

Original Article

Nutrition labelling: European Union and United Kingdom perspectives

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The growing public interest in the relationship between diet and health and increasing public health problems in Europe were among the determining factors which led the European Commission to propose harmonized legislation on nutrition labelling. The Directive which was adopted in 1990 primarily aimed at providing information which helps consumers to make an informed choice and assist action in the area of nutrition education for the public. The provisions of the Directive are voluntary but become obligatory if the manufacturer decides to make a 'nutritional claim'. Where nutrition labelling is applicable, the information may be given in two formats: group 1, energy value and the amounts of protein, carbohydrate and fat ('Big 4'); or group 2, energy value and the amounts of protein, carbohydrate, sugars, fat, saturates, fibre and sodium ('Big 8'). A claim for one of the following sugar, saturated fat, fibre or sodium automatically triggers group 2 information. Additional information can be provided on the amounts of starch, polyols, mono-unsaturates, polyunsaturates, cholesterol and any of the vitamins or minerals. The nutrition information must be given per 100 g or 100 mL of food but may also be declared per quantified serving of food, or per portion where the number of portions is indicated on the label. The information must be presented together in one place in tabular form. A revision of the Nutrition Labelling Directive is due and will address issues such as the voluntary character of the legislation, the amount of information given and its presentation, legibility and consumer understanding.

Key words: European Union, nutrition labelling.

European Union

In order to fully appreciate the developments in Europe with regard to food legislation in general and nutrition labelling in particular, one must understand the role of the European Union and its impact on the laws of the Member States.

The European Union is a unique economic and political entity whose tasks and achievements go well beyond those of other, more traditional regional or international organizations. Since the signature of the Treaties establishing the European Economic Community (EEC) by six countries (Belgium, France, Germany, Italy, Luxembourg, Netherlands) in 1957, the European Economic Community, subsequently called European Community, now European Union, has been continually enlarged to 15 Member States (UK, Ireland, Denmark (joined 1973), Greece (joined 1981), Spain, Portugal (joined 1986), Austria, Sweden, Finland (joined 1995)) and has gradually taken on responsibilities beyond economic integration and growth and includes the promotion of peace, social development and general human welfare.

An Internal Market, meaning an area without frontiers in which freedom of movement is ensured for goods, persons, capital and services, was established in 1993 after having set a common set of external tariffs already in 1969. To this end, an extensive collection of harmonized legislation was adopted in order to eliminate barriers to trade between the

countries. Food legislation is part of this body of legislation which is binding for all Member States and which aims at reconciling the principle of free movement of goods with a high level of consumer protection.

The key issues of the future are the enlargement of the European Union to the countries of Central and Eastern Europe over the next decade and the introduction of a common currency (the Euro) in 12 of the 15 member states in 2002.

The institutions of the European Union

The institutional system in the EU is the only one of its kind in the whole world. The triangle consisting of the European Commission (representing Community interests), the European Parliament (representing the European citizens) and the Council of Ministers (representation of the governments of the member states) is completed by the European Court of Justice and the European Court of Auditors.

A complex decision-making process which involves the three main institutions is the result of this structure. The European Commission holds the monopoly of legislative

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initiative and proposes draft legislation. Subsequently, the European Parliament and the Council of Ministers deliberate during first and second reading, sometimes even third reading, before the legislative act is finally passed and must be implemented in the 15 Member States. This process, the so-called codecision procedure, can take up to several years.

The two main instruments in the legal system of the EU are Regulations and Directives. Whereas Regulations are binding in their entirety from the date of entry into force and supersede national rules, Directives are binding as to the result which shall be achieved. Member States can decide on the form and method of implementation as long as the spirit of the Directive is maintained. Directives have no legal force until they are implemented into national law.

Nutrition labelling

One decade ago, the growing public interest in the relationship between diet and health and increasing public health problems in Europe were among the determining factors which led the European Commission to propose harmonized legislation on nutrition labelling. The Directive which was adopted in 1990 primarily aimed at providing information which helps consumers to make an informed choice and assist action in the area of nutrition education for the public. Therefore, the information provided should be simple and easily understood.

In order to guarantee the smooth functioning of the Internal Market and to benefit the consumer, nutrition labelling had to be presented in a standardized format. Foods not bearing such labelling at all are allowed to circulate freely since nutrition information is optional unless a nutrition claim is made.

Directive 90/496/EEC¹ covers nutrition labelling of foodstuffs sold to the ultimate consumer as well as mass caterers. For the purposes of the Directive, nutrition labelling is defined as 'any information appearing on a label relating to energy and the following nutrients: protein, carbohydrate, fat, fibre, sodium, vitamins and minerals'. The provisions of the Directive are voluntary but become obligatory if the manufacturer decides to make a 'nutritional claim', which is defined – similar to the Codex Alimentarius definition: Codex Alimentarius Guidelines on Nutrition Labelling CAC/GL 002-1985 (Rev. 1-1993) – as 'any representation and any advertising message which states, suggests or implies that a foodstuff has particular nutritional properties due to the quantity of energy it provides, provides at a reduced or increased rate or does not provide, or the level of nutrients it contains, contains in reduced or increased proportions or does not contain'.

The requirements of the Directive do not apply to natural mineral waters or other water intended for human consumption and food supplements.

Declaration

Where nutrition labelling is applicable, the information may be given in two formats: group 1, energy value and the amounts of protein, carbohydrate and fat ('Big 4'); or group 2,

energy value and the amounts of protein, carbohydrate, sugars, fat, saturates, fibre and sodium ('Big 8'). A claim for one of the following sugar, saturated fat, fibre or sodium automatically triggers group 2 information.

Additional information can be provided on the amounts of starch, polyols, mono-unsaturates, poly unsaturates, cholesterol and any of the vitamins or minerals.

Format of declaration

The nutrition information must be given per 100 g or 100 mL of food but may also be declared per quantified serving of food, or per portion where the number of portions is indicated on the label. Moreover, it is possible to declare the amount of nutrient as sold or, where appropriate, as prepared/served.

The information must be presented together in one place in tabular form. Where space does not permit, the information should be presented in linear form. European Union Member States are requested to ensure that the nutritional information appears in a language understood by consumers. This does not prevent such information being indicated in more than one language.

Provisions in the United Kingdom

The UK has implemented EU Directive 90/496/EEC. In the UK, the provisions on nutrition labelling are covered by the Food Labelling Regulations² advisory Guidance Notes on Nutrition Labelling³ by MAFF, and Guidelines for the use of certain nutrition claims in food labelling and advertising⁴ issued by the Joint Food Safety and Standards Group. Certain functions and services of the Ministry of Agriculture, Fisheries and Food (MAFF) in relation to food safety and standards have been transferred to the Food Standard Agency which was set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food. The other functions of MAFF have been taken over by the Department for Environment, Food and Rural Affairs.

The format of declaration should be as laid down in the European Directive. However, the Regulations stipulate the sequence for nutrients following the declaration of carbohydrates (i.e., sugars, polyols and starch) and fat (i.e., saturates, mono-unsaturates, polyunsaturates and cholesterol) but do not imply that all such nutrients must be declared. In addition, provision is made where a claim is made for any substance that belongs to, or is a component of a substance specified for inclusion in nutrition labelling, that is, fructose. In this case, the component substance must be listed immediately after the item to which it relates. These substances may, however, not be declared unless a claim is made for them and there is no provision for the statement to be made in graphical form.

Implementation of the Directive

All Member States of the European Union have implemented the Nutrition Labelling Directive. As regards national provisions, the majority is similar to the European Directive, but in each country there are differences with regard to the

detailed rules such as use of the language, format and in particular with regard to the use of nutrition claims.

Perspectives

European Union rules on nutrition labelling have been in place for over 10 years now giving manufacturers the option to declare nutrition information voluntarily in a standardized format unless a claim is made, in which case it becomes mandatory. The Directive is intended to help the consumer choose an appropriate diet. Therefore, the information should be simple and easy to understand. However, in the European Union, it has long been recognized that the current rules on nutrition labelling are not necessarily giving the messages that consumers want or need and it has been contemplated whether too much information has been offered.

The revision of the Nutrition Labelling Directive was due in 1998, but no proposals have been put forward. The review is however, still on the agenda and will certainly address the voluntary character of the legislation, the amount of information given and its presentation, legibility and consumer understanding.

Although nutrition labelling is perceived as a marketing tool by food manufacturers and generally made available on-pack, some think it should be made compulsory, as, for

example, in the US, where nutrition labelling is required unless a product is exempt from it.

In the UK, the Food Standards Agency which was set up on 1 April 2000 is advocating such a move, for example, through the 'Better Labelling Initiative'. However, there are still questions to be answered on how nutrition information should best be presented in order to maximize its impact while maintaining a sufficient degree of flexibility.

Nutrition is high on the agenda in the European Union and the establishment of a coordinated EU and Member States health promotion programme on nutrition, diet and healthy lifestyles by establishment of a network, strategy and action plan for the development of European dietary guidelines is vividly discussed by policy-makers and stakeholders alike.

References

1. Council Directive 90/496/EEC on nutrition labelling for foodstuffs of 24 September 1990. *Official Journal of the European Communities L276 of October 1990*. Luxembourg: EC, 1990; 40–44.
2. The Food Labelling Regulations (UK) 1996, SI 1996 no. 1499, as amended. London: HMSO, 1996.
3. The UK Ministry of Agriculture, Fisheries and Food (MAFF). *Guidance Notes on Nutrition Labelling*. London: MAFF, 1994.
4. UK MAFF Joint Food Safety and Standards Group. *Guidelines for the Use of Certain Nutrition Claims in Food Labelling and Advertising*. London: MAFF, 1999.