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Consultation

Consultation on front of pack nutrition labelling

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Executive Summary

The new Provision of Food Information to Consumers Regulation EU 1169/2011 (FIR) will make it mandatory for most pre-packaged foods to carry nutrition labelling from 2016. For UK food businesses, this will require those already providing such information to revise their labelling, and others to begin nutrient labelling for the first time. This is therefore an ideal opportunity to review the provision of additional nutrition labelling that is provided voluntarily on the front of packs.

The Governments across the UK are committed to the provision of nutritional information to help consumers make better informed food choices - and so to help them improve their health, guard against risks such as obesity and conditions such as high blood pressure, heart disease, and diabetes.

This consultation formally opens discussions with our key partners over how we can achieve this through Front of Pack (FoP) nutrition labelling:

- in the light of the FIR, and consistent with the framework of rules and requirements it sets out;
- in a way which maintains and extends its use across the widest range of food and drink products;
- consistently, given the evidence that this is the single most important factor in helping drive recognition and use;
- taking account of the evidence of what form of presentation consumers find most useful and enables them to make healthier choices.

The new FIR allows for the continuation of FoP labelling in a similar way to that already introduced in the UK. We acknowledge the efforts of companies across the food and drink industry to make such information available on a voluntary basis. However, we also recognise that this has led to the spread of different approaches, as part of companies' own branding:

- different forms of presentation;
- different nutrients covered;
- different basis for colour coding and/or High/Medium/Low text, where these are used.

The Governments across the UK cannot achieve this alone and progress on FoP nutrition labelling calls for partnership working and will involve difficult decisions by all in the industry in the wider interest of consumers.

The FIR requires some changes to food labelling, but allows some flexibility in the way that additional nutrient information is provided FoP. To build further on the existing UK position will require voluntary agreement. The Governments across the UK call on industry and other partners to look beyond familiar positions and give their views on how we might come together. We will lead in helping facilitate the way forward, but our goal is to achieve real *progress* and this can only come through a wide-ranging agreement.

We will review the position in the light of the consultation and discuss how we can best achieve what we are sure is a shared objective of providing the best possible information to consumers to help them make healthier choices.

Introduction

1. The new Provision of Food Information to Consumers Regulation EU 1169/2011 (FIR) will make it mandatory for most pre-packaged foods to carry nutrition labelling from 2016. For UK food businesses, this will require those already providing such information to revise their labelling, and others to begin labelling nutrients for the first time. This is therefore an ideal opportunity to review the voluntary provision of additional nutrition labelling, which is provided on the front of packs.

2. Front of Pack (FoP) nutrition labelling is a voluntary initiative that seeks to provide summarised, easy-to-access nutrition information that enables consumers to make better-informed food choices, which in turn can reduce dietary intakes of nutrients linked to chronic disease, and help consumers control their calorie intake.

3. This consultation is being undertaken across the four countries of the UK. This document:
 - details the current use of FoP in the UK;
 - highlights the new legal framework for FoP in Regulation (EU) No 1169/2011 on the provision of food information to consumers (FIR);
 - reviews recent research into consumer understanding and use of this information;
 - in the light of the research, and given that UK businesses have already achieved a high level of market penetration for FoP nutrition labelling, sets out the ambitions of Governments across the UK to bring more consistency to the use of FoP labelling and seeks partners' views about how this might be achieved.

Background

FoP, Obesity and Diet Related Disease

4. All four UK Governments have set out their approaches to tackling obesity, improving the balance of the population's diet and the roles of key partners in delivering these shared objectives. The need for clear, consistent information to underpin informed, healthy dietary choices is a key strand in all these approaches¹. Nutrition labelling on food, particularly when shown FoP, is a good example. It plays an important role in providing individuals with the information they need to make informed food choices, in an easily accessible form, which can benefit their own and their families' health.
5. However, we recognise that FoP labelling cannot deliver dietary change by itself. It is only one element - albeit an important one - in the work of Governments across the UK and others to improve consumer awareness on what constitutes good dietary behaviours. It is also part of wider work addressing the nutritional quality of the food supply and the environment in which we make our food choices.

FoP and Regulation (EU) No 1169/2011 on the provision of food information to consumers (FIR)

6. More than 90% of food legislation is determined by the EU. It is supplemented by domestic food legislation and voluntary initiatives, such as calorie and salt reduction and calorie labelling in out-of-home settings. In December 2011 the FIR came into force in the UK. This Regulation will, for the first time, make it mandatory for most pre-packaged foods to carry nutrition labelling (from 2016). In practice, this will bring the rest of Europe in line with the UK, where nutrition information has been provided voluntarily for some time. UK food businesses, whilst affected less than their EU competitors, will need to make some changes to their labelling to become FIR compliant.

¹ Healthy Lives, Healthy People: Our Strategy for Public Health in England
http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_127424.pdf
Healthy lives, healthy people: a call to action on obesity in England
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130401

Scottish Government's Preventing Obesity Route Map;
<http://www.scotland.gov.uk/publications/2011/03/17104457/1>

Welsh Government's Our Healthy Future Strategy; <http://wales.gov.uk/topics/health/ocmo/healthy/?lang=en>
All Wales Obesity Pathway; <http://wales.gov.uk/topics/health/improvement/index/pathway/?lang=en>

Northern Ireland Administration's – A Fitter Future for All - Framework for Preventing and Addressing Overweight and Obesity in Northern Ireland 2012-2022: <http://www.dhsspsni.gov.uk/framework-preventing-addressing-overweight-obesity-ni-2012-2022.pdf>

7. The FIR also sets out rules governing the content and presentation of voluntary repetition of the nutrient information FoP (See Annex A). However, the UK was highly successful in managing to maintain a flexible approach to FoP within the Regulation. This has allowed much of the voluntary practice currently on the UK market to continue, including the use of existing additional forms of expression (AFEs) and the ability to provide nutrient information on a per portion only basis.

FoP schemes on the UK market

8. Voluntary provision of FoP labelling has become widespread in the UK. In 2010, around 30,000 products (around 80%) of processed foods carried some form of FoP labelling. However, food manufacturers and retailers have introduced it in different forms. These include the use of % Guideline Daily Amounts (GDAs), Traffic Light Colour Coding (TLCC), High/Medium/Low (HML) text, as well as combinations of these. An assessment of the market share of the companies using the differing forms of FoP labelling in the UK is at Annex B and a description of the main forms of FoP labelling currently on the UK market is at Annex C.
9. In addition to these forms of FoP labelling, many of the larger retailers and some manufacturers have also begun to provide additional health information on the front of products in the form of 'pings'. These, often circular, labels may for instance indicate the amount of calories per pack/portion or nutrition claims such as 'high fibre'.
10. In the wider EU, health logos such as the 'Keyhole'² and 'Choices'³ are more widely used to indicate the healthiest choices in given categories of foods. These logos are awarded based on assessment of a food product against defined nutrient profiles, which include nutrients both beneficial to health and those that, if consumed in high quantities, are associated with chronic health conditions.

² <http://www.norden.org/en/nordic-council-of-ministers/councils-of-ministers/council-of-ministers-for-fisheries-and-aquaculture-agriculture-food-and-forestry-mr-fjls/keyhole-nutrition-label>

³ <http://www.choicesinternational.org>

Research on Front of Pack Labelling

11. Nutrition labelling has been widely researched. It has been shown to compete against a range of other drivers in influencing consumers' food choices including time pressures, taste preference, brand, and price. However, it is clear that it can have an impact, and improve consumers' ability to choose healthier foods.
12. Key barriers to maximising the impact of nutrition labelling have been identified as lack of consumer motivation to use the information and the limited attention paid to it. The research demonstrates that barriers can be addressed by repeating key information FoP, in a consistent manner, across as many products as possible. The evidence is that consistency and market penetration of nutrition information provided on the front of food packaging, are key to consumers' noticing this information, gaining familiarity with it, and confidence in using it.
13. It has also been shown that consistency helps to remove the confusion that consumers experience when faced with multiple forms of presentation, and increases their motivation to use it.
14. We also know that, in the UK, consumers comprehend and can utilise all commonly used FoP formats to choose healthier foods. In addition, research shows that consumers like and use additional forms of expression and presentation, such as colour coding, HML text, and %GDAs, and that these can improve consumers' ability to utilise nutrition information in certain situations. UK research has demonstrated that consumers have expressed preference for either a hybrid label (combining text, traffic light colour coding and % GDAs), or a circular traffic light colour coded scheme, although the latter scheme scored lower for comprehension in this study. A fuller summary of the current evidence can be found at Annex D.

UK Governments' objectives

15. In the light of the FIR and UK and international evidence, the objectives of the four Governments across the UK are to:
 - maintain and extend the use of FoP labelling across the widest possible range of food and drink products;
 - achieve the greatest possible consistency over the categories of product for which energy information alone is provided FoP, and those for which all information about all five nutrients is provided;
 - achieve the greatest possible consistency in the way this information is presented, taking account of what we know about the forms of presentation that consumers find most useful.

16. The following questions are designed to provide the core information and analysis which will help the governments across the UK progress towards these objectives in partnership with business.

Consultation Questions

17. Businesses have already worked voluntarily to provide FoP information and the UK has amongst the best market penetrations of FoP nutrition labelling in the world. Around 80% of processed food products now carry FoP labelling in the UK.
18. However, a number of different forms of this information co-exist on the market and the Governments across the UK believe, in line with research findings, that improving the consistency of provision, alongside consumer awareness work, could improve consumers' recognition and use of FoP information, and its impact on food choice and diet. However, this is not something that Governments across the UK can deliver on their own, and we need to work in partnership with interested parties to determine a way forward.

Consultation Questions

- I. **To what degree does your organisation believe that greater consistency in UK FoP labelling would be beneficial to consumers? Is your organisation willing to work with the UK Governments to achieve this?**
- II. **If you are not a food retailer or manufacturer, please provide your views on the current provision of FoP labelling in the UK.**

19. If a consensus is to be reached around the need for more consistency, the way forward will need to reflect:
 - the requirements of the FIR on format;
 - the requirements of the FIR on presentation;
 - FoP's possible wider contribution to national dietary ambitions.

FIR – Format

20. The FIR will shape our plans. It provides a framework for FoP labelling (see Annex A). However, within that framework there is a fair degree of latitude. The first stage of seeking consistency to FoP labelling on the market will therefore be to agree which of the options for FoP set out in the Regulation we would prefer to see consistently applied in the UK.
21. This will include determining:
- for which products the full five nutrient form of FoP should be provided;
 - if there are any products on which the energy value alone should be declared;
 - if there are any products for which FoP is not useful to consumers;
 - whether the declarations should be made per portion or per 100g;
 - whether the declarations should be made ‘as consumed’ or ‘as sold’ and/or whether the categories of products to be declared ‘as consumed’ or ‘as sold’ should be defined.

Consultation Questions

- III. In what circumstances do you think it might be appropriate to give an energy declaration alone FoP, instead of energy, fat, saturates, sugars and salt? Please detail the reasons for your views.**

Note for Industry - We would also be interested in understanding to what degree complying with the FIR impacts your answers to this question i.e. to what extent is your answer dictated by space restrictions and to what extent is it driven by other considerations?

- IV. Whilst market penetration of FoP labelling is key, there will be some food products on which consumers will not find it useful. Do you concur that products listed in Annex V of the FIR – foods that are exempt from mandatory nutrition labelling - should not carry voluntary FoP labelling (see Annex E)?**
- V. Currently FoP labelling in the UK is based on ‘per portion’. The FIR permits expression of FoP information per 100g or per portion, but where per portion information only is provided, energy should be provided per 100g in addition. Views are sought on whether per portion remains the right basis for consistent FoP declarations.**

VI. The FIR allows nutrition information to be provided on an 'as sold' or 'as consumed' i.e. in a cooked or prepared, ready-to-eat form. Views are sought on how useful it would be to seek agreement on the types of product that should express FoP nutrition information on an 'as consumed' basis to bring further consistency and comparability to FoP labelling, bearing in mind full manufacturers' cooking instructions must accompany such declarations.

If 'as consumed' labelling is supported, please indicate the categories of food that should carry this information.

VII. We are also interested in gaining an insight into how the agreement of the FIR might affect the provision of FoP labelling in the UK. Please indicate whether, following implementation of the Regulation's requirements, your company will be providing around the same amount of FoP information, and whether more or fewer of your products will carry FoP information. Please detail the reasons for your answer.

VIII. The FLABEL⁴ study indicated that consistency in positioning of the FoP label also played a part in gaining consumer attention. Views are sought on the degree to which position on pack could be harmonised.

⁴ Food Labelling to Advance Better Education for Life (FLABEL); <http://www.flabel.org/en/>

FIR – Presentation

22. The FIR allows the use of %GDAs both per 100g and/or per portion. It also allows for additional forms of expression (AFE) if they meet the requirements set out in the Regulation (Annex A).
23. Government lawyers have confirmed that the colour coding (CC) scheme including the use of High/Medium/Low (HML) text, as developed by the Food Standards Agency⁵, meets the requirements set out in the FIR and businesses will be able to continue to use this AFE post implementation of the FIR, should they choose to do so.
24. The main AFEs used in the UK are CC and interpretative HML text with businesses accounting for around 28% of the market using this form of AFE. This is split into those who use hybrid forms of labelling HML text, % GDA and CC) and those that use CC alone (Annex B).
25. An additional consideration is that the FLABEL research recommends the use of health logos accompanied by repeat nutrition information as a form of labelling that might provide a way forward in delivering a consistent form of FoP labelling across the EU.

Consultation Questions

IX. Views are sought on whether % Reference Intakes (%GDAs) should be used on all FoP labels.

X. Given current market practice, and the research on consumer preference, a move towards more consistency would require most interested parties to make some changes alongside the changes that would be required by the FIR. Views are sought on interested parties' preference for the following options for a single approach:

- %GDA only;
- % GDA + HML text + interpretative CC based on standardised nutrient levels;
- % GDA + HML text;
- % GDA + interpretative CC based on standardised nutrient level;
- Colour coding only;
- Colour coding + %GDA;
- Colour coding + HML text.

⁵ <http://www.food.gov.uk/scotland/scotnut/signposting/technicalguide/>

XI. Do you have any alternative suggestions that might fulfil the Governments' ambition to see a more uniform approach to FoP labelling?

XII. If your business already provides FoP information, what form of FoP labelling do you use and why? Do you have any research that supports your choice of FoP scheme that you would be willing to share*? We are particularly interested in research (especially unpublished work) that:

- **addresses consumer preferences, consumer understanding and comprehension (particularly amongst lower literacy and lower socio-economic groups (C2, D, E), those of different ages, disabilities (including those with learning disabilities), long-term conditions, gender, race, religion or belief, pregnancy and maternity);**
- **Demonstrates any impact on consumer choice;**
- **Demonstrates any effect FoP has had on the reformulation of food products.**

XIII. If your business uses interpretive additional forms of expression, such as HML text, and/or colour coding, how do you determine the cut-off points between each category? Does this differ between types of foods, or are the same criteria applied to all your FoP labelled products, and, if so, why?

Wider UK Dietary Ambitions

26. Finally, the third set of considerations will be on whether there is further scope to support UK dietary ambitions such as those around calorie reduction by emphasising the energy content per portion, by for instance increasing the font size or prominence of this information, in order to help those looking to reduce their calorie intake.

Consultation Questions

XIV. The FLABEL research recommends the use of health logos accompanied by repeat nutrition information as a form of labelling that might provide a way forward in delivering a consistent form of FoP labelling across the EU for the future. Interested parties' views and experience of using health logos are sought.

XV. What are your views on further emphasising the energy content per portion of the FoP (e.g. by increasing the font size or prominence of this information or the use of 'pings') in order to help those looking to reduce their calorific intakes?

- **Are there particular types of product that might benefit from this type of additional FoP labelling?**
- **Are there any commercial limitations to providing this information on foods?**
- **What criteria underpin the use of 'pings' and has their provision been evaluated*?**
- **For those companies that currently colour code calories, do you have any research that demonstrates any impact of this approach?**
- **what criteria have been used to underpin the colour coding of calories*?**

***We appreciate that some of the information requested may be commercially sensitive to your organisation and that you may not wish it to be shared more widely. Please ensure that any responses of this nature to these or previous questions are clearly marked accordingly and please read the 'confidentiality of information' section on page 21.**

Costs and Benefits

27. A full draft Impact Assessment of the European provision of food information to consumer Regulation 1169/2011 will be issued by DEFRA in England and Wales, and the FSA in Scotland and Northern Ireland in early summer this year. It will accompany a consultation on the proposed implementation measures. Any responses to this consultation on cost and benefits of FoP labelling will be shared with DEFRA and the FSA to input into the wider exercise on the FIR.
28. The costs and benefits of voluntarily harmonising the application of requirements around the provision of repeat nutrition information on FoP are difficult to quantify and disaggregate from costs and benefits attached to relabelling to meet the FIR requirements more generally. A summary of the costs and benefits related to the provision of FoP information is given below. This consultation seeks to identify any further costs or benefits that might accrue.

Industry Costs and Benefits

29. Industry costs for providing or adjusting voluntary FoP nutrition labelling are likely to be small. Given the requirement under the FIR to provide mandatory back of pack labelling, it is expected that the voluntary provision of FoP nutrition information will not impose any additional nutrition analysis costs on companies who choose to provide such information.
30. Businesses will incur some generic design costs. They may also wish to undertake some consumer testing of proposed new formats and provide information to their customers about the changes that they have made.
31. In terms of re-labelling, the same unit costs are assumed to apply to FoP as to back of pack labels, i.e. £2000 - £5000 per stock keeping unit. However, taking account of the fact that re-labelling takes place regularly anyway for commercial purposes, as well as the voluntary nature of FoP labelling, it is expected that no additional re-labelling costs will be required as a direct result of the Regulations or any Government proposals to bring more consistency to FoP labelling.
32. Research demonstrates consistently that consumers like FoP nutrition labelling and that they claim to use this information provided. There are also likely to be some reputational benefits to businesses in providing FoP labelling.

Consumer Benefits

33. Research has demonstrated that repeating nutrition information FoP, consistency and market penetration are key to gaining consumer attention, and that given this information, consumers can make healthier food choices. Research on the impact of FoP on healthy food choices and more widely on individual diets is sparse.

34. A significant market penetration of FoP has already been achieved in the UK. Whilst the research indicates that better consistency will help to gain consumer attention, increase familiarity and encourage use, it is not possible at this stage to quantify any health benefits from introducing the measures discussed in this consultation document.

Consultation Questions

XVI. Are there any further costs or benefits other than those set out in the costs and benefits section above that might accrue from the further voluntary harmonisation of the provision of front of pack nutrition information as set out in this consultation document?

How to Respond

35. **Consultation on the specific questions as set out above closes on Monday 6 August 2012. In Wales, you can contribute to the consultation by providing written comments:**

- By email: Lifestyles@wales.gsi.gov.uk
- By post: Front of Pack labelling consultation, Health Improvement Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ

Please note that if you are responding from Northern Ireland, Scotland or England, you have different response arrangements. Please see relevant websites as follows:

- Scotland & Northern Ireland: <http://www.food.gov.uk/news/consultations/>
- England: <http://consultations.dh.gov.uk>

Officials in all UK countries intend to share the received consultation responses, so that UK Ministers can consider them in their post consultation deliberations. If you do not wish your response treated in this way, please make this clear in writing at the time you return your response.

Consultation Process

Criteria for consultation

36. The consultation process follows the Government Code of Practice on Consultation. In particular, we aim to:

- formally consult at a stage where there is scope to influence the policy outcome;
- consult for at least 12 weeks with consideration given to longer timescales where feasible and sensible;
- be clear about the consultation process in the consultation documents, what is being proposed, the scope of influence and the expected costs and benefits of the proposals;
- ensure the consultation exercise is designed to be accessible to, and clearly targeted at, those people it is intended to reach;
- keep the burden of consultation to a minimum to ensure that consultations are effective and to obtain consultees' buy-in to the process; and
- analyse the responses carefully and give clear feedback to participants following the consultation; and ensure officials running consultations are guided in how to

run an effective consultation exercise and share what they learn from the experience.

37. The full text of the Code of Practice is available on the Better Regulation website at:

<http://www.bis.gov.uk/policies/bre/consultation-guidance>

Please do not send consultation responses to this address

Summary of responses

38. A report summarising the consultation response and the action taken by the Welsh Government will be published and made available on the Welsh Government Consultations website in due course at:

www.wales.gov.uk/consultations/healthsocialcare/

Confidentiality of information

39. We manage the information you provide to this consultation in accordance with the Welsh Government's Information Charter.
40. Information we receive, including personal information, may be published or disclosed in accordance with the access to information regimes (primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).
41. If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, among other things, with obligations of confidence.
42. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.
43. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Welsh Government.
44. The Welsh Government will process your personal data in accordance with the DPA and, in most circumstances; this will mean that your personal data will not be disclosed to third parties.

Comments on the consultation process

45. If you have concerns or comments relating specifically to the consultation process itself, please contact:

**Nicola Menage, Health Improvement Division, Welsh Government, Cathays Park,
Cardiff, CF10 3NQ**

Email Nicola.Menage@wales.gsi.gov.uk (Please do not send consultation responses to this address).

ANNEX A

REQUIREMENTS OF THE PROVISION OF FOOD INFORMATION TO CONSUMERS REGULATION (FIR) FOR FRONT OF PACK NUTRITION LABELLING

Prescribed formats

- The FIR provides for the repetition on a voluntary basis of certain elements of the mandatory nutrition declaration in the “principal field of vision” (commonly known as front of pack, ‘FoP’). If provided, this information must be in one of the following formats:
 - energy value alone; or
 - energy value plus amounts of fat, saturates, sugars and salt (the “five nutrients”⁶)

Presentation of FoP nutrition information

- Where information is provided on the five nutrients together, then the amounts of fat, saturates, sugars and salt may be expressed per **portion only**. In this scenario, the **energy** value must be presented **both per portion and per 100g/100ml**.
- The five nutrients may alternatively be expressed per 100g/ml alone or per 100g/ml **and** per portion.
- If energy alone is provided on FoP, it can be expressed either per 100g/ml only or per 100g/ml and per portion, **but not** per portion only.

⁶ Energy is not, strictly speaking, a nutrient. The term “the five nutrients” (including energy value) is used as convenient shorthand in this context.

Minimum font size

- FoP nutrition information must be printed on the package or on the label in characters using a font size where the x-height, as defined in the Regulation, is equal to or greater than 1.2mm. In the case of packaging or containers, the largest surface of which has an area of less than 80cm², the x-height must be equal to or greater than 0.9mm.

Percentage of reference intakes (% guideline daily amounts)

- Energy value and amounts of nutrients may also be expressed on FoP as a percentage of the reference intakes for an average adult as set out in the Regulation.
- Percentage reference intakes can be expressed per portion only. They may also be expressed per 100g/ml, or per 100g/ml and per portion.

Additional forms of expression

- In addition to the forms of expression set out above, the FIR allows energy value and amounts of nutrients to be expressed through “additional forms of expression” (AFE) such as traffic light colour coding.
- If AFE are used, they must meet all the requirements set out in the Regulation. These are that:
 - (a) they are based on sound and scientifically valid consumer research and do not mislead the consumer;
 - (b) their development is the result of consultation with a wide range of stakeholder groups;
 - (c) they aim to facilitate consumer understanding of the contribution or importance of the food to the energy and nutrient content of a diet;
 - (d) they are supported by scientifically valid evidence of understanding of such forms of expression or presentation by the average consumer;
 - (e) in the case of other forms of expression, they are based either on the harmonised reference intakes set out in the Regulations, or in their absence, on generally accepted scientific advice on intakes for energy or nutrients;
 - (f) they are objective and non-discriminatory; and
 - (g) their application does not create obstacles to the free movement of goods.

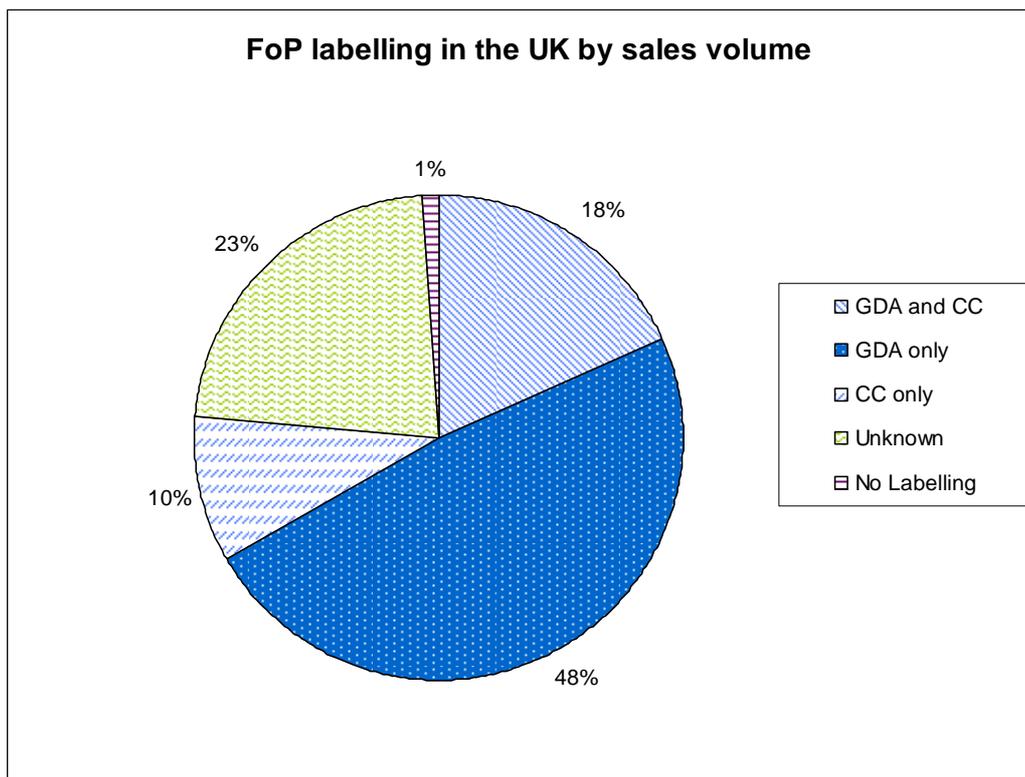
- Member States are required to monitor the additional forms of expression or presentation that are present on the market in their territory and may make a 'Recommendation' to businesses about the AFE that they feel best meets the requirements set out above.
- The European Commission has been tasked with submitting a report to the European Parliament and the Council within six years of entry into force of the FIR on the use of AFE, their effect on the internal market and on the advisability of further harmonisation.

ANNEX B

MARKET SHARE OF COMPANIES USING DIFFERENT FORMS OF FRONT OF PACK LABELLING

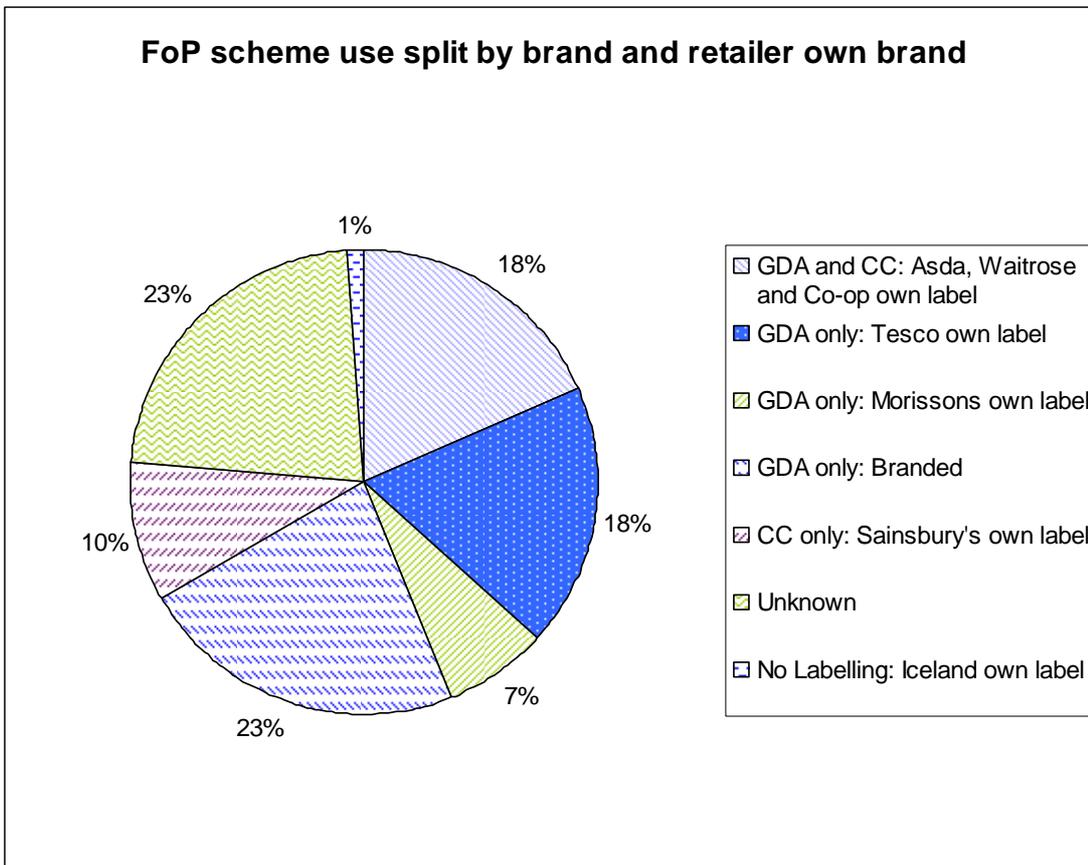
The use of % GDA alone is the most prevalent form of FoP labelling. Most of the multinational companies, Tesco and Morrison's use %GDA (together they account for around 48% of the market). Use of CC adds up to a further 28% of the market but is split into those who use a fully integrated label HML, %GDA and CC (Asda, Co-op and Waitrose) and Sainsbury's, which uses CC but without % GDA.

Market share of companies using different forms of front of pack labelling (2011)



Note: these values are approximate and come from a number of data sources, which may not be fully consistent.

Market share of companies using different forms of front of pack labelling – further breakdown of companies using %GDA (2011)



Note: these values are approximate and come from a number of data sources, which may not be fully consistent.

ANNEX C

CURRENT FORMS OF FRONT OF PACK NUTRITION LABELLING IN THE UK

Main forms of FOP labelling in the UK

In the UK there are currently 3 main forms of FOP nutrition labelling:

- Percentage Guideline Daily Amounts (%GDA)
- Traffic light colour coding (with or without accompanying High Medium Low (HML) text)
- Traffic light colour coding and %GDA

Percentage Guideline Daily Amounts (GDAs)

GDAs are a guide to how much energy and key nutrients the average healthy person needs in order to have a balanced diet. They indicate the amounts of calories, fat, saturated fat, sugar and salt that men, women and children can consume on a daily basis. For simplicity, food manufacturers and retailers use the adult GDA for most food, which is based on the GDAs for average women of healthy weight and average activity. The Institute of Grocery Distribution (IGD) is responsible for setting GDAs, in collaboration with the UK Government, food industry and consumer organisations, based on scientific recommendations.

Example



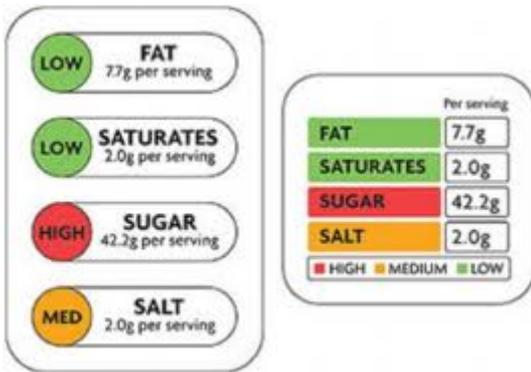
Traffic Light Colour Coding (TLCC) and High/Medium/Low(HML) text

Both of these FoP labelling schemes involve assessing a food against a defined system of nutritional criteria. The majority of the retailers/manufacturers use the scheme developed, tested and promoted by the Food Standards Agency as follows:

- The green/amber (low/medium) boundaries are determined by the European Regulation (EC) No 1924/2006 on Nutrition and Health Claims, which came into force in July 2007; and

- The amber/red (medium/high) boundaries are based on advice from the Committee on Medical Aspects of Nutrition (COMA) and the Scientific Advisory Committee on Nutrition (SACN) for fat, saturated fat, sugars and salt using 25% of recommended intake levels per 100g and 30% (40% for salt) per portion.

Examples



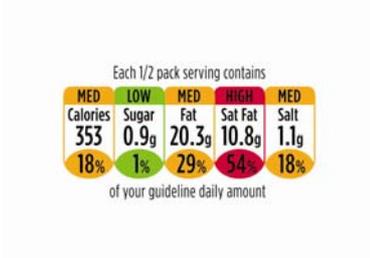
Example of traffic light colour coding and %GDA



Other labels on the market

Hybrid label

The 'hybrid label' combines the use of colour coding, %GDA and HML text information.



Note: These current approaches to FOP labelling will not fully meet the requirements for the FIR and some minor amendments concerning the presentation of energy and, potentially, some small changes to design features used will be needed to comply with the Regulation.

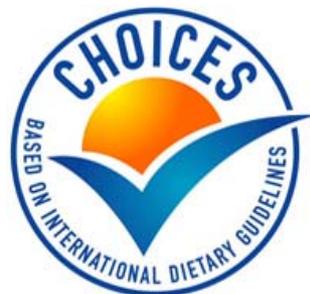
Logos

Logos are awarded to the healthiest products in a given food category. Food products are assessed against defined nutrient profiles that include both nutrients which are desirable in the diet, and those that the population generally consumes too much of and which are associated with chronic health conditions.

Keyhole logo

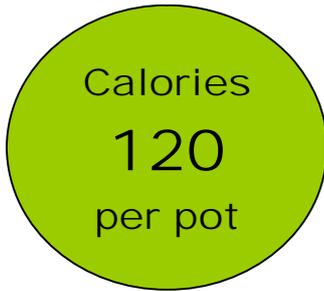


Choices logo



Use of 'pings'

Many UK retailers and some manufacturers have also begun to provide additional health information on the front of products in the form of 'pings'. These, often circular, labels can be used to highlight information about one key nutrient, for example giving the amount of calories per pack/portion or nutrition claims such as 'high fibre'.



ANNEX D

SUMMARY OF RESEARCH ON FRONT OF PACK LABELLING

Front of Pack (FoP) labelling has been widely researched. Consumers like FoP labelling, however they tend to overestimate their use of this information^{7, 8, 9}. It is also clear that it is one of many drivers. Drivers such as time restriction, taste preference, brand and cost also compete with FoP labelling in determining consumer choice.

However, it is important to understand how to maximise the attention paid to nutrition information and to maximise its contribution to choosing both healthier individual food choices and diets. The FLABEL¹⁰ project usefully defined the elements that might lead to increased use of FoP labelling as:

- attention (does the consumer see the information?);
- liking (does the consumer like the format of the information?);
- motivation (are they motivated to use the information); and
- comprehension (can they understand the information?).

Attention

FLABEL concluded that the key influence on gaining attention to nutrition information was putting the information on the FoP. They also demonstrated that consistent FoP information, especially with regard to positioning, and 100% market penetration, increased attention to this information.

Consumer preference

In the UK, research has demonstrated that consumers have shown a liking for either a hybrid label (combining text, traffic lights colour coding and %Guideline Daily Amounts (%GDAs)), or a circular traffic light colour coded scheme, although the latter scheme scored lower for

⁷ BMRB (2009). *Comprehension and Use of UK Nutritional Signpost Labelling Schemes*. Food Standards Agency.

⁸ Grunert, K.G & Wills, J.M. (2007). A review of European research on consumer response to nutrition information on food labels. *Journal of Public Health*, 15, 385-399.

⁹ Cowburn, G., & Stockley, L. (2005). Consumer understanding and use of nutrition labelling: a systematic review. *Public Health Nutrition*, 8, 21-28.

¹⁰ FLABEL (Food Labelling to Advance Better Education for Life) was a 3-year EU funded work programme to examine the factors which lead from labelling to dietary intake. The results of the project are available at <http://flabel.org/en/News/FLABEL-final-webinar>

comprehension in this study⁷. The preference for a hybrid label was echoed in the pan-european study FLABEL. However, the research also shows that, whilst important in encouraging the use of FoP labelling, preference is not necessarily an indicator of use, or of impact on food choice^{7, 10}.

Motivation

It is also clear from the research that certain segments of the population - those with health or medical concerns, those with higher educational attainment and/or salaries, women, and those shopping for children - use this information more often^{7,8,9,12}. Attention paid to these labels also increases if consumers have a particular health goal, indicating that wider health awareness work may increase FoP use⁴. The elderly, those with lower literacy and men tend to use this information less frequently.

Comprehension and use

The research indicates that understanding is not generally a barrier to use. Understanding is high for the most common forms of FoP (including %GDAs and traffic lights)^{7,8,10,11} with consumers being able to make correct health inferences from them. However, confusion appears when multiple label formats co-exist and consumers try to compare products with different types of FoP labelling^{7,13,14}. Surveys have reported consumers prefer a single FoP scheme^{12,13}. Confusion will also influence consumers' overall experience and the motivation they feel to carry on using FoP information¹⁶. FLABEL outcomes concur with this assessment concluding that consistency and familiarity are more important than the exact type of format.

When examining utility, the hybrid label, and a label that included text and colour coding performed well in the UK⁷. Qualitative research work undertaken in the UK suggests traffic light labelling is popular as it by-passes numerical thinking, it provides easy, 'at-a-glance' information to make healthy choices and it saves time¹³. FLABEL results were less conclusive on the issue of the effectiveness of colour coding. The study concluded that basic nutrition information repeated on FoP was enough to enable consumers to determine the healthiness of

¹¹ European Food Information Council (EUFIC) (2008). *Pan European Consumer Research on In-store Behaviour, Understanding and Use of Nutrition Information on Food Labels and Nutrition Knowledge*. EUFIC.

¹² Institute of Medicine (2011). *Front-of-Package Nutrition Rating Systems and Symbols: Promoting Healthier Choices (Phase II)*. The National Academies Press.

¹³ BMRB (2010). *Citizens' Forums on Food: Front of Pack Nutrition Labelling*. Food Standards Agency.

¹⁴ BMRB (2009). *Confusion Caused by Multiple Types of Food Labels: A Review of Available Literature*.

¹⁵ Mitchell, V.W., Walsh, G., & Yamin, M. (2005). Towards a conceptual model of consumer confusion. *Advances in Consumer Research*, 32, 143-150.

¹⁶ European Journal of Public Health, 1-5. Front-of-pack nutrition labelling: are multiple formats a problem for consumers?

food and that the addition of a single indicator of the overall healthiness of a food overcame the issue of time restriction whilst shopping.

However, FLABEL research also indicated that colour coding did slightly improve performance of their basic label design in:

- correcting the intuitive assessment a consumer had made of a product i.e. where consumers think a product is healthy when it is not;
- evaluating products on a single nutrient e.g. finding a lower salt product;
- differentiating between less healthy alternatives or in less healthy categories i.e. those around red/amber cut-offs.

Although much is known about consumers' understanding, comprehension and preference of FoP schemes, less is known about consumers' actual use of FoP and the impact it has on their diet. However, even if research has not yet been able to quantify this, it is clear that providing FoP information, in way that consumers find attractive, is able to have an impact on dietary choices. Insights from FLABEL suggest attention paid to FoP and motivation to use the information remain the most important 'bottlenecks' preventing a bigger impact of nutrition labelling on healthy choices.

Annex E

ANNEX V - Regulation 1169/2011 the Provision of Food Information to Consumers¹⁷

Foods which are exempted from the requirement of the mandatory nutrition requirement:

1. Unprocessed products that comprise a single ingredient or category of ingredients;
2. Processed products which the only processing they have been subjected to is maturing and that comprise a single ingredient or category of ingredients;
3. Waters intended for human consumption, including those where the only added ingredients are carbon dioxide and/or flavourings;
4. A herb, a spice or mixtures thereof;
5. Salt and salt substitutes;
6. Table top sweeteners;
7. Products covered by Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts (1), whole or milled coffee beans and whole or milled decaffeinated coffee beans;
8. 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 other added ingredients than flavourings which do not modify the nutritional value of the tea;
9. Fermented vinegars and substitutes for vinegar, including those where the only added ingredients are flavourings;
10. Flavourings;
11. Food additives;
12. Processing aids;
13. Food enzymes;
14. Gelatine;
15. Jam setting compounds;
16. Yeast;

17. Chewing-gums;

18. Food in packaging or containers, the largest surface of which has an area of less than 25 cm² ;

19. Food, including handcrafted food, directly supplied by the manufacturer of small quantities of products to the final consumer or to local retail establishments directly supplying the final consumer. EN 22.11.2011 Official Journal of the European Union L 304/47.

¹⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0018:0063:EN:PDF>

(¹) OJ L 66, 13.3.1999, p. 26.