

**REFIT of the Regulation on Nutrition and Health Claims:
task 1 - nutrient profiles**

Interview guide: non-business stakeholders

Introduction

The objective of this interview is to **collect evidence** in relation to task 1 of the study: the nutrient profiles at EU level (EU-NPs) for foods bearing nutrition/health claims, as foreseen in Regulation 1924/2006 (the NHC Regulation).

This interview aims to focus on **aspects which remain less explored** from the survey questionnaire to which you have already provided a reply and your position papers. During the interview, we can discuss these topics if new elements emerged since the delivery of your reply to the survey questionnaire.

In answering the questions below, **please provide any available supporting evidence** (or, clarify when this is not available).

Some of the questions below refer to national/private schemes/initiatives, developed by authorities and/or by industry, which have nutritional objectives. These may include: nutrition labelling (back of pack; front of pack); advertising to children (EU Pledge); reformulation initiatives; food taxes etc. In line with the ToR of this study, we are investigating the impact of these schemes/initiatives, in particular the extent to which they may serve to achieve objectives. Although these questions cover any type of such schemes/initiatives, the following ones are the focus of **case studies**:

- FoP nutrition claim - NORDIC KEYHOLE: Denmark, Sweden
- Advertising to children – EU Pledge: Denmark, Ireland, UK
- FoP nutrition labelling – Traffic lights: UK, France, Belgium

Readings

<http://www.foodwatch.org/fr/s-informer/topics/logo-nutritionnel/en-savoir-plus/comment-le-lobby-agroalimentaire-a-affaibli-les-feux-tricolores-britanniques/>

<http://www.foodnavigator.com/Policy/European-Parliament-votes-to-scrap-nutrient-profiles>

https://www.foodwatch.org/fileadmin/Themen/Health_Claims/Dokumente/2016-03-31_foodwatch_study.pdf (page 4-7)

Nutrient Profiles

From the European Commission: http://www.senat.fr/europe/textes_europeens/a0006.pdf

From the WHO-Europe: http://www.euro.who.int/_data/assets/pdf_file/0005/270716/Europe-nutrient-profile-model-2015-en.pdf?ua=1

Background to SAFE

SAFE is an EU organisation. SAFE members are consumer, food, health, vegan and vegetarian associations and individual members from 8 MS. Funding comes from these members as they pay a fee. There is also funding from the Ministry of Education of the Federation Wallonia-Brussels (this is received to fund a project on sugar in schools in BE – training of children is taking place in 20 different schools in Belgium; and there will be a TV advert on sugar intake from September onwards funded by this). SAFE has no industry connection. SAFE represents about 1m consumers through the members of these organisations.

7 people. Try to follow what is happening.

Along with Nessa Childers MEP, SAFE is organising an event in the EP on 28th June on excessive sugar consumption; an invite was sent to Agra CEAS. As well as the school project, SAFE is developing a label for the industry (sugar control label) which can only be used by products with low sugar; under 5g for 100g of product. The label registration is ongoing to the EUIPO and is in the process of being launched. The next step is to contact the industry / encourage its use. Parts of the industry with low levels of sugar will welcome the label, it is to be seen how other parts of the industry react.

Current situation: non-setting of NPs / other schemes in place

1. Is there a proliferation of **national/private schemes/initiatives**, developed by authorities and/or by industry, across the EU?
 - a. What, in your view, are the main drivers of these schemes/initiatives? What are the needs to which they respond?
 - Lack of European legislation. Schemes and initiatives' implementation is determined by member state on a voluntary basis. There is neither a European Nutrient Profiles nor a European scheme/labels. If EU legislation was good enough (which it is not), such schemes would not emerge; these schemes are a sign that better EU legislation is needed.
 - Consumers asking for transparent and nutritional information in the context of food scandals (horsemeat, mad cow) that led to distrust among consumers.
 - This is also a question of public health. National authorities target at reducing non-communicable diseases such as obesity and diabete-2.
 - b. To what extent are they due to the absence of EU-NPs for foods bearing claims? Would they have been developed anyway, even if EU-NPs were there?
 - Probably not, if a European high-protective scheme was put in place, member-state would not have to impose their own and it will not leave place for industries' schemes neither.
2. What **actions**, if any, have consumer, public health organisations and other relevant NGOs taken in the absence of EU NPs?
 - **Nutrition labeling launched by NGOs:** Vegan OK, Sugarwise, Fairtrade
 - **Nutrition labeling endorsed by national authorities:** traffic light in France (Nutri-score), UK, Nordic keyhole
 - **Nutrition claims endorsed by national authority:** Heart Symbol in Finland, Nordic Keyhole
 - **Petitions:** FoodWatch to remove products that are misleading consumers.

Effectiveness

3. To what extent is consumer protection achieved under the current situation and what problems are encountered in achieving it?

You have already answered, including the reasons why the current situation provides inadequate consumer protection. Do you have examples of products bearing claims (or product sectors where such claims are often made) with high nutrient content aiming to trigger a halo effect – we can further discuss this point if any new elements have emerged?

- a. How systematically are conditions of use of claims ‘violated’ in terms of macro-nutrient* content in the foods bearing these claims? Is there any evidence (i.e. systematic cases) of foods providing inaccurate and non-reliable information to consumers? *fat, saturated fat, sugar, sodium/salt (‘FSS nutrients’)

Misleading packagings:

- **with pictures** that induce a lot of fruits, cereals, meat (=principal expensive ingredients) in the product whereas in the reality it is not true (ex: Grany, Lustucru pasta)
- **with nutritional information** that induce consumers’ purchases (ex: “100% teneur en fruit” when it is only concentrate fruit).

These are both misleading representations, though not just under health claims legislation.

Misleading health claims:

- Cf. Foodwatch survey on 644 products bearing health claim related to high content of vitamins which is supposedly very healthy. However, giving the presence of high amount of FSS nutrients, the product should not be considered as healthy anymore and should not be allowed to bear a health claim.

- b. Do specific types of consumers (e.g. age groups; socio-economic groups; consumer with specific health conditions etc.) face problems? Which and why?

- Children: as regards with their weight and height, they are the first victim of FSS nutrients. In addition, they are very sensitive to aggressive advertisements (ex: Capri-Sun, Multivitamin).

- c. To what extent does back of pack nutritional declaration provide sufficient critical information on the nutritional status of products bearing claims? Is it sufficient to enable consumers to make informed choices in particular vis-a-vis products not bearing claims?

- No, bearing claims is not a sign of quality.
- Back of pack nutritional information is written very small (1.2 mm) which prevent elderly people from seeing correctly nutritional information on food packaging.
- If you are not aware of how to read nutrition labeling, back of pack nutritional declarations remain very mysterious. For instance, nutritional information is calculated per 100g and not per serving which is the portion we really eat in reality. Consumers also do not know enough about additives to make judgements on them. SAFE performs consumer training for the reading of labels and sees first-hand the lack of understanding of consumers.
- Instead of that, we could have color-coding labeling, much easier to understand.

d. To what extent do the above schemes/initiatives provide additional protection to consumers of foods bearing claims?

i. To what extent do they provide additional critical information on the nutritional status of products bearing claims? Is it sufficient to enable consumers to make informed choices in particular vis-a-vis products not bearing claims?

- very visible and recognizable symbol, color coding
- certified by national authority, normally based on WHO's recommendation
- request from consumers to be better informed

ii. Have they worked towards, or against, the achievement of better consumer protection?

e. Schemes/initiatives follow different approaches / have different objectives: are there any advantages or disadvantages for consumers from each type of approach?

- Schemes made by industry are using guideline daily amounts based on higher sugar daily intake assessment (cf. traffic light in the UK, UFC-Que Choisir article). It is a clear disadvantage for consumers because they will be misled regarding their high daily sugar intake.

There are problems with the UK traffic lights system. For example, olive oil has a red light, but diet coke has green light, even though it contains additives, etc. The system can therefore be misleading.

4. To what extent are there variations in level of consumer protection between Member States under the current situation?

a. Are there variations in conditions of use for products bearing claims across the EU, leading to different levels of consumer protection? Did the non-setting of nutrient profiles at EU level lead to different assessment of the same claim on products sold in different MS?

- Yes they are variations between color coding as the UK traffic light and the Nordic symbol for instance or the Choices Programme in the Netherlands. On one side, there is a different color (from green to red) for each FSS nutrients whereas on the other side, there is one symbol guaranteeing it is a healthy product. Nutrition labeling is more detailed than nutrition claim.

- National nutrition labelings are based on different recommendations (Nordic Nutrition Recommendations 2012, WHO, regulation on consumer information on food, Food Safety Agency), why don't we use the same recommendations' bedrock from the World Health Organization?

Ex:

- Nordic keyhole is based on Nordic nutrition recommendation
- Choices Programme based on WHO recommendations
- Finnish Heart symbol based on Finnish nutrition recommendation
- Traffic light Symbol in the UK based on regulation (EC) 1924/2006

The above in turn leads to different levels of consumer protection across the EU.

- b. Are there variations in use of (**compulsory, back of pack**) nutritional declaration on foods, across the EU?

No answer

- c. Are there variations in use of other (**voluntary, front of pack**) schemes providing information to consumers on nutrient content of foods, across the EU?

Yes:

- Traffic light symbol (UK)
- Nordic Keyhole symbol
- Choices Programme in the Netherlands, Belgium, Czech Republic and Poland.
- Finnish Heart Symbol
- Upcoming French nutria-score

Efficiency

5. **To what extent** does the absence of limits on claims on foods high in FSS nutrients contribute to deterioration in public health?

- As back of pack nutritional labelling is unclear and incomprehensible for consumers (except for those who know how to read it), consumers are not completely informed when buying food products.
- Misleading health claims are participating to health problems as obesity, diabete-2 and tooth decays.
- Thanks to European nutrient profile, consumers could make an informed choice between two products regarding the impact on their health.

6. To what extent does the absence of harmonised approaches lead to variable levels of consumer protection across the EU (see also Q4)?

Already answered Q4

7. Has the absence of NPs at EU level led to higher level of consumer protection at national level, in MS that have established alternative solutions? How and why? E.g. by developing more targeted / better adapted solutions to the needs and nutrition objectives of MS, as defined at national level?

- Most of the time, national nutritional schemes are based on WHO's recommendations (Choices Programme).
- Yes in general, more information is provided by MS that have endorsed an alternative scheme. However, as for the traffic light in the UK, the new EU legislation on information for consumers on food (INCO) in 2011 raised the maximum level of sugar daily intake from 50 grams (WHO's recommendations) to 90 grams. Indeed, based on the INCO recommendations, the UK traffic light offers to a less extent health protection for consumers (cf. article from Foodwatch regarding how industry watered down the traffic light).

NB: Nutritional labels cannot be imposed by MS and it has to be based on EU legislation framework.

- However, a recognizable symbol as in the Nordic states is a good starting point to know at a glance which product is best.

8. Has the development of other schemes/initiatives in some MS led to better consumer protection in those MS (when compared to MS that have no schemes/initiatives in place)?

No answer.

Relevance

9. From a consumer's point of view, to what extent do the needs identified when the EU NP provision was adopted (i.e. < NHC Regulation) remain relevant? Have new needs been created, in addition to those identified when the EU NP provision was adopted?

Consumers remain worried about eating healthy products. It has not changed since 2006.

Examples of new needs:

- Vegan and vegetarian consumers with "Vegan OK" label.
- Clearer information regarding added sugar with "Sugarwise" label, future SAFE's labels "SugarControl".
- Safer food with labels that ensuring the origin of the products as "Viandes de France" that respect European and French norms.

Nutrient profiles remain relevant, and If done in a very good way to try to protect consumers (e.g. WHO NPs) they would be positive.

- a. To what extent does the evolving **regulatory** framework (front of pack nutrition labelling; other regulatory schemes) address these needs?

Consumers are not informed enough to – most consumers do not know how to read the back of pack labels. Therefore, e.g. back of pack labelling does not help consumers avoid misleading health claims. Nutrient profiles would allow consumers to make an informed choice about products and the real impact on their health.

- b. To what extent does the evolving **non-regulatory** framework (other schemes/ initiatives) address these needs?

SAFE has no particular thoughts on industry schemes. The fact that even the industry is taking measures (as well as individual Member States, which are tired of waiting for the EU to take action) suggests that there is a whole in the EU for NPs and the views of consumers need to be taken into account in establishing these.

It should be noted that the industry effectively provides the training on the reading food labelling, intake, etc, so the information being presented to consumers is often already misleading.

- c. Are consumers misled / are there any gaps? To what extent would nutrient profiles address these?

No answer

Coherence

10. To what extent does the current situation (lack of EU-NPs), and its effects, interfere with the achievement of objectives of initiatives taken under the EU Platform on Diet, Physical Activity and Health?

a. Would coherence improve with establishment of EU-NPs? How?

Yes indeed, consumers' health would be improved by having a well-balanced diet which means eating healthy product with less FSS nutrients. It goes hand in hand with the EU Platform on Diet, Physical Activity and Health objectives: pursuit of healthy nutrition, physical activity and the fight against obesity.

b. Would EU-NPs address aspects that are not addressed by the EU Platform? Which / how?

The work of the EU platform so far has been largely disappointing from an NGO point of view.

11. Other schemes/initiatives: would the above schemes/initiatives need to be continued if EU-NPs were to be set?

Yes, schemes will be continued because some of them answer to other consumers' concern regarding the origin of the product. If NPs did exist, SAFE would also continue work on their sugar label anyhow as there is a fundamental problem with too much sugar intake which is not just connected to the absence of nutrient profiles for health claims.

It also depends if EU-NPs are based on WHO recommendations and not on the European Nutrient-Profile as it has been set up in 2009.

EU Added value

12. Would EU-NPs increase the level of harmonisation and specificity of current rules (limiting claims in foods high in FSS nutrients)?

Yes, ingredients information should be set at European level in order to ensure maximum protection level for consumers. NPs should be harmonised at European level since consumers and member states are pushing in this direction.

13. Would developing NPs at EU level lead to lower costs - higher benefits? How and why?

Public health benefits would be the main benefits from the introduction of NPs.

14. Is there a need for action which may not necessarily take the form of nutrient profiles?

The European Commission could even go further in order to ensure high information about nutrient content on food packaging. This will lead consumers to change their food habits. Indeed, a French survey evaluated consumers' behaviours after introducing different color-coding schemes on food products. It showed the capacity of nutritional schemes to influence consumers' habit (see the study here http://social-sante.gouv.fr/IMG/pdf/20170425_rapport_etiquetage_nutritionnel.pdf).

15. Are MS likely to take action in the absence/withdrawal of **EU level provisions**?

a. What is the form of action that may be taken?

See answers to question 4c, 7 and 9 related to already existing actions.

- b. To what extent would there be a deterioration from current situation in practice?

No answer