

10th March 2006

EMRA Draft Response to Green Paper on ‘Promoting Healthy Diets and Physical Activity’

Executive Summary

EMRA members are committed to contributing to the European Commission’s efforts on Diet, Physical Activity and Health in view of promoting a more balanced diet, stimulating a higher degree of physical activity and improving the overall health of European citizens.

Education on nutrition and the importance of a balanced and healthy lifestyle is the primary responsibility of public authorities at national and regional levels. Nutrition and balanced lifestyle education should start at the earliest age and should progress throughout the school system.

The provision of easily understandable information on products is the key to consumer empowerment and enabling choice. Business, including the organised restaurant sector, has a role to play in informing customers, staff, and the local community on lifestyle choices.

EMRA members have considerable resources and know-how in understanding consumer needs and how to communicate with them. This can be utilised to ensure that nutrition and balanced lifestyle messages reach, resonate, and are understood by over 12 million EU citizens everyday.

Research in different Member States and sectors has indicated that consumers are able to understand the notion of Guideline Daily Amounts (GDAs) and use these measures to determine their dietary choices. This is leading food producers, retailers, and some companies in QSR sector to introduce GDA based labels.

EMRA members believe that GDA information or a similar approach (science-based and comparative to intake recommendations) accompanied by a corresponding set of pan-European recommended standards and symbols, could constitute a tool to empower consumers to make more informed choices.

To achieve this objective, EU authorities led by EFSA need to agree European GDAs in conjunction with the individual member states and other stakeholders.

As part of their commitments to the EU Platform EMRA members have pledged to inform their customers about how product options and product composition compare to the GDAs, or other nutrition driven references, through the use of various communications and consumer information materials. EMRA members will look into developing product information - ranging from leaflets or tray mats, through menu and staff training to website - to help consumers make informed nutritional choices. The choice of tactics may differ by brand, country and restaurant.

A balanced strategic approach requires that equal importance be given to the encouragement of physical activity as to diet. Stakeholders must work together to develop initiatives that make physical activity initiatives inclusive, empowering and measurable. Citizens need to be made aware that physical activity goes further than sport and that choices exist that ensure that all individuals can include physical activity in their lifestyles.

The restaurant sector is very different from, for example, the retail business. Customers visit restaurants for enjoyment and not necessarily to count the calories. In comparison to traditional

retail channels where packaged goods are sold off the shelf, restaurants prepare orders at the last minute, serving meals combining multiple ingredients. This complexity needs to be recognized.

EMRA members will strive towards taking action that adds value and that is relevant for the consumer, whilst making sure that all objectives are supported by a sound scientific base.

Introduction

The European Modern Restaurant Association (EMRA) and its members welcome the European Commission's Green Paper on "Promoting healthy diets and physical activity: a European dimension for the prevention of overweight, obesity and chronic diseases" and greatly values this opportunity to participate in the consultation process on the future direction of EU policy action in this important area.

EMRA represents the leading European restaurant chains. EMRA members operate in excess of 14 000 restaurants across Europe, a large proportion of which are owned and operated by franchisees. EMRA members are present in all the countries of the Union, employ more than 800 000 people and serve over 12 million customers each day.

Encouraging European citizens to adopt a more balanced diet, increase their physical activity levels and improve their overall health condition is a complex objective that requires a holistic strategic response involving a wide range of stakeholders.

Education has a critical role to play in ensuring that European citizens understand the importance of nutrition and a balanced and healthy lifestyle. While education is the primary responsibility of public authorities at national and regional levels, the EU has a significant contribution to make by promoting evidence-based best practice, helping Member States to share knowledge and acting as a catalyst for encouraging innovation in both public and private sectors.

Similarly, the EU can facilitate exchange of practice and know-how on approaches to labelling, advertising and marketing. Consumer demand is leading a broad range of stakeholders, like EMRA members, to investigate and develop nutrition information systems. There is a clear role for the European authorities to examine and promote such initiatives which have a sound scientific basis and that have had demonstrable success.

Existing self-regulatory approaches to marketing and advertising supplement legislation and provide industry with an incentive to constantly improve and adapt methods used to meet consumers' needs. Self-regulation moves more swiftly than classical regulation, enables the comparison of different schemes, encourages innovation and raises practice levels to the mutual benefit of consumers and business alike.

The policy community has so far focussed on the 'energy-in' and food in-take aspect of achieving a healthy lifestyle. A balanced strategic approach however demands that equal importance is given to physical activity. As in other areas the EU has a role to play in encouraging the exchange of information and good practice on initiatives across the Member States, in the private and public sectors, designed to encourage an increase in physical activity areas.

EMRA members are committed to playing their equal part in realising the shared objective of reducing obesity levels and improving the health of EU citizens. As active and committed members of the EU Platform on diet, physical activity and health EMRA will work with partners in public authorities, the private and NGO sectors to develop proactive and innovative responses to contribute to a dynamic European strategic response.

Each stakeholder, be they government, industry or NGOs, has specific insight and skills to contribute to attaining this shared objective. In drafting this submission EMRA members have therefore chosen to only answer those questions addressing issues where the organized restaurant sector has the knowledge and skills to add value and make a difference.

EMRA response to questions from the Commission

Section IV – Structures and Tools at the community Level

IV.1 – European Platform for Action on Diet, Physical Activity and Health

EMRA is an active member of the Platform. EMRA believes that after its first year the Platform has been a success and a laudable achievement. It has for the first time brought all major stakeholders around one table, fostered a constructive debate, and a genuine wish to provide solutions. The Platform model has provided a response much more quickly than if the Commission had directly followed the traditional regulatory root. Members have made their commitments and these now need to be delivered.

IV.5 – European Food Safety Authority (EFSA)

EMRA is a strong supporter of EFSA. It is crucial that balanced lifestyle policies adopted at EU level be based on sound science. Our members would therefore be happy to see EFSA's role widened to give scientific advice in the area of nutrition. This would however demand an increase in resources to ensure that there is no negative impact on its key food safety role. EMRA is concerned that without adequate budgetary allocations EFSA will not be capable of taking on extra tasks. The European Commission, European Parliament and Member States should therefore consider granting EFSA the necessary resources to fulfil its mission and ensure the trust of all stakeholders.

Section V – Areas for Action

V.1 - Consumer information, advertising and marketing

V.1.2 When providing nutrition information to the consumer, what are the major nutrients, and categories of products, to be considered and why?

Research in the QSR has shown that consumers want to know the nutritional value of the products that they buy and eat. However it has also indicated that the majority of consumers lack a basic knowledge of nutrients and personal dietary needs.

Consumer education aimed at increasing understanding is therefore crucial if nutrition information is to usefully have an impact. While EMRA members have a role to play in informing consumers, education is the primary responsibility of public authorities. Without a strong basic understanding of nutrition principles, communication campaigns, be they public or private sector, can hope to have little impact.

Consumer research by some EMRA members has shown that in the present environment, in which they have little knowledge of nutrition, consumers prefer a simple approach that focuses on the communication of the most pertinent and relevant nutrition elements.

EMRA members have therefore developed a two-staged approach to the implementation of a comprehensive nutrition information system. A first stage will focus on explaining the big five key elements (Calories, Proteins, Carbohydrates, Fats, Salt). Once consumers have developed an understanding of the importance of these five key elements, then information provision can be widened to other nutrient categories during a second stage.

In the eating out sector nutrition information on the big five elements can be provided for the broadest range of menu items and for different meal combinations. An increasing amount of

consumer research in different Member States and sectors has indicated that consumers are able to understand the notion of Guideline Daily Amounts (GDAs). This is leading an increasing number of food producers, retailers, and the eating out sector to introduce GDA based labels and communication materials focusing on the big five elements.

EMRA members believe that GDA information or a similar approach (science-based and comparative to intake recommendations) accompanied by a corresponding set of pan-European recommended standards and symbols, could constitute a tool to empower consumers to make more informed choices. To achieve this objective, EU authorities led by EFSA need to agree European GDAs in conjunction with the individual member states and other stakeholders. This is a clear example of where the EU, through EFSA, can add value. Once adopted at EU level uptake by more businesses can be assured.

As part of their commitments to the EU Platform EMRA members have pledged to inform their customers about how product options and product composition compare to the GDAs, or other nutrition driven references, through the use of various communications and consumer information materials. EMRA members will look into developing product information - ranging from leaflets or tray mats, through menu and staff training to website - to help consumers make informed nutritional choices. The choice of tactics may differ by brand, country and restaurant. The acceptance and consequently impact will need to be measured and subject to constant assessment to ensure value added.

Which kind of education is required in order to enable consumers to fully understand the information given on food labels, and who should provide it?

Education is the primary responsibility of public authorities at national and regional levels. Nutrition and balanced lifestyle education should start at the earliest age and should progress throughout the school system. Education needs to be engaging, informative and above all fun if it is to resonate with children and young adults. Public information campaigns should also be undertaken to inform and educate the adult population. The role of the family and parents is paramount in the education process.

For consumers to make informed choices, they must be given information in a way that is easily understood and relevant to their lifestyle needs. For example, if the goal is to prevent obesity, consumers need to hear simple, consistent, meaningful messages targeted toward energy balance. Too many simultaneous messages, such as ‘reduce salt to prevent hypertension’, ‘eat more fibre to prevent colon cancer’, etc, tend to result in confusion which leads to inaction.

Consumer research by some EMRA members has shown that for food labels to resonate with consumers supporting communications using diverse types of media are necessary. This includes the use of advertising campaigns, on-line websites, and in-store materials such as leaflets and tray-liners. Without such supporting and ‘informative’ communications/campaigns labelling is meaningless and will have little impact.

Are voluntary codes (“self-regulation”) an adequate tool for limiting the advertising and marketing of energy-dense and micro-nutrient-poor foods?

EMRA members believe that advertising self-regulation offers an effective response to legitimate societal concerns about diet, physical activity and health. Voluntary codes do provide an adequate and relevant tool. Such codes are innovation-proof, able to adapt quickly and go further than is possible at the EU level using classical regulation.

EMRA members agree with the fundamental objective of ensuring that advertising and marketing are legal, decent, honest and truthful. Voluntary codes both complement and set more detailed rules for responsible advertising and marketing, in accordance with the national legal frameworks, customs, traditions and cultural sensitivities. Self-regulation is not a substitute for legislation, but provides a necessary complementary instrument that ensures a high level of consumer protection.

EMRA members believe that food and beverage advertising and marketing should not promote excessive or imbalanced consumption or unhealthy lifestyles. Responding to consumer concern, the advertising industry has developed and is now implementing codes of conduct on food and beverage commercial communications, which include a number of provisions relating specifically to communications with children. EMRA members comply with the international advertising standards set by the International Chamber of Commerce (ICC) in its Code of Advertising Practice¹, which are implemented, enforced and monitored at national level.

In 2005, the European food and beverage industry adopted a set of *Principles of Food and Beverage Product Marketing Communications*, which updated the ICC Framework and extended its scope to cover a range of marketing communications (such as Internet marketing, direct marketing, sales promotions, sponsorship etc).² The Principles include provisions that oblige advertisers, for example: not to undermine healthy, balanced diets and healthy, active lifestyles; not to encourage or condone excessive consumption; not to represent snack food products as substitutes for meals; not to undermine the authority of parents.

The advertising industry association EASA has adopted a programme to strengthen effective self-regulation. EMRA members believe that these new provisions on food and beverage marketing will significantly strengthen the *content* of self-regulatory codes which when combined with a strong EU regulatory framework (the Misleading Advertising Directive, the Television Without Frontiers Directive (TWF), and the Unfair Commercial Practices Directive), will provide a proportionate and effective consumer protection system that will ensure that food and beverage marketing does not mislead consumers or induce them to lead unhealthy lifestyles.

How can effectiveness in self-regulation be defined, implemented and monitored? Which measures should be taken towards ensuring that the credulity and lack of media literacy of vulnerable consumers are not exploited by advertising, marketing and promotion activities? What would be the alternatives to be considered if self-regulation fails?

EMRA members share the advertising industry's vision of proportionate regulation. A proportionate and effective regulatory approach would consist of the following elements:

- Maintaining the already strong EU regulatory framework for advertising, while consolidating national implementation and enforcement.
- Encouraging further industry investment in effective self-regulation to complement the regulatory framework, which sets detailed rules for responsible advertising and marketing.
- Ensuring that appropriate mechanisms are in place for self-regulatory codes to be properly enforced and monitored.
- Encouraging the use of advertising to promote balanced diets and healthy lifestyles.

¹ www.iccwbo.org

² The Principles are posted on the online database of the EU Platform for Action on Diet, Physical Activity and Health.

- Investing in public awareness raising, consumer information and educational programmes for children in particular.

This approach will encourage, rather than stifle, the food and beverage industry's ongoing efforts in the field of diet and nutrition. EMRA members are already listening to changing consumer demands and are adapting not only their marketing practices, but their overall business strategies to reflect consumers' increasing health awareness.

Which measures should be taken towards ensuring that the credulity and lacking media literacy of vulnerable consumers are not exploited by advertising, marketing and promotion activities?

EMRA members are committed to practising and promoting a responsible approach to food and beverage advertising to vulnerable consumers, including children. Proportionate regulation coupled with effective self-regulation and a proactive approach by stakeholders combats the exploitation of vulnerable consumers. EMRA members are active participants in the Media Smart programme³, launched in the UK in 2002 and now being rolled-out in other Member States.

Media Smart is a non-profit media literacy programme for school children aged 6 to 11 years, focused on advertising. It develops and provides, free of charge, educational materials that teach children to think critically about advertising in the context of their daily lives. Materials use real examples of advertising to teach core media literacy skills and include materials on food and beverage advertising. It is funded by the advertising business and is supported by governments. The programme is developed and reviewed by the Media Smart Expert Group, consisting of leading academics and educationalists in the field of media literacy.

Again the EU has a role to play in encouraging the development of best practice and facilitating further investment in programmes such as Media Smart throughout the EU.

V.2 - Consumer education

V.2.1 How can consumers best be enabled to make informed choices and take effective action?

As already discussed above (see V1.2) consumer education is the primary responsibility of public authorities at national and regional levels. Nutrition and balanced lifestyle education should start at the earliest age and should progress throughout the school system. Education needs to be engaging, informative and above all fun if it is to resonate with children and young adults. Public information campaigns should also be undertaken to inform and educate the adult population. The role of the family and parents is paramount in the education process.

The provision of easily understandable information on products is the key to consumer empowerment and enabling choice. Consumer research by some EMRA members has shown that for food labels to have an impact supporting communications using diverse types of media are necessary. This includes the use of advertising campaigns, on-line websites, and in-store materials such as leaflets and tray-liners. Without such supporting and 'informative' communications/campaigns labelling is meaningless and will have little impact.

³ www.mediasmart.org.uk

EMRA members believe that GDA information or a similar approach (science-based and comparative to intake recommendations) accompanied by a corresponding set of pan-European recommended standards and symbols, could constitute a tool to empower consumers to make more informed choices. To achieve this objective, EU authorities led by EFSA need to agree European GDAs in conjunction with the individual member states and other stakeholders.

In the organised restaurant sector providing a varied menu choice is also crucial. All EMRA members have therefore modified their menus to create more choices and enable balanced diets (e.g. salads with low fat dressing, swap-out possibilities and non-carbonated drinks like fruit juices, milk or water). Driven by consumer demand EMRA members are making significant investments in new alternative offerings that will continue to expand choice in the future.

Business, including the organised restaurant sector, has a role to play in informing customers, staff, and the local community. EMRA members have considerable resources and know-how in understanding consumer needs and how to communicate to them, particularly at the grass-roots local level. This can be utilised to ensure that nutrition and balanced lifestyle messages reach, resonate, and are understood by over 12 million customers on a daily basis Europe-wide.

What contributions can public-private partnerships make toward consumer education?

Public-private partnerships and multi-stakeholder actions create added value by combining different skill sets, and utilising resources. The EU Platform for Diet, Physical Activity and Health is a prime example of such activity and a laudable example of regulators, civil society and industry working together to exchange ideas and develop best practices. EMRA firmly believes that the spirit of the Platform is a leading example that can be widely adapted to offer a viable alternative to classical regulation as part of the Better Regulation initiative.

EMRA members have also found that at local, regional and national levels public-private partnerships involving governments, business and the NGO sector prove most beneficial for the development and acceptance of initiative designed to promote physical activity, particularly amongst school children and young people. Best practice in this area again demands that initiatives are developed based on sound science, in partnership with education authorities, teachers and parents organisations, sports associations, and local businesses. Such partnerships ensure that initiatives are developed that have a sound basis, are relevant to local communities and therefore benefit from higher participation levels.

In the field of nutrition and physical activity, which should be the key messages to give to consumers, how and by whom should they be delivered?

As discussed above the different stakeholder groups involved have each a contribution to make to the development of key messages on nutrition and physical activity. The content of such messages must be developed by independent scientific experts in partnership with public and private stakeholders to ensure that they are scientifically sound and that their communication and delivery is relevant to consumers. A holistic approach by all partners (medical, education, private, public, NGO) and coordinated delivery is necessary to ensure that consumers are not confused by conflicting and competing messages. The EU Platform has an essential role to play in developing these core messages, ensuring their acceptance to stakeholders, and relevance to consumers.

Key messages include:

- Achieving the right personal balance between nutrition and physical activity is the basis of a healthy lifestyle.
- Food consumption (energy-in) should be adapted to type of lifestyle enjoyed by the consumer and their physical activity levels (energy-out).
- Moderation in food consumption and an increase in physical activity is crucial
- physical activity is more than sport and something that is accessible to all
- Developing a healthy balanced lifestyle is a matter of personal choice and preference

V.4 Food availability, physical activity and health education at the work place

V.4.1 How can employers succeed in offering healthy choices at workplace canteens, and in improving the nutritional value of canteen meals?

EMRA members employ more than 800,000 people in Europe and often their restaurants are also the employees' canteens. EMRA members are already providing information and training to their employees about the nutritional content of the foods they serve, as well as about the importance of balanced diets and physical activity. Some members have been providing full information for ten years or more and they will strive to continue to provide this information to employees in line with best practices.

How can dietary guidelines be communicated to consumers?

As discussed above (See answer to V.1.2) an increasing amount of consumer research has indicated that consumers are able to understand the notion of Guideline Daily Amounts (GDAs). This is leading food producers, retailers, and some in the organised restaurant sector to introduce GDA based labels and communications. EMRA members would like to reiterate that in order to avoid consumer confusion, there is a need for the development of European wide GDAs, led by EFSA, to provide consumers with easy and transparent information across the EU.

The provision of easily understandable information on dietary guidelines is key to consumer empowerment and enabling choice. Consumer research by some EMRA members has shown that for guidelines to have an impact supporting communications using diverse types of media are necessary. This includes the use of advertising campaigns, on-line websites, and in-store materials such as leaflets and tray-liners. Without such supporting and 'informative' communication of dietary guidelines will have little impact.

In which way could nutritional profile scoring systems such as developed recently in the UK contribute to such developments?

EMRA member companies believe in informing and empowering our customers by being open and transparent about the food we serve, and providing them with effective nutritional information.

EMRA members support the development of initiatives to make it easier for consumers to make the right choices in relation to their diet and lifestyle. However, they are concerned that any methodology to make information simpler and more accessible should be validated by sound science and applied appropriately.

The basis of any nutritional profiling model must be to help consumers understand how the nutrients found in the food they eat fit into their daily diet or how intake can be adapted to their lifestyle. An effective nutrient profiling system must address this fundamental principle of nutrition, namely energy balance, and help communicate the ideal situation of taking in the amount of energy that the body needs either for growth (in the case of children) or for healthy weight maintenance throughout life.

EMRA members would also like to underline that the development of a nutritional profiling for the restaurant sector is by nature more complex than for ready to eat meals. Indeed experience gained so far suggests that in the restaurant sector profiling is best used as the basis for nutrition labelling and information provision. It is not appropriate, due to its scientific nature, for direct communication to consumers.

A nutrient profiling scheme must not be based on the assumption that 'bad' food components can be counterbalanced with 'good' food components in an individual food. This approach is not supported by any scientific principles or evidence that it is successful. Such a profiling scheme is arbitrary and could seriously undermine educational efforts designed to enable consumers to select a varied and balanced diet. Furthermore, nutrient profiles that focus on a limited number of nutrients, whether macronutrients or micronutrients, are scientifically unsound.

Nutrient profiling systems are complex in nature and can have multiple applications across different food sectors. In order to avoid confusion and assist in the clear communication of dietary principles their development should be overseen by EFSA (see IV.5 above). EMRA members look forward to working with the EFSA and stakeholders to develop profiling schemes that are applicable to the organised restaurant sector, based on sound science and ultimately beneficial for the consumer.

V.11 – Which of the issues addressed in the present Green Paper should receive first priority, and which may be considered less pressing?

EMRA members firmly believe that the development of core balanced lifestyle messaging and information that will empower EU citizens, both young and old to take control of their own lifestyles should be a priority.

As an increasing amount of consumer research in different Member States and sectors is indicating that GDA based nutrition information presents a valid and easily understandable way to inform consumers of the nutritional content of the food they eat. The development of European GDAs should therefore also be a priority.

At the same time a balanced strategic response demands that equal importance should be given to identifying and encouraging new ways to promote physical activity, especially among children and young adults. EMRA members, as proactive participants in the EU Platform, are committed to playing their part in these and other developments necessary to improve the lifestyle and health of EU citizens.

This paper represents the views of its author on the subject. These views have not been adopted or in any way approved by the Commission and should not be relied upon as a statement of the Commission's or Health & Consumer Protection DG's views. The European Commission does not guarantee the accuracy of the data included in this paper, nor does it accept responsibility for any use made thereof.