

The Food Information Regulation - 10 things you need to know

The Food Information Regulation has finally been agreed. Published on 22 November 2011, it came into force on 13 December 2011, with most of the provisions applying from 13 December 2014, although mandatory nutrition labelling will not come in until two years later. The Regulation has been described as the most important and all-encompassing change to food labelling in the European Union for 30 years.

This Regulation, which applies throughout the EU, establishes the general principles, requirements and responsibilities governing food information, and in particular food labelling. It revokes the general labelling Directive (2000/13/EC) and the nutrition labelling Directive (90/46/EEC).

The Regulation applies to food business operators at all stages of the food chain, where their activities concern the provision of food information to consumers. It applies to all foods intended for the final consumer, including foods delivered by mass caterers and foods intended for supply to mass caterers. The Regulation also covers catering services provided by transport undertakings (e.g. aeroplanes) when the departure takes place from the territories of the Member State.

After much debate, we now know what changes to food labels are going to be required. As is inevitable in such a complex area, there are certain exemptions to the general requirements, and exceptions to these exemptions!

This white paper - broadly structured around the theme of 'ten things you need to know' - summarises the key changes. For a more in-depth analysis of how specific changes might affect you, why not take advantage of a **tailored briefing** to your company.

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1. Nutrition labelling

The most far-reaching of the changes are those relating to nutrition labelling. 'Back of pack' nutrition labelling of pre-packed foods will be compulsory. The labelling of energy (in both kJ and kcal), fat, saturates, carbohydrates, sugars, protein and salt will all be mandatory; it will also be required to declare levels of any nutrients mentioned in claims. Certain other nutrients can be listed, but this is a defined and restricted list.

Voluntary 'front of pack' information will continue for energy, fat, saturates, sugar and salt, along with GDAs (Guideline Daily Amounts) per portion, but the use of 'traffic light' schemes will be restricted.

Mandatory nutrition information labelling will not be required for products containing more than 1.2% alcohol by volume. Such information may be given voluntarily, and can be limited to energy value only. A decision on whether energy value labelling should be compulsory may be made in the future (a report on this is due by the end of 2014).

Although the new nutrition labelling requirements do not become obligatory until 13 December 2016 (two years later than most of the other requirements), between 13 December 2014 and 13 December 2016 where nutrition declaration is provided on a voluntary basis it must comply with the mandatory provisions.

2. Country of origin labelling

Country of origin labelling will become compulsory for fresh and frozen meat of pork, sheep, goats and poultry and also for primary ingredients where the country of origin of the primary ingredient is not the same as the stated origin of the food.

These requirements will apply after the adoption of more detailed rules that will determine the way to express the information, including whether, for meat, separate information should be provided on the places of birth, rearing and slaughter. The more detailed rules are to be introduced within two years.

The European Commission is looking into possibly extending mandatory country-of-origin labelling to other types of meat, meat used as an ingredient, milk, milk used as an ingredient in dairy products, unprocessed foods, single ingredient products and ingredients which represent more than 50% of the food.

3. Allergen labelling

Although allergen labelling requirements will be much as they are now, the presence of any of fourteen listed allergens will need to be highlighted in some way to make their presence more obvious to the consumer. This can be through a different typeset (font, style or background colour), but will need to be done for every allergen derivative, even if they are forms of the same allergen. And there may not be exemptions for 'familiar' products/ingredients: e.g. butter may still have to have an indication that it is milk-derived.

Allergen labelling will also be mandatory for foods sold loose, as it is already for products such as cheese that do not declare an ingredients list.

The requirement for information on the risks of cross-contamination is not changing at the moment, but the Commission is going to look into ways of making this voluntary information more consistent.

4. Labelling legibility and clarity

Legibility is determined by various factors including font size, letter spacing, spacing between lines, stroke width, type colour, typeface, width-height ratio of the letters, the surface of the packaging material and the contrast between the print and the background. There will now be more detailed and specific controls - including a minimum font size of 1.2mm (although small packs - below 80cm² - can use a 0.9mm font). These two font sizes approximately equate to 8 and 6 point print respectively. A new definition of clarity will refer to specific factors such as contrast. Finally, the required elements of labelling must not be detracted from by other material.

5. Added ingredients in meat and fishery products

All meat products and fishery products containing added proteins of a different animal origin will need to refer to these proteins in their names. This extends the current UK requirement, which applies only to meat products and only when they have the appearance of a cut, joint or slice of meat. Also when they take this form, meat products must mention in their names the presence of added water above 5%. This largely reflects current rules in the UK, but the application of the same rule to cuts, slices or fillets of fish is another extension.

6. Other meat and fish labelling issues

There will need to be an indication of the date of freezing or date of first freezing for frozen meat, frozen meat preparations and frozen unprocessed fishery products.

Also required will be an indication of the word 'formed' in the name of meat products, meat preparations and fishery products which may give the impression that they are a whole piece of meat but consist of combined pieces.

In addition, specific provisions concerning the designation of 'minced meat' will apply from 1 January 2014. This will include the need to label fat, protein and collagen in such products, in the format shown in the following examples:

Percentage of fat content under 15%.
Collagen/meat protein ratio under 14%

7. Labelling of vegetable oil

Use of the generic name 'vegetable oil' will be lost, unless all vegetable oils are also declared in the ingredients lists thus:

"Vegetable oils (soya, palm, sunflower in varying proportions) ..."

with total weight of the individual oils deciding their position in the list

Additionally 'fully hydrogenated' and/or 'partly hydrogenated' must be added as appropriate.

8. Mandatory information for particular products

Labelling of high caffeine drinks

Drinks other than tea and coffee with high levels of caffeine (above 150mg/l) will need to give the following warning:

"High caffeine content. Not recommended for children or pregnant or breast-feeding women" followed by statement of content

For solid foods where caffeine has been added at any level for a physiological purpose:

"Contains caffeine. Not recommended for children or pregnant women" followed by statement of content.

Labelling of aspartame

Where aspartame or aspartame/acesulfame salt is listed in an ingredients list by E number, the following warning needs to be given:

"Contains aspartame (a source of phenylalanine)"

If it is listed as aspartame, the warning should read:

"Contains a source of phenylalanine"

9. Defrosted foods

'Defrosted' must accompany the name of defrosted foods where freezing has an effect on safety or quality; this will not apply if:

- freezing is a technologically necessary step

10. Strengthening the ban on misleading labelling

Food information, advertising and presentation (including shape, appearance, packaging, arrangement, and display setting) must not mislead and must be accurate, clear and easy to understand.

Labelling must not suggest that a food has special characteristics when these are shared by all similar foods – this particularly applies to emphasising the presence or absence of certain ingredients and nutrients.

Labelling must not suggest the presence of a particular food or ingredient when a natural component or expected ingredient has been substituted.

Other issues - and how to find out more

Described above are some of the main factual changes of the new legislation - but there are many other specific new requirements, as well as those that are subtly different to existing rules. The latter includes:

- the definition of and specific inclusions in 'field of vision'
- certain aspects of net quantity declaration.
- durability indications ('use-by' dates), including storage after opening
- voluntary information provision

There are also general requirements for which the specific details have not yet been set.

Amongst the myriad of knock-on effects and questions are:

- When will national enforcement legislation be put in place, and what will be the penalties for non-compliance?
- Will it be possible to comply with some of the requirements before the 'cut-off' date, but not others?
- Who is responsible for each aspect of labelling and information provision?
- Can pictograms or symbols be used instead of words and numbers?
- How will the legislation be applied to 'distance selling'?
- Which pieces of UK national legislation will be lost as a result of the Food Information Regulation?
- How accurate does nutrition information have to be?
- What changes are there in the provision of per portion or per unit data in the nutrition declaration?

Depending on what you need to know, we can offer a range of training and consultancy options:

For more detailed information on the Food Information Regulation itself, come to one of our scheduled sessions, or contact us in order to arrange a tailored briefing focusing on the issues of most relevance to your products.

Or, if you want to see how all this fits into existing food labelling legislation, try one of our scheduled food and drink [labelling](#) courses.

We also offer a [label review](#) service - where we can assess whether your labels are compliant with current and/or forthcoming legislation.

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Created June 2012