

4. Labelling & Food Safety for the EU Market

Labelling Requirements

Legislation and regulations with respect to food labelling requirements exist at both national and EU levels to ensure food safety for consumers. It is important to note that the EC has adopted a proposal on the provision of food information to consumer. A horizontal food labelling legislation approach by combining Directives on labelling, presentation and advertising of foodstuffs as well as nutrition labelling was proposed. This proposal was developed to simplify the regulatory process while ensuring the safety of food and public health. In the EU, comprehensive information on labelling can be found at European Commission (EC) Food Safety website http://ec.europa.eu/food/food/labellingnutrition/index_en.htm.

The objective of foodstuff labelling in the EU is to ensure that consumers have access to complete information on the content and composition of products, in order to protect their health and their interests (European Commission). Other information may provide details on a particular aspect of the product, such as its origin or production method (European Commission). Some foodstuffs, such as genetically modified organisms, allergenic foods, foods intended for infants or even various beverages, are also subject to specific regulations (European Commission).

Manufacturers should be mindful that, in addition to the EU's mandatory and voluntary schemes, national voluntary and mandatory labelling schemes might still apply. These schemes may be highly appreciated by consumers, and thus, become unavoidable for marketing purposes. Manufacturers are advised to take note that all labels require metric units although dual labelling is also acceptable. The use of language on labels has been the subject of a Commission Communication, which points out that labelling of foodstuffs for sale to the final consumer must be in an easily understandable language which is generally interpreted to mean the language of the country of marketing (European Commission, 2010). Nonetheless, foreign terms or expressions which are easily understood by the foreign consumer can also be used (European Commission, 2010).

It is also important to note that the EU's food safety framework is comprehensive and one of the strictest in the world. The framework covers not just safe food, but also animal health, animal welfare, plant health and extends to food hygiene. It ensures that food is traceable throughout the food chain, from the farm, where the food is grown, to the tables, where the food is consumed by EU consumers (so-called 'farm-to-fork' approach). As such, all actors in the food supply chain, including producers and exporters in developing countries, are involved in making sure that only safe food enters the EU market.

According to the European Commission, the labelling, advertising and presentation of foodstuffs must not:

- Mislead the consumer as to the characteristics or effects of the good; and
- With some exceptions, attribute to foodstuff properties for the prevention, treatment or cure of a human illness.

The Commission further outlines a number of compulsory labelling particulars for food products:

☐ **Name under which the product is sold;**

List of ingredients, which are listed in descending order of weight and designated by their specific name, subject to the derogations provided in Annexes I, II, III and IIIa). Ingredients which belong to more than one category are indicated according to their principal function. Under certain conditions, the listing of ingredients is not required for:

- ☐ fresh fruit and vegetables;
- ☐ carbonated water;
- ☐ fermentation vinegars;
- ☐ cheese, butter, fermented milk and cream; and
- ☐ products comprising a single ingredient, where the trade name is identical with the ingredient name, or the trade name enables the nature of the ingredient to be clearly identified.

Certain additives and enzymes are not considered as ingredients; this relates to those which are used as processing aids or those contained in an ingredient, which serve no technological function in the finished product.

Quantity of ingredients or categories of ingredients expressed as a percentage

This requirement applies when an ingredient or a category of ingredients:

- appears in the name under which the foodstuff is sold or is usually associated with that name by the consumer;
- is emphasized on the labelling in words, pictures or graphics; or
- is essential to characterise an indicated foodstuff (certain exceptions may be provided).

Net quantity expressed in units of volume in the case of liquids and units of mass in the case of solids and gases. However, there are specific provisions for foodstuffs sold by number and solid foodstuffs presented in a liquid medium;

Date of minimum durability This date consists of the day, month and year, except in the case of foodstuffs that will not keep for more than three months (the day and month are sufficient), foodstuffs which will not keep for more than 18 months (the month and year are sufficient), and foodstuffs which will keep for more than 18 months (year is sufficient).

The date shall be preceded by the words: ‘Best before ...’ when the date includes an indication of the day or ‘Best before end ...’ in other cases.

The date of durability is not required for the following products:

- ☐ untreated fresh fruits and vegetables;
- ☐ wines and beverages containing 10 % or more by volume of alcohol;
- ☐ non-alcoholic soft drinks;

- fruit juices and alcoholic beverages in individual containers of more than five litres, intended for supply to mass caterers;
- bakers' or pastry cooks' wares which are normally consumed within 24 hours of their manufacture;
- vinegar;
- cooking salt;
- solid sugar;
- confectionery products consisting almost solely of flavored and/or colored sugars;
- chewing gums and similar chewing products; and
- individual portions of ice-cream.

In the case of foodstuffs which are highly perishable, the date of minimum durability shall be replaced by the 'use by' or 'expiration' date;

□ any **special storage conditions or conditions of use**;

□ **name or business name and address of the manufacturer or packager, or of a seller** established within the Community. However, Member States shall be authorised, in respect of butter produced in their territory, to require only an indication of the manufacturer, packager or seller;

□ **place of origin or provenance** where failure to give such particulars might mislead the consumer;

□ **instructions for use** should be included to enable appropriate use of the foodstuff; and

□ indication of the **acquired alcoholic strength** of beverages containing more than 1.2 % by volume of alcohol.

Some important links on labelling in the EU are now provided:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:109:0029:0042:EN:PDF>

http://europa.eu/legislation_summaries/consumers/product_labelling_and_packaging/21090_en.htm

http://europa.eu/legislation_summaries/consumers/product_labelling_and_packaging/21092_en.htm

http://exporthelp.europa.eu/thdapp/taxes/show2Files.jsp?dir=/requirements&reporterId1=EU&file1=ehir_eu11_01v001/eu/main/req_lblfood_eu_010_0612.htm&reporterLabel1=EU&reporterId2=GB&file2=ehir_gb11_01v001/gb/main/req_lblfood_gb_010_0612.htm&reporterLabel2=United+Kingdom&label=Labelling+for+foodstuffs&languageId=en&status=PROD.

http://ec.europa.eu/food/food/labellingnutrition/foodlabelling/comm_legisl_en.htm.

Origin Labelling

Under existing EU legislation country of origin or place of provenance labelling is voluntary, unless its absence could mislead the consumer. However, national authorities may invoke mandatory requirements under certain conditions. Separate rules on origin labelling apply for beef and veal, in the context of the EU's BSE protection measures.

Nevertheless, it is in the interest of the exporter to state the country of origin on the labelling of the good being exported. Essentially, consumer demand in the EU for country of origin labelling of food products is high (Trans Atlantic Consumer Dialogue, 2008). For producers that decide to put the country of origin or place of provenance on the label of their product a certain criteria that are in line with international standards (WTO and Codex) in accordance with the Community Customs Code should be followed. The country of origin or place of provenance of the main ingredients must also be listed if those ingredients originate from a different place than the finished product. Therefore, if the ingredients or key components of the food come from a different country of origin or place of provenance, that must also be included on the label.

For example, butter churned in Belgium from Danish milk could be labelled as "produced in Belgium from Danish milk". (Questions and Answers on Food Labelling, 2008).

As far as the Caribbean is concerned, given the relatively high number of European tourists that visits the region; they may develop some affinity to the "Caribbean brand" and clearly stating the country of origin on the product label would be of benefit in this regard.

Health and Nutrition Claims

On July 1, 2007, a new regulation on nutrition and health claims entered into force. Regulation 1924/2006 sets EU-wide conditions for the Use of nutrition claims such as "low fat" or "high in vitamin C" and health claims such as "helps lower cholesterol". The regulation applies to any food or drink product produced for human consumption that is marketed on the EU market. Only foods that fit a certain nutrient profile (below certain salt, sugar and/or fat levels) will be allowed to carry claims. Nutrition and health claims will only be allowed on food labels if they are included in one of the EU positive lists. Food products carrying claims must comply with the provisions of nutritional labelling directive 90/496/EC. From 2010, only nutritional claims in the Annex will be allowed. Additional information relating to health and nutrition claims can be sourced online.

Source: Health & Nutrition Claims

http://ec.europa.eu/food/food/labellingnutrition/claims/index_en.htm

EU Rules on Genetically Modified Organisms (GMOs) and Traceability

EU Regulation 1831/2003 concerns the traceability and labelling of GMOs and the traceability of food and feed products produced from GMOs. The Regulation sets out procedures on traceability and labelling of GMOs and products produced from GMOs. The labelling legislation extends the labelling requirements to all food and food ingredients produced from GMOs regardless of the detectable presence of DNA or protein within the final food product. The Regulation requires businesses to transmit and retain information about products that contain or are produced from GMOs at all stages of being placed on the market. The Regulation covers the labelling provisions to all genetically modified food or feed which consist of, contain or are produced from GMOs irrespective of whether or not modified DNA or protein was detectable in the food.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:268:0024:0028:EN:PDF>

Food Safety

EC Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 set down the general principles and requirements of food law as well as the procedures in matters of food safety. Generally, food must not be placed on the EU market if it is unsafe, i.e. if it is harmful to health and/or unfit for consumption (European Commission, 2010). If food which is unsafe forms part of a batch, lot or consignment, the entire quantity is presumed to be unsafe.

The traceability of food, feed, food-producing animals and all substances incorporated into foodstuffs must be established at all stages of production, processing and distribution as noted previously. Consequently, business operators are required to apply appropriate systems and procedures.

http://europa.eu/legislation_summaries/food_safety/general_provisions/f80501_en.htm

A number of standards and certifications are outlined below which if adopted, can improve the market entry potential of Caribbean food in the European market:

- Hazard Analysis and Critical Control Points (HACCP):
<http://www.fao.org/docrep/005/Y1579E/y1579e03.htm>
- Good Agricultural Practices (GAPs): <http://www.fao.org/prods/gap/>
- Global GAP: http://www.globalgap.org/cms/front_content.php?idcat=9

- ISO 14000: http://www.iso.org/iso/iso_14000_essentials
- Fair Trade Certification: <http://www.fairtrade.net/>
- Carbon Footprint Labelling: <http://www.carbon-label.com/>
- Global Food Safety Initiative Standards: <http://www.ess-home.com/regs/gfsi.aspx>
- International Featured Standard (IFS): <http://www.ifs-certification.com/>
- British Retail Consortium (BRC) Food: <http://www.brcglobalstandards.com/>
- SQF 1000: <http://www.sqfi.com/standards/sqf-1000/>
- Primus GFS: <http://www.primusgfs.com/>