GlaxoSmithKline Consumer Healthcare, Nutritional Healthcare Division, U.K. response

GlaxoSmithKline (GSK) is one of the world’s leading research-based pharmaceutical and health care companies. We develop and manufacture prescription medicines, vaccines, over-the-counter medicines and oral care and nutritional health care products under the brands Horlicks, Lucozade and Ribena. Our headquarters are in the UK and we employ people right across the EU.

GSK has already contributed to the consultation responses submitted by the European Food Industry; therefore this response concentrates on those areas where we are able to provide additional, specific material to address the Commission’s questions.

The rationale for labelling legislation

- **Strategic Approach (paragraphs 7 to 15)**

  GSK supports the Commission’s approach to review product labelling, in particular the strategic goals as set out in paragraphs 7 to 15. We particularly welcome recognition that product labels should not be seen as the only means to communicate with consumers, and the requirement to put ever more information on labels has the potential to impede communication with the consumer, rather than enhance it.

- **Benefits in simplifying and clarifying the structure and scope of existing labelling legislation, both horizontal and vertical and bringing common aspects together (paragraph 11)**

  GSK would support moves to simplify and clarify the structure and scope of existing labelling legislation to bring common aspects together. However, we recognise that this may create practical issues for amending legislation. Also, as the internet is increasingly used as the primary source of regulatory information, better use of information technology to enable the user to access all relevant legislation, for example hotlinks to definitions of terms etc. could be implemented.

- **Consideration of food and non-food labelling together (paragraph 11)**

  We believe that food labelling should be dealt with separately from non-food as there is little commonality between the two areas. Attempting to combine all labelling into one legislative framework would be unnecessarily complex.

- **The level of prescription in labelling legislation (paragraph 11)**

  GSK would generally support less prescription in labelling legislation. A more flexible approach to provide information which is genuinely useful for the consumer would be welcomed. For example, under current nutrition labelling rules making a low sugar claim on a soft drinks necessitates labelling products with not only energy, carbohydrate and sugars information, all of which are relevant to the claim and supply useful information to the consumer, but also with the fat and protein content of the drinks, both of which are present in nutritionally negligible amounts. Supplying “unnecessary” mandatory information contributes to information overload on labels. We would therefore support prescribed labelling to be targeted to those areas of consumer protection and of true value to the majority of consumers.
• **Flexibility in existing EU legislation to allow industry to quickly adapt to changing consumer needs and demands (paragraph 11)**

GSK believes that the current legislation on food labelling could be improved to allow industry greater flexibility and enable industry to adapt more quickly to meet changing consumer needs.

• **The role of self-regulation and co-regulation in relation to labelling issues (paragraph 11)**

We believe that self-regulation and co-regulation can play a useful role in managing labelling issues and can be particularly useful in developing an ethos of better regulation, rather than creating an environment where more prescriptive regulation is seen as the automatic way forwards. Self- or co-regulation may also be able to be changed more easily than legislation, and so help industry to better meet changing consumer needs.

• **Options for labelling issues (paragraph 12)**

GSK supports the use of a framework approach, both to ensure that all relevant legislation is considered and to ensure that the total burden of statutory on-label information is assessed.

**Food labelling**

**The future scope and structure of food labelling legislation**

• **What is the most appropriate legislative instrument for any future revision to food labelling? (paragraph 18)**

GSK would support the use of a Regulation, to ensure that there is a consistent approach to food labelling legislation across all EU Member States. This would require that drafting is clear and that the requirements are practical and enforceable, and that sufficient transition periods are written into the regulation to enable industry and Member States to adapt to and comply with new legislation.

Where technical amendments are required, we believe these are best dealt with as Commission Directives, with only proposed changes in principles going through the Co-decision procedure.

• **Bringing together food labelling provisions (paragraph 18)**

Currently food labelling is dealt with in horizontal legislation and in labelling provisions in vertical legislation. Combining all of this into one legislative instrument would be highly complex. However, as the internet is increasingly used as the primary source of regulatory information, better use of information technology to enable the user to access all relevant legislation, for example cross referencing and hyperlinks from horizontal legislation to vertical legislation, hotlinks to definitions of terms etc. could be implemented.

• **Distinguishing information that must be provided and information that should be available about a food product (paragraph 20)**

GSK believes there is scope for distinguishing between information which must be provided on a food label and that which could be provided by other means. Requiring all information to be placed on the label results in information overload, and is likely to leave the consumer confused, rather than informed.

GSK considers the following information to be essential for food labelling:

- product name;
- quantity;
- ingredients;
- indication of minimum durability;
- storage instructions (if required);
- preparation instructions (if required);
- origin indication (if it would be misleading not to show);
- lot mark;
- name and address of manufacturer or importer.
Other information could continue to be shown on label or via other media as appropriate and would depend on product positioning (e.g. use of health claims) and consumer demand (e.g. animal welfare information).

The burden of mandatory on-label information could in particular be reduced by removing the need for the duplication of information, e.g. the declaration of “with sweeteners” in the name of products sweetened with artificial sweeteners, as well as declaring these additives in the ingredients list. Consideration should also be given to the removal of other information which does not convey useful information to the majority of consumers, e.g. the necessity to label “contains (a source of) phenylalanine” on aspartame containing products, even when there is already a naturally occurring source of phenylalanine which is not required to be labelled, such as in diet yoghurts. For the majority of the population, who are not PKU sufferers, this labelling creates unnecessary anxiety as phenylalanine sounds like a “nasty” chemical rather than being recognised as an essential amino acid.

- Could food legislation provide general rules on how (e.g. must be on label/could be off label) this information is provided? (paragraph 21)

As communication technology is a rapidly changing field, we believe that the means of providing off-label information should not be specified, as the most appropriate means could vary depending on market, target consumer, type of information etc.

- The role of Member States to set their rules at national level where there are no implications for the single market (paragraph 21)

Labelling legislation for prepacked foods should be harmonised across the EU to prevent barriers to trade. Where information on foods sold loose is required, e.g. for public safety, this too should be subject to harmonised legislation, to enable all consumers to make an informed choice.

- Should the legislation provide for requirements to be fulfilled, or guidance to be followed with a view to preventing risk of misleading consumers where voluntary information is provided? (paragraph 25)

Current legislation already prohibits the provision of misleading information to consumers, whether this is mandatory or voluntary information. We do not believe that there needs to be further legislation on this point.

- Should the legislation be more prescriptive on the format and size of text or could this be covered by voluntary or soft legislation? (paragraph 26)

Legislation should not be more prescriptive over the format and size of text. The only legislative requirement should be for information to be legible and industry should be free to choose a variety of type face and size depending upon other factors which influence legibility, including pack shape, size, colour etc.

**Nutrition labelling**

- Should nutrition labelling be mandatory? How much information is required? Is there an optimum number of elements, i.e. energy and nutrients, that should be declared and, if so, what these should be? (paragraph 28)

GSK already supplies nutritional information on all products. However, in many cases, the current legislation requires the provision of information which is of no practical use to consumers, e.g. on soft drinks the protein and fat content is typically at a “trace” level and is of no dietary significance, but this information is mandatory if energy and carbohydrate content is provided. Particularly if nutrition information were to be made mandatory then it would be
sensible to allow more flexibility in nutrition labelling, e.g. on soft drinks to allow the provision of
“of which sugars information” (without the full group 1 and group 2 nutrient labelling), rather
than providing information on protein content.

GSK also supports the provision of nutrition information on a per portion basis (with portion size
declared on pack) rather than simply per 100g / 100ml, as this information relates to the way
food and drinks are actually consumed.

Given the increasing concern on obesity, the key aspect of nutrition labelling should be the
provision of information on Energy (Calories).

GSK also supports the developments of Guideline Daily Amounts (GDAs) by the UK food
industry and believes that use of this labelling will add to consumer knowledge and
understanding of how foods and drinks fit into a balanced diet, without the dangers of
demonising individual foods or categories of foods. We appreciate that unity in approach is
important for consumers and we are working with the British and European soft drinks
associations to consider the best approach for soft drinks.

- **Alternative formats for providing nutrition information? (paragraph 28)**

  Given the constraints of pack size and shape, GSK supports the continuation of the ability to
declare nutrition information in both tabular and linear formats.

  Providing GDA information on pack will help consumers understand the contribution of
individual products within a balanced diet. However, as discussed in the consultation paper,
labels are only one source of information for consumers and given the constraints of pack size
and shape, it is may be appropriate to provide numerical information on pack together with
graphs or diagrams in other media (websites, leaflets, shelf barkers etc.)

- **Where should the nutrition label be put and the role of “signpost” labelling (paragraph 28)**

  GSK supports the continued use of the back of pack nutrition labelling as this enables us to
group it with other “technical” product information (such as ingredients, directions for use etc.)
for the consumer to locate easily. Where manufactures choose to use additional GDA
labelling, or other forms of “signposting”, this should be displayed clearly on pack but at a
relevant point, which may be front, back or side of pack depending on pack size, shape and
design.

  GSK does not believe that it is necessary to take forward any form of signpost labelling in
legislation. The ideal format to provide information to consumers may vary across product
types and markets and may develop over time and manufactures should be free to provide
such information on a voluntary basis.

  It is also important that this type of factual information is not considered to be a health or
nutrition claim, as this could restrict the provision of useful information to the consumer.

- **Presentation of the information: prescriptive rules on presentation or best practice
guidance? (paragraph 28)**

  GSK agrees that it is important to ensure that information presented to the consumer is legible
and understandable. For this reason it is important that the amount of mandatory information
be carefully considered, and that appropriate flexibility can be used to label those nutrients
which are of both key concern to consumers and of relevance to products, as previously
discussed.

  Given the wide variation in pack formats and sizes we believe it would not be possible to set
prescriptive rules on presentation. GSK would however support the development of best
practice guidance which reflects a pragmatic approach to the presentation of nutrition
information.
Country of Origin

- Options for labelling (paragraph 32)

GSK does not believe that the interests of consumers will be served by any of the Commission's first three options on origin labelling. We believe that the current legislation, requiring origin information to be supplied if it would be misleading not to do so, and the general requirement for labelling and presentation not to mislead, adequately cover the needs for origin labelling.

In particular, we would stress that origin labelling for composite products, such as soft drinks, would be impractical as there needs to be a flexibility in supply of raw materials in order to purchase materials of appropriate quality and volume and at an appropriate price.

For further information on this response contact:

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