

Date labelling and food waste

Letter sent to the European Commission (DG SANCO)

Contact: **Camille Perrin – food@beuc.eu**

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Re: Date labelling and food waste

Dear Ms Nikolakopoulou,

At the 8th May meeting of the Advisory Group on the Food Chain's working group on food waste, the European Commission informed stakeholders of an informal discussion paper concerning the possibility to extend the list of foods exempted from the obligation to bear a minimum durability date (so-called 'best before' date) that was presented to governmental experts on labelling. At the initiative of a few Member States, this issue was then brought to the attention of EU Agriculture Ministers at the occasion of the 19th May Agriculture & Fisheries Council, where it was introduced as a significant move to tackle food waste. BEUC, The European Consumer Organisation, would like to react to this contemplated approach and present some general observations on the issue of food waste.

- **Food waste is a shared responsibility of all actors in the food chain**

According to the European Commission's own estimates, about 90 million tonnes of food is wasted each year in the EU. Whilst 40% of that waste occurs at retail and consumer level, 60% occurs even before food has reached supermarket shelves. Thus putting the blame on consumers looks to us as quite unfair and arbitrary. Rather, a joined-up approach is needed, where all actors in the chain – incl. farmers and manufacturers – take their full responsibility.

- **Tackling food waste deserves more than window-dressing measures**

It is vital that any measure that is contemplated to tackle food waste is carefully assessed for its relevance and effectiveness if we are to successfully address this societal challenge. With respect to the 'best before' date, it is first important to evaluate to what extent products bearing such date do contribute to the wastage of food. Recent research conducted in Germany¹ and Austria² has shown that 80% of the food that is thrown away at home consists in fresh fruits and vegetables, bread and bakery products, meat and meat products, and milk and dairy. These are foods that either do not bear any date at all or that mostly have a 'use by' date. Therefore before deciding on a measure that might actually miss its target, it would be useful to investigate if similar studies exist in other EU countries and if they confirm such trend.

.../...

¹ Verbraucherzentrale Nordrhein-Westfalen, Fachhochschule Münster and Institut für Nachhaltige Ernährung und Ernährungswirtschaft (2012) [Verringerung von Lebensmittelabfällen – Identifikation von Ursachen und Handlungsoptionen in Nordrhein-Westfalen](#); p. XIV.

² Institut für Abfallwirtschaft der Universität für Bodenkultur Wien (2012) [Sekundärstudie Lebensmittelabfälle in Österreich](#); p. 87.

- **'Best before' date is useful information to consumers**

Whilst the benefits of removing 'best before' dates on some products appear quite doubtful in light of the above, the drawbacks of such initiative are obvious for consumers. Indeed the 'best before' date is important information to them. It serves to guarantee that until a certain date, a food will still retain its specific properties, incl. texture, appearance, taste, flavour, vitamins and minerals content, etc. Consumers, when they buy a food, are entitled to know they will get the quality they expect and pay for. There could even be some safety aspects involved with, for instance, the migration of certain components from the packaging into the food after a certain period of time (bisphenol-A from can coatings is just one example). Likewise, recent foodborne outbreaks have been linked to products supposedly "shelf-stable" such as dry salami³.

Moreover, 'best before' dates help consumers manage their food stocks at home. Without such information, consumers will no longer be able to apply the 'FIFO' (first in, first out) principle to their kitchen cupboard. Whilst the production date might be equally helpful in that regard, it cannot replace the 'best before' date as it does not give any indication of the food's optimum shelf-life (quality-wise).

Getting rid of 'best before' dates on more foods might eventually prove counterproductive. Indeed, in the absence of any shelf-life information, consumers might even end up throwing away more food out of precaution if they no longer recall when they bought the product in question and feel unsure of its quality. The risk is high that removing 'best before' dates on some products will simply transfer the food waste issue from retail to household level as consumers will be the ones eventually disposing of food that has lost its quality (and the ones bearing the costs for it).

- **BEUC recommendations for action**

In order to help consumers not to throw edible food away at home (and therefore save money), we believe the following actions should be considered:

- ✓ *Clarifying the distinction between use by/best before, where necessary.*

Consumers' understanding of the difference between the expiration date and the minimum durability date is not uniform across the EU, which might be explained by the translation of the English terms 'best before' and 'use by' into the different national languages. In some countries (e.g. Spain⁴, Germany¹), research has shown that consumers do understand the difference well but it is true that in some other countries (e.g. France⁵), the terminology is ambiguous and generates confusion ("à consommer de préférence avant le" is too close to "à consommer jusqu'au").

Reviewing the terminology might thus help in some countries. In particular, the terminology chosen for each language should reflect the two elements that make the 'use by' and 'best before' dates inherently different: whilst the 'use by' date is based on sanitary grounds and therefore must be respected, the 'best before' date is based on quality aspects (e.g. taste and presentation) and as such is only indicative. For the sake of greater clarity, information may even be added on the packaging that the food may still be consumed after the 'best before' date (provided it has been properly stored).

³ Recall of a dry salami with 'best before' date in Slovenia. See <http://www.zps.si/hrana-in-pijaca/odpoklici-2014/odpoklic-suha-salama-mesarstvo-krusic.html?Itemid=732>.

⁴ Organización de consumidores y usuarios. *Tiramos 1 de cada 3 alimentos*. Article published in *Compra Maestra* nº 387; December 2013.

⁵ CLCV. *Enquête sur les dates limites de consommation*. Published in December 2013.

- ✓ *Informing and educating consumers so they know what to do with food that has passed its best before date.*

In this respect, the European Commission published some useful communication materials on its website; however these may not reach their target audience. Consumer organisations also do a lot in this area (publication of leaflets⁶, brochures, magazine articles, website information, etc.) with a view to helping consumers better understand and distinguish between 'use by' and 'best before' dates. Moreover, our members strive to provide consumers with very concrete tips (e.g. do a shopping list, better manage your fridge, re-use left-overs, etc.) to help them not to waste food. Similar initiatives are conducted by some retailers. All these efforts should be pursued, whilst keeping in mind that date labelling is just one possible cause among the many factors that contribute to food waste at different levels of the food chain.

- ✓ *More realistic food dates.*

A recent survey by our French member UFC Que Choisir⁷ has served to shed light on some date labelling-related marketing practices that contribute to food waste, such as:

- Significant differences in the length of the 'use by' date for similar products sold in mainland France vs. French overseas territories (2 months for dairy-based desserts, 330 days for a butter, etc.)⁸;
- Unnecessarily short 'use by' dates for e.g. yoghurts and dairy desserts, of which the microbiological quality remains excellent up to three weeks after the expiration date.

BEUC and our members have also observed differences, on the EU market, when it comes to determining whether a given food (e.g. yoghurts) will bear a 'use by' or 'best before' date (see *Table 1 below*). Spain, for instance, decided to allow yoghurts to bear a 'best before' date (instead of a 'use by' date previously); however that move is being resisted by the dairy industry, which continues to display 'use by' dates on its products. This creates confusion in consumers' mind and shows the need for clear guidelines, at the EU level, for establishing expiration and minimum durability dates.

It is essential that only those foods for which there is a genuine safety issue bear a 'use by' date. That date needs to reflect the product's perishability rather than marketing considerations (e.g. push for a faster stock rotation in supermarkets). By contrast, foods that do not pose any health risk provided they are properly stored should bear a 'best before' date reflecting the loss of quality over time. Of course, due account has to be taken of the climatic conditions in every EU country (e.g. room temperature in Northern-EU countries is not necessarily the same as that in Southern-EU countries) as they exert an influence on products' shelf-life and quality loss over time (incl. risk of insect infestation). Nevertheless, greater transparency and a set of clear rules at the EU level would be needed with respect to the way foods or food categories are allocated a 'best before' or 'use by' date as well as with respect to the way those dates are calculated.

⁶ See [leaflet](#) produced by the Swiss consumer organisation FRC.

⁷ UFC Que Choisir. *Halte au gaspillage !* Article published in Que Choisir n° 525 ; May 2014. See [press release](#).

⁸ The setting of different 'use by' dates for mainland France and the French overseas territories is no longer permitted since a law was passed in June 2013.


Country	Use by date	Best before date
Germany		X
Austria		X
Belgium	X	X (in some cases)
Cyprus	X	
Slovakia	X	
Slovenia	X	
Finland		X
France	X	
Greece	X	
Hungary		X
Netherlands		X
Ireland	X	
Italy	X	
Portugal	X	
Czech Republic	X	
United Kingdom	X	X
Sweden		X
Spain	-X- 	X
Poland	X	

Table 1: Comparison of date labelling practices for yoghurts in 19 EU Member States (April 2013)

✓ *Action all along the food supply chain is needed.*

Food waste is a shared responsibility of all stakeholders in the food chain. Action is needed at all levels to address the multiple factors that lead to food being wasted, incl.: overproduction at farm level; damaged products/packaging at manufacturing level; cold chain ruptures during transport; poor stock handling and management at retail level, bad shopping habits or improper food storage at consumer level, etc.

In particular, special offers that entice consumers into buying food they do not need (e.g. 'buy 2 get 1 for free') should be reconsidered: industry's and retailers' 'norm' of large quantity packaging combined with usually higher profit margins on small quantities typically act as a disincentive to consumers wishing to buy nothing more than the food quantity they need. Conversely, initiatives by some retailers that go in the right direction (such as 'buy 1 now get 1 for free next week') should be encouraged. Ideally, we would even prefer if supermarkets would give consumers an immediate discount on every single food item (corresponding to the overall price reduction foreseen with the special offer) instead of enticing them into buying more than one item, be it on a different purchase occasion.

We thank you in advance for taking our comments into consideration.

Yours sincerely,

Camille Perrin
Senior Food Policy Officer

C/c: **Ms Chantal Bruetschy** and **Ms Anne-Laure Gassin**, European Commission, DG SANCO, Unit E6 Innovation and sustainability.