European Commission Labelling Consultation
Response from Ireland

At the request of the Department of Health and Children, the Food Safety Authority of Ireland (FSAI) undertook a public consultation exercise on the European Commission document - “Labelling: competitiveness, consumer information and better regulation for the EU”. A large number of comments were received and these have assisted in developing this Irish response to the questions raised. This submission is also cognisant of the relevant findings and recommendations of a survey commissioned by the FSAI in April/May 2002, the aim of which was to provide a better understanding of consumer attitudes, knowledge and awareness with regard to food safety and standards within Ireland. In addition this response takes account of the report of the expert Food Labelling Group established in July 2002 by the Minister for Agriculture and Food, which examined issues surrounding food labelling in the context of consumer expectations.

General Food Labelling

- **Structure of the legislation**

  Food labelling should be clear, consistent and understandable. The current diversity of legislation, coupled with the mix of Regulations and Directives, represents a complex and potentially confusing matrix. Therefore it is recommended that the provisions currently spread across a number of texts be recast into a single simplified text. Consideration should be given to the provision of a consolidated text of the main horizontal provisions with separate Annexes providing detailed requirements relating to the current ‘vertical’ labelling rules.

  It is believed that a Regulation rather than a Directive would be the most appropriate legislative tool as it would provide less scope for differing interpretations across Member States. However, if a Regulation is the instrument of choice, it is important that the text is carefully drafted and that the transitional periods provided are sufficiently long to facilitate compliance.

- **Scope of the legislation**

  Labelling should be meaningful and helpful to consumers and provide as much information as possible to help the consumer make an informed purchasing decision. However, given that label space is limited, it is accepted that it may be necessary to distinguish between the information that *must* be provided from that which *should* be
provided. In this regard further discussion is necessary to determine what information should be mandatory and what information could be optional.

It is believed that while common harmonised rules in relation to labelling of pre-packaged foods should be applied, in order to be consistent with the spirit of the 'Hygiene Package', the direct supply of small quantities of pre-packaged food by the producer, should be subject to national law.

Concerns have been expressed in Ireland regarding the increase in the use of marketing terms such as 'pure', 'original', 'farmhouse', 'country style'. The question of the use of such terms could perhaps be addressed by way of a Commission guidance document with a view to ensuring that the consumer is not misled.

- **Provisions concerning compulsory information**

There is no need at this stage to modify the information on durability.

- **Alcoholic beverages**

In its second report published in September 2004, the Strategic Task Force on Alcohol (established by the Minister for Health and Children) recommended that the script on labels on alcohol products be of sufficient size to allow for general readability and be clear so that the reference to ‘light’ products, distinguish between light in calories and light in alcohol. It was also recommended that labels should list ingredients and display the calorie content. It is accepted that since there are clear compositional requirements within EU legislation for spirit drinks above 15% abv, wine and aromatised, the necessity for full ingredients listing may not be a priority; however it is considered that the display of calorie content is necessary.

*Labelling of alcopops*

As these drinks are not specifically governed by EU legislation, we would favour the full listing of ingredients. Research in Ireland found that between 1998 and 2002, weekly consumption of alcopops increased dramatically among girls – in 2002 alcopops was the most popular drink among girls of all ages. In this context the display of calorie content on the labels of alcopops may be particularly significant.

- **Voluntary information**

Information provided on or off pack should not be misleading, regardless of whether it has been provided on a mandatory or a voluntary basis. In this regard the legislation should be clear and unambiguous and provide for requirements to be fulfilled / guidance to be followed, in respect of the provision of voluntary information.
Clear and readable labelling

Information on labels should be easy to understand, clearly legible and not obscured in any way. There has been some criticism expressed by consumers that labels are difficult to read, in particular that font size is too small and that some colour combinations on labels present problems e.g. white font on clear packaging. However, it is considered that the development of best practice to provide labelling that is consistent, coherent and transparent, while maintaining the current flexibility as regards format and placement of labelling information, is the best way forward.

Nutrition Labelling

Should Nutrition labelling be mandatory?

Ireland supports the introduction of mandatory nutrition labelling of pre-packaged foods in the context of the implementation of the WHO Global Strategy on Diet, Physical Activity and Health.

In Ireland consumer awareness and consumer interest in diet and health issues has increased significantly in recent years. There is a greater demand for healthy alternatives to certain foods, as consumers are encouraged to become more aware of what they eat in order to combat health problems such as obesity and heart disease. In this regard we should aim to enhance and improve nutrition label information and thereby assist consumers to make more informed choices with regard to the nutritional characteristics of the foodstuffs they purchase. A mandatory nutrition labelling regime should not impose too great a burden on industry as the provision of nutrition labelling on pre-packaged products is already fairly widespread in Ireland.

In any move towards mandatory nutrition labelling, some flexibility should be included in the legislation to allow for national derogations in respect of the direct supply of small quantities of pre-packaged food by the producer. The size of packages needs also to be considered when outlining the scope for mandatory nutrition labelling and it may be necessary to provide derogations.

How much information is required?

In research conducted in Ireland in 2002, 3 out of 10 adults complained that there is too little information on food labels, although it seemed that it was quality not quantity of information which was the issue, as 42% of adults felt that the information on labels is confusing. Consequently, consumer education is identified as an important element in the labelling process. Enquiries from the general public frequently reflect a lack of understanding about labelling. The importance of
providing information to consumers in a clear and concise format cannot be over-

stated.

With this in mind it is considered that consumers require adequate nutrition
information on key nutrients that are presented in a set format. This can be addressed
by revising the current Nutrition Panel in terms of the information provided. In
addition complementary education programmes should be developed to facilitate
consumer understanding and thereby counter any concerns of ‘information overload’.

Much of the nutrition information currently available in the supply chain relates to the
‘Big 4’: energy, protein, carbohydrate and fat. From a public health viewpoint it is
recognised that using the big 4 is inadequate and such information is too limited to
inform consumers who are trying to follow healthy eating guidelines. It is considered
essential that additional information on saturated fat, trans fat, sugars, sodium/salt
equivalents, and fibre be provided. In addition, listing micronutrients such as iron,
calcium, vitamin C and vitamin A would also provide useful information for
consumers.

In line with one of the recommendations in the Report of the National Task Force on
Obesity, 2005 (established by the Minister for Health and Children) nutrition
information should be given per serving size. It is considered that the provision of
information per 100g is not easily understood by consumers. The Nutrition Panel
should also outline the numbers of servings in a pack and this would assist consumer
understanding. It is also recommended that the nutrition content of the foodstuff by
reference, in percentage terms, to a recommended daily dietary amount, be provided.
The percentage of the reference daily value would assist the consumer in identifying
if a food product is high or low in a particular nutrient and assist comparison between
products.

Salt / Sodium

Cardiovascular disease, including heart disease, stroke and related diseases is the
single highest cause of death in Ireland, accounting for over two in five
(approximately 41%) of all deaths. High blood pressure is one of the major
modifiable causal factors in the development of cardiovascular disease. It is therefore
considered that the labelling of the sodium content of food, displayed as salt
equivalent on the label, should be mandatory.

Trans Fatty Acids

As trans fats concentration does not have to be specified under current legislation,
consumers may not be aware of the levels of trans fats that they are consuming or the
levels contained within foods, for easy comparison. Trans fats are often used as a
substitute for saturated fats and foods labelled low in saturated fat may consequently
be high in trans fats. Therefore, there is the potential to mislead consumers who are
trying to follow a healthy diet which is protective against cardiovascular disease.
It is therefore considered that in order to enable consumers to make informed choices, information on both saturated fat and \textit{trans} unsaturated fat, in addition to total fat, should be provided. If manufacturers are required to declare \textit{trans} fats on nutrition labels, they may be encouraged to reformulate their products which are high in this type of fat.

\textbf{Use of symbols}

The use of symbols to provide general nutrition information is interesting and worth exploring. Such labelling would be particularly useful for low literacy or socially disadvantaged groups who consistently have been shown to have the least nutritious diets. The possibility of introducing bar codes for the visually impaired might also be explored. Symbols are particularly effective in relation to identifying a foodstuff’s suitability for coeliacs, vegetarians \textit{etc.}

\textbf{Signposting}

Information should be provided in such a way that will enable the consumer to make an informed/better choice when selecting a product. Whilst the provision of front of pack signposting may appear user friendly, we have strong concerns that such signposting can be used selectively. Such signposting information is essentially summary information and may not reflect the full nutritional value of the product. We are conscious that the provision of such summary information on the front of pack may in fact discourage consumers from reading the full nutrition information in the Nutrition Panel.

If signposting is to be progressed at an EU level it is essential that, as a minimum, the information provided should consist of Group I nutrients per Directive 90/496/EEC. Such front of pack signposting would have to be rigorously controlled to ensure that consumers are not misled. The signposting initiatives currently introduced in some Member States should be monitored closely to evaluate their effectiveness in helping consumers make healthier food choices.

\textbf{How important is presentation?}

The tabular format in the Nutrition Panel is considered the most consumer friendly way of detailing nutrition information, as it allows easy comparison of nutrition values between products. Macronutrients should be listed first due to the fact that these are of most concern and are the largest proportion of dietary composition, followed by the micronutrients.
Other Labelling Issues

- Origin Labelling

It is considered that food labelling legislation should provide for a clear indication of the country of origin for all meat and products made substantially of meat.

SafeFood, the Food Safety Promotion Board, a North/South Implementation Body, has found in its research that, while recognising that country of origin is an economic / trade issue rather than one of food safety or nutrition, consumers consistently identify the issue of country of origin as one of the main reasons for referring to food labels. In 2003, consumer research undertaken on behalf of the Minister for Agriculture and Food on the issue of country of origin labelling, found that most consumers want specific country of origin information on all meat sales.

With regard to the statements in Section 29 of the consultation document, we cannot agree that origin is not normally necessary to enable consumers to make an informed choice or that the consumer can deduce origin from the name of the manufacturer or seller, at least as far as meat and meat products are concerned. It is common practice that imported meat is repackaged and labelled using local brand names and the health mark of the importing country. This gives the consumer a strong but false impression that the meat was produced in the importing country.

Origin labelling should therefore be mandatory for the retail trade and should apply to meat sold pre-packaged or loose. The question of such labelling in the food service sector should be left to Member States under national law. It is considered that alternatives to legislation, such as self-regulation or voluntary codes of practice, would not achieve a satisfactory outcome in the case of origin labelling.

Unprocessed meat, and meat products containing more than a certain % (to be specified) meat, should be subject to the origin labelling requirement; the current requirements for poultrymeat apply only to unprocessed meat but much poultrymeat is sold in lightly processed form or with other ingredients added. Consequently poultrymeat consumers are receiving very little information on actual origin. In the case of pigmeat, it would be desirable that bacon and similar preserved pigmeat products bear the indication of origin as they make up a substantial part of the market.

Origin should be the actual country of origin rather than ‘EU’ or ‘non-EU’; this was the clear finding of the consumer research conducted in Ireland in 2003.
**Substantial Transformation Issue**

Ireland has previously raised the matter of the unsatisfactory practice of using this process to disguise the origin of products from the public. We recommend that the term “substantial transformation” should be strictly interpreted. It is essential that this process should not be used to disguise the true origin of products and that labelling systems be adapted to ensure that consumers are not misled as regards the true provenance of a food.

Ireland therefore advocate specific rules on country of origin labelling, and would cite beef origin rules as an example.

**Origin Labelling of Spirit Drinks**

Research conducted by the Scottish Whiskey Association (SWA) has found that the absence of origin on whiskies can cause confusion among consumers on the true origin of the product. This is because pictorial labelling can create an impression of origin and the concept of misleading the consumer to a material degree is difficult to prove. There is the added consideration that Irish Whiskey (and also Scotch Whiskey) are protected designations within the EU (a GI), which makes it not only desirable but necessary that an indication of origin should be compulsory on all spirits not simply to prevent against confusion among consumers but also to prevent deliberate usurpation of the GI.

- **Animal Welfare Labelling**

The Community Action Plan on the Protection and Welfare is the optimal forum for developing the question of welfare labelling as it will form part of a coherent, wide-ranging approach to the improvement of welfare standards.

It is more important that the basic level of animal welfare is improved, than that a range of standards, with corresponding labelling indicators, be developed. An insistence on equivalence of welfare standards for animal products being imported from third countries should also be a priority.

Any claims of superior welfare standards on labels should relate to standards set down in EU legislation which would be applicable throughout the Community. Where individual Member States or industries generate their own welfare labelling provisions, these should be subject to Commission approval to ensure that the claims relate to genuinely superior and meaningful standards with adequate compliance controls in place at the national level. Otherwise, spurious claims could be used to give preference to locally produced animal products.

- **GM Labelling**

Ireland adopts a positive but precautionary approach to GM foods. However consumers remain sensitive to the issue and in this context their ‘right to choose’ is of
paramount importance. Therefore it is considered that the labelling requirements on food and food ingredients, provided for under (EC) No 1829/2003, are appropriate.

- **Health warnings on alcoholic beverages**

We look forward to the publication of the EU Alcohol Strategy and consider that the issue of health warnings on alcoholic beverages could be further developed during discussions. In this regard it is noted that in 2004, the Strategic Task Force on Alcohol (established by the Minister for Health and Children) recommended that a health warning label be placed on all alcohol products and alcohol promotional materials.

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