

Subject: AGCM investigations into the use of Nutri-Score on the Italian market

Dear Mr. Rustichelli,

I am writing to you on behalf of BEUC – the European Consumer Organisation in the context of the six investigations the AGCM has [recently started](#) into eight companies using Nutri-Score on the Italian market as well as against the owner of the French food app Yuka. The ongoing investigations aim to assess whether Nutri-Score conveys oversimplified information likely to mislead consumers about the healthiness of products, and thus whether it amounts to an unfair commercial practice, a misleading action, or a misleading omission.

We would like to bring to your attention several elements to demonstrate that Nutri-Score is both a valuable and a science-based tool for consumers in aiding them to compare the nutritional value of foodstuffs across a range of products and to make healthier purchasing choices – and is currently the best one available. Thus, we also consider that the use of Nutri-Score does not breach the Unfair Commercial Practices Directive as its methodology is scientifically substantiated like any other legitimate label.

1. Nutri-Score responds to a major public health issue.

Today, in the EU, 1 in 2 adults is overweight or obese.¹ Figures are particularly alarming for children aged 6 to 9, with one in three overweight or obese.² Mediterranean countries have the highest rates of child obesity, even though the situation is starting to improve.² In Italy, 36% of girls and 41% of boys aged 7-9 were overweight or obese over the period 2015-2017.³

A back-of-pack nutritional declaration has been mandatory in the EU since December 2016. However, many scientific studies have shown that **consumers are struggling to understand and use this information, especially those with lower levels of education or nutrition knowledge.**⁴

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¹ Eurostat. <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20210721-2>. July 2021.

² World Health Organisation's Office for the European Region. <https://www.euro.who.int/en/media-centre/sections/press-releases/2021/high-rates-of-childhood-obesity-alarming-given-anticipated-impact-of-covid-19-pandemic>. May 2021.

³ WHO European Childhood Obesity Surveillance Initiative (COSI) [report on the fourth round of data collection](#), 2015–2017. See p. 55.

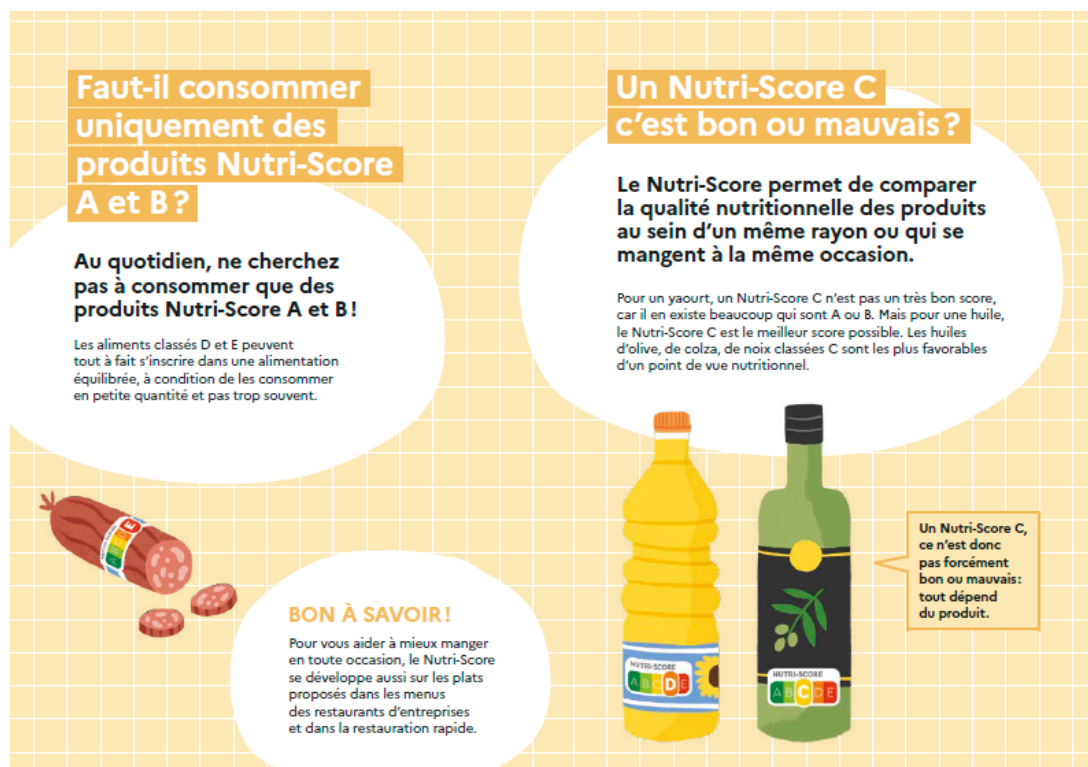
⁴ Grunert K, Fernández-Celemín L, Wills J, Storcksdieck Genannt Bonsmann S. & Nureeva L. Use and understanding of nutrition information on food labels in six European countries. *Z Gesundh Wiss* 18, 261–277 (2010).

By contrast, **front-of-pack nutritional labels – especially interpretative schemes that convey some form of evaluative judgement** on the nutritional quality of a food, using symbols, words or colours **such as the Nutri-Score – are recognised by health experts as essential parts of the policy toolkit** to tackle the obesity epidemic.⁵ Front-of-pack labels are no panacea, however, and other policy interventions are required to create enabling food environments where the healthy food choice is the easy option for consumers.⁶

2. In countries where Nutri-Score is implemented, its use is embedded in a broader nutrition strategy by public health authorities.

As several studies have shown, the effect of front-of-pack nutritional labels is most substantial if their introduction is **combined with awareness and/or communication campaigns from a trustworthy source** (such as public health authorities).⁷ These campaigns should ensure that the benefits of the label are being achieved by making sure consumers are aware of it, understand it and can use it.

So far, countries which have introduced Nutri-Score have accompanied its implementation with communication campaigns.⁸ These campaigns typically emphasise that Nutri-Score **does not aim at informing about the nutritional value of foods in absolute terms** (i.e. it does not characterise products as 'healthy' or 'unhealthy'). Rather, it is a tool that helps consumers to **easily compare the nutritional composition of food products – provided such comparison is meaningful**. Concerning products which achieve less favourable scores, the communication campaigns explain that **they can be part of a balanced diet provided they are eaten less often and/or in smaller quantities**.



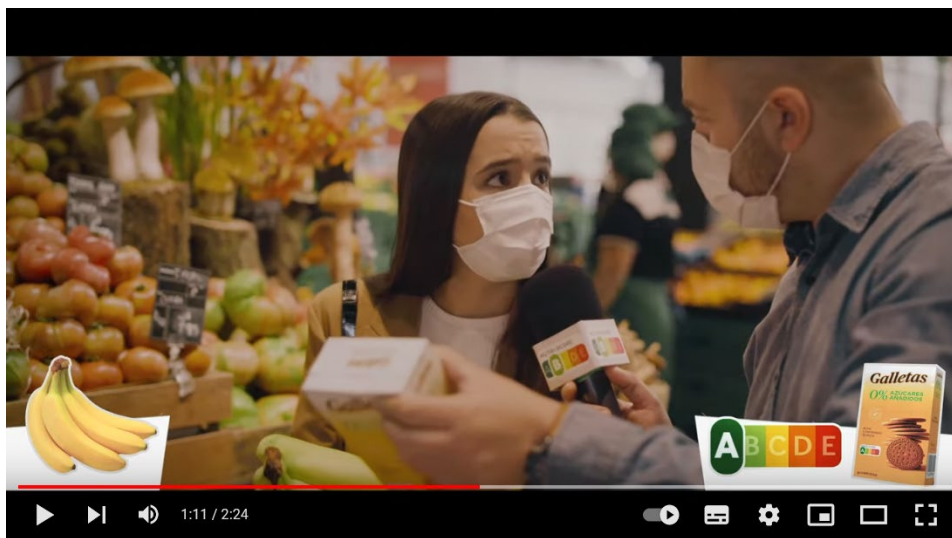
Source: Brochure "[Le Nutri-Score pour mieux manger en un coup d'œil](#)". Santé Publique France.

⁵ Manual to develop and implement front-of-pack nutrition labelling: guidance for countries on the selection and testing of evidence-informed front-of-pack nutrition labelling systems in the WHO European Region. Copenhagen: WHO Regional Office for Europe; 2020.

⁶ Joint policy brief by BEUC and 24 civil society organisations on [Food Environments & Food Policy: Discovering the role of food environments for sustainable food systems](#). October 2021.

⁷ Julia C, Blanchet O, Méjean C, Péneau S, Ducrot P, Allès B, ... Hercberg S. (2016). Impact of the front-of-pack 5-colour nutrition label (5-CNL) on the nutritional quality of purchases: an experimental study. *International Journal of Behavioral Nutrition and Physical Activity*, 13(1).

⁸ See for example official communication on the Nutri-Score from [France](#), [Germany](#), [Spain](#) and [Switzerland](#).



Source: [Video](#) from the public information campaign on Nutri-Score launched by the Spanish food agency, AESAN, in November 2021.

Moreover, educating consumers on food labels (front- and back-of-pack) and a healthy diet in a broader sense remains as vital as before. Food-based dietary guidelines (FBDGs) play an important and complementary role next to front-of-pack labels. FBDGs give recommendations to consumers about healthy nutrition and a balanced dietary composition. **Yet, even for food groups of which the consumption is encouraged/discouraged by dietary guidelines, a large variability in nutritional composition does exist.** Nutri-Score can help consumers to identify, within a given food group, the products that present the most favourable nutritional composition.

Food labelling, like consumer education, is only one part of the solution to tackling unhealthy eating habits. It is increasingly recognised that **supporting consumers in adopting healthier diets requires a broad set of interventions to address the “food environment”**, i.e. the “*physical, economic, political and sociocultural context in which consumers engage with the food system to make their decisions about acquiring, preparing and consuming food.*”⁹ As such, no single policy intervention can be considered as a ‘silver bullet’, and its effect/impact must be considered in synergy with that of other, complementary measures.

3. Nutri-Score presents information in a meaningful and scientifically sound way.

Nutri-Score has been developed based on robust scientific evidence. Several scientific studies have validated the nutritional algorithm underlying the Nutri-Score, concerning its ability to discriminate the nutritional quality of foods consistently with dietary guidelines, its association with dietary quality and finally its association with the health status of consumers. These studies are all publicly available [here](#). Over 400 European academic scientists and more than 30 associations of experts have backed Nutri-Score based on its scientific merits.¹⁰

Nutri-Score considers both favourable and less favourable nutritional elements in its calculation. This results in a summary score based on nutrients/food components which Europeans are encouraged to eat more of (such as dietary fibres, fruit, vegetables, legumes, and nuts) and on those which are consumed in excess (like calories, saturated fat, sugar, and salt) by the EU population.¹¹ Most of the food components considered in the calculation of Nutri-Score have been shown to be involved in the development of obesity and chronic diseases. Via its proxies (fruits and vegetables) for some vitamins and minerals, Nutri-Score considers more items than the list displayed for its calculation.¹²

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⁹ HLPE (2017) Nutrition and food systems. A report by the High-Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security, Rome.

¹⁰ See list [here](#).

¹¹ European Commission. Farm to Fork Strategy for a fair, healthy and environmentally friendly food system. May 2020. See p.14: “While in the EU, average intakes of energy, red meat, sugars, salt and fats continue to exceed recommendations, consumption of whole-grain cereals, fruit and vegetables, legumes and nuts is insufficient.”

¹² https://www.iarc.who.int/wp-content/uploads/2021/09/IARC_Evidence_Summary_Brief_2.pdf

Nutri-Score is calculated based on uniform reference amounts. Evidence suggests that front-of-pack nutritional labels based on uniform reference amounts (per 100g/ml) achieve better objective understanding than those based on portions.¹³ This is because the former spare consumers the hassle of making time-consuming and complicated calculations to compare products – when the average time spent selecting a product in a shop is an estimated 35 seconds.¹⁴

4. Nutri-Score is currently the best-performing nutritional label.

Nutri-Score ‘translates’ information that is available on the back-of-pack into a simple score that is easier to understand and use by consumers. Nutri-Score does not, however, replace the detailed nutritional declaration and comprehensive list of ingredients which always remain available to any consumer interested in consulting this information.

Nutri-Score is the easiest label to understand for consumers, in particular the most vulnerable ones. Multiple studies have been carried out to validate its effectiveness regarding its perception and understanding by consumers, as well as its ability to guide them towards healthier food choices.¹⁵ In an online study assessing the effectiveness of five front-of-pack nutritional labels among Italian consumers, Nutri-Score demonstrated the highest overall performance in helping consumers to correctly rank food products according to their nutritional composition.¹⁶ The effectiveness of Nutri-Score has also been demonstrated [in France](#), [Germany](#) and [the Netherlands](#). Among others, this effectiveness is due to the use of colour-coding. Evidence from laboratory and field studies suggests that evaluative schemes that use colour-coding **help consumers of various ages, socio-economic status, and cultural background the most** in identifying nutritious products¹⁷. In addition to being well understood, Nutri-Score is also **appreciated by consumers**: in France, [a survey](#) conducted three years after Nutri-Score was endorsed by the authorities as the recommended front-of-pack label found that 93% of French people have seen or heard of the label, and that 89% want it to be made compulsory on all products.

Nutri-Score makes consumers’ shopping baskets healthier. Research has shown that it is the label that works best in making consumers’ food choices healthier – **including for low-income households, who are most at risk of becoming overweight or obese**.^{18,19} Large prospective cohort studies performed in several European countries have shown that consumption of foods with less favourable Nutri-Score ratings was associated with a higher mortality for all causes and for cancer and diseases of the circulatory, respiratory, and digestive systems.^{20,21} For that reason, the World Health Organisation’s International Agency for Research on Cancer (IARC) [has called](#) for the EU-wide adoption of Nutri-Score as it could help consumers lower their risk of noncommunicable diseases such as cancer. Nutri-Score has also been shown to be an efficient tool to encourage consumers to decrease their portion size for less healthy products.²²

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¹³ Storcksdieck genant Bonsmann S, Marandola G, Ciriolo E, van Bavel R, Wollgast J, Front-of-pack nutrition labelling schemes: a comprehensive review, EUR 29811 EN, Luxembourg, Publications Office of the European Union, 2020, ISBN 978-92-76-08971-1, doi:10.2760/436998, JRC113586.

¹⁴ Manual to develop and implement front-of-pack nutrition labelling: guidance for countries on the selection and testing of evidence-informed front-of-pack nutrition labelling systems in the WHO European Region. Copenhagen: WHO Regional Office for Europe; 2020.

¹⁵ Egnell M, Talati Z, Hercberg S, Pettigrew S, and Julia C. Objective Understanding of Front-of-Package Nutrition Labels: An International Comparative Experimental Study across 12 Countries, *Nutrients*. 2018 Oct; 10(10): 1542.

¹⁶ Fialon M, Egnell M, Talati Z, Galan P, Dréano-Trécant L, Touvier M, Pettigrew S, Hercberg S, Julia C. Effectiveness of Different Front-of-Pack Nutrition Labels among Italian Consumers: Results from an Online Randomized Controlled Trial. *Nutrients*. 2020; 12(8):2307. <https://doi.org/10.3390/nu12082307>.

¹⁷ Storcksdieck genant Bonsmann S, Marandola G, Ciriolo E, van Bavel R, Wollgast J, Front-of-pack nutrition labelling schemes: a comprehensive review, EUR 29811 EN, Luxembourg, Publications Office of the European Union, 2020, ISBN 978-92-76-08971-1, doi:10.2760/436998, JRC113586.

¹⁸ Dubois, P, Albuquerque, P, Allais, O *et al.* Effects of front-of-pack labels on the nutritional quality of supermarket food purchases: evidence from a large-scale randomized controlled trial. *J. of the Acad. Mark. Sci.* 49, 119–138 (2021). <https://doi.org/10.1007>.

¹⁹ Sarda B, Julia C, Serry A-J, Ducrot P. Appropriation of the Front-of-Pack Nutrition Label Nutri-Score across the French Population: Evolution of Awareness, Support, and Purchasing Behaviors between 2018 and 2019. *Nutrients*. 2020; 12(9):2887. <https://doi.org/10.3390/nu12092887>.

²⁰ Deschasaux M, Huybrechts I, Julia C *et al.* Association between nutritional profiles of foods underlying Nutri-Score front-of-pack labels and mortality: EPIC cohort study in 10 European countries. *BMJ*. 2020 Sep 16.

²¹ Donat-Vargas C, Sandoval-Insausti H, Rey-García J, Ramón Banegas J, Rodríguez-Artalejo F, Guallar-Castillón P. Five-color Nutri-Score labeling and mortality risk in a nationwide, population-based cohort in Spain: the Study on Nutrition and Cardiovascular Risk in Spain (ENRICA), *The American Journal of Clinical Nutrition*, Volume 113, Issue 5, May 2021, Pages 1301–1311, <https://doi.org/10.1093/ajcn/nqaa389>.

²² Egnell M, Kesse-Guyot E, Galan P, Touvier M, Rayner M, Jewell J, Breda J, Hercberg S, Julia C. Impact of Front-of-Pack Nutrition Labels on Portion Size Selection: An Experimental Study in a French Cohort. *Nutrients*. 2018 Sep 8;10(9):1268.

5. Nutri-Score is continuously being evaluated and can be adapted to reflect the latest scientific evidence.

Despite Nutri-Score being currently the best-performing nutritional label, there is no perfect system, and it is important to ensure that **regular systematic reviews can allow for its continuous improvement.**

Dietary recommendations have been known to evolve over the years to adequately reflect the latest scientific evidence on healthy diets and nutrition. Likewise, Nutri-Score does not intend to convey information set in stone but **can be adapted based on scientific evidence and public health considerations.** As an illustration, in 2019, the Nutri-Score calculation has been modified to achieve scores for olive, walnut and rapeseed oils that better reflect the current evidence²³.

In 2021, Belgium, France, Germany, Luxembourg, the Netherlands, Spain, and Switzerland announced the creation of a transnational coordination mechanism to facilitate the ongoing use of Nutri-Score, with a general agreement and a governance structure. This collaboration has established an independent scientific committee in charge of assessing the possible evolutions of Nutri-Score, including the synergy with dietary guidelines. Food business operators, consumer organisations and any other interested parties have been invited to submit proposals for potential changes to be considered by the independent scientific committee.^{24,25}

We would be most grateful if the above elements could be considered as part of the on-going investigations, as they serve to demonstrate the robustness, relevance, and usefulness of Nutri-Score in aiding consumers to make better informed food choices.

We remain at your disposal for any further information or clarification you may require.

Yours sincerely,

Monique Goyens
Director General

C/c: Mr. Filippo Arena – AGCM Secretary-General
Mr. Giovanni Calabrò – Director General of Consumer Protection, AGCM
Ms. Marina Catalozzi – Case handler

²³ <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000039034274>

²⁴ <https://www.santepubliquefrance.fr/en/nutri-score>

²⁵ <https://solidarites-sante.gouv.fr/prevention-en-sante/preserver-sa-sante/nutrition/nutri-score/article/nutri-score-un-etiquetage-nutritionnel-pour-favoriser-une-alimentation>