



Minutes of the

Joint meeting on front-of-pack nutrition labelling between Working Group of the Standing Committee on Plants, Animals, Food and Feed - Regulation (EU) No 1169/2011 on the provision of food information to consumers (FIC) & Advisory Group on the Food chain, Animal and Plant Health

22 June 2018, 10.00-17:00

Brussels, Conference Centre A. Borschette

1. Introduction

The meeting of 22 June 2018 was the second joint meeting on front-of-pack (FOP) nutrition labelling. The meeting was chaired by the DG SANTE Head of Unit for Food information and composition, food waste.

The joint meetings are organised by the Commission in the context of Article 35 of Regulation (EU) No 1169/2011 on the provision of food information to consumers (FIC). This article requires the Commission to facilitate and organise the exchange of information between Member States, itself and stakeholders on matters relating to the use of additional forms of expression or presentation of the nutrition declaration. The same article requires the Commission to adopt a report on the use of additional forms of expression and presentation of the nutrition declaration, their effect on the internal market, and the advisability of further harmonisation in this field.

The first joint meeting on FOP nutrition labelling took place on 23 April 2018.

2. Topics discussed

2.1. Update by the European Commission

- **Introduction by the Chair**

The **Chair** thanked Member States and stakeholders for all interesting studies and reports received and explained the objective and agenda of the meeting. As regards the agenda, **FDE** asked the Commission to clarify the legal compliance of FOP schemes and highlighted that regulatory issues should not stand in the way of any convergence of schemes across the EU.

Following the question from FDE and a question from **BE** with regard to the minutes of the meeting of 23 April 2018¹, **DG SANTE** clarified the legal status of the Nutri-Score scheme. As described in the minutes, the Nutri-Score scheme is considered in its entirety as voluntary information under Article 36 of the FIC Regulation. At the same time, the Commission considers that when such a scheme attributes a positive message (i.e. a green colour) it fulfils the legal definition of a 'nutrition claim' as it provides information on the beneficial nutrition quality of the food. When the green colour is

¹ Available at https://ec.europa.eu/food/expert-groups/ag-ap/adv-grp_fchaph/wg_2018_en

highlighted, the Nutri-Score scheme can therefore be considered as a nutrition claim. Schemes falling under Regulation (EC) No 1924/2006 on nutrition and health claims made on foods, can only be used in the territory of a Member State if they have been adopted by the Member State in question in accordance with Article 23.

DG SANTE further explained that the above does not apply to the UK FOP scheme as mentioned in Recital (46) of the FIC Regulation.

- **Update ongoing JRC study on FOP nutrition labelling schemes**

JRC provided an update on the ongoing literature review regarding FOP schemes. There is clear evidence that FOP labels help consumers to identify the healthier option but evidence about the real-life impact on purchasing behaviour and health is rather mixed, although in specific cases (e.g. motivated consumers, communication campaigns) there is a clear effect.

Questions & Answers:

Following a question from **Copa-Cogeca**, JRC explained that long-term research would be needed regarding potential substitution effects (e.g. of non-processed by processed food). Following a question from the **UK**, JRC explained that research shows that consumers seem to prefer an indication per portion, but that consumer understanding is better when reference is given per 100g. **ENL** asked JRC about research on how to increase motivation of consumers but such research seems scant. The **Chair** highlighted that motivation of consumers cannot be achieved through FOP labelling alone and that FOP labelling should be complemented by other actions to motivate people to choose healthier food.

2.2. Insights into consumers' understanding & views, consumer and producer behaviour and other effects

- **Results FLABEL (food labelling to advance better education for life) and CLYMBOL (role of health-related claims and symbols in consumer behaviour) projects**

FLABEL and CLYMBOL are two EU-funded projects that were co-ordinated by **EUFI**. FLABEL looked at how nutrition information on food labels can affect dietary choices, consumer habits, and food-related health issues. CLYMBOL studied how health claims and symbols affect understanding, purchasing and consumption behaviour. Evidence from real-life (in store) studies about the effect on purchasing behaviour is difficult to obtain as purchasing decisions are influenced by a multitude of factors (not only nutrition claims and symbols but also price, taste, mood, habits etc.). However, claims and symbols may be effective in guiding food choices, particularly when consumers look for certain nutrients or health outcomes.

- **Views of Dutch consumers regarding FOP nutrition labels (results April 2018 research)**

The Dutch Consumer organisation **Consumentenbond** presented the results of a recent research. While 71% of the Dutch respondents said a FOP scheme is a good idea, a minority did not agree (5%) and 22% were neutral. 18% would find FOP labelling patronizing. A majority of respondents (69%) were (very) positive about the traffic light scheme, followed by 62% for Nutri-Score and 35% for the Keyhole logo. Most consumers think that a scheme should cover all products, not just those regarded as healthier, and should be transparent about what institution is behind.

- **Comparing the effectiveness of simplified food labelling schemes**

Prof. M. Rayner presented his model regarding the effectiveness of simplified food labelling schemes and highlighted the main problems with impact studies (e.g. self-reported behaviour versus actual behaviour, experiments in laboratories versus real-life experiments). Since little is known about how consumers use FOP labelling in real-life shopping situations, the FLICC project investigated the use of

FOP labelling during real-life shopping situations, and tested two interventions before shopping aimed at amplifying the impact of FOP labelling - tailored feedback to consumers on food purchases, and interactive education about FOP labelling.

- **Comparative studies on FOP nutrition labels**

Dr. C. Julia presented the theoretical framework and the studies performed in the context of the Nutri-Score scheme (on nutrient profiling system and graphical design), highlighting that selecting the most efficient label requires comparative studies, since any label has the potential to improve a situation with no labelling. Results of comparative studies (impact on purchasing intention, large scale trial on improvement shopping cart, frame field experiment on nutritional quality and estimation of health impact) were presented. An international comparative study in 12 countries (6 EU MS) is ongoing to investigate consumers' perception, understanding and purchasing intention associated with five FOP nutrition labels. Other research is looking at the impact on portion size selection.

Questions & Answers:

Following a question from **Copa-Cogeca** about informative vs. evaluative schemes, **Prof Rayner** explained that both types of schemes running alongside would theoretically be feasible. The **Chair** also highlighted the complementary character of the two types of schemes.

Following a question from **ENL-Mondelez**, **EUFIC** confirmed that text messages appearing on the FOP in addition to a FOP nutrition label can reinforce the FOP label message. **Dr. Julia** and **Prof. Rayner** both highlighted that FOP labelling should be complemented by other actions to motivate people to choose healthier food.

The effect of interventions regarding FOP labelling was commented by **JRC** in light of the studies from Prof. Rayner and Dr. Julia where the timing of the interventions (respectively before and during the shopping) could explain differences in results.

Regarding the international study presented by Dr. Julia, stakeholders (**BEUC, FDE-Danone**) asked about the possibility to include the study results in the Commission's report.

Choices International Foundation referred to recent research from 2017 on positive labels with real purchasing data. Following a question from Choices, **Dr. Julia** explained that positive logos are not included in the international study since the logos do not allow ranking more than two products while the method included ranking sets of three products.

HR questioned the focus on the effects of FOP labelling and found it more important to check whether the consumer understands the information provided on the FOP label. The **Chair** highlighted the need to look into scientific research on the effects of existing schemes with a view to know better what (does not) work(s) and to explore any convergence.

2.3. Ongoing developments regarding FOP nutrition labels

- **Update by Italy on the development of a front-of-pack nutrition label : the Italian proposal and the survey, methodology and results**

IT presented its proposal for a FOP scheme with the objective to elaborate a national scheme that could contribute and facilitate the adoption of a harmonised system. The scheme is based on portions' real size to inform on the nutritional content. The proposal is based on the Reference Intakes' Label and is adding a battery symbol for energy and nutrients. The battery concept shows replenishment from a single serving versus space still available for other foods. An on-line marketing survey was carried out involving 1500 consumers. Concerning the proposed FOP scheme, a majority of respondents (85%) was (very) interested in the scheme and found it 'easy to understand by all' (81%).

Questions & Answers:

BEUC had questions on potential research regarding the battery concept that might be confusing for consumers, and regarding the portion size approach and asked about the involvement of consumer organisations. **IT** mentioned that consumer organisations would be involved soon and considered that portion size information is better understandable for the consumer.

CZ, FDE and **CLITRAVI** welcomed the Italian proposal as a good starting point.

FDE-Mars made the link between the proposed Italian scheme and the 'Nutri-Repère' scheme, an informative scheme using diagrams to show the percentage Reference Intakes, which was studied in the context of the introduction of a scheme in France.

Regarding Reference Intakes (RI) based on portions, **Dr. C. Julia** explained that studies show that consumers interpret RI as a goal to achieve, with potential unfavourable effects, and asked about the percentage of foods that would show a 'highly charged' battery. She further explained that high positive ratings for schemes are not uncommon for surveys on one specific label hence the necessity for comparative studies.

Following **EFAD's** question on an 'overcharged battery', **IT** clarified that they do not have the intention to indicate an alert.

IT re-iterated the need for informative FOP schemes (vs. evaluative schemes). In **Prof. Rayner's** view, providing information as percentage of Reference Intakes is already an interpretative element.

Copa-Cogeca highlighted the difficulty for its association to develop positions on all schemes.

- **Evolved Nutrition Label (ENL) trials**

Representatives from the **ENL Initiative**, comprising five food companies, were invited to provide an update on the ENL real-life trials following the companies' press announcements of May 2018. ENL explained that they intend to have the first colour-coded labels on the basis of portions on shelf by the end of 2018, but that they will not jointly communicate on the geographical or product scope. ENL further clarified that the label roll-out aims to gather and share feedback on consumer insights and to test how to introduce the label into the market (considering the logistical and technical constraints of introducing new labels). Consumer feedback would thus not become available in the short term (no small-scale testing) but in medium to long term (Q2 2020) after introduction into the market.

Questions & Answers:

JRC asked about ENL's strategy to use empirical evidence from sales' data to evaluate understanding and impact of the label and about impact on reformulation. JRC also asked about potential research on colours based on portions and potential consumer education campaigns.

BEUC expressed its worries that the ENL label would make products look healthier for consumers. **EPHA** highlighted the need to distinguish between the provision of information on portion sizes and the provision of colour-coded labels based on portion sizes which does not allow comparison. **EFAD** considered that labels based on portion sizes do not enable easy comparison between products and further considered it misleading that portions shown in marketing campaigns are usually bigger than those proposed as reference on labels.

ENL explained that the process for collecting consumer feedback in 2020 will be different from the online survey done in 2018 and that it will be analysed if the portion element is understood. ENL highlighted that the scheme provides an incentive for product reformulation within companies. ENL referred to back-of-pack information allowing comparison between products and necessary work on harmonised portions.

2.4. Criteria for the development of FOP schemes

The **Chair** introduced the last part of the meeting aiming to discuss elements to consider for the development of FOP schemes. Participants were invited to share their reflections on the questions presented at the first meeting related to the criteria of Article 35 of the FIC Regulation. Although the criteria of Art. 35 apply in principle only to additional forms of expression and presentation, they are used as a basis for discussion on elements to consider for the development of FOP schemes in general. Contributions received ahead of the meeting from some Member States and stakeholders were circulated to the participants.

Due to time constraints, the discussion focused on the first criterion, i.e. schemes should be based on scientifically valid consumer research and should not mislead the consumer.

Following a question from **FDE**, the **Chair** first clarified that the criteria of Art. 35(1) apply to schemes developed by public authorities as well as by private operators.

Both **BE** and **HR** stressed the importance of coherence between the criteria of a FOP scheme and the criteria for using a corresponding nutrition claim in order not to be misleading.

Regarding the issue of portion sizes, the **Chair** explained that according to the FIC Regulation the voluntary repetition of nutrition information on the front-of-pack (energy-fat-saturates-sugars-salt) can be expressed per portion only, with the exception of energy which must in that case be expressed per 100 g/ml and per portion. The Chair asked participants' views about this provision in relation to the non-misleading criterion.

For **EPHA**, the evaluative character of basing a colour-code on portion size can be misleading and should therefore not be used, but the provision of information on portions as such can be useful. **BEUC** stated that 100 gr and not portion sizes are a necessary basis for comparison between products and that portions indicated on products are often smaller than actually consumed portions; BEUC also referred to the link with the criterion of Art. 35(1) (c) (facilitate understanding of contribution of the food to the diet). **BE** and **DK** considered that portion sizes cannot be used as a basis for schemes' thresholds in order not to mislead consumers; in addition to the need not to be misleading, **BE** also stressed the need to allow for comparison which is not possible with schemes based on portion sizes. **EUROCOMMERCE** highlighted that a scheme should allow comparison between and within categories. **Copa-Cogeca** highlighted that portions are not the same within the different Member States. **ENL** highlighted that the portions in the ENL scheme are real portions based on available EU consumption data and therefore not misleading. For **BEUC-Consumentenbond**, adding colours to the Reference Intakes scheme should be done in the right way taking research on impact on consumed portions into account.

Prof. M. Rayner mentioned that the UK scheme is using colour thresholds based on 100 gr and also per portion criteria for the red colour (for products sold in portions greater than 100 g). **Dr. C. Julia** referred to research showing that information on portions is difficult to understand for consumers; since colours also take account of standardised Reference Intakes, determining colours on a per 100 gr basis has the advantage to level out another form of variation (consumed portion) between consumers. She further referred to the results of a study on impact on portion size selection for three types of schemes (significant decrease in portions for Nutri-Score and (to a lesser extent) the traffic light scheme, but not for ENL).

The **Chair** further asked participants' views on the reflection from **CLITRAVI** that directive (evaluative) schemes (providing a synthetic appreciation of the overall product's nutritional quality/healthfulness) are potentially misleading. **EPHA** referred to provisions in the FIC Regulation related to public health policies and protection of consumers' health and therefore it does not object to schemes evaluating the healthfulness of food. **EHN** mentioned that the two types of schemes can co-exist (nutrient-specific schemes and evaluative schemes).

With regard to the contributions from **IT** and **CEFS** sent ahead of the meeting on the need for schemes to be as informative as possible and not to classify/evaluate food, **FEDIOL** stated that food

should not be classified and that schemes should also highlight positive nutrients. **SNE** stated that for some specific products (e.g. specialised nutrition products) it will not be possible to apply FOP schemes considering EU provisions applicable to specialised nutrition products.

As regards the topic of 'scientifically valid consumer research', **BEUC-Consumentenbond** stressed that this research should be independent, without any commercial interests, and transparent. **BEUC** stressed the need to demonstrate impact on all groups of consumers. **EUROCOMMERCE** highlighted the necessary scientific character of consumer research (peer reviewed publications) and the need to assess the impact on actual purchasing behaviour. **Copa-Cogeca** stressed the need for a science-based approach.

2.5. Closing remarks and next steps

The **Chair** concluded the meeting by repeating that the criteria of Art. 35 of the FIC Regulation are meant to apply to both schemes developed by public authorities and by food business operators. As regards the criterion on consultation with a wide range of stakeholders, this would be easier to organise for public authorities, although a bottom-up approach is possible as well as an approach where food business operators work in close cooperation with Member States. The Chair stressed that cooperation with public authorities is necessary when food business operators want to develop a scheme.

The Chair further highlighted that the issue of front-of-pack nutrition labelling remains high on the agenda, not only at EU level, but also at international level. The Chair explained that at the level of the Codex Alimentarius, a second discussion paper on the development of guidelines on FOP nutrition labelling is expected to become available in July/August and that Member States might be consulted on draft EU comments. The chair highlighted in this context the relevance of the discussion on criteria for the development of FOP schemes.

The Chair announced that a third joint meeting will probably take place in October 2018 and invited participants to share their reflections on the criteria with the Commission in view of the next joint meeting, as well as to send any suggestions and/or points for the agenda. Besides the discussion on the criteria, also an update on the JRC's and the Commission's report on FOP schemes will be part of the agenda.

The Chair further confirmed that all slides presented at the meeting will be made available on DG SANTE's website (https://ec.europa.eu/food/expert-groups/ag-ap/adv-grp_fchaph/wg_2018_en), thanked participants and closed the meeting.

3. List of participants

EU Member States (19): AT, BE, CZ, DE, DK, EE, ES, FI, FR, HR, HU, IE, IT, LU, NL, PL, PT, SI, UK.

EFTA Countries (1): NO

Members of the Advisory Group on the Food Chain and Animal and Plant Health

AIPCE-CEP European Fish Processors & Traders Association
BEUC Bureau européen des unions de consommateurs
CLITRAVI Centre de liaison des industries transformatrices de viandes de l'UE
COGECA European agri-cooperatives
COPA European farmers
EFPRA European Fat Processors & Renderers Association
EHPM European Federation of Associations of Health Product Manufacturers
EUROCOMMERCE European Representation of Retail, Wholesale and International Trade
EUROCOOP
FOODDRINK EUROPE
FOODSERVICE EUROPE
FRESHFEL Freshfel Europe - the forum for the European fresh fruits and vegetables chain
HOTREC Hotels, Restaurants & Cafés in Europe
PFP Primary Food Processors

SLOW FOOD
SNE Specialised Nutrition Europe
UECBV Union européenne du commerce du bétail et de la viande

Permanent Observers in the Advisory Group

EDA European Dairy Association
FACEnetwork Farmhouse and Artisan Cheese and dairy producers' European network
FOODSUPPLEMENTS EUROPE

Members of the EU Platform for Action on Diet, Physical Activity and Health

CPME Standing Committee of European Doctors
EASO European Association for the Study of Obesity
EFAD European Federation of the Associations of Dietitians
EPHA European Public Health Alliance
EUFIC European Food Information Council
European Heart Network
IDF-EUROPE International Diabetes Federation Europe

Ad hoc expert

Choices International Foundation
