

DG Sanco Consultative Document
on
Labelling: Competitiveness, Consumer Information and
Better Regulation for the EU

Response by Compassion in World Farming

Compassion in World Farming's principal points

Compassion in World Farming's (CIWF) believes that:

- all food derived from animals should be labelled as to farming method to enable consumers to make informed choices. This would benefit consumers and promote improved animal welfare.
- such labelling should be mandatory, not voluntary.
- such labelling should apply not just to fresh food, but to meat, eggs and dairy products used in processed food (such as ready meals) and in the foodservice sector.
- such labelling should extend to imports as well as to domestically produced food.

Our comments on the specific sections of the Consultative Document are as follows:

Context

Paragraph 5 of the Consultative Document points out that a sociological survey carried out in Europe reveals that the lack of labelling on production methods is preventing consumers from possibly shifting towards higher welfare products.

The 2005 Eurobarometer survey on attitudes of consumers towards the welfare of farmed animals found that 74% of EU citizens think that they can influence the welfare of farmed animals for the better through their purchasing behaviour. However, disturbingly, the Eurobarometer survey found that 51% of EU citizens can very rarely or never identify from the label if the eggs, meat or milk that they are buying come from a production system that is animal welfare friendly. This finding, together with the study referred to in the previous paragraph, indicates that the lack of clear, informative labelling as to farming method on many products may be preventing consumers from changing to better welfare products. In light of this, CIWF believes mandatory labelling as to farming method to be essential.

Paragraph 5 of the Consultative Document correctly points out that labelling enables good producers to highlight the benefits of their products compared to those of their competitors and that this may persuade consumers to pay a higher price so enabling such producers to recoup the extra cost of producing

high quality products. In our view, however, the effectiveness of labelling meat, eggs or milk that have been produced to high welfare standards is diminished if the producers of low welfare food are not required to label their products as to farming method.

Strategic goal

At present the only mandatory EU labelling scheme for animal-derived food is that which requires egg packs and eggs to be labelled as to farming method.¹ This scheme requires egg packs (the pack is more important than the egg as shoppers are much more likely to look at the pack than the egg for information) to carry one of three terms: "eggs from caged hens", "barn eggs" or "free range eggs". Important lessons can be drawn from this scheme and we refer to it below.

Mandatory or voluntary?

Paragraphs 10 and 15 (the section on common themes) raise the question of whether labelling should be mandatory or whether self-regulation or codes of practice are sufficient.

Until 1st January 2004, the labelling of eggs and egg packs was voluntary. EU legislation simply laid down that, if producers wished to use the terms "barn eggs" or "free range eggs", they had to observe certain minimum husbandry criteria.² This voluntary scheme proved to be ineffective in providing information to consumers primarily because there was no requirement for battery eggs to be labelled as such.

The scheme's defects were recognised by Council Regulation 5/2001 which introduced mandatory labelling of egg packs and eggs as to farming method.³ Recital 2 of this Regulation states:

"The Commission has undertaken to propose an amendment of the marketing standards and to make it compulsory to indicate the farming method on eggs and packs so that consumers are not liable to be misled. To that end, **clear and unambiguous compulsory labelling is the only way of ensuring that the consumer is able to make an informed choice between the various classes of egg on the basis of the farming method.** Appropriate compulsory labelling is in line with the wishes expressed by consumers and consumer organisations."

CIWF believes that this reasoning holds good for other animal-derived food: if consumers are not liable to be misled and are to be able to make an informed choice on the basis of differing levels of animal welfare, labelling as to farming method must be (i) clear and unambiguous and (ii) compulsory. If it is not compulsory, producers of low welfare food are very unlikely to label their products as to farming method.

¹ Council Regulation (EEC) No 1907/90 on certain marketing standards for eggs as amended by Council Regulation (EC) No 5/2001.

² Council Regulation (EEC) No 1907/90 on certain marketing standards for eggs.

³ Council Regulation (EC) No 5/2001 amending Regulation (EEC) No 1907/90 on certain marketing standards for eggs.

In this context, CIWF welcomes the requirement in the proposed Directive on broiler (meat) chickens for the Commission to submit a report on the possible introduction of a mandatory labelling regime at Community level for chicken meat based on compliance with animal welfare standards.⁴

At present there is a voluntary scheme for labelling poultry meat under Council Regulation 1906/90 which provides that if certain labelling terms are used, the meat must come from chickens reared to certain specified standards.⁵ This scheme has been ineffective primarily because it does not require industrially farmed poultry to be labelled as such thereby impeding informed consumer choice. It is in the context of the inadequacy of the voluntary scheme that the proposed Directive on meat chickens requires the Commission to examine the possible introduction of a mandatory regime.

The dangers of voluntary schemes or self-regulation are illustrated by certain quality assurance schemes. Many of these use terms (such as "quality assured") that suggest high animal welfare standards, but which in fact permit the use of highly industrial husbandry methods that have been criticised by scientific research as leading to poor welfare.

The need for a prescriptive approach in animal welfare labelling

Paragraphs 11 and 15 (the section on common themes) raise the question of how prescriptive labelling legislation should be. CIWF believes that a high degree of prescription is needed to prevent consumers from being misled by labelling terms that imply high welfare when in fact the farming method used fails to match up to the welfare standards suggested by the label. The need to address this danger is recognised by the Commission which in Recital 9 of its implementing Regulation regarding egg labelling⁶ states that, in order to safeguard consumers against fraudulent statements, it is necessary to lay down minimum husbandry criteria for producers whose labels indicate a certain level of welfare. Without such a prescriptive approach, producers would be free to determine themselves whether their products are, for example, 'free range'.

EU legislation on the labelling of both eggs and poultry meat already takes a prescriptive approach in order to prevent consumers from being misled.⁷ CIWF believes that future labelling regimes as to farming method must take a similarly prescriptive approach otherwise producers would be at liberty to use a high welfare label such as 'free range' even though their farm failed to meet the criteria commonly associated with a free range enterprise.

Use of logos or symbols

CIWF recognises the benefit of using symbols or logos in terms of simplicity and avoiding the need to translate terms into different languages. Nonetheless, we fear that it may be difficult to develop symbols that are clear

⁴ Proposal for a Council Directive laying down minimum rules for the protection of chickens kept for meat production. Brussels, 30.05.2005. COM(2005) 221 final.

⁵ Council Regulation (EEC) No. 1906/90 on certain marketing standards for poultry meat and Commission Regulation (EEC) No. 1538/91 introducing detailed rules for implementing Council Regulation (EEC) No. 1906/90.

⁶ Commission Regulation (EC) No. 2295/2003 introducing detailed rules for implementing Council Regulation (EEC) No 1907/90 on certain marketing standards for eggs.

⁷ As 6 and Commission Regulation (EEC) No. 1538/91 introducing detailed rules for implementing Council Regulation (EEC) No. 1906/90 on certain marketing standards for poultry meat.

as to the different welfare standards that they represent. In light of this, CIWF advocates the use of simple, clear terms. We think that the EU egg labelling regime provides a good example of terms that are short and hopefully easily understood by consumers, i.e. "eggs from caged hens", "barn eggs" or "free range eggs".

Clear and readable labelling

This issue is raised by paragraph 26 of the Consultative Document. Unfortunately certain producers undermine labelling legislation by providing the required information in a very small font size that is almost illegible and/or positioning the information where it is unlikely to be noticed. For example, Article 10 of Council Regulation 1907/90 provides that egg packs shall be labelled as to farming method "in clearly visible and legible type". We fear, however that this requirement is ignored on certain egg packs with the text as to farming method being extremely small and/or obscurely positioned with the result that many consumers are unaware of this information.

In light of these difficulties, CIWF believes that Regulations must prescribe a minimum font size for text and specify acceptable positioning for the required information, for example that it must appear on the front or top of the pack.

Animal welfare labelling

CIWF believes that it is essential for meat, eggs and milk to be labelled as to farming method to enable consumers to make informed choices and to promote improved animal welfare standards. As indicated earlier, the 2005 Eurobarometer survey found that 51% of EU citizens can very rarely or never identify from the label if the eggs, meat or milk that they are buying come from a production system that is animal welfare friendly. This finding highlights the need for substantially improved labelling of animal-derived food.

We welcome the emphasis placed on labelling in the Community Action Plan on the Protection and Welfare of Animals. We particularly support the proposal in the Action Plan to establish an EU label for animal welfare which could promote products produced to high welfare standards, thus facilitating consumer choice between food produced to basic welfare standards (the minimum standards laid down in EU legislation) and that produced to higher standards.

CIWF believes that the EU egg labelling regime provides a helpful model for the labelling of meat in that it recognises three welfare categories:

- animals that have been reared industrially in barren overcrowded conditions
- animals that have been reared to better welfare standards; for example, in the case of pigs this could be pigs kept indoors but with plenty of space and straw or other bedding
- animals that have been reared to the best welfare standards; for example, in the case of pigs this would be animals kept in well-managed free-range systems.

Need to extend labelling to imports

We believe that mandatory labelling as to farming method should apply to imported eggs and meat not just to food produced in the EU.

Disappointingly, EU legislation on egg labelling applies a weaker regime to imported eggs than to EU eggs.

We believe the Commission has been unduly cautious in its view that it is incompatible with the WTO TBT Agreement to extend mandatory labelling as to farming method to imports. In our view this would not in itself constitute discrimination and would be compatible with the TBT provided that the EU took steps to ensure that it was acting in accordance with the TBT; such steps include acting in keeping with the principles of transparency and good faith. We are pleased that the proposed Directive on meat chickens requires the report on labelling to consider compliance of a mandatory labelling scheme with the WTO rules.

Need to extend labelling to processed foods and food used in the foodservice sector

So far labelling as to farming method has mainly been applied to shell eggs and fresh meat. However, an increasing proportion of meat and eggs are now being used in processed food and in the foodservice sector. This process is likely to continue. If the EU is serious about facilitating informed consumer choice, raising animal welfare standards and safeguarding EU farmers from lower welfare imports, it is essential that mandatory labelling as to farming method should be extended to:

- processed foods such as ready-made meals, and
- food used in the foodservice sector.

In this context it is encouraging that the proposed Directive on meat chickens requires the report on labelling to consider a mandatory labelling regime that would apply not only to chicken meat, but also to "meat products and preparations".

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