argue that such a guidance should be done at national level so as to take into account differences in

culture, language and national case-law in this area, others would like it to be done at Community level.

NUTRITION LABELLING

Should nutrition labelling be mandatory?

On this point, no consensus emerged. All the consumer and health NGOs call for mandatory nutrition labelling, while the majority of industry seem to favour a voluntary system. Nevertheless some of the latter are supportive of a mandatory scheme. Member States on the whole tend to favour a mandatory system, with some reservations expressed that derogations for certain products or types of businesses should be considered. A number of respondents do not clearly state their preference or remain undecided.

The main arguments raised are the following:

NUTRITION INFORMATION SHOULD REMAIN VOLUNTARY	NUTRITION INFORMATION SHOULD BECOME MANDATORY
<ul style="list-style-type: none"> • Nutrition information is already being provided voluntarily on most products • Lack of consumer use and understanding • Too costly for the industry, especially for small business • Should remain consumer-driven, need for flexibility and innovation. • Implementing a mandatory system would increase legislative and administrative burden (better regulation = less regulation) • Irrelevant for certain products 	<ul style="list-style-type: none"> • Nutrition information is fundamental in order to encourage healthy choices • It is a consumer right to have access to accurate & understandable nutrition information on all products • Surveys indicate that consumers are interested by nutrition information and want it to be mandatory • If it remains voluntary, fears of absence of sanctions for non-compliance. Stringent rules ensure effectiveness. • Would act as an incentive to the food industry

Although no clear consensus emerged there were some indications that certain stakeholders could change their position. For example, most mandatory nutrition labelling advocates do admit that derogations and transitional measures could be discussed. There were also several comments from the industry that mandatory labelling could be envisaged provided a certain degree of flexibility is ensured. Indeed, it should be noted many of the opponents to mandatory labelling were more likely to highlight concerns about its introduction rather than being totally opposed. It also seemed that many within the industry are currently discussing and reflecting upon mandatory labelling within their organisations. Whilst they noted their opposition to mandatory nutrition labelling, they nevertheless give indications on the best way forward if it were to be implemented. Some respondents from the industry highlighted that they already provide full nutrition information on their products so the introduction of mandatory labelling would not be a major issue.

There were a number of comments on **derogations and exemptions** should mandatory labelling be introduced. While the consumer and health NGOs tend to recommend mandatory nutrition labelling on all products; the industry and some Member States mention a number of products which should be exempted from carrying nutrition information.

- small packages (there was particular concern expressed as regards these type of products);
- mineral water, spices, coffee, tea, etc. (i.e. products with insignificant quantities of nutrients);
- alcoholic beverages;
- food sold in bulk;
- food not sold directly to consumers.

Concern was expressed about the cost that SMEs would have to bear if nutrition labelling were to become mandatory on all products. Although consumer NGOs acknowledge that cost implications for these types of businesses are a problem which should be addressed, they recommend temporary measures such as extended transitional periods and technical assistance, rather than blanket exemptions.

There were also comments from the food industry on the practical difficulties of establishing exemptions. The view being expressed that a list of exempted products would be unworkable as it would be difficult to take into account the varying specificities and characteristics of products currently on the market. As such, the system for nutrition labelling should remain voluntary.

Amount of information required

In relation to the **number of nutrients** to be included on the nutrition label, respondents either listed which nutrients they believe should figure on the label or, for many industry respondents, mention which nutrients they actually display on their products. Regarding the optimum number of nutrients to figure on the label, answers varied significantly and there was no clear pattern amongst respondents (some suggesting 3, many 8, and others more). For example, whilst some consumer and health NGOs favoured long lists, others suggested concentrating on a small amount of key elements that are meaningful to consumers. For the industry, there were many comments on keeping any list of nutrients small, however some manufacturers could accept a long list since they are already providing full nutrition information on their products.

The 'Big 4' (i.e. energy, protein, fat, carbohydrates) and the 'Big 8' (i.e. the Big 4 plus saturated fat, sugar, fibre and sodium) are often mentioned as the most relevant nutrients to be labelled. However, there was generally little discussion about why specific nutrients were important, although some were mentioned more than others. Simply counting the number of times nutrients were specifically mentioned in the responses gives the following 'priority' list.

- Total fat (32)
- Energy (26)
- Salt/Sodium (26)
- Saturated fat (21)
- Sugar (20)
- Protein (15)
- Carbohydrates (13)
- Fibre (12)
- Vitamins & minerals (2)

In terms of the amount of information, a number of key messages emerged. Not least that more research was needed to better understand how the amount of information affected consumer use of labels. The importance of avoiding overloading the consumer was mentioned, the point being made that the quality of the information is more important than the quantity (is it worth listing nutrients which are not contained in a significant quantity in the product?). In this respect, the potential for providing additional information off-pack could be investigated. However, some respondents were keen to point out that the list of nutrients should not be restrictive, i.e. the ability to voluntarily add nutrients to the label must always remain. The restrictions on the amount of information because of the size and shape of food packaging were mentioned. As was the fact that ‘salt’ is better understood by consumers and should be used instead of ‘sodium’, and that ‘Kj’ is not understood by all consumers and should be replaced by ‘Kcal’.

Alternative formats for providing nutrition information

Just under half of the respondents who commented on nutrition labelling specifically covered this issue and, of these, only a few indicated a clear position. However there seemed to be a general consensus on the possible benefits of alternative formats and whilst some respondents expressed reservations, there was seldom clear opposition. That said, there were some who commented that the current numerical information for providing nutrition labelling is the most appropriate. Whilst the potential was recognised, there were divergent opinions on the best way forward and all stakeholders (whether from the industry, consumer and health NGOs or Member States) highlighted that there were a number of issues that would have to be addressed to ensure that any alternative format was meaningful and easily understood by consumers.

There were a number of detailed comments on the signposting systems currently being used in the UK – specifically the perceived benefits and disadvantages of ‘traffic lights’ and ‘guideline daily amount (GDA)’ systems. For the former many parts of the industry express opposition, highlighting that such systems could confuse the consumer (does red mean don’t eat?), are too judgemental and would not allow comparisons between similar products with differences in a specific nutrient which are not significant (i.e. not enough to alter the signpost colour). Consumer and health NGOs are much more positive about the benefits of traffic lights systems as they enable consumers to compare products ‘at a glance’ and there is evidence that the consumer can use them without difficulty. Member States made few direct comments on traffic lights.

There seemed to be a consensus between industry organisations, consumer and health NGOs and Member States that use of GDAs is potentially beneficial. Many commented that they are easily understandable, can be used by all categories of the population and help in making

comparisons between products. Only a few respondents reject the GDA approach, however, several respondents noted that GDAs should be used as a complement, not as an alternative to ‘traditional’ information. The need for GDAs to be harmonised at EU level was mentioned, with some NGO respondents suggesting they should be developed by EFSA (or another authoritative and independent body) rather than by the industry. Those who expressed concerns about the use of GDAs underlined that establishing needs for an ‘average consumer’ is impractical as this would depend on age, sex, level of physical activity, etc.

Although difficult to provide a detailed overview of all the comments on alternative formats, the main points are summarised in the table below.

<p>SUPPORTIVE OF ALTERNATIVE FORMATS</p>	<ul style="list-style-type: none"> • Enables to easily identify whether a products is a healthier option • ‘At a glance’ information is consumer-friendly • Helps to avoid multilingual labels and gain space on labels • Easier for disadvantaged groups (i.e. uneducated, illiterate, elderly, visually impaired)
<p>CONCERNS</p>	<ul style="list-style-type: none"> • Potentially confusing & misleading • Simplistic and subjective • Discriminates against certain products. Stigmatizes food as ‘good’ or ‘bad’ • Risk of proliferation of different schemes (several mentions of the UK)
<p>SUGGESTIONS/ RECOMMENDATIONS</p>	<ul style="list-style-type: none"> • No prescription. Should not be taken forward via legislation, must remain voluntary • No single standardized format but need for clear guidelines • Need for harmonisation, should be standardized at EU level • Education is key to ensure effectiveness. Information campaigns should be carried out. • Further research to assess effectiveness or determine what proves to work
<p>EXAMPLES MENTIONED</p>	<ul style="list-style-type: none"> • Symbols, logos, pictograms, graphical/tabular presentations, abbreviations • Swedish keyhole; UK Food Standards Agency traffic light scheme; Finnish heart symbol

Where is the best place to put the nutrition label?

Half of the respondents who commented on nutrition labelling do not address the question of its location on labels. Among those who do, several food operators suggest there should be no prescription in this area and that it should remain up to the manufacturer to decide where the information will be displayed. On the contrary, a number of contributions from consumer organisations call for a specific and clearly identifiable placement for nutrition information on labels so that the consumer can easily find and use it.

A few respondents, mainly from the industry and some Member States, support only having nutrition labels on the back of pack. This is seen as being the most efficient and it is considered unnecessary to have nutrition labels on the front of pack (which should be left for marketing information). Another argument put forward against dual labelling is that there is a risk that consumers rely only on the simplified information provided on the front without looking at the full nutrition information on the back of packs. Although there were respondents who could envisage having the nutrition label only on the front of pack, these were very few in number.

The majority of the respondents favour a dual system with detailed nutrition information on the back of packs combined with simplified messages displayed on the front. This is the option preferred by the consumer and health NGOs, but it is also adopted by several major food companies. However, a difference is that some of the NGOs specify that the dual system should be mandatory, whereas the industry respondents would like to see the front of pack aspect being voluntary.

How important is the presentation of the information?

There appeared to be a clear message from all respondents that presentation of labels is fundamental to use and that the current system needs to be improved. The simple, but key, fact conveyed is that nutrition labels have to be legible. However, there are some differences of opinion as to how improvements in legibility can be made. Consumer and health NGOs would like to see more prescription in legislation with a number of issues needing to be addressed.

- **Minimum type size** should be prescribed
 - Should be proportional to the size of the pack
 - Minimum size should be set between 1.5 & 2mm
- **Font, contrast, colour, spacing of words**, should also be addressed
- **Tabular format/panel** is better than free-text format
- An **order** of appearance should be respected
- Use of **standardized terminology** for a given nutrient
- Use **non-technical/meaningful language**
- Compulsory information should be **separated from marketing elements**

On the other hand, the majority (but not all) industry respondents do not wish for more legislative prescription and see guidance on best practice as the best way forward. Indeed, some develop arguments against prescription, not least by highlighting the paradox of trying to ensure legibility when there are so many demands for more information to be added to the nutrition label. Arguments against prescription which were highlighted are;

- Prescriptive rules are **impracticable** due to **packaging constraints** (finite amount of available space)
- A single EU-wide scheme would be **inappropriate** given the **variety of types of packages**
- Prescription is against the spirit of seeking **better & simpler legislation**
- Setting rules would **curb innovation**
- Prescriptive rules are unnecessary. Presentation should **remain market-driven**; industry would adapt to consumer demands and ultimately the consumer would decide the best option.
- Having to adapt to new legislative requirements would entail **major costs**.

A further issue that is linked to presentation is whether to provide nutrition information **per 100g/ml, per serving/portion size, or both**. Many respondents do not cover this and, where it is mentioned, the comments come mainly from the food industry. These tend to favour the per serving/portion system, with it being claimed that this is preferred and better understood by consumers. That said, there were also comments that portion/serving sizes would need to be standardised to avoid confusing/misleading the consumer. Per 100g/ml information is said to make calculation complicated and to be of little use if products are single-serve items. However, the few respondents supporting per 100g/ml presentation argue that it makes comparisons easier and is useful when there are no distinguishable portions in a product. The need to have the information displayed both per portion/serving and per 100g/ml was mentioned in a number of the responses. Although it was recognised that having two sets of figures makes presenting the label more complex. Others believe that either system could be relevant, depending on the type of product, so a pragmatic approach should be favoured.

Provision of nutrition information off-pack

There is a consensus among respondents that any revision of the nutrition legislation should be accompanied by major educational campaigns. Therefore many respondents, from all sides, favour making use of communication tools, such as electronic labels, telephone helplines, websites, leaflets for helping to explain/promote the use of nutrition labels. Some respondents felt this type of off-pack information could be particularly helpful for certain types of products like small items with limited space on the packaging. However, consumer and health NGOs would only welcome off-pack information as a complement, and not as an alternative, to providing information on the label. They stress that the focus should be on the information provided at the time of purchase, especially since all consumers do not have the time (or indeed the access) to use new routes of communication such as the internet.

WELFARE LABELLING

Welfare labelling concerns only a limited segment of products: those of animal origin or those where animals are used during the development or production process. Having that in mind the high number of comments on this issue highlights indicates the relevance of this question for the consulted public.

The intention of the Commission to develop and analyse ways to improve marketing, labelling and communication strategies has been highlighted in the Community Action Plan on the Protection and Welfare of Animals 2006 – 2010², adopted by the Commission in January 2006.

The vast majority of contributions consider information on the animal welfare conditions under which food is produced as relevant for consumers and a potential marketing argument for producers and retail. However, there is no clear picture of the way this information should be communicated. In particular organisations representing the farming sector, food processors or the retail sector advise to explore also other information channels than product labelling. The need to inform consumers and citizens via information campaigns is mentioned.

Repeatedly information on animal welfare, including product labelling on this issue, was identified as a useful marketing tool, but that the decision to make use of it should be left to the operator. However, in this contexts missing harmonisation and external control of voluntary labelling schemes was deplored in cases where there is no vertical legislation, such as the marketing standards for eggs and for certain categories of meat, in place.

Some contributions pointed out that animal welfare labelling for compound foods would not be feasible. In particular food processors expressed stressed the need for flexibility with regard to the purchase of ingredient to meet availability and quality criteria. According to an important number of comments the scientific basis for information on animal welfare should be strengthen. In this context the development and use of science-based indicators were mentioned as an important prerequisite for transparent labelling systems.

Some consumer NGOs expressed concerns that consumers might not understand animal welfare related information on labels which might mislead them. As consequence some contributions call for clear symbolic labelling and harmonisation of labelling schemes. Within this group of contributors there is majority for the introduction of a strong regulatory framework for a mandatory animal welfare labelling. Also animal welfare NGOs call for a clear, verifiable and audited mandatory labelling, which must be part of a broader communication strategy on this issue.

² COM (2006) 13 final

GMO LABELLING

According to Regulation (EC) 1829/2003, food must carry a label referring to the presence of genetically modified organisms (GMOs) in defined circumstances. These labelling requirements shall not apply to food containing material, which contains, consists of or is produced from GMOs in a proportion no higher than 0.9 % of the food ingredients considered individually or food consisting of a single ingredient, provided that this presence is adventitious or technically unavoidable.

In the context of the public consultation on labelling carried by DG SANCO, 34 replies have expressly dealt with these legislative requirements. These replies can be summarised as follows.

Consumers

Consumer NGOs express their strong support for the existing legislative requirements on GM labelling. These requirements are considered as a successful response to the request of European consumers to be informed about the GM content of food products. Some of the organizations also express the hope to obtain in the future a much wider international acceptance of the principle of the GM labelling through the discussions held in international *fora* such as the *Codex Alimentarius*.

Concerning the developments of the labelling requirements in this sector, two elements are considered as crucial:

- the 0.9% threshold should be maintained only for unintentional and accidental presence of GM and not interpreted as a tolerance level
- the Commission should clarify the notion and requirements of "GM free" labelling scheme in order to avoid any misleading or confusing information to be passed to the consumers.

Finally some of the received replies stress the need for further information in this domain. Some proposals make reference to the opportunity to extend the scope of the legislation to cover also products obtained with the use of a GMO (for instance the meat of animals fed with GM feed) while others pledge for a more straightforward indication of consumers, for example with the use of visible symbols on the front of the package.

Food producers

The food industry is generally very critical towards the existing legal framework for the labelling of GM food. In particular they concentrate their criticism on three major aspects:

- the existing labelling obligation is based upon the specified “dedicated system of traceability” and covers products derived from GMOs but which do not contain any GM material. This approach is considered unjustified, difficult to enforce and open to fraud because the implication that an ingredient or product is “non-GM”, by virtue of the absence of GM labelling, cannot be checked by analysis. According to some of the replies the previous system, which was based upon detectability, provided a more easily enforceable requirement.

- the existing labelling regime is costly and burdensome for the industry with the consequence that these costs are transferred down to European consumers.
- these labelling rules do not facilitate consumers' informed choice nor they provide consumers with a clear benefit. The outcome of the existing regime has been the almost total exclusion of food ingredients of GM origin from the EU market with a reduction of consumers' effective choice.

Retailers and farmers

Retailers and farmers are supportive of the existing system to which they adapted their market or production strategies.

Member States

Only a minority of Member States expressed their view on GM labelling. Member States generally agree with the existing system, although they are open to discuss the practical implementation of the GM regulations and the possibility to further improvements in specific areas.

HEALTH WARNINGS ON ALCOHOLIC BEVERAGES

Introduction

Health warnings (negative health claims) are not covered by the EU labelling legislation which is harmonised through Directive 2000/13/EC. Although, the Directive does not allow positive health claims to be made.

In the public health community, there seems to be some consensus that health warning labels can be an effective means to inform consumers of alcoholic beverages about risks associated with an inappropriate consumption of alcohol.

The respondents

In total 50 of 175 responses commented specifically on health warning labels but there are also responses that commented on more general issues such as; responsible drinking messages, labelling of units/drinks, ingredients labelling and nutritional labelling on alcoholic containers. This summary only deals with the responses on **health warning labels on alcoholic beverages containers**.

Twenty five of the responses were sent in from companies or other bodies financed or closely linked to the industry, three came from private individuals, 11 from NGOs and 11 from Member States (two from different Spanish Ministries). Most of the respondents are representing the agricultural or consumer field and not the public health field.

The expressed opinions

Fifteen responses were strongly supporting the introduction of health warning labels at EU level, 8 were in favour of more research on health warning labels before supporting an introducing of standardized health warning labels at EU level. Twenty one of the responses were strongly negative and six were slightly negative, for example several respondents expressed that, if warning labels would be introduced at Member States level, they would prefer to have standardized labels at EU level to avoid technical barriers to trade.

A clear **negative** position on health warning labels was expressed mainly by responses from those representing the industry:

Industry or bodies' financed or close to industry:	16	responses
NGOs	0	“
Member States	3	“
Private	0	“

Total	19	responses

A clear **positive** position on health warning labels was expressed mainly by responses from those representing consumer and health NGOs, private individuals and Member States

Industry or bodies’ financed or close to industry	0 responses
NGOs	8 “
Member States	6 ³ “
Private	2 “

Total	15 responses

The lack of good quality research in the EU to support the introduction of health warning labelling was highlighted mainly by industry respondents who felt that any introduction of health warning labels should be supported by clear evidence that they would change behaviour. Seven of the responses requested more research before they could take any clear position on the issue.

Industry or bodies financed or close to industry	5 responses
NGOs	1 “
Member States	0 “
Private	1 “

Total	7 responses

Certain stakeholders indicated that they could change their position if several Member States would introduce health warning labels. There were some comments from the industry that mandatory labelling could be envisaged instead of facing a situation with different health warning labels in the EU. Some parts of the industry (mainly the branded part of the alcohol industry) are currently discussing and reflecting upon voluntary labelling within their organisations. This pragmatic position_(more negative than positive) was expressed by the following respondents;

Industry bodies financed or close to the industry	4 responses
NGOs	2 “
Member States	2 ⁴ “
Private	0 “

Total	8 responses

³ The Czech Republic has sent in two responses. One positive position and one pragmatic (towards negative) response

⁴ The Czech Republic has sent in two responses.

The main reasons for being negative

The following negative arguments on health warning labels were repeated in most of the responses from the industry;

- There are better approaches to tackle misuse, for example alcohol education and targeted at risk groups by their community health centre. These respondents did not give any references to any evidence that would support this statement.
- Warning labels are unnecessary as people know of the harmful effects of alcohol already.
- Introducing mandatory health warning labels at EU level would be against “better regulation”
- Warning labels are not proven to be effective on behaviour
- Warning labels imposes increased cost on industry
- There should be responsible drinking messages at voluntary basis instead of warning labels.

Some responses from the NGOs and the Member States argued for a more comprehensive approach than just health warning labels. They did not express a total negative approach to health warning labels but they named other actions that would be more effective to protect public health. The following argument was most common among the NGOs and Member States representing this group.

- Health education on alcohol should be an integrated part of Public Health protection and prevention policy

The main reasons for being positive

There responses give both consumer protection and public health reasons for being positive to health warning labels. The most common reasons are the following;

- The harm done by alcohol is too severe – the Commission should do everything in its power to reduce it
- It is a consumer right to know of the health effects in order to be able to make informed choices
- Health warning labels could complement/ support other educational/preventive efforts
- It is better for both the consumers’ and the internal market to have standardised warning labels
- Tobacco warnings have served a good purpose and if it is possible to have warning labels on small cigarette packages it is possible to have them on alcoholic beverages as well.

Additional comments of interest

The quality of the responses to the consultation varied enormously, from expressions like “Labelling is not for warning people” to very clear positions on what kind of information that would be feasible to inform citizens on alcohol harm. The comments were therefore divided into four groups, mainly negative, mainly positive, the one’s claiming more research before taking any decisions and the pragmatic stand to the issue of mandatory health warning labels at EU level. Some alternative solutions and ideas were expressed in line with the following statements;

- Evaluate tobacco warning labels before introducing warning labels on alcoholic beverages.
- Voluntary responsible/sensible drinking messages or information on units/drinks should be introduced instead of warning labels.
- Warning labels and/or units/drinks should be standardised in EU in order to help consumers to make healthy choices.
- Most of the alcohol beverages companies/organisations would favour to deal with the issue of health warning labels as a part of the discussions on the Communication on Alcohol and Health.
- Health warning messages should be tested with consumers to know which are valued and likely to influence behaviour.
- Several of the respondents agreed to the statement by the Commission services that warning labels should be complemented with information by other means, for example on point of sales, health care professionals and education.
- If the EU Member States continues to introduce warning labels at national level, it might be better to have standardised Health warning labels at EU level.

Conclusions

There is a clear difference between comments from respondents representing the wider alcohol industry and the NGOs. A clear majority of the alcohol industry is against warning labels and a very clear majority of the NGOs would support standardised EU health warning labels. Member States are more divided in their opinions. Moreover, the industry is favouring voluntary responsible drinking messages or standard units/drinks on their labels instead of health warning labels. NGOs are very reluctant towards such messages.

Most of the global alcohol producers would prefer mandatory standardised health warning labels instead of several different mandatory national health warning labels on containers. Most NGOs, Member States and industry organisations underlines that there is a need for more research and agrees with the Commission services that health warning labels can only be one part of a more comprehensive approach.

NON-FOOD LABELLING

A good number of correspondents from Member States, industry, trade, research/technical institutes, NGOs and private citizens responded to the non-food section of the documents. For the most part correspondents welcomed the inclusion of non-food labelling in the document although most considered that it merits perhaps a separate, more detailed discussion.

The comments received can be summarised as follows. Labelling of non-food products should be a component of the broad communication and education between economic operators, authorities and consumers. The legislation on the labelling of non-food products should be less prescriptive on **what** the label should contain and more on **how** it should be. Labelling should be sector specific, knowledge-based, simple and meaningful.

The comments received have been summarised below grouped to those of a more general nature and to those concerning specific subjects.

General comments

Consolidation of food /non-food labelling legislation

With few exceptions, most correspondents felt that consolidation of food and non-food legislation on labelling was neither desirable nor feasible and argued for maintaining the food/non-food divide in labelling. There was however support for the review and consolidation of the non-food legislation on labelling across sectors with a view to simplify and consolidate the legislation so as to ensure consistency and avoid overlaps/redundancies.

Labelling as part of broader communication between industry/authorities and consumers

A good number of comments coming mainly from industry and retail but also being supported by the comments of Member States, stressed the view that labelling should be part of an overall communication strategy between economic operators or authorities and consumers. In that spirit they commented on the need to;

- Consider other means of communication (internet, leaflets, information campaigns etc)
- Include/allow for flexibility in the way information is provided to consumers. In this sense voluntary schemes that seem to work (e.g. in Washright campaign in detergents, consumer contact site in cosmetics etc).

Labelling tailored to consumer needs and perceptions

A need for clear, simple and efficient label tailored to the needs of the consumer to make a purchase choice, to use safely the product, to obtain information on environmental, sustainability or other parameters. Critical in developing appropriate such labelling is to obtain knowledge of the 'needs' of the consumer via;

- The proper understanding of how consumers perceive risks.
- The conduct of appropriate campaigns to educate consumers.

- Testing of new labelling, symbols, logos with consumers to assess recognition/comprehension/meaningfulness.
- Avoidance of the apparent contradiction of too much information provided on labels with limited recognition/understanding of labels and desire for more information
- Creation of centres of excellence on risk communication/risk perception.
- Provide all needed information in a format that consumers can use in particular the appropriate/necessary health and safety information.

Regulatory framework for non-food labelling

There were few, if any, consensus comments on how the regulatory framework should be further improved. Comments that carried a good amount of support from different stakeholders were as follows (respondent categories in parenthesis);

- The regulatory framework to be less prescriptive on **what** the label should be (label design and content) as this is something economic operators have more experience with. Instead, legislation should define the rules on **how** the label should be (rules on clarity, legibility etc) (industry and retailers)
- Non-food product labelling is too fragmented with overlaps and needs to be consolidated. Labels need to be standardised. (consumer NGOs, institutes)
- No ‘one size fits all’ approach possible. Legislation should allow for flexibility and simplification (retailers).
- Some regulations work well despite some problems with requirements, label size and space limitations, multilingual labels (industry)
- Consultation document does not provide concrete proposals and hence specific additional non-food requirements need to be considered separately on the basis of solid knowledge based proposals (retail, industry)
- Recent (sunscreens) or on going initiatives (Global Harmonisation System (GHS), REACH) offer great opportunities to improve communication to consumers.
- Labelling legislation needs to adapt to respond to changing or newly emerging issues (e.g. nanotechnologies) (consumer NGOs)

Hazard versus Risk safety labelling

Industry respondents (in particular chemical industry and chemical product manufacturers) are in favour of a risk based safety labelling approach versus the current hazard based approach. The GHS is a great opportunity to do so.

Origin labelling for non-foods

This seems to be a contentious issue as responses were mixed with strong points of view for or against origin labelling expressed. Comments received can be summarised as follows:

- Strongly opposed to origin labelling in general or for imports (retailers) as it will not provide consumer with more information, will not help ensure a higher level of health protection and will deprive them of lower prices for goods.
- Compulsory origin labels for some sectors (e.g. textiles, coatings) (labour unions, consumer NGOs, industries)
- Origin labelling should be considered in light of consumers' desire for more information (Member States).

Labelling of allergens

This also seems to be a contentious issue as comments received were mixed. Some respondents (member states) considered that labels in certain sectors (e.g. furniture, textiles) should contain information on allergens. Others (consumer groups) felt that certain allergens (in particular latex) need to be mentioned on the label of certain products (e.g. gloves). Another group (retailers) considered that the issue is too complex and consideration of labels on allergens should be considered after strong evidence of the need for it is produced. Sectors that are under already an obligation to provide information on the presence of certain allergens in their product composition information (e.g. cosmetics, detergents) were of the view that the issue is sufficiently addressed.

Specific comments

Environmental labels

Most respondents commenting on this agree that there are too many environmental labels (EU and national) that are confusing to the consumer. There are also too few products that carry 'ecolabels'. They need to be consolidated and simplified. National activities/guidelines (UK DTI 'Green Claim Guidelines) cited as good examples/attempts to streamline the situation.

Confusion over 'CE' and 'e' markings

Respondents felt that both symbols have lost their original meaning and are being abused so consumers attach to them attributes (e.g. safety, quality) that may not be justified or appropriate. Redefinition or proper enforcement of correct application is needed.

Global Harmonisation System (GHS) for classification of chemicals

Although there is support for the Global harmonisation System for classification of chemical substances which is to be introduced with REACH, comments warned for the need of proper education of consumers for the new symbols, the dangers of confusion of consumers by that fact that there will be a period of overlap between the GHS (for substances) and the current system (for chemical products). They also cautioned of the burden of the introduction of GHS to SMEs.

Labelling and SMEs

Some comments noted the difficulties that SMEs face at times with the implementation of new labelling provisions and the need to allow for more time and assistance for SMEs in order to comply with changing labelling provisions of non-foods.

Labelling of cosmetic products

Comments concerning cosmetics consider that the Cosmetics Directive (76/768/EEC) adequately addresses the compulsory labelling needs of the sector. Finite space of packages

and in particular small size products (e.g. lipsticks) pose considerable challenges to economic operators.

Labelling of sunscreen products

Comments were supportive of the recent initiative (Commission Recommendation 2006/647/EC) on the labelling of sunscreen products. In addition, respondents identified the need for the labelling of UV tanning devices and for consumer information campaign on the risk of exposure to UV and skin cancer.

Pre-packaged goods

Comments called for the revision of the directive on pre-packaged goods and nominal quantities as there seems to be a disparity between pre-packaged and real quantity.

ANNEX 1

SANCO document “Labelling: competitiveness, consumer information and better regulation for the EU”

Overview of consultation responses

The public consultation was launched on March 15th and formally closed on June 16th 2006 (responses were accepted till the end of the month).

A total of **247** responses have been registered, **73** of which come from the same organisation, a Spanish organisation of coeliacs, (i.e. people who suffer from an intolerance of gluten). As their comments are similar if not identical, they will be counted as one answer, so it can be considered that **175** contributions have been received so far.

Responses can be broken down as follows:

- Member States / Government related : **32** coming from **19** EU Member States
- Industry : **86**
- Consumer organisations : **16**
- Health related organisations : **12**
- Individuals : **16**
- Others : **13**

The contributions vary from comments on all the questions raised in the consultation document, to responses focused on one topic only. Some respondents made very detailed comments with arguments and evidence backing their position, while some only formulated general remarks or just gave yes/no answers.

Topics commented on:

- General comments: **117**
- Strategic goal: **87**
- General Food labelling: **101**
- Nutrition labelling: **95**
- Origin labelling: **79**
- Welfare labelling: **49**
- GMO labelling: **34**
- Labelling of alcoholic beverages: **60**
- Non-food labelling: **38**

Breakdown of consultation responses

	General comments	Strategic goal	General Food Labelling	Nutrition Labelling	Origin Labelling	Welfare Labelling	GMO Labelling	Labelling of alcoholic beverages	Non-Food Labelling
Member State/ Government related	22	20	21	22	19	15	12	17	8
Industry	65	53	55	51	44	23	14	25	22
Consumer organisations	11	8	10	10	8	7	6	9	4
Health related organisations	5	2	5	7	0	0	0	4	1
Individuals	6	1	6	4	1	1	2	3	0
Others	8	3	4	1	4	3	0	2	3
TOTAL	117	87	101	95	79	49	34	60	38

Please note that responses have been counted as a comment, whenever the given topic is mentioned in the contribution, regardless of the length and content of the comment.

ANNEX 2

List of respondents to: Labelling: competitiveness, consumer information and better regulation for the EU

Member states - Government related

Austria - Austrian Chamber of economy/Commerce (WKO)
Austria - Austrian Chamber of Labour
Austria - Austrian Ministry of Health & Women
Belgium
Cyprus - Ministry of Health Cyprus
Czech Republic - Ministry of Agriculture of Czech Republic
Czech Republic - Czech Metrology Institute
Czech Republic - Czech Office for Standards, Metrology and Testing
Czech Republic - Czech Ministry of Industry & Trade
Denmark - Danish agricultural Council
Republic of Estonia
Finland
France
Germany
Germany - Bavarian State Ministry
Greece - Hellenic Food Authority
Hungary
Ireland
Lithuania
The Netherlands
The Netherlands - The Netherlands Nutrition Centre
Norway (The Royal Ministry of Health and Care Services)
Poland (Ministry of Agriculture and Rural Development)
Poland - Glowny Inspektor sanitarny
Portugal
Spain - Permanent Representation of Spain to the EU
Spain - Spanish Food Safety Agency
Sweden
Sweden - Swedish Food Agency
United Kingdom
UK - Hertfordshire Trading Standards
UK - London NHS

Stakeholders and individuals

Adiconsum (Association for the protection of consumers and the environment)
AEDT&FENA (European Association of Fashion Retailers, European Federation of Furniture Retailers)
AEPNAA (Spanish Association for Food and Latex allergic patients)
AESGP (Association of the European Self-Medication Industry)
AICAT (Italian Association of Clubs of Alcoholics in Treatment)

AISDPCL (Association of Soap, Detergent, Maintenance and Cleaning Product Industries)
 AISE (International Association for Soaps, Detergents and Maintenance Products)
 Alltech
 American Peanut Council
 Anheuser-Busch
 Assocasa (Associazione Nazionale Detergenti e Specialita per l' Industria e per la Casa)
 Australian Wine Research Institute
 Austrian Food & Drink Industry
 AVEC (Association of Poultry Processors and Poultry Trade in the EU Countries)
 Bayerische Brauerbund (Bavarian Brewers' Federation)
 BCF (British Coatings Federation)
 BEUC (European Consumers' Organisation)
 BLL (German Federation of Food Law and Food Science)
 BRC (British Retail Consortium)
 Brewers of Europe
 British Chamber of Commerce in Belgium
 British Heart Foundation
 Bundesverband Deutscher Kornbrenner und Getreidebrenner (Federal Association of German Corn and Grain distillers)
 Cadbury Schweppes
 CAMRA (Campaign for Real Ale)
 CASH (Consensus Action on Salt and Health)
 CEEV (Comité Européen des Entreprises Vins)
 Celiacos* (Spanish Coeliac Associations)
 Centre for Ethics & Law
 CEPS (European Spirits Organisation)
 Dr. Mydlar
 Christian Schulze Bremer
 CIAA (Confederation of the Food and Drink Industries of the EU)
 CLCV (Consommation logement et carte de vie)
 CLITRAVI (Centre de Liaison des Industries Transformatrices des Viandes de L' U.E)
 COFACE (Confederation of Family Organisations in the European Union)
 Colipa (The European Cosmetic, Toiletry and Perfumery Association)
 Comité des salines de France
 Compassion in World Farming
 Confederation of German Retail (HDE)
 Consumentenbond (Dutch Consumers' Association)
 COPA-COGECA (Committee of Professional Agricultural Organisations in the EU, General Confederation of Agricultural Co-operatives in the EU)
 CPME (Standing Committee of European Doctors)
 CRUK (Cancer Research UK)
 CSF (Confederation Syndicale des Familles)
 CTPA (The Cosmetic, Toiletry & Perfumery Association Ltd)
 Danisco Health & Nutrition Network
 DMI (Drinks Manufacturers of Ireland)
 Dr Gary Jones
 DUCC (Downstream Users of Chemicals Coordination Group)
 EFFAT (European Federation of the Food, Agriculture and Tourism Trade Unions)
 EHPM (European Federation of Associations of Health Product Manufacturers)

Embolus2
ENSA (European Natural Soyfoods Manufacturers Association)
EPHA (European Public Health Alliance)
Eurocare (European Alcohol Policy Alliance)
Eurocommerce
Eurocoop (European Association of Consumer Cooperatives)
Eurogroup for Animal Welfare
Euromontana (European Association for cooperation and sustainable development in mountain areas)
European Beer Consumers Union
European Dairy Association
European Heart Network
FDII (Food and Drink Industry Ireland)
FEA (European Aerosol Federation)
Federation of German Consumer Organisations (VZBV)
Federation of Swedish Farmers
FEDIOL (The EU Oil and Proteinmeal Industry)
FEFAC (European Feed Manufacturers Federation)
Félix Sarmiento Laluna
FERCO (European Federation of Contract Catering Organisations)
FICT (Fédération Française des Industriels Charcutiers, Traiteurs, Transformateurs de Viandes)
Finnish Beer Union
FIOVDE (Association of Cosmetics, Perfume and Body Hygiene Industry)
FNSEA (French National Federation of Farmers' Union)
Food Products Association
Foodaware (Consumers' food group)
Four Paws
FPB (Forum of Private Business)
Fred Henley
Freshfel (The forum for the fresh produce industry)
German Brewers
German Dairy Industry (MIV)
German Distillers of Fruit Spirits
German Hygiene and Detergents Industry
GlaxoSmithKline Healthcare
Heart of Mersey
Heinz
Helle Buchardt Boyd
HOTREC (Hotels, Restaurants & Cafes in Europe)
HPT
ICGA (International Chewing Gum Association)
IKW (Industrial Association for Toiletries and Washing Products)
InBev
INTA (International Trademark Association)
International Butchers' Confederation
International Diabetes Federation
ISN (Interessengemeinschaft der Schweinehalter Deutschlands e.V.)
IUHPE (International Union for Health Promotion and Education)
Jenks Sales Brokers Ltd

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Johnathan Miles
Konstantin Martinek
Kraft Foods
Manfred Blömer
Martijn Middelbos
National Association of Master Bakers
National Farmers' Union
National Heart Forum
NEPLUVI (Association of the Dutch Poultry Processing Industries)
OEITFL (Organisation of European Fruit and Vegetable Processing Industries)
OIVO-CRIOC (Centre de Recherche et d'information des organisations de consommateurs)
Oriol Agell
O'Rourke Raymond
PACHCP (Polish Association of Cosmetics and Home Care Products Producers)
Pepsico
PINT (Dutch beer consumers organisation)
Retail Ireland
Robert Riedl
Scottish Consumer Council
Seafish
Swedish Consumers' Associations
Tesco
The Boots Company
The Portman Group
Tracey Dyer
UEAPME (Union Européenne de l' artisanat et des petites et moyennes entreprises)
UECBV (European Livestock and Meat Trading Union)
UFC- Que Choisir (L' Union Fédérale des Consommateurs)
UFCS (Union Féminine Civique at Sociale)
UGAL (Union des groupements de détaillants indépendants de l'Europe)
UK Food & Drink Federation
UKCPI (UK Cleaning Products Industry)
UNESDA (Union of European Beverages Association)
Unilever
VNO-NCW (Confederation of Netherlands Industry and Employers)
VOICE (Voice of Irish Concern for the Environment)
Weight Watchers
Welfare Quality
WELMEC (European Legal Metrology Co-operation)
WHICH?
WSTA (UK's Wine and Spirit Trade Association)
ZDS (Zentralverband der Deutschen Schweineproduktion e.V)

* In addition to these responses from the associations of coeliacs of Madrid, Andalucía and Castilla – La Mancha, similar responses were received from 71 individuals but the details of the individual responses have not been included.