Labeling is everywhere

IN THE EU, THERE ARE MANY RULES AFFECTING LABELS, AND THERE IS MUCH DEBATE ABOUT THEIR PROPER USE

Given the fact that a number of aspects of labeling legislation are currently scheduled for review in 2006-2008, there is a need to identify as far as possible a coherent overall approach to labeling. DG SANCO (the acronym for the Directorate General for Health and Consumer Protection of the European Commission) is keen to obtain thoughts from stakeholders on how far there is scope to re-think the way the EU deals with labeling issues. A **++ document ++** sets out the context for considering a change, identifies the strategic goal, and gives an overview of the current situation for specific labeling issues.

Labeling is an important market tool which should be viewed as an integral part of communication between societal players (business to consumers, directly and via intermediaries, authorities to consumers, etc.). However, although labeling should be a win-win situation for both the consumer and operator, in practice there is often a market failure and labeling is not always fulfilling its full potential. Simply put, consumer use of labels is inconsistent and the effectiveness of labeling as a communication tool is open to question. The reasons for this failure are varied, but perhaps the starting point is the simple lack of consumer interest in the information a label provides. Even if the consumer is interested, many find reading labels difficult as they contain too much information, much of which is not understood, is confusing and is poorly presented.

DG SANCO action on labeling, including any legislation on labeling, should take account of the broader context of communicating with the consumer. This should encompass the data/information requirements that support a particular aspect of a product, the execution aspects of the labeling and the effective empowerment of the consumer as the receiver of the message of communication. The strategic goal is to have an overall approach for labeling which will provide consumers with the necessary information to enable them to make safe, healthy and sustainable choices, create a pro-competitive market environment in which dynamic, efficient, innovative operators can make full use of the power of labeling to sell their products, create a common framework and rules in order to eliminate barriers for the free circulation of goods.

In considering DG SANCO's current approach to labeling it will be important to take into account the Unfair Commercial Practice

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Labeling: Competitiveness, Consumer Information and Better Regulation for the EU
A DG SANCO Consultative Document February 2006
http://europa.eu.int/comm/food/food/labellingnutrition/betterregulation/competitiveness_consumer_info.pdf

(UCP) Directive (2005/29/EC) of 11 May 2005. This is applicable to all business-to-consumer commercial practices, and would cover misleading aspects of labeling.

General Food Labeling

General food labeling (GFL) is governed by Directive 2000/13/EC, which is a codified version of Directive 79/112/EC. Although one major recent amendment was introduced in 2003 (labeling of allergenic ingredients), most of the provisions date back to 1978. The evolution of both the foodstuffs market and consumers' expectations as to the information given on these foodstuffs renders the update of this legislation necessary.
An external evaluation supervised by DG SANCO was carried out to better identify points on which to focus modernization efforts. The results from this evaluation *(http://europa.eu.int/comm/food/food/labelingnutrition/foodlabeling/effl_conclu.pdf)*, the conclusions of which were published in 2004, and from the subsequent comments of the Member States on the evaluation, indicated that any revision should concentrate on the following aspects: structure and scope of the legislation, provisions concerning some compulsory information and clear and readable labeling.

Nutrition Labeling

Nutrition labeling of food is currently regulated by Directive 90/496/EEC, under which nutrition labeling is optional; it becomes compulsory when a nutrition claim is made in the labeling, presentation or advertising of a foodstuff. The Directive also lays down a standardized format in which nutrition labeling must be presented. It is recognized that there is also a need to revise the Directive to address more fundamental issues relating to nutrition labeling.
The extent of nutrition labeling varies between Member States, with many companies voluntarily providing this information (estimates suggest a range of between 30% and 85% for pre-packaged foods). Although research indicates that most consumers are keen to have such labeling, particularly on processed products, there is evidence that the majority of consumers do not actually make use of the nutrition label. Consequently there is a general consensus that the current system of nutrition labeling is not working and that it needs changing.

Origin Labeling

Common labeling requirements (name, composition, durability, etc.) applicable to all foodstuffs are laid down in horizontal legislation (Directive 2000/13/EC and related texts). In that framework, origin is normally not considered as necessary information to enable consumers to make an informed choice, because that origin is ▶

not an important element to characterize or to identify the product (such as for example biscuits, breakfast cereals or soft drinks). Besides, the consumer can have some information on the origin by the compulsory identification (name and address) of the manufacturer or packager, or of a seller established within the Community. However, origin or provenance should be indicated in cases where consumers could be misled on the true origin of the product.

GMO Labeling

The labeling related to all genetically modified organisms (GMO) is currently regulated by Directive 2001/18/EC. In addition, specific labeling for food containing, consisting of, or produced from GMO is provided for in Regulation (EC) No 1829/2003. In some cases, food produced from GMO (e.g. some refined oils) does not differ from a physic-chemical point of view from products of non-GM origin. The labeling of such products relies on a dedicated system of traceability established by Regulation (EC) No 1830/2003.
The labeling requirements should not apply to food material, which contains, consists of or is produced from GMOs in a proportion no higher than 0.9 % of the food ingredients considered individually or food consisting of a single ingredient, provided that this presence is adventitious or technically unavoidable.

The modalities of GM labeling of food are such that each substance from GM origin has to be accompanied with indications that include the words "genetically modified" within the list of food ingredients. In the absence of such a list, the indications shall appear clearly on the labeling or, in specific circumstances such as non-pre-packaged food, on the food display or immediately next to it. +++