

UPDATE ON NEW EU FOOD LABELLING RULES



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A new Regulation on food labelling in Europe was adopted at the end of September and is due to become law around the end of the year. The Regulation pulls together a number of existing pieces of food legislation concerning consumer information, mainly on food labels.

The aims of the new Regulation are to help consumers make healthier dietary choices, to improve the legibility of food labels and to strengthen the requirement for all food information to be accurate, clear and easy for consumers to understand. Recognising that the Regulation covers a wide range of food labelling issues, this article focuses on the changes most relevant to dietitians.

NUTRITION LABELLING

The new Regulation introduces a mandatory requirement for nutrition information on prepacked foods, replacing previous rules where nutrition labelling was only mandatory if a nutrition claim was made on pack. The mandatory nutrition declaration includes seven items that must be expressed per 100g or 100ml. These are energy (kJ/kcal), fat, saturates, carbohydrate, sugars, protein and salt. Values may also be provided per portion and can be expressed as a percentage of reference daily intakes or GDAs (Table 1) on the basis of 100g or 100ml, per portion or both of these. Supplementary nutrition information can be provided on a voluntary basis, e.g. for monounsaturates, polyunsaturates, polyols, starch, fibre, vitamins or minerals. Trans fatty acids cannot be declared, pending a report by the Commission that is due within three years.

Other key changes are that the nutrients will in future be listed in a different order to that previously required (Table 2), and sodium labelling will disappear. The nutrient declaration must be presented in a table format, but if there is inadequate space, it can be presented linearly. Additionally, energy and amounts of nutrients can be expressed in graphic formats or with symbols such as traffic lights for example, provided they are understandable for consumers and do not create barriers to trade.

There was much debate about where the nutrition information should appear on pack, and the Regulation requires that all the information is 'in the same field of vision'. There is no mandatory requirement for front of pack (FOP) labelling, but voluntary FOP labelling is permitted either for energy alone or together with values for fat, saturates, sugars and salt. In this case, energy must be expressed per 100g or per 100ml but may additionally be expressed per portion. However, repeated values for the four nutrients can be expressed per portion alone. Percentage GDA information can also be given, expressed either on a per 100g or 100ml basis or per portion.

Food packs with a largest surface area of less than 25cm² are not required to make a nutrition declaration. Non-prepacked foods are also exempt from mandatory nutrition labelling, though Member States can introduce national rules to mandate certain aspects of nutrition labelling for these foods as they wish. However, voluntary

information can be provided for these foods on a per portion basis for energy alone or energy plus fat, saturates, sugars and salt. Percentage GDA information can also be provided.

The transition periods to meet the new nutrition labelling requirements are three years for businesses already providing nutrition labelling and five years for businesses that do not currently provide such information (i.e. five years for nutrition labelling to become mandatory). Food products placed on the market prior to this time can continue to be traded until exhausted, such that consumers will continue to see different labelling schemes for a number of years.

The new Regulation encompasses amendments to the Nutrition Labelling Directive published in October 2008, replacing Recommended Daily Amounts (RDAs) with Nutrient Reference Values (NRVs) and revising some of the values, making amendments to energy conversion factors and providing a definition of fibre (1). The revisions allow for nine additional micronutrients to be declared, including vitamin K and selenium, amend the values for 11 micronutrients (Table 3) and set an energy value for fibre of 2kcal (8kJ) per gram. These rules have to be adhered to by 31st October 2012. An unresolved issue is the permitted tolerances for declarations and this is being considered by the Commission along with methods for the measurement of dietary fibre.

ALLERGEN LABELLING

The new Regulation introduces an additional allergen-labelling requirement. Allergenic ingredients will in future have to be highlighted in the ingredients list by use of a typeset that distinguishes them from the rest of the ingredients. The rules are not however applicable if the allergen is listed in the name of the food. Information on the presence of allergens will also have to be available for non-prepacked foods.

ALCOHOLIC BEVERAGE LABELLING

Drinks containing more than 1.2% alcohol by volume are for the time being exempt from mandatory nutrition labelling and ingredients listing, though an energy declaration is permitted on a voluntary basis. However, this area is to be examined by the Commission within the next three years to determine whether alcoholic beverages should provide such labelling in the future.

MISLEADING INFORMATION

The new Regulation requires information to be accurate, clear and easy for consumers to understand and strengthens the prohibition of misleading information. For example, where a component or ingredient that

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consumers would normally expect to be used or to be naturally present has been substituted with a different component or ingredient, the label must clearly indicate, in addition to the list of ingredients, the component or ingredient that has been used for substitution, even if partial.

OTHER AREAS OF LABELLING

For highly perishable foods, the ‘use-by’ date indicates the date of minimum durability after which the food is deemed unsafe to consume. The Regulation sets out how this, and ‘best before’ or ‘best before end’ dates must be marked. For frozen foods the date of first freezing of meat and fish must be labelled.

Country of origin labelling is currently compulsory for fresh beef, honey, olive oil, fruits and vegetables and in cases where failure to do so may mislead consumers. The new regulation extends this to fresh meat from pork, lamb and poultry, subject to implementing rules that are yet to be agreed. The Commission will continue to work on this area of labelling such that further rules may be introduced in due course. Additional labelling requirements are that the source of vegetable oils must be declared.

In order to improve the legibility of labels, the new Regulation introduces a minimum font size (‘x-height’ of 1.2mm) for all of the mandatory information. In cases where the largest surface of packs is less than 80cm² the minimum font size is reduced to 0.9mm.

TRANSITION PERIODS AND FUTURE WORK

For most of the provisions in the Regulation, there is a transition period of three years to allow companies to adopt the changes.

Table 1: Reference intakes (GDAs) for energy and selected nutrients other than vitamins and minerals (adults)

Energy	8400 kJ / 2000 kcal
Total fat	70g
Saturates	20g
Carbohydrate	260g
Sugars	90g
Protein	5g
Salt	6g

Table 2: Comparison of current and future nutrition declarations

Group 2 Nutrition Labelling*	Forthcoming Mandatory Nutrition Labelling
Energy	Energy
Protein	Fat of which Saturates
Carbohydrate of which Sugars	Carbohydrate of which Sugars
Fat of which Saturates	Protein
Fibre	Salt
Sodium	
*Voluntary unless a nutrition claim is made	Fibre can be declared voluntarily

Footnote
 1 Carbohydrate polymers with three or more monomeric units, which are neither digested nor absorbed in the human small intestine and belong to (a) edible carbohydrate polymers naturally occurring in the food as consumed, (b) edible carbohydrate polymers which have been obtained from food raw material by physical, enzymatic or chemical means and which have a beneficial physiological effect demonstrated by generally accepted scientific evidence, (c) edible synthetic carbohydrate polymers which have a beneficial physiological effect demonstrated by generally accepted scientific evidence.

A number of areas are due to be considered further by the Commission, with further developments expected in the following areas:

- labelling trans fats;
- agreeing tolerances for the values in the nutrition declaration;
- setting a level at which nutrient content can be considered ‘negligible’;
- setting GDAs for subgroups of the population;
- developing rules for nutrition label formats, rules for the use of pictograms and symbols for mandatory labelling information together with potential harmonisation of additional ways to express nutrition information (e.g. traffic light labelling etc);
- developing rules for the declaration of certain mandatory information other than on the label.

CONCLUSIONS

The new Regulation combines and updates a number of areas of labelling legislation and the Commission’s continuing work programme in this area means that more changes to labelling regulations are likely in the future.

Table 3: Comparison of RDAs and NRVs for permitted micronutrients

RDA* Council Directive 90/496/EEC)		NRV** (Council Directive 2008/100/EC)	
Vitamin A (µg)	800	Vitamin A (µg)	800
Vitamin D (µg)	5	Vitamin D (µg)	5
Vitamin E (mg)	10	Vitamin E (mg)	12
Vitamin K (µg)	N/A	Vitamin K (µg)	75
Vitamin C (mg)	60	Vitamin C (mg)	80
Thiamin (mg)	1.4	Thiamin (mg)	1.1
Riboflavin (mg)	1.6	Riboflavin (mg)	1.4
Niacin (mg)	18	Niacin (mg)	16
Vitamin B6 (mg)	2	Vitamin B6 (mg)	1.4
Folic acid (µg)	200	Folic acid (µg)	200
Vitamin B12 (µg)	1	Vitamin B12 (µg)	2.5
Biotin (µg)	150	Biotin (µg)	50
Pantothenic acid (mg)	6	Pantothenic acid (mg)	6
Potassium (mg)	N/A	Potassium (mg)	2000
Chloride (mg)	N/A	Chloride (mg)	800
Calcium (mg)	800	Calcium (mg)	800
Phosphorus (mg)	800	Phosphorus (mg)	700
Magnesium (mg)	300	Magnesium (mg)	375
Iron (mg)	14	Iron (mg)	14
Zinc (mg)	15	Zinc (mg)	10
Copper (mg)	N/A	Copper (mg)	1
Manganese (mg)	N/A	Manganese (mg)	2
Fluoride (mg)	N/A	Fluoride (mg)	3.5
Selenium (µg)	N/A	Selenium (µg)	55
Chromium (µg)	N/A	Chromium (µg)	40
Molybdenum (µg)	N/A	Molybdenum (µg)	50
Iodine (µg)	150	Iodine (µg)	150

*Recommended daily amount; **Nutrient reference value