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# SAFE response to Road map: Food labelling - revision of rules on information provided to consumers

*Document addressed to the European Commission by SAFE – Safe Food Advocacy Europe ASBL*

European consumers diet is not in line with dietary recommendations. As the Farm to Fork (F2F) strategy recalls, unhealthy diets contribute to the prevalence of many non-communicable diseases including obesity, diabetes and cardiovascular diseases, and their related healthcare costs for society and individuals. In this context, it is crucial for consumers to be able to make informed choices without being misled by unhealthy products whose ingredients information (suggested quantity of sugars, salts, fats to be consumed, additives, colourants, etc...) are unclear.

In the last years, Safe Food Advocacy Europe – SAFE contributed to the debate on a harmonised front-of-packaging (FOP) nutrition labelling, to ensure consumers are enabled to make healthy and sustainable choices. Therefore, SAFE thanks the European Commission for having the chance of commenting on the revision of rules on food information, specifically on following issues: FOP nutrition labelling, date making, and setting of nutrient profiles[1].

## 1. Proposal for a harmonised mandatory front-of-pack (FOP) nutrition labelling

The Farm to Fork Strategy[2] includes several initiatives to improve food information to consumers, among which the proposal for a FOP nutrition labelling to help consumers in making informed and healthy choices. To achieve these goals, it is paramount that the Commission comes up with a proposal capable of displaying all food components and products characteristics in a clear and understandable way.

The new framework should be based on the principle that the main policy objective of FOP nutrition labelling is to help consumers to make healthier food choices. Several studies show the importance of harmonised FOP labels to fill an informational gap, especially with people suffering from non-communicable diseases and older people more likely to report a need for a proper FOP label[3].

[1] The World Health Organisation (WHO) defines nutrient profiling as "*the science of classifying or ranking foods according to their nutritional composition for reasons related to preventing disease and promoting health. Nutrient profiling can be used for various applications, including marketing of foods to children, health and nutrition claims, product labelling logos or symbols, information and education, provision of food to public institutions, and the use of economic tools to orient food consumption*"[1] *WHO Regional Office for Europe nutrient profile model.*

[2] Farm to Fork Strategy, *https://eur-lex.europa.eu/resource.html?uri=cellar:ea0f9f73-9ab2-11ea-9d2d-01aa75ed71a1.0001.02/DOC_1&format=PDF*.

[3] European Commission Joint Research Centre, Joint Research Centre (2020), *https://marketac.eu/wp-content/uploads/2020/10/JRC-Report-Front-Of-Pack-Nutrition-Labelling-Schemes.pdf*.



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Based on these considerations, SAFE supports an approach towards a harmonised FOP labelling that results in a scheme that is:

- Able to highlight both positive and negative nutrient profiles of a products.
- Able to show the presence of well-known toxic and hazard substances demonstrated to be harmful by important research[4], such as certain additives, chemical colourants, and endocrines disruptors.
- Able to differentiate properly between ultra-processed and fresh food, informing consumers on the healthiness of food products and encouraging them towards fresh, sustainable, and healthy solutions.
- Interpretative[5].
- Mandatory for all Member States.
- Driven towards the sole mission of improving European consumers' health and tackling obesity, above all commercial interests.

Given the above considerations, SAFE would like to share its concerns on the proposed FOP label options presented in the Commission's roadmap. Although in terms of visual characteristics Nutri-Score (Option 4) tends to perform well and has often been positively evaluated in comparison to other schemes[6] [7] [8], a range of important concerns have been raised about its ability to inform consumers on nutrient profiles.

Specifically, SAFE collected evidence showing that NutriScore model disregards important information as whole grains, presence of artificial sweeteners, harmful additives and colourants, ultra-processed foods healthiness and endocrine disruptors [9] [10]. In the examples below, SAFE compared same category food products as well as products for different categories. In both cases, the nutritional information given to consumers is incoherent and misleading, as an overage consumer would apply the NutriScore rank homogenously on all products, opting for incorrect, or even dangerous, choices.

1. *Example 1: Two products ranked with A*

[4] Nicholas J. Maragakis, MD; Jeffrey D. Rothstein, MD, PhD, « Glutamate Transporters in Neurologic Disease », Neurology, 2001;58:365-370 ; Olney JW, Ho OL, « Brain damage in infant mice following oral intake of glutamate, aspartate or cysteine », Nature, vol. 227, no 5258, 1970, p. 609–611 ; Olney JW, Sharpe LG, Feigin RD, « Glutamate-induced brain damage in infant primates », Journal of Neuropathology and Experimental Neurology, vol. 31, no 3, 1972, p. 464–488 ; Daniel S. Casper, Ph.D., Robert L. Trelstad, M.D., Liane Reif-Lehrer, Ph.D, « Age-dependent Effects of Glutamate on Photoreceptor Cells of the Isolated Chick Embryo Retina, Journal of Neuropathology & Experimental Neurology, Volume 41, Issue 5, September 1982, Pages 522–535 ; Garber,A.K.&Lustig,R.H, « Is fast food addictive? » Current Drug Abuse Reviews 4, 146–162 (2011);

[5] Report of the European Commission on use of additional forms of expression and presentation of the nutrition declaration https://ec.europa.eu/food/sites/food/files/safety/docs/labelling-nutrition_fop-report-2020-207_en.pdf.

[6] Egnell et al. (2018) *Objective understanding of front-of-package nutrition labels: An international comparative experimental study across 12 countries*. *Nutrients*

[7] Vandevijvere *et al*. (2020) *Consumers' food choices, understanding and perceptions in response to different front-of-pack nutrition labelling systems in Belgium: results from an online experimental study*. *Archives of Public Health*

[8] Egnell et al. (2019) *Consumers' Responses to Front-of-Pack Nutrition Labelling: Results from a Sample from The Netherlands*.*Nutrients*

[9] European Heart Network (2020) *Front-of-pack (FOP) nutrition labelling – European Heart Network position.*

[10] SAFE Food Advocacy Europe (2020) *A need for a common Front-of-Pack nutrition label.*



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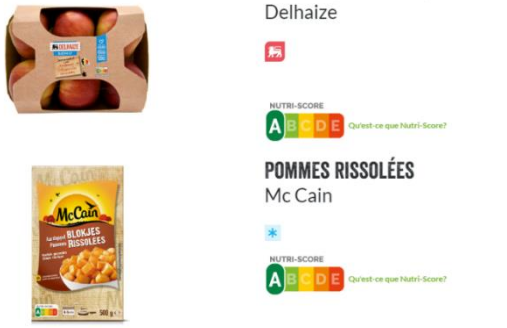
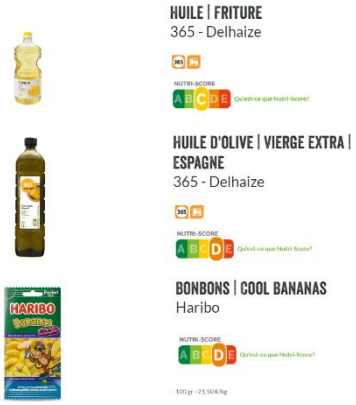
The image displayed shows two different product categories: an apple and pre-cooked potatoes. Both products are ranked with A, considering them equally healthy for consumers. However, it seems dubious that a natural product like an apple could be considered equally healthy as pre-cooked potatoes, given the clear nutritional difference of both products.




2. *Example 2: Sunflower oil, olive oil and jelly candies*

The following image compares two products of the same category and one from a different category, namely sunflowers with olive oil and candies. There is an inconsistency in the way NutriScore values sunflower and extra-virgin olive oil, the latter being penalised by the model as it does not consider its nutritional value. In the same rate of the olive oil there are jelly candies, a processed product without any nutritional value.




3. *Example 3: Drinks and frozen pizza*

Another example of misleading information for same product category is shown below where a Coca-Cola light is compared to a pineapple juice. While the Coca-Cola light is rated with "B", suggesting a semi-healthy option, the pineapple is (rightfully) considered with "C" because of its high sugar levels. The example well represents the issue of Nutriscore in disregarding some important information on the food components such as additives and level of industrialization of the product.



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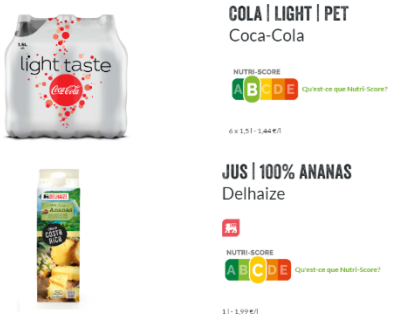


The second comparison shows two products belonging to different product categories, highlighting the issues of Nutriscore in considering important factors such as freshness. A processed frozen pizza with beef, chicken and additives is rated equally than a natural product as a coconut, both rated with "B".


In this light, SAFE supports the view that "*a scientific committee of independent experts should be established to review and adapt the algorithm underpinning NutriScore and to assess whether and under what conditions the algorithm may be converted into a pan-European label*."[11] This committee should not be limited to representatives from countries that have already decided to endorse Nutri-Score. Also, if and once adopted, such experts panel should preside over the process of regular further adaptions of the algorithm should the need arise in light of evolved evidence.

The new harmonised FOP nutrition labelling should be designed to be up to the challenges and complexities of our food production system. The oversimplification of a model, although comprehensive and intuitive, would not consider these complexities, showing only partially what consumers should know about their food. A FOP nutrition labelling "not fit for purpose" would undermine the overall health of European consumers, confirmed by the rising of diabetes, obesity and non-cardiovascular diseases, showing the long-term effects of our modern diet.

To conclude, SAFE strongly suggests the Commission to consider these concerns in the evaluation for establishing a harmonised FOP nutrition labelling, as it is not a matter a specific FOP label scheme, but an issue inherent to different models. SAFE urges the Commission to consider a more comprehensive

[11] European Heart Network (2020) *Front-of-pack (FOP) nutrition labelling – European Heart Network position*



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approach in establishing this new framework up to the challenges that our food system and consumers are facing.

## 2. Revision of the EU rules on date marking

Defining the best ways to prevent food waste is central to help the transition towards a sustainable food system. A recent Commission's study estimated that 10% of food waste in the EU supply chain is linked to date marking[12] , and the Eurobarometer showed that 1 in 2 European consumers misinterpret the difference between "use by" and "best before" date[13] .

Although improving consumers understanding of date marking surely represents a crucial step to prevent food waste at household level, the ongoing debate on waste reduction shall acknowledge that food waste occurs at all level of the food supply chain. Recognising this issue is a paramount step to shape tailored and effective policy actions.

Based on these considerations, SAFE supports an approach towards a food waste reduction that results in a model that:

- Envisages actions all along the food supply chain.
- Educates consumers in all Member States about the difference between "best before" and "used by" to ensure consumers awareness on products quality.
- Considers more realistic food expiration dates, as often unrealistic short days are given mostly for dairy and meat products.
- Recognises the difference between food loss and food waste to shape tailored and effective policy actions.

The ongoing debate on waste reduction should first include the difference between food loss and food waste, as being critical to define the way effective policies would be shaped in light of the Farm to Fork Strategy objectives. While food waste is generally defined as the loss happening at the retail and consumers level, food loss focuses on waste that occurs in the production level[14]. Therefore, to successfully accomplish the transition towards a more sustainable food system, new actions shall be undertaken at all levels of the supply chain, remembering that food waste is a shared responsibility among all actors of the food supply chain.

For this reason, SAFE strongly advices the Commission to develop labelling solutions able to inform consumers about products produced generating minimum food loss, in order to incentive and stimulate companies to actively implement waste management solutions.

As from data marking, SAFE would like to warn the Commission on a series of concerns related to the elimination of "best before" date. First, any considered measures to tackle food waste should carefully

[12] European Commission market report on date making https://op.europa.eu/en/publication-detail/-/publication/e7be006f-0d55-11e8-966a-01aa75ed71a1/language-en

[13] Flash Eurobarometer 425: Food waste and date marking https://data.europa.eu/euodp/fr/data/dataset/S2095_425_ENG.

[14] Definition of food loss provided by FAO http://www.fao.org/sustainable-development-goals/indicators/1231/en/



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evaluate to what extend it contributes to the creation of food waste. For instance, recent studies shows that 80% of the food wasted at household level consists of meat, and dairy products which are usually showing only "use by" date indication[15]. In addition, fresh veggies and fruits are another big contributor of waste at consumers level, for which a "used by" date is not even applied. Further research on this matter should be conducted to avoid untargeted measures to be implemented.

Second, SAFE believes that the "best before" date guarantees consumers access to important information on the quality of the food they are purchasing. Specific product properties (freshness, taste, flavour, vitamins and minerals content) can be granted to consumers only when the product is consumed within a certain timeframe, that usually does not match the "used by" date. Therefore, stopping consumers to have access to this information would prevent them to use products in their healthiest period.

Moreover, the removal of the "best before" date could trigger safety concerns due to components (e.g. Bisphenol-A) that could migrate from the packaging to the food when it is not consumed within a certain period[16]. In fact, "best before" protect consumers from ingesting or getting in contact with potential endocrine disruptors and other harmful substances, and help preventing the so called "cocktail effect" of hazardous substances.

Based on these considerations, SAFE would like to support the proposed Option 3 to improve the expression and presentation of date marking to better define food safety and food quality. This option can protect consumers from possible overuse of additive substances that could be used by the industry to prolong food shelf life.

## 3. Setting 'nutrient profiles' restricting the promotion (via nutrition and health claims) of foods that are high in fats, sugars and/or salt

SAFE welcomes the Commission's initiative to foster sustainable food system, wholesale and retail sectors by promoting healthier diets. SAFE believes that it is indeed of the uttermost importance that consumers are not mislead into buying products with poor nutritional profiles due to inaccurate packaging and claims.

The prevalence of sugar in EU citizens' diet has considerably increased through the second half of the last century until now. This factor is having significant and detrimental effects on their health, leading SAFE to consider this a major public health issue, along with many scientists and experts[17]. Indeed, sugar, which has been widely used by the agro-food industry for its sweetening proprieties, can today be found in a wide range of food products, from candies to pizzas, to prepared meals and multiple canned goods (e.g. tomato sauce, beans, and other can-products). This ubiquity of sugar in processed

[15] Institut für Abfallwirtschaft der Universität für Bodenkul-tur Wien (2012) Sekundärstudie Lebensmittelabfälle in Österreich; p. 87.
[16] SAFE Food Advocacy Europe (2017) *Food packaging context and European Policies*.
[17] *https://www.uptodate.com/contents/dietary-carbohydrates?source=see_link*



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food has contributed to make sugar over-consumption a common thing in the EU, which is why SAFE has launched its *Sugar Project* in February 2017.

During the project[18], SAFE conducted several campaigns to improve consumers food labelling information, conducted workshops[19] in several Member States on the risks connected to high consumption of High Fat Sugar Salt (HFSS) food. Detecting and understanding the presence of sugar in processed food products can be extremely challenging for consumers, other ways should be developed to inform on the maximum quantity of sugars that should be consumed.

According to WHO recommendations[20], the suggested sugar daily intake should amount to less than 5% of the total energy intake for adults, equal to roughly 25 grams (6 teaspoons) per day which would guarantee considerable health benefits. The only way to ensure consumer adherence to healthy diets and prevention of developing obesity and other non-communicable diseases is to graphically change the quantity of sugar present in a product with more intuitive representation (e-g. using teaspoons method to clearly show quantities).

Despite proper information to consumer and educational programmes attempting to train on nutritional dietary recommendations is a fundamental step to reduce obesity in Europe, this legislative review is an outstanding opportunity to act also on encouraging producers to reformulate their products and improve EU regulations, to achieve the goals set in the F2F strategy.

In this regard, the Claims Regulation[21] should have already established by January 2009 "*specific nutrient profiles and the conditions, including exemptions, which shall be respected for the use of nutrition and health claims on foods and/or categories of foods*"[22] to prevent that the application of health claims on food packaging mask the overall real nutritional characteristics of a food product, which could mislead consumers when trying to make healthy choices. Despite the mentioned commitment, the establishment of these nutrient profiles did not occur yet.

The European Commission's F2F strategy replanned to establish strict nutrient profiles that could help preventing to claim foods as healthy while being classified as HFSS by 2022 (such as being a good source of fiber or calcium). Specifically, the Commission reaffirms its will to "*seek opportunities to facilitate the shift to healthier diets and stimulate product reformulation, including by* ***setting up nutrient profiles to restrict the promotion (via nutrition or health claims) of foods high in fat, sugars and salt***".[23]

SAFE urges the Commission to solve this issue, establishing a legislative framework ensuring consumer protection able to avoid nutrition claims on HFSS food. Hampering the use of marketing tools to

[18] SAFE Sugar project *https://www.safefoodadvocacy.eu/sugar-project/about-the-sugar-project/*.
[19] SAFE Nutrition trainings on sugar consumption *https://www.safefoodadvocacy.eu/sugar-project/nutrition-trainings-on-sugar-consumption-for-children/*.
[20] WHO Sugar intake recommendations *https://www.who.int/publications/i/item/9789241549028*
[21] *Regulation (EC) No 1924/2006* on nutrition and health claims made on foods.
[22] Article 4 *Regulation (EC) No 1924/2006* on nutrition and health claims made on foods.
[23] European Commission (2020). *A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*.



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advertise HFSS food properties must come as a priority of this legislative review, ensuring that these claims are effectively regulated to protect children and all society.

In order to achieve this objective, SAFE warns against a continued authorisation of nutritional claims on food products whilst no nutrition profiles have been defined nor implemented by the EU: HFSS products should not be marketed if the nutrition claims they bear are likely to mislead consumers into making unhealthy food choices when they shop.

Given the ongoing discussion on the FOP nutritional labelling, the Commission may consider appropriate to apply existing nutrient profile models, such as the World Health Organization (WHO) European Region nutrient profile model. [24] The latter could be relatively easily and quickly adapted for the purpose of claims.

Finally, SAFE would like to draw the Commission's attention on the misleading use of a "natural" mentioned in the Regulation on nutrition and health claim. According to a report recently published by SAFE[25], the use of the term "natural" is overused by food producers, leading consumers to make their choices based on incorrect assumptions. As there is no clear definition of what "natural/naturally" means at EU level, products containing synthetic substances are found to be claimed as natural.

[24] WHO/Europe (2015) *WHO Regional Office for Europe nutrient profile model.*
[25] Report on misleading use of the term natural *https://www.safefoodadvocacy.eu/natural-campaign/*.



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