

The Consumer Voice in Europe

## REVISION OF EU LEGISLATION ON FOOD INFORMATION TO CONSUMERS

BEUC response to public consultation



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## Introduction

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As part of the Farm to Fork Strategy,<sup>1</sup> the EU's blueprint for sustainable food and farming, the European Commission has announced several legislative initiatives related to food labelling in a bid to "empower consumers to make informed, healthy and sustainable food choices". In its action plan to turn the tide against cancer,<sup>2</sup> it has further announced a proposal for improving consumer information on alcoholic beverages.

With the impact assessments of the above-mentioned proposals underway, the European Commission is consulting stakeholders and the wider public on different policy options for a targeted revision of the Regulation on Food Information to Consumers covering front-of-pack nutrition labelling, origin labelling, alcohol labelling and date marking. The European Commission is also consulting on various approaches to establish the long overdue nutrient profiles to restrict nutrition and health claims made on food.<sup>3</sup>

As a complement to the response to the online questionnaire, BEUC, the European Consumer Organisation, wishes to share the following considerations and recommendations for **improved food labels which support consumers in making better informed and healthier food choices**.

### 1. Front-of-Pack Nutritional Labelling

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BEUC is in favour of **harmonized mandatory front-of-pack nutrition labelling** and **considers Nutri-Score the best scheme currently available**.

#### 1.1. Why front-of-pack nutrition labelling?

Front-of-pack nutrition labels have been identified by national governments and international health experts such as the World Health Organisation (WHO) as **a key tool to help consumers make more informed and healthier food choices**.<sup>4</sup> This is urgently needed as today, in the EU, 1 in 2 adults is overweight or obese.<sup>5</sup> Excess weight increases a person's risk to develop diet-related noncommunicable diseases (NCDs) such as diabetes and cancer. In addition, excess intake of saturated fats, salt and sugar also contributes to NCDs, whereas intake of fruit, vegetables and whole grains has been noted to be inadequate in the EU.<sup>6</sup>

A back-of-pack nutritional declaration has been mandatory in the EU since December 2016. This can be considered as a major step forward, although the information back-of-pack is mostly available in tiny font, and it does not interpret nutritional information for consumers. 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.<sup>7</sup>

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<sup>1</sup> European Commission, 'Farm to Fork' Strategy for a fair, healthy and environmentally friendly food system, 20 May 2020.

<sup>2</sup> European Commission, 'Europe's Beating Cancer Plan', 3 February 2021.

<sup>3</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12749-Food-labelling-revision-of-rules-on-information-provided-to-consumers\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12749-Food-labelling-revision-of-rules-on-information-provided-to-consumers_en).

<sup>4</sup> 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.

<sup>5</sup> Eurostat. <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20210721-2>. July 2021.

<sup>6</sup> [https://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0005/355973/ENP\\_eng.pdf](https://www.euro.who.int/__data/assets/pdf_file/0005/355973/ENP_eng.pdf).

<sup>7</sup> 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).

Better and easy to interpret information on the front of food packages can empower consumers, as they are generally deciding in seconds rather than minutes on food selection in the supermarket.

## 1.2. Criteria for successful front-of-pack nutritional labelling

Certain criteria need to be fulfilled to make front-of-pack nutrition labels (FOPNL) effective for consumers:

### 1.2.1. Easy to understand and use: interpretive & colour-coded

The future EU-wide FOPNL should simplify nutritional information, allowing consumers to use it at-a-glance. It is essential that the selected EU scheme is an **interpretive scheme** that conveys an evaluative judgement on the nutritional quality of a food. It has been concluded by the European Commission's Joint Research Centre that evaluative schemes that use colour-coding or **colour-coding combined with a graded indicator**, help consumers of various ages, socio-economic status and cultural background the most.<sup>8</sup>

### 1.2.2. Based on robust independent scientific evidence and research

The future EU-wide FOPNL should be based on rigorous, independent **scientific evidence**, conducted free from commercial interests. Such evidence should be able to demonstrate that consumers can objectively understand the scheme, for example, by showing that they can use it to correctly classify products based on their nutritional value.

Once adopted, **regular systematic reviews** of the scheme should be undertaken to monitor its effectiveness and to translate developments in scientific knowledge into the scheme.

### 1.2.3. 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.<sup>9</sup> This is because the former spare consumers the hassle of making time-consuming and complicated calculations to compare products.

Although a portion-based approach might seem logical at first sight, past experiences have shown that a portion-based approach could result in a scheme that is not meaningful for consumers.<sup>10</sup> Because portion sizes are unregulated, inconsistencies in portion sizes recommended by manufacturers are likely. Similar products from the same product category could have different front-of-pack labels, only because a different portion size has been chosen. According to the WHO, this could cause consumer confusion. Moreover, portion sizes on food packages are often smaller than the amounts typically consumed by consumers. This means that **a front-of-pack label based on the portion has a clear risk of giving a false impression** on the nutritional value of food products.<sup>11</sup>

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<sup>8</sup> Storcksdieck genannt 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.

<sup>9</sup> Storcksdieck genannt 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.

<sup>10</sup> We refer to experiences with the portion-based Evolved Nutrition Label: <https://www.beuc.eu/blog/food-labels-time-to-show-their-true-colours/>

<sup>11</sup> 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.

#### 1.2.4. Mandatory across the EU on all products

For any future EU-wide FOPNL to be effective and truly beneficial for consumers who wish to compare foods and beverages, it should be **mandatory**. It is important that the label will be displayed **on all prepackaged products**. Exemptions should only be granted based on public health considerations, not economic interests. Only then will FOPNL allow consumers to reap the benefits.

It is crucial that consumers, no matter where they live in Europe, can benefit from the assistance of a mandatory EU-wide FOPNL. Flexibility should be maintained for another science-based scheme to be used in addition to the European label, where there is evidence to support that this works best in a national context.

#### 1.2.5. Public authorities in the lead

To ensure that any scheme is seen in the eyes of consumers as credible and trustworthy, and therefore subsequently used, **public authorities should be in the lead** in the development and implementation of the label. **It is crucial that conflicts of interest are safeguarded against, and stakeholder input is carefully managed by governmental oversight.**

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).<sup>12</sup>

#### 1.2.6. Embedded in and consistent with other policies

FOPNL and all initiatives related to improved food labelling are 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”.<sup>13</sup> No single policy intervention can be considered as a ‘silver bullet’.<sup>14</sup>

Food-based dietary guidelines (FBDGs) play an important role in educating consumers on healthy nutrition and diets. It is important that the selected FOPNL is consistent with dietary guidelines. However, a 100% consistency/alignment might not be possible nor necessary, as **dietary guidelines and FOPNL are complementary**. FOPNL can help consumers to identify the products with the most favourable nutritional composition in food categories that are either encouraged or discouraged by FBDGs. This is important as a large variability in the nutritional composition of food products exists within product categories.

**FOPNL can have a positive impact on reformulation** as some food manufacturers will try and adapt their recipes to achieve better scores. Still, BEUC would like to underline that the potential to stimulate food reformulation is not FOPNL’s main purpose. It is to be welcomed that additional initiatives to stimulate reformulation of processed foods have been announced in the European Commission’s Farm to Fork Strategy.

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<sup>12</sup> 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).

<sup>13</sup> The food environment can be defined as 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”. From: 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.

<sup>14</sup> 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. [https://foodpolicycoalition.eu/wp-content/uploads/2021/10/Food-Environments-for-SFS\\_EU-FPC.pdf](https://foodpolicycoalition.eu/wp-content/uploads/2021/10/Food-Environments-for-SFS_EU-FPC.pdf).

### 1.3. Why Nutri-Score?

Overall, evidence from research conducted in several countries shows **Nutri-Score is currently the best-performing FOPNL scheme** in both aiding consumers to compare the nutritional quality of foods across a range of products and to make healthier purchasing choices.

**Nutri-Score has been developed based on robust scientific evidence.** It uses colour-coding combined with a graded indicator and is based on uniform reference amounts (per 100g/ml). Multiple scientific studies have been carried out to validate the effectiveness of Nutri-Score regarding its perception and understanding by consumers.<sup>15</sup> The effectiveness of Nutri-Score has also been demonstrated in national studies in Germany<sup>16</sup> and the Netherlands.<sup>17</sup>

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.<sup>18</sup>

**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.<sup>19,20</sup> Nutri-Score has also been shown to be an efficient tool to encourage consumers to decrease their portion size for less healthy products.<sup>21</sup> Nutri-Score has been found to be adequately aligned with dietary recommendations.<sup>22</sup> 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.<sup>23,24</sup>

Nutri-Score has the support of a broad and diverse group of stakeholders. 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.<sup>25</sup> **Over 400 European academic scientists and more than 30 associations of experts have backed Nutri-Score**

<sup>15</sup> <https://solidarites-sante.gouv.fr/prevention-en-sante/preserver-sa-sante/nutrition/nutri-score/etudes-et-rapports-scientifiques/>

<sup>16</sup> <https://www.bmel.de/EN/topics/food-and-nutrition/food-labelling/extended-nutritional-labelling-system-nutri-score.html/>

<sup>17</sup> <https://www.rijksoverheid.nl/actueel/nieuws/2019/11/28/nutri-score-wordt-na-aanpassing-het-voedselkeuzelogo-voor-nederland>

<sup>18</sup> <https://www.santepubliquefrance.fr/les-actualites/2021/le-nutri-score-un-logo-bien-integre-dans-le-quotidien-des-francais>

<sup>19</sup> 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>.

<sup>20</sup> 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>.

<sup>21</sup> 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.

<sup>22</sup> Szabo de Edelenyi, F., Egnell, M., Galan, P. *et al.* Ability of the Nutri-Score front-of-pack nutrition label to discriminate the nutritional quality of foods in the German food market and consistency with nutritional recommendations. *Arch Public Health* 77, 28 (2019). <https://doi.org/10.1186/s13690-019-0357-x>.

<sup>23</sup> 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.

<sup>24</sup> 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>.

<sup>25</sup> <https://www.iarc.who.int/news-events/nutri-score/>

based on its scientific merits.<sup>26</sup> The label is also supported by public health organisations and a growing number of companies.<sup>27</sup>

European consumer organisations have been advocating the introduction of a FOPNL that is beneficial for consumers for over a decade. With more and more evidence pointing to colour-coded labels in general and Nutri-Score in particular, many consumer organisations have started actively campaigning at the national level for the adoption of Nutri-Score. In tests, Nutri-Score has proved very useful in communicating the healthfulness of individual products from the same product category, like snacks,<sup>28</sup> drinks,<sup>29,30</sup> spreads,<sup>31,32</sup> cereals,<sup>33</sup> desserts<sup>34</sup> and plant-based meat alternatives.<sup>35,36</sup> In addition, consumer organisations in France<sup>37</sup> and Spain<sup>38</sup> have developed mobile apps where consumers can access the Nutri-Score of food products.

## 2. Nutrient profiles

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BEUC **strongly supports the setting of nutrient profiles** to restrict the use of nutrition and health claims.

### 2.1. Why nutrient profiles?

Many foods and beverages high in fats, salt and/or sugars use nutrition and health claims, such as '*high in fibre*' or '*vitamin D contributes to the maintenance of normal bones*'. Those messages can give a health halo to unhealthy products and mislead consumers as to the actual nutritional content of the food they buy. In recent years, BEUC and its members have highlighted many examples of such misleading claims, including on foods marketed towards children.<sup>39</sup> French consumer organisation CLCV observed from their analysis of the French market that many of the products bearing health and nutrition claims are high in fats, sugars and/or salt.<sup>40</sup> Dutch consumer organisation Consumentenbond also denounced the practice of 'health washing', whereby food businesses use health and nutrition claims to make their products look healthier than they are.<sup>41</sup>

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<sup>26</sup> [https://econtent.hogrefe.com/doi/suppl/10.1024/0300-9831/a000722/suppl\\_file/0300-9831\\_a000722\\_esm1.pdf](https://econtent.hogrefe.com/doi/suppl/10.1024/0300-9831/a000722/suppl_file/0300-9831_a000722_esm1.pdf).

<sup>27</sup> [https://www.beuc.eu/publications/beuc-x-2020-029\\_joint\\_letter\\_to\\_the\\_european\\_commission\\_re\\_mandatory\\_nutri-score.pdf](https://www.beuc.eu/publications/beuc-x-2020-029_joint_letter_to_the_european_commission_re_mandatory_nutri-score.pdf).

<sup>28</sup> Nutri-Score of snacks (Netherlands): <https://www.consumentenbond.nl/voedingstests/hoegezond-zijntussendoortjes>

<sup>29</sup> Nutri-Score of children's drinks (Belgium): <https://www.test-achats.be/sante/alimentation-et-nutrition/alimentation-saine/news/nutri-score-boissons-pour-l-ecole>

<sup>30</sup> Nutri-Score of orange drinks (Netherlands): <https://www.consumentenbond.nl/voedingstests/sinaasappeldranken-langs-de-nutri-score-meetlat>

<sup>31</sup> Nutri-Score of spreads (Belgium): <https://www.test-aankoop.be/gezond/voeding/voeding-en-voedingssupplementen/hoewe-testen/vegetarische-spread/nutri-score>

<sup>32</sup> Nutri-Score of hummus (Austria): <https://konsument.at/test-hummus072020>

<sup>33</sup> Nutri-Score of cereals (Netherlands): <https://www.consumentenbond.nl/voedingstests/ontbijtgranen-langs-de-nutriscore-meetlat>

<sup>34</sup> Nutri-Score of desserts (Belgium): <https://www.test-achats.be/sante/alimentation-et-nutrition/alimentation-saine/news/nutriscore-desserts-lactes>

<sup>35</sup> Nutri-Score on meat alternatives (Netherlands): <https://www.consumentenbond.nl/voedingstests/vegetarisch-broodbeleg-langs-de-nutri-score-meetlat>

<sup>36</sup> Nutri-Score on meat alternatives (Austria): <https://konsument.at/FleischE20>

<sup>37</sup> <https://www.quechoisir.org/application-mobile-quelproduit-n84731/>

<sup>38</sup> <https://www.ocu.org/info/apps-ocu/ocu-market>

<sup>39</sup> A selection of examples BEUC and its members collected can be found on <https://www.flickr.com/photos/98784294@N08/collections/72157664805049398/>

<sup>40</sup> <https://www.clcv.org/storage/app/media/uploaded-files/dpplcvbilanenquetes-alimentation.pdf>

<sup>41</sup> <https://www.consumentenbond.nl/gezond-eten/claims-op-ongezonde-producten>



**It is crucial that nutrition and health claims are no longer permitted on unhealthy products**, to make it easier for consumers to make healthier choices. This is important in times when diet-related diseases persist at high levels across Europe and consumers are increasingly interested in the nutritional quality of the food they buy.

The setting of nutrient profiles can put an end to misleading claims by specifying criteria that foods must comply with to be able to bear claims. Nutrient profiles work like filters: they are criteria which determine whether a food product is allowed to bear nutrition and health claims. These binding restrictions would prevent positive health messages on foods and drinks with an unfavourable nutritional composition.

Although nutrient profiles were due to be set by 2009, they have never been implemented. The continued absence of nutrient profiles has allowed foods and beverages high in fats, salt and/or sugars to keep using nutrition and health claims. The European Commission recently concluded that “**in the absence of nutrient profiles, the Claims Regulation<sup>42</sup> has not been fully effective to protect consumers** as consumers continue to be exposed to foods bearing claims, high in fat, salt and sugar which could mislead consumers when trying to make healthy choices”.<sup>43</sup>

## 2.2. Criteria for successful nutrient profiles

Certain criteria need to be fulfilled to make nutrient profiles effective for consumers:

### 2.2.1. A consumer protection focus

Nutrient profiles are a crucially important part of the Claims Regulation and will help consumers to make better informed choices. **The main objective of nutrient profiles is to avoid that consumers are misled by claims** which mask the overall nutritional quality of a given food or drink. This objective should prevail over all other objectives. The examples collected by BEUC and its members in recent years show the continued relevance of setting nutrient profiling criteria to restrict claims.<sup>44</sup>

In addition to preventing consumer exposure to misleading claims, the implementation of nutrient profiles is likely to have a positive effect on food companies' reformulation efforts. In the absence of nutrient profiles, there is a diminished incentive for companies to reformulate their products to limit the levels of fats, salt, and sugar in order to use health and nutrition claims. The introduction of nutrient profiles will likely incentivize companies to reformulate their products. However, this will most likely not work for all companies and all food categories. **BEUC would like to underline that the potential to stimulate food producers to reformulate should not be considered the main objective of the setting of nutrient profiles.** It is to be welcomed that additional initiatives to stimulate reformulation of processed foods have been announced in the European Commission's Farm to Fork Strategy.

### 2.2.2. Applied on all products on the European market

**Nutrient profiles should be set and applied on all food and drink products on the European market.** Any potential derogations from nutrient profiling for claims should be based on scientific grounds and not commercial interests. If at all necessary, such exemptions should be kept to a minimum.

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<sup>42</sup> Nutrition and Health Claims Regulation (1924/2006).

<sup>43</sup> [https://ec.europa.eu/food/system/files/2020-05/labelling\\_nutrition-claims\\_swd\\_2020-95\\_part-1.pdf](https://ec.europa.eu/food/system/files/2020-05/labelling_nutrition-claims_swd_2020-95_part-1.pdf).

<sup>44</sup> A selection of examples BEUC and its members collected can be found on <https://www.flickr.com/photos/98784294@N08/collections/72157664805049398/>

### 2.2.3. Based on robust independent scientific evidence and research

**Nutrient profiles must be based on robust independent scientific evidence related to diet and health.** The setting of nutrient profiles should result in meaningful nutritional criteria that have an impact on public health. To have a credible system of restricting claims, a sufficient level of strictness should be put in place so that only foods and beverages which truly deserve to bear a claim do so. This could potentially mean that whole categories are to be excluded from making claims.

### 2.2.4. Embedded in and consistent with other policies

Nutrient profiling should be sufficiently consistent with other policies and instruments to help consumers make healthier food choices, including FOPNL.

## 3. Alcohol labelling

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BEUC **strongly supports the introduction of mandatory labelling** of the nutritional declaration and ingredient listings for alcoholic beverages.

### 3.1. Why mandatory alcohol labelling?

With high levels of overweight and obesity across Europe, nutritional information is a crucial tool for empowering consumers to make informed and healthier choices in the supermarket.

Prepacked foods and drinks must bear a list of ingredients and a nutritional declaration on labels, but alcoholic drinks are exempted from this. **The current exemption afforded to alcoholic beverages from providing nutritional information is unacceptable from a consumer perspective.** The European Commission concluded already in 2017 that there are no objective grounds to justify the continued exemption for alcohol products from having to provide ingredients and nutritional information to consumers.<sup>45</sup>

Voluntary schemes haven't proven to be insufficient. Recently, Dutch consumer organisation Consumentenbond found that, on the Dutch market, most alcoholic beverages, except for beer, are still without information on nutritional composition and ingredients.<sup>46</sup>

### 3.2. Criteria for successful alcohol labelling

Certain criteria need to be fulfilled to make alcohol labelling effective for consumers:

#### 3.2.1. Complete information on nutritional composition and ingredients

Complete information on the nutritional composition and list of ingredients of alcoholic beverages must be provided on the label. **Consumers have the right to know the nutritional composition and ingredients of alcoholic drinks.**

It would be insufficient if only the energy value of an alcoholic beverage would be provided. Indeed, the nutritional composition of alcoholic drinks can vary considerably. For example, some alcohol products can contain high levels of sugar whilst others (such as popular cream liqueurs for example) can have significant amounts of fat and saturated fat. Consumers should be provided with this information in the same way it is provided for non-alcoholic drinks.

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<sup>45</sup> [https://ec.europa.eu/food/system/files/2017-03/fs\\_labelling-nutrition\\_legis\\_alcohol-report\\_en.pdf](https://ec.europa.eu/food/system/files/2017-03/fs_labelling-nutrition_legis_alcohol-report_en.pdf).

<sup>46</sup> <https://www.consumentenbond.nl/nieuws/2021/alcoholfabrikanten-moeten-transparant-zijn-over-hun-producten>.



### 3.2.2. Information per 100 ml

**From a consumer perspective, it is important that the nutritional information is provided on a per 100ml basis.** Such an objective reference volume allows straightforward comparisons between products. As with non-alcoholic products, portion sizes can vary considerably depending on the consumer and can be difficult to estimate in products which are not sold in single-serve containers. Furthermore, studies have shown that consumers can frequently over-pour the portion when self-serving alcoholic drinks at home.<sup>47</sup> Bringing alcoholic products in line with the requirements of the FIC Regulation (1169/2011) would allow the additional provision of per portion information.

### 3.2.3. On the bottle

**It is crucial that information on the nutritional content and ingredients of alcoholic drinks is provided on the label on the bottle.** Digital information tools can complement but must not replace established means of communicating mandatory product information to consumers.<sup>48</sup>

As specified in article 12 of the FIC regulation “mandatory food information shall be available and shall be easily accessible” and this information “shall appear directly on the package or on a label attached thereto”. With consumers making their purchasing decisions in a matter of seconds, **it is unrealistic to ask them to spend the extra time and effort to access information** via QR codes, web links or bar codes for each alcoholic product they are interested in buying. Furthermore, comparing different alcoholic products could be more difficult when information would be provided online.

When information would only be provided online, **a significant part of consumers would be excluded from accessing mandatory product information.** In 2021, 8% of Europeans aged 16 to 74 stated that they had never used the internet. And 27% of EU individuals in the same age group have not used a mobile device to connect to the internet.<sup>49</sup> Even if these proportions would lower in the future, this would not be enough. The use of connected devices to access product information also presupposes that consumers bring their devices to the shop, that the device is charged, that mobile subscriptions are functional, etc. – none of which should be taken for granted. Mobile internet connectivity can also be an issue in some supermarket environments.

**Digital labelling raises significant concerns related to data protection and cybersecurity.** Requiring consumers to scan products or visit an operator’s website could for example allow traders to collect information on the (potential) purchasing behaviour of consumers as well as other personal data.

Moreover, **experience from consumer organisations shows that information online can be less reliable than information on the label.** Swiss consumer organisation Fédération Romande des Consommateurs analysed the information given online by two of the biggest Swiss supermarket chains and concluded that information is very often incomplete, not updated or even missing.<sup>50</sup>

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<sup>47</sup>[https://www.researchgate.net/publication/322273447\\_Standard\\_drink\\_measures\\_throughout\\_Europe\\_people\\_s\\_understanding\\_of\\_standard\\_drinks\\_and\\_their\\_use\\_in\\_drinking\\_guidelines\\_alcohol\\_survey\\_and\\_labelling](https://www.researchgate.net/publication/322273447_Standard_drink_measures_throughout_Europe_people_s_understanding_of_standard_drinks_and_their_use_in_drinking_guidelines_alcohol_survey_and_labelling).

<sup>48</sup> More information on BEUC’s position on digital labelling for food and other products can be found in BEUC’s position paper ‘Why moving essential product information online is a no-go’ (2021). [https://www.beuc.eu/publications/beuc-x-2021-016\\_why\\_moving\\_essential\\_product\\_information\\_online\\_is\\_a\\_no-go.pdf](https://www.beuc.eu/publications/beuc-x-2021-016_why_moving_essential_product_information_online_is_a_no-go.pdf).

<sup>49</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Digital\\_economy\\_and\\_society\\_statistics\\_-\\_households\\_and\\_individuals#Internet\\_usage](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Digital_economy_and_society_statistics_-_households_and_individuals#Internet_usage)

<sup>50</sup> <https://www.frc.ch/supermarche-en-ligne-etiquetage-tres-lacunaire/>

Whereas digital labelling cannot replace on-the-label nutritional information, **digital tools could serve a complementary role**. They could be used to provide the mandatory information that is also on the bottle. In addition, non-mandatory information like recipe suggestions or information on brand history, which are common on alcohol bottles, could be provided online for consumers to read when they have more time at home and if they are interested. This would free up some space on the label for nutrition and ingredients information, which is essential for allowing consumers to make informed choices.

## 4. Country of Origin Labelling

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**BEUC welcomes and supports the extension of mandatory origin labelling to more food products** to meet European consumers' long-standing demand for more transparency on where food comes from.

### 4.1. A strong consumer interest in food origin

The latest EU-wide poll on food safety found that **origin tops consumer concerns when purchasing food**.<sup>51</sup> A survey from BEUC conducted in 2013 showed that at least two-thirds of respondents considered the origin as an important factor when shopping for food (as the fifth most important criterion behind taste, price, convenience and date marking, but before brand and quality labels).<sup>52</sup> A survey carried out in 2014 for the German consumer organisation vzbv found that most German consumers find it important (72%) or very important (22%) that the origin of food is labelled.<sup>53</sup> In a consumer survey conducted in the context of the European Commission's evaluation of EU origin labelling rules for fresh meat, 33% of consumers indicated origin either as the first or second criterion they looked for in their meat purchase.<sup>54</sup>

The BEUC survey found that the **reasons behind consumers' interest in the origin of their food are manifold and vary across countries**. Some consumers relate the origin of a food to its safety and quality, while others associate it to its environmental impact. Some consumers look at food origin due to ethical concerns (e.g. related to animal welfare) or because they want to support the local economy or prefer regional products. And many consumers are just interested in knowing where food comes from for the sake of transparency.

According to our survey, **most consumers want to know the specific country their food comes from**. Only a small minority (10% on average) would be satisfied with 'EU/non-EU' level information. A substantial majority of consumers want to know the origin of meat, fish, milk, as well as fruit and vegetables – whether these products are sold fresh or used as ingredients in processed foodstuffs. More than half of them also find it important that the origin of single-ingredient foodstuffs (e.g. sugar, salt, flour) and of coffee/tea is labelled.<sup>37</sup>

**Modalities for origin labelling should reflect consumers' expectations as to what "origin" should refer to on different types of foods** (place of provenance/farming vs. country of last substantial processing, farming stage(s) conferring origin, etc.). For processed foods (whether of animal or plant origin), the BEUC survey found that most

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<sup>51</sup> Special Eurobarometer Wave EB91.3. When considering important factors when buying food, respondents were more likely to answer: where the food comes from (53%), cost (51%), food safety (50%) and taste (49%).

<sup>52</sup> BEUC (2013). *Where does my food come from?* Accessible at <https://www.beuc.eu/publications/2013-00043-01-e.pdf>.

<sup>53</sup> <https://www.vzbv.de/sites/default/files/downloads/lebensmittel-herkunftskennzeichnung-infografik-vzbv-2014.jpg>

<sup>54</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021SC0218&from=EN>.

consumers would like to know **both the country of provenance of the primary ingredient(s) (i.e. where the raw materials were farmed) and the country where the food was manufactured.**

#### **4.2. Current EU origin labelling rules are inadequate**

Current EU origin labelling rules fall short of consumer expectations for transparency on food origin.

##### **4.2.1. Few food/ingredient categories are covered**

In the EU, origin labelling is currently required for fruit and vegetables (but not potatoes), fishery products (but not if processed), honey, olive oil and eggs. An indication of origin (including the place of birth, rearing and slaughter) has also been mandatory for unprocessed beef and beef products (e.g. minced beef) since 2002. And since 2015, it has become obligatory to label the origin of prepacked unprocessed meat from pig, poultry, sheep, and goat.

**Many food categories remain exempt from origin labelling requirements.** As an example, despite 84% of Europeans wanting to know the origin of milk and 53% even willing to pay a little premium (1-2%) to see the origin of milk labelled on milk bottles and dairy products,<sup>55</sup> this information is not required under current labelling rules. Staples such as rice and pasta, sugar, and vegetable oils (other than olive oil) are also not required to indicate the origin.

##### **4.2.2. Where mandatory origin labelling requirements apply, major loopholes remain**

The case of meat is very illustrative of the loopholes that remain even for food categories which are (partly) covered by existing EU origin labelling requirements.

According to EU law, food supplied through distance selling should meet the same information requirements as food sold in shops. **Consumers buying a fresh beef steak online on a retailer's website should therefore receive information on the beef meat origin – like they would if they were at the supermarket.** Yet, research by the Dutch consumer organisation, Consumentenbond found that beef sold by a major Dutch retailer on its online shop is said to come from "*the Netherlands, Ireland, United Kingdom, Italy, Germany, Denmark, Poland, Slovenia, Belgium or Australia*".<sup>56</sup> Conversely, in Belgium, Test Achats/Test Aankoop found origin information to be often missing on retailer's websites for fresh produce.<sup>57</sup> In our view, there is a **need to improve consumer information on food origin when shopping online:** while indicating a single origin may not always be feasible for supermarkets owing to sourcing practices, providing a very long list of possible origins is not helpful either from the consumer viewpoint.

While mandatory origin labelling applies to most types of unprocessed meat, **unprocessed meat from horse and rabbit are not covered by origin labelling requirements.** Yet, the consultation questionnaire omits to refer to horsemeat as one of the fresh meat types for which an extension of origin labelling rules must be considered.

**Meat served in the food service and catering sector is not covered either by existing rules.** However, a survey published by BEUC's Swedish member, Sveriges Konsumenter in 2018 found that eight out of ten Swedes want to know where meat served

<sup>55</sup> Special Eurobarometer 410 on "Europeans, agriculture and the Common Agricultural Policy (CAP)". March 2014. Report available at: <https://europa.eu/eurobarometer/surveys/detail/1081>.

<sup>56</sup> Consumentengids. *Waar groeide die groente?* Issue 44. March 2022.

<sup>57</sup> <https://www.test-achats.be/sante/alimentation-et-nutrition/etiquetage/news/e-commerce-origine-des-produits-alimentaires>

in restaurants comes from – whilst this information is hardly ever provided.<sup>58</sup> Similar results were found in a Finnish survey, prompting the Finnish government to introduce a measure mandating origin information also in the out-of-home sector.<sup>59</sup> The French government also recently adopted a measure requiring that the origin of meat served in the out-of-home sector be indicated.<sup>60</sup>

**Another loophole related to the labelling of the origin of meat lies in the fact that it is only required for meat that is unprocessed.** The mere adjunction of spices or additives to fresh meat is enough for the product to be considered as a “meat preparation”, and as such to be exempted from the origin labelling obligation. The Italian consumer organisation, Altroconsumo denounced the situation whereby minimally processed meat products such as beef carpaccio or hamburgers do not have to label the origin of the meat.<sup>61</sup>

Finally, a major gap in the current rules that was also criticised by Altroconsumo concerns the **derogation from labelling the origin of the primary ingredient (Regulation (EU) 2018/775) granted to products with a geographical indication.** The Italian consumer group found that 70% of the beef meat used to produce Bresaola della Valtellina (PGI) is imported from Latin America (Brazil or Argentina), whereas the quality mark is likely to mislead consumers into believing that the meat has an Italian origin.

#### **4.3. EU-level action is required to improve consumer information on food origin**

The absence of rules requiring the *mandatory* provision of origin information for many food categories/ingredients is **not compensated by voluntary initiatives by industry.**

As an illustration, a study carried out in 2016<sup>62</sup> by the French consumer organisation UFC – Que Choisir found that less than half of processed food products containing meat indicated its origin (57% for pork-based products, 74% for poultry-based products and 30% for beef-based products).<sup>63</sup> This was despite a very strong consumer interest in this information, which had been reinforced by the horsemeat ‘lasagne’ scandal from 2013.

While several Member States have favourably met consumer demand for improved information on food origin by enacting national laws going beyond EU requirements, sadly not all European consumers can enjoy similar level of information in the absence of EU-level rules.

Moreover, national origin labelling measures, however popular with consumers in these countries, keep being challenged as illustrated for instance by the ‘C-485/18 - Groupe Lactalis’ case.<sup>64</sup> **EU-level action is therefore needed to extend origin labelling requirements to more food/ingredient categories** and ensure that all European consumers enjoy the same enhanced level of information.

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<sup>58</sup> <https://www.sverigeskonsumenter.se/nyheter-press/nyheter-och-pressmeddelanden/granskning-det-hemliga-kottet-i-lunchmaten/>

<sup>59</sup> [http://www.europarl.europa.eu/cmsdata/148302/Hielm\\_040618%20COOL%20Finland.pdf](http://www.europarl.europa.eu/cmsdata/148302/Hielm_040618%20COOL%20Finland.pdf)

<sup>60</sup> <https://agriculture.gouv.fr/origine-des-viandes-servies-dans-la-restauration-un-decret-renforçant-l'information-des-consommateurs>

<sup>61</sup> <https://www.altroconsumo.it/alimentazione/fare-la-spesa/news/inchiesta-origine-carne>

<sup>62</sup> before a national law was introduced by the French government to mandate origin labelling of meat used as an ingredient.

<sup>63</sup> <https://www.quechoisir.org/action-ufc-que-choisir-viandes-dans-les-produits-transformes-origine-masquee-pour-54-des-produits-n13727/>

<sup>64</sup> <http://curia.europa.eu/juris/liste.jsf?num=C-485/18>.

## 5. Date marking

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BEUC welcomes the revision of EU rules on date marking **to improve its expression and presentation** and as such foster improved consumer understanding and use of this information.

**Consumers' understanding of the difference between the expiration date and the minimum durability date is not uniform** across the EU, as an EU-wide survey showed in 2015.<sup>65</sup> As such, it is difficult to provide EU-level answers to questions related to consumer understanding of the difference between the 'use by' and 'best before' dates. These differences might be explained by the translation of the English terms 'best before' and 'use by' into the different national languages. For instance, in French the terminology is ambiguous and can generate confusion ("à consommer de préférence avant le" is too close to "à consommer jusqu'au"). This said, there is evidence of consumer confusion around date marking, albeit of varied magnitude.

While **date marking rules should be uniform across the EU, the translation** of the English terms 'use by' and 'best before' **could probably be improved** in some other EU languages compared to what it is today to enhance clarity.

Regardless of the terminology chosen to express date marking, **this information must be easy to find and read by consumers**. Not only can date marking cause consumer confusion, but it is also often **difficult to find on the packaging**. A survey by the Belgian consumer organisation, Test Achats/Test Aankoop found that 92% of Belgian consumers want producers to be obliged to always place the date (numbers) and expiry date mention side by side. The survey also showed that 84% of Belgian consumers want producers to be obliged to display the expiry date always in the same place on the packaging.<sup>66</sup> Consumers' inability to easily access this information can hinder efforts to make it overall more understandable.

Finally, BEUC has **reservations towards the proposal of getting rid of the 'best before' date** on some foods. Research consistently shows that foods which are wasted the most by EU households include fresh fruit and vegetables, bread, meat, and dairy: these are (mostly) not products which bear a 'best before' date. On the other hand, the 'best before' date provides relevant information to consumers, in that it serves to guarantee that until a certain date, a food will still retain its specific properties, incl. texture, appearance, taste, etc. It also helps 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. Moreover, getting rid of the 'best before' date on more foods might eventually prove counterproductive. Indeed, in the absence of any shelf-life information, consumers might 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. There is a risk that removing 'best before' dates on some foods will **simply transfer food waste 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).

END

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<sup>65</sup> Flash Eurobarometer 425 on "Food waste and date marking". September 2015. Report available at: <https://refreshcoe.org/wp-content/uploads/2017/07/Flash-Eurobarometer-425.pdf>.

<sup>66</sup> Test Achats 652. *Évitez le gaspillage alimentaire*. May 2020.



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