



The Consumer Voice in Europe

Food innovation that benefits consumers - What regulatory framework do we need?

Workshop on regulatory challenges
on innovation in food

Ispra, Italy

8th-9th October 2015

BEUC in a nutshell

- European Consumer Organisation
- Umbrella organisation for 41 well respected, independent national consumer organisations, from 31 European countries.
- Mission = to promote consumer interests in EU decision making.



BEUC members' work on innovation in food

- Consumer research, polls and daily interactions with individual consumers
Understanding consumer priorities, concerns and expectations
- Food product testing
Checking compliance with EU rules (e.g. legal limits on food additives)
- Consumer information
Raising consumer awareness on how food is produced and with which ingredients
- Advocacy work
Ensuring EU laws take due account of consumer interests

TEST ACHATS

Tous les additifs sont-ils sûrs ?

Voici les additifs à surveiller

■ Douteux ■ Dépassement possible de la DJA ■ Allergène

Colorants

- E102 Tartrazine
- E104 Jaune de quinoline
- E110 Jaune orangé S
- E120 Cochenille (acide carminique)
- E122 Azorubine (carmines)
- E123 Amarante
- E124 Ponceau 4R (rouge cochenille A)
- E127 Erythrosine
- E129 Rouge allura AC
- E131 Bleu patenté V
- E132 Indigotine (carmin d'indigo)
- E133 Bleu brillant FCF
- E142 Vert S
- E150a Caramel ammoniacal
- E151 Noir brillant BN
- E153 Charbon végétal médicinal
- E154 Brun FK
- E155 Brun HT
- E160b Annatto, Bixin, Norbixin
- E161g Carthaxanthine
- E171 Dioxyde de titane
- E173 Aluminium
- E180 Litholrubine BK

Conservateurs

- E200 Acide sorbique
- E202 Sorbate de potassium
- E203 Sorbate de calcium
- E210 Acide benzoïque
- E211 Benzoate de sodium
- E212 Benzoate de potassium
- E213 Benzoate de calcium
- E214 Para-hydroxybenzoate d'éthyle
- E215 Sel sodique de l'ester éthylrique de l'acide p-hydroxybenzoïque
- E218 Para-hydroxybenzoate de méthyle
- E220 Anhydride sulfureux
- E221 Sulfite de sodium
- E222 Sulfite acide de sodium
- E223 Métabisulfite de sodium
- E224 Métabisulfite de potassium
- E226 Sulfite de calcium
- E227 Sulfite acide de calcium
- E228 Sulfite acide de potassium
- E249 Nitrite de potassium
- E250 Nitrite de sodium
- E251 Nitrate de sodium
- E252 Nitrate de potassium

Lebensmittelklarheit

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Über Lebensmittelklarheit



„Ohne Zusatzstoffe“ gefärbt, aromatisiert, Geschmack verstärkt

Rubrik Herkunft + Region

„Ohne Konservierungsstoffe“, „ohne Geschmacksverstärker“, „ohne Farbstoffe“, „ohne Aromastoffe“ – Hersteller verleihen Getränken, Milchprodukten, Tiefkühlkost und Fertiggerichten mehr einem so genannten „Clean Label“ ein natürliches Image. Wer auf Zusatzstoffe verzichten möchte, muss sich über diese Angaben. Doch es handelt sich dabei häufig um Produktwerbung, die nicht immer halt, was sie verspricht.

Versprochen: „natürliche“ Lebensmittel

Die „ohne xy“-Versprechen auf den Etiketten werden in Fachkreisen „Clean Label“ – saubere Etiketten genannt. Sie vermitteln Verbrauchern den Eindruck, dass es sich um natürliche Lebensmittel ohne unerwünschte Inhaltsstoffe handelt.

Doch mit Clean Label gekennzeichnete Produkte sind oft längst nicht so „sauber“ und ursprünglich, wie dies auf der Verpackung suggeriert wird. Vielfach werden unbeliebte Zusatzstoffe durch deklarationsfreundliche Alternativen ersetzt, die eine ähnliche Wirkung haben, jedoch von Gesetztes wegen nicht als Zusatzstoff gekennzeichnet werden müssen:

UN BAMBINO COLORATO E BEN CONSERVATO

Nell'alimentazione di un bambino di età compresa tra i 5 e i 17 anni, con un peso medio di 20 chili, quanti additivi sono presenti? Tanti, purtroppo. Lo dimostra il nostro studio. Per i bambini, a causa del loro peso ridotto, è molto più facile superare la dose giornaliera accettabile (DGA). Abbiamo calcolato la quantità di additivi potenzialmente ingeriti nel corso di una giornata da un bambino: il calcolo è stato effettuato considerando, per ciascun additivo, la dose massima che per legge possiamo ritrovare in un certo alimento.

Dunque abbiamo ipotizzato quanti coloranti e conservanti potrebbe ingerire nel peggiore dei casi un bambino mangiando caramelle, merendine, bevande e così via nel corso di una giornata. In rosso, gli additivi per cui è superata la DGA. Non abbiamo introdotto nei grafici gli edulcoranti, additivi che si trovano nei prodotti senza zucchero, perché difficilmente un bambino può superare la dose giornaliera accettabile.

C'è però da sottolineare che un edulcorante, il ciclamato (E952), è soggetto, perché finora non vi sono stati studi sufficienti che ne dimostrano l'innocuità. Il problema è che, essendo presente in alcune bevande analcoliche "light", basta un due bicchieri per superare la dose giornaliera accettabile di ciclamato: ci sembra che la legge non riesca a tutelare i piccoli consumatori.

Which?

Which? works for you

Consumer Report

April 2013



The future of food Giving consumers a say

Stellungnahme des Anbieters und aktualisieren den Status.

→ Produkt melden

EDULCORANTES

Já foram acusados de provocar crises de epilepsia, esclerose múltipla ou vários tipos de cancro. Sem excessos, os adoçantes são seguros

Muitos alimentos já contêm edulcorantes, além dos que se adicionam à mesa



Menos tentação no doce

der de plak

SVOER IN DE VRIEZER VAN ALBERT HEIJN: IN DE HAMBURGERS ZIT IN DE BIEFSTUK 87%, DE BIEFSTUK IS NAMELIJK EEN LAPE. STUKJES WAARAN WATER IS TOEGEGEGE. OOK IN DE VRIEZERS ERMARKTEN BLIJKT HET VLEES VERRE VAN 'NATUREL'.



ar lang genoeg gewend bent et waarschijnlijk vanzelf et slager Wim de Rooij. De Rodenrij staat in de cursus-lagerij. Hij kijkt wat vergoumerde wite plastic bordjes die op de tafel voor hem staan. Op de bordjes ligt een keur aan luxe vlees uit de vriezers van supermarkten. Het afgelopen uur kreeg hij in een willekeurige volgorde stukken ondoorde rauwe ossenhaas en biefstuk voorgeschoteld door

onderzoekers van de Consumentenbond. Paul van Trigt zet zijn bril af en wrijft in zijn ogen. De vleesspecialist keurde zuigst hetzelfde vlees als slager De Rooij, maar in een andere volgorde. Onafhankelijk van elkaar leken, vonden, roken en proefden de experts, en gaven ze hun mening over de kwaliteit. Van Trigt is teleurgesteld: 'Ik vond het slecht. Er zijn maar drie à vier stukjes die ik me naar huis zou willen nemen.' In een hoek ligt de stapel kartonnen verpakkingen waarin de vacuüm erpakte stukken vlees



Sofre de fenilalanina? Não pode ingerir aspartamo. Faça do resíduo o seu melhor amigo



ITE LOS ALIMENTOS PROCESADOS

En los alimentos procesados, los aditivos son un elemento clave. En los alimentos procesados, los aditivos son un elemento clave.

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Conditions for approval – Taking inspiration from the food additives legal framework

Article 6

General conditions for inclusion and use of food additives in Community lists

1. A food additive may be included in the Community lists in Annexes II and III only if it meets the following conditions and, where relevant, other legitimate factors, including environmental factors:

- (a) it does not, on the basis of the scientific evidence available, pose a safety concern to the health of the consumer at the level of use proposed;
- (b) there is a reasonable technological need that cannot be achieved by other economically and technologically practicable means; and
- (c) its use does not mislead the consumer.

2. To be included in the Community lists in Annexes II and III a food additive must have advantages and benefits for the consumer and therefore serve one or more of the following purposes:

- (a) preserving the nutritional quality of the food;
- (b) providing necessary ingredients or constituents for foods manufactured for groups of consumers with special dietary needs;

Safety as a prerequisite (1)

- **Thorough safety risk assessment** by the European Food Safety Authority followed by EU-level **pre-market authorisation**



***EFSA mandate can be too narrow:** e.g. recent opinion on safety of enzyme thrombin overlooks potential safety issues associated with consumption of rare "glued meat" steak*

- **"No data, no market"**. EU food legislation puts the onus on industry to prove its products/ingredients are safe.
e.g. recent withdrawal of five flavouring authorisations after industry missed legal deadline to provide requested toxicity data to EFSA.
- **Precautionary Principle** to ensure a high level of consumer protection in case science is inconclusive on safety.
e.g. food applications of nanotechnologies

Safety as a prerequisite (2)

- Safe today ... does not mean safe tomorrow. Need for **post-market monitoring** and **periodic re-evaluation**.

- Health effects of 'phytosterols' questioned by French food safety agency (following query by UFC- Que Choisir)

- Partially hydrogenated oils were a great innovation 100 years ago ... but today the culprit for consumers' intake of harmful trans fatty acids



- Foods traditionally consumed in third countries **not to be just assumed to be safe**.

e.g. Eating insects is common practice in many parts of the world and has growing popularity in EU but potential health risks are not to be overlooked: allergens, parasites, etc.



Reasonable technological need not otherwise achievable

- Technological need ... for whom?
 - Preventing microbiological growth in meat preparations vs. making meat look fresher (sulphites)
 - Maintaining all year-round wheat flour quality vs. upgrading low quality wheat flour (enzymes)
 - Preserving taste of fruits transported on very long distance vs. making them look more shiny and appealing (glazing agents and waxes)
 - Preventing excessive water loss during cooking of frozen burger vs. binding water (phosphates)

Table 1: Profit increase by selective use of flour and flour improver

	High quality wheat	Average quality wheat
Flour costs per ton [USD]	377.00	342.00
Flour improver cost per ton [USD]	-	9.85
Total flour cost per ton [USD]	377.00	351.85
Flour cost difference per ton [USD]		25.15
Flour cost per ton [%]	100	93.3

Source: Buhler Group [website](#)

Advantages and benefits for the consumer

- “Food additives, colours, preservatives” are **Top 5 concern** of consumers (after pesticides, food poisoning, diet-related diseases and obesity)

Source: [Special Eurobarometer 354](#) on food-related risks, November 2010

- Which?/UK Government Office for Science’s research on [Food System Challenges](#)

*Consumers **prefer solutions that are low-tech, natural or focused on behaviour change**. Hi-tech solutions not rejected out of hand but need for independent safety evaluation, clear benefits and absence of low-tech alternatives which would be publicly acceptable and achieve similar outcomes.*

- Consumer benefits from food innovation:
 - ✓ **HEALTHINESS/REFORMULATION** (reduced fat/salt/sugar levels without compromising taste)
 - ✓ NATURALNESS (no ‘E-numbers’ and chemicals)
 - ✓ CONVENIENCE (e.g. easy to prepare; resealable package; longer shelf life)
 - ✓ SUSTAINABILITY (e.g. better for the environment or animal welfare ... but still affordable; less food waste)

Advantages and benefits for the consumer – The case of sweeteners

Article 7

Specific conditions for sweeteners

A food additive may be included in the Community list in Annex II for the functional class of sweetener only if, in addition to serving one or more of the purposes set out in Article 6(2), it serves one or more of the following purposes:

- (a) replacing sugars for the production of energy-reduced food, non-cariogenic food or food with no added sugars; or
- (b) replacing sugars where this permits an increase in the shelf-life of the food; or
- (c) producing food intended for particular nutritional uses as defined in Article 1(2)(a) of Directive 89/398/EEC.

- As other additives, sweeteners shall only be permitted where their use brings benefits to the consumer (**significant calorie reduction** or **total replacement of added sugars**)
- Discussions at international level (Codex footnote 161). EU should **stick to current approach** for the sake of consumer protection.

Are labels telling the whole truth to consumers? (1)

- **72%** of households **willing to pay more** for naturally-produced foods *Source: KAMPFFMEYER Food Innovation GmbH. Clean Label [Study](#) 2012.*



"clean label" trend

... BUT

- Processing aids, including enzymes, exempted from labelling requirement
 - ✓ Used in "free from" products conveying image of "tradition", "naturalness", etc.
 - ✓ Only case-by-case "effect labelling" for enzymes (e.g. meat glue thrombin and transglutaminase)
 - ✓ Borderline cases for processing aid vs. additive status (e.g. enzymes used in precooked bread?)



Are labels telling the whole truth to consumers? (2)

- **Food additive** or “**functional**” **ingredient**?

Some ingredients bear no E-number ... but are only used to serve a technological function

- ✓ e.g. potato proteins providing volume and texture to gluten-free bakery products;
- ✓ colouring foodstuffs
- ✓ citrus pulp used in meat preparations to retain water.

- EC guidance on **classification of food extracts/concentrates with colouring properties**.

- Reservations raised by some Member States:

- ✓ May lead to increased use of extracts that have not been assessed for their safe use.
- ✓ What about extracts produced from novel foods of which the sole purpose would be to use them for colouring purposes?

- And what about risk of consumer misleading?

- Labelling of **nano food additives (TiO_2 , SiO_2)**?



... when not trying to confuse them



- **ECJ landmark ruling** on the labelling of a flavoured fruit tea (June 2015)

"The list of ingredients may, even though correct and comprehensive, not be capable of correcting sufficiently the consumer's erroneous or misleading impression that stems from such labelling"



- Prominent **"free from" claims diverting consumer attention** from the list of ingredients and nutritional composition
- The "obfuscation" strategy (US example):
*"potassium sorbate added **to maintain freshness**"*
 (i.e. a preservative)

Innovation in food: consumer expectations from risk managers

- Food safety first!
- Beyond safety, approval procedure should also consider “other legitimate factors”
 - ✓ technological need
 - ✓ consumer acceptance
 - ✓ consumer benefits/advantages
 - ✓ risk of consumer misleading



Need to involve and consult consumer groups

- Effective enforcement of EU rules once set
 - Recent FVO audit missions have reported on insufficient enforcement of EU food additive provisions for meat preparations and products



The Consumer Voice in Europe

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