

Food Information to Consumers Regulation: Frequently Asked Questions

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With the deadline in December 2014 for compliance with the majority of the Provision of Food Information to Consumers Regulation fast approaching, the Campden BRI Regulatory Advice Service is receiving many enquiries regarding this legislation. This white paper has been produced to answer the most frequently asked questions:

- What is the difference between the FIC and the FIR?
- What does the FIR cover?
- When does the FIC apply?
- When is nutrition labelling mandatory?
- What about front of pack nutrition information?

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- **What is the difference between the FIC and the FIR?**

The Food Information to Consumers Regulation (Regulation (EU) 1169/2011) is being referred to using several different abbreviations. To aid understanding and distinguish between EU and domestic legislation, here at Campden BRI along with many organisations, the following abbreviations are being used:

- **EU FIC or FIC** – to refer to the EU Regulation on the Provision of Food Information to Consumers (Regulation (EU) 1169/2011)
- **FIR or FIRs** – to refer to domestic legislation e.g. in England, the English Food Information Regulations 2014 (SI No. 1855)

- **What does the FIR cover?**

The FIR enables the EU FIC to be enforced in England and the devolved administrations, and deals with national provisions, which may continue once the EU FIC applies. Other EU Member States are entitled to make similar provisions in their own countries.

It is the FIR that exempts the traditional re-useable glass milk bottle from displaying any of the compulsory information required by the EU FIC. The FIR also contains rules for the labelling of products and ingredients that have been exposed to ionising radiation during processing, and clarification of the national position on compositional standards and labelling for minced meat.

There is no change for foods sold loose in non-catering situations, such as those in deli-counters, which will still need to state the name of the food on a label or notice, and to provide the quantitative ingredient declaration (QUID) for loose meat products, such as meat pies. However, the requirement to indicate the category of additives added to food sold loose will end once the EU FIC applies.

Under the EU FIC though there is a new mandatory requirement to provide information on the allergen content of foods sold loose, in both catering and non-catering situations; the FIR allows for this to be done by word of mouth, as long as consumers are invited to ask a member of staff for such information on a notice, menu, label or ticket.

Compositional standards for cream and cheese, and measures for the use of terms such as 'low alcohol' and 'alcohol free' are currently regulated by the Food Labelling Regulations 1996 as amended; these are subject to what is termed a 'sunset clause' so will continue to apply until 13th December 2018, when they will lapse unless further legislation is made in the meantime. Regulations in respect of ice-cream will lapse on 13th December 2014, so English producers can instead conform to the European Ice Cream Association's (Euroglaces) 'Code for Edible Ices' from this date.

- **When does the FIC apply?**

Article 55 of the EU FIC states that the Regulation applies from 13th December 2014 (with the exception of mandatory nutrition information (see below) and specific requirements concerning the designation of minced meat, which applied from 1st January 2014); at Campden BRI we understand this to mean from midnight on 12th December 2014 (so from the very start of the 13th).

Article 54 provides the transitional measures for application of the EU FIC Regulation; foods placed on the market or labelled prior to 13th December 2014, which do not comply with the EU FIC Regulation, may be marketed until stocks of the food are exhausted.

- **When is nutrition labelling mandatory?**

Provision of nutrition information will become mandatory for the majority of pre-packed foods from 13th December 2016, but foods placed on the market or labelled prior to 13th December 2016, which do not have nutrition information, may be marketed until stocks of the foods are exhausted. Between 13th December 2014 and 13th December 2016, where the nutrition declaration is provided on a voluntary basis, it needs to comply with the EU FIC Regulation.

If the largest surface of the pack is twenty-five square centimetres or under, then nutrition information does not have to be declared. Manufacturers of small quantities of products that they supply themselves directly to the consumer or to local retail establishments do not need to include a nutrition declaration. Annex V of the EU FIC Regulation lists all the foods which are exempted from mandatory nutrition labelling. These are:

- Unprocessed products that comprise a single ingredient or category of ingredients;
- Processed products which the only processing they have been subjected to is maturing and that comprise a single ingredient or category of ingredients;
- Waters intended for human consumption, including those where the only added ingredients are carbon dioxide and/or flavourings;
- A herb, a spice or mixtures thereof;
- Salt and salt substitutes;
- Table top sweeteners;
- Products covered by Directive 1999/4/EC relating to coffee extracts and chicory extracts, whole or milled coffee beans and whole or milled decaffeinated coffee beans;
- Herbal and fruit infusions, tea, decaffeinated tea, instant or soluble tea or tea extract, decaffeinated instant or soluble tea or tea extract, which do not contain added ingredients other than flavourings which do not modify the nutritional value of the tea;
- Fermented vinegars and substitutes for vinegar, including those where the only added ingredients are flavourings;
- Flavourings;
- Food additives;
- Processing aids;
- Food enzymes;
- Gelatine;
- Jam setting compounds;
- Yeast;
- Chewing-gums;

- Food in packaging or containers the largest surface area of which has an area of less than 25cm²; and
- Food, including handcrafted food, directly supplied by a manufacturer of small quantities of products to the final consumer or to local retail establishments directly supplying the final consumer.

[Guidance](#) on nutrition-related requirements under the EU FIC is available from the Department of Health.

- **What about front of pack nutrition information?**

Whilst it is good practice to display front of pack (FoP) nutrition information on a product it is entirely voluntary to do so. Voluntary FoP nutrition labelling cannot be given in isolation; it must be provided in addition to the full mandatory nutrient declaration.

Under Article 35 of the EU FIC, additional forms of expression and presentation may also voluntarily be used (e.g. traffic lights). [Guidance](#) from the Department of Health on creating a FoP nutrition declaration, incorporating traffic lights, for pre-packed products sold through retail outlets is available.

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