



**SUSTAIN RESPONSE TO THE FOOD STANDARD'S AGENCY CONSULTATION ON THE
*EU Proposal for a new regulation on the provision of food information to consumers.***

Summary

Sustain: The alliance for better food and farming advocates food and agriculture policies and practices that enhance the health and welfare of people and animals, improve the working and living environment, enrich society and culture and promote equity. We represent around 100 national public interest organisations working at international, national, regional and local level. See www.sustainweb.org for more details about our work.

We welcome the chance to respond to this consultation. There is a clear desire from many consumers to eat more healthily and more sustainably. Food labelling is a vital mechanism to help consumers to make healthy and sustainable choices so the stakes are high.

We therefore welcome the European Commission's decision to ensure better provision of food information to consumers through better labelling. However, we believe that EU countries must not have to move at the pace of the slowest when implementing labelling laws. **A degree of flexibility has to be introduced that will allow members states to introduce compulsory labelling rules to promote healthy and sustainable diets.**

Sustain has long supported the work of Food Standards Agency (FSA) on nutritional labelling. We recognise the evidence which shows that the FSA's recommended traffic light labelling model is the most effective at helping consumers to make healthy choices. Our Children's Food Campaign has campaigned for a number of years to promote traffic light labelling and point out the deficiencies of the alternative 'percent of Guideline Daily Amount (GDA)' approach. **We also suggest a change to the way additives are labelled to help consumer understanding.**

However, as well as nutrition information, we believe we need to give equal attention to the issue of how food products' sustainability can be communicated to the public. Many companies, including Walkers and Tesco, are already introducing their own schemes for sustainability labelling and we welcome the increasing recognition for this important issue. However, we believe that the lessons learnt from the research that informed the FSA's decisions on nutrition labelling also need to be applied to sustainability labelling. Therefore, **we believe that there should be a single system of sustainability labelling which can be understood at a glance.**

The issue of sustainability labelling will rapidly grow in prominence over the years that this Directive is being debated and finalised. Within a few years a proposed directive on food labelling that does not contain rules on communicating the sustainability of a product will seem oddly outdated. Given this, we believe the FSA and European Commission need to work on effective models of sustainability labelling now.

Section one: Responses to specific questions:

Article 29 (1): Content of mandatory nutrition declaration

Do you agree with a minimum nutrition declaration requirement, as proposed (energy, fat, saturates, carbohydrates with specific reference to sugars and salt)? Please give your reasons.

No. We believe minimum nutrition declaration should be the nutrients most important for public health: Fat, Saturates, Salt and Non-Milk Extrinsic (NME) Sugar.

The aim of these proposals must be to benefit public health and we are unconvinced of the public health benefit of listing carbohydrates in this way. All of the current nutrition labelling systems used in the UK (traffic light, percent of GDA and a hybrid) use these four nutrients and there is clear public awareness of the importance of limiting one's intake of sugar and salt, but not carbohydrates.

It is not entirely clear to us what "carbohydrates with specific reference to sugars and salt" means in labelling terms. However, this entirely unnecessary change to the established way of presenting these nutrient will damage public awareness of healthy eating messages (such as don't eat more than 6 grams of salt a day) and mean substantial extra spending by Government on educating consumers about the new way of measuring these nutrients.

Even worse, this form of expression would exacerbate consumer confusion if mandatory labelling mixes nutrients with recommended upper limits (such as salt, saturates etc.) with nutrients with recommended lower limits or averages (such as carbohydrates).

The declaration for sugars should be for non-milk extrinsic sugars (NME), not total sugars, to ensure that nutrition labelling is consistent with and supportive of the recommendations of national¹ and WHO² scientific reports that NME sugars should not exceed 10% of total dietary energy.

Do you support the proposed exemption from giving a nutrition declaration for wine, beers and spirits, pending a Commission report on the suitability of this labelling for these products? Please give your reasons.

No. There is no public health argument for this exemption.

We also support the long running campaign by groups like the Campaign for Real Ale (CAMRA) that alcoholic drinks should have a compulsory and full list of ingredients.

Article 30(3): Calculation of nutrition declaration

Should the nutrition declaration only refer to the food "as sold" or "as consumed"? Would it be appropriate for manufacturers to decide which they use or do you think this has the potential to confuse or mislead consumers? Please give your reasons.

¹ Committee on Medical Aspects of Food Policy. 1991. Dietary Reference Values for Food Energy and Nutrients for the United Kingdom. Report on Health and Social Subjects 41. Department of Health.

² World Health Organization. 2003. Diet, Nutrition and the Prevention of Chronic Diseases. Report of a Joint WHO/FAO Expert Consultation. Technical Report Series No 916. Geneva: WHO.

We believe labelling should be “as sold” because it is very difficult to judge what consumers will do with a food once it has been bought and how this will affect the levels of the various nutrients in the food. It is vital that there is consistency in this area to ensure that consumers know that they have to always factor in the healthiness of the method of preparation into their calculations about the healthiness of a product. Thus manufacturers should not be permitted to decide on what type of declaration they give.

Article 31 (3): Form of expression

Should nutrition declarations include the expression of the nutrient as a percentage of the reference intake value on a mandatory basis? If so, should it appear on front of pack, back of pack or be left to the discretion of the manufacturer? Please give your reasons.

We believe that there should be mandatory information on the level of fat, saturates, NME sugars and salt expressed as traffic light signpost labels on the front of pack.

We do not believe that a percentage of reference intake values on the front of pack should be mandatory. The Commission proposal is essentially the same as the percent of GDA labelling scheme favoured by some in the food industry. The Agency’s own research into this scheme shows why it is ineffective at promoting healthy eating:

- 62% of people misunderstood GDA-based labels. In comparison, only 21% misunderstood traffic light labels.
- 42% of consumers said that GDA-based labels were too complicated.
- GDA-based labels took at least 3 seconds longer for individuals to interpret.³

We also note that the current proposals recommend using the Institute of Grocery Distribution (IGD)’s GDA levels. We note that that the IGD GDAs are controversial and not agreed scientific consensus. We believe there should be a full independent scientific review of reference intake values before any scheme based on percentages of them could be considered for inclusion on either front or back of pack.

We believe that the full eight nutrients should be mandatory on the back of pack to assist consumers with either specific needs or those who have a level of knowledge and interest where this level of detail would be useful.

Should the expression of the percentage of the reference intake value be presented in relation to per 100g/ml or per portion or both? Please give your reasons.

We do not have confidence in the food industry to set realistic portion sizes without regulation and so support the use of a standard 100g/ml portion size. The National Heart Forum’s report on GDA labelling ‘Misconceptions and misinformation: The problems with Guideline Daily Amounts (GDAs)’ listed a series of examples of industry using unrealistic portion sizes in their labelling.⁴

Using a standard 100g/ml portion allow for clear comparisons between products, which is a significant benefit to consumers. However, we do recognise that this approach is not without problems. Standard portions could be argued to reflect harshly on products usually served in

³ The 2005 Synovate survey for the FSA on consumer attitudes to different food labelling schemes.

⁴ Available from www.heartforum.org.uk

portions significantly 100g/ml, and overly generously to products usually served in portions of over 100g/ml. If stakeholders could agree a set of robust portion sizes for categories of food it is conceivable we could support their use. But, we currently see no prospect of this happening and so support the use of standard 100g/ml portions in this Directive.

Article 32 (2) & (3): Expression of nutrition declaration on a per portion only basis

Do you agree with the conditions given in Article 32(2) and (3) for when the nutrition declaration can be given on a per portion only basis? Please give your reasons.

Article 32 (2) The nutrition declaration may be expressed on a per portion basis alone if the food is prepacked as an individual portion.

No, we do not agree with this. Consumers will find it easier to compare the nutritional qualities of different foods if their nutrition declaration is given per 100g/ml as well as per portion. One of the most persuasive arguments for a standard portion size is the ease of comparison between different products. This would be lost if foods with individual portions are excluded from the obligation to publish a nutrition declaration per 100g/ml.

Article 32 (3) The expression on a per portion basis alone for foods presented in packages containing multiple portions of the food, that have not been prepacked as individual portions, shall be established by the Commission. Those measures designed to amend non-essential elements of this Regulation by supplementing it shall be adopted, in accordance with the regulatory procedure with scrutiny referred to in Article 49 (3).

Again, we believe the consumer interest is best suited by easily comparable portion sizes.

Article 33: Additional forms of expression

(33.1) Do you agree with the proposed criteria for the provision of additional forms of expressing the nutrition declaration? Please give your reasons.

Yes. Nutrition declarations should be expressed in forms that consumers can understand and use. Article 33 (1b) refers to expressions being based on “*harmonized reference intakes, or in their absence, on generally accepted scientific advice on intakes for energy or nutrients;*” There is an urgent need for a comprehensive, independent review of reference intake values – in line with public health needs - to underpin criteria for nutritional labelling. Such a review, and the setting of resulting values must be undertaken by a competent, independent authority, such as the European Food Safety Authority at EU level, or national equivalent agencies at Member State level.

(33.2) Should additional forms of expression (such as the colour-coding of nutrients to give information on the levels present in a food) be permitted on a national level, as set out under Article 44? Is this provision sufficient? If not, please explain why, what you feel is necessary and how this could be accommodated within the proposal.

We believe it is vital that nation states who wish to pursue innovative national schemes, like traffic light labelling or sustainability labelling, should be allowed to do this.

EU labelling law develops very slowly and is therefore poorly equipped to deal with fast developing problems such as the emerging links between diet and climate change. It would be a great pity if EU regulations prevented nation states from adopting new labelling schemes to help respond to these problems.

Individual national schemes are also vital to encourage innovation and future development of labelling schemes. The EU, quite rightly, wants labelling schemes that are thoroughly tested and based on robust evidence. It will be impossible to develop these in the future if innovative national schemes are stopped because they do not fit a prescribed EU model.

The main argument against allowing such national schemes seems to be that they will somehow damage the single market. We do not believe that this argument holds much weight. The major obstacle to a single market in food labelling remains the inescapable fact that most EU countries speak different languages and therefore food companies have to produce almost all of their labelling specifically for a particular country. It would therefore not damage either the working of the single market or impose significant extra costs on business to allow national schemes.

Article 34 (1): Presentation of the nutrition declaration

Should front of pack nutrition declarations be mandatory or should they be permitted on a voluntary basis provided they conform to agreed set principles defined at an EU or national level?

Front of pack nutrition signposting labelling must be mandatory. Research evidence⁵ shows that front-of-pack labelling is significantly more effective at shaping consumer behaviour than back-of-pack labelling. It is therefore vital that all food products have a clear and simple nutrition declaration on the front of pack. We believe the best format for this is the traffic light labelling scheme researched and developed by the FSA.

Compulsion of front of pack labels is vital. Self-regulation is promoted by the food industry as a viable alternative to legislation,⁶ and has been the preferred policy choice of governments for many years. This is despite evidence accumulating in a number of different fields that it does not work. A Sustain report examined the failure of self-regulation in children's food advertising, tobacco and alcohol promotion, controls over fishing, breast milk substitutes, the use of pesticides and antibiotics in farming and supermarket power.⁷ There is little to suggest food labelling will be any different.

Voluntary codes are often weak and the commercial incentives not to comply are strong. Indeed, companies will be at a competitive disadvantage if they reveal more than their rival firms and, by its nature, non-compliance within a voluntary code carries little risk.

⁵ The 2005 Synovate survey for the FSA on consumer attitudes to different food labelling schemes.

⁶ Food Quality News website (2006). "Food sector lobbies for more labelling self-regulation", retrieved 3.9.2007, from <http://www.foodqualitynews.com/news/ng.asp?n=68606-ciaa-labelling-packaging>

⁷ Children's Food Campaign (2005). 'The Children's Food Bill: Why we need a new law, not more voluntary approaches.' Sustain: London

Section two: Scope of the regulation:

We believe that the Directive must extend to two other areas of labelling policy: sustainability and additives.

Labelling of additives

Consumer interests are not best served by the current rules on labelling additives which allow the same substance to be labelled two ways; as an E-number and as name. This makes it unnecessarily difficult to educate consumers about which additives to avoid if they are concerned about particular health effects. We therefore believe that there is strong consumer interest in simplifying labelling law to ensure that there is a single unalterable format for additives to be listed on ingredients lists.

Sustainability labelling

Food labelling is one way, among many, to encourage a more sustainable food and farming system. It could prompt consumers to use their purchasing power to influence the development of social, environmental, health and animal welfare values in the food system. It could help to show which products support farming livelihoods and the market for local food, and which support farming communities in poor countries. Provided in an appropriate format, it could also help to differentiate sustainable and less sustainable products; in turn providing added value, stimulating innovation and making sustainability a matter of competitive advantage.

The stakes are high. Food and farming are in crisis. Farming is unprofitable for many,⁸ and damaging to the environment⁹. The nutritional quality and imbalance of the food we eat is putting at risk not only our physical health¹⁰, but possibly our mental health and well-being too¹¹. Food culture is disappearing fast.¹²

However, current food labelling does little to support progress towards a more sustainable food system. It is patchy, misleading, often incomprehensible¹³ and therefore largely ineffective in prompting consumers to choose genuinely sustainable food and, more importantly, encouraging improvement in food manufacturing and farming practices. Despite its ineffectiveness, the number of labelling schemes purporting to show one or more aspects of sustainability – including environmental labelling – continues to proliferate, creating a confused and confusing food information landscape.

If these rules do not allow citizens to exercise their right to know about the food they eat, and if current food labelling is disguising the true impact of food production on society and

⁸ DEFRA (2005). "Farm Business Survey: Economic report on the farming Industry", retrieved 4.9.2007, from: <http://statistics.defra.gov.uk/esg/asd/fbs/results.htm>

⁹ Pretty *et al.* (2000) An Assessment of the total External Costs of UK Agriculture" *Agricultural Systems* Vol. 65: 113-136

¹⁰ See numerous reports from the Department of Health over several years on the strong links between diet and illnesses such as cardiovascular diseases (such as heart disease and stroke), some cancers, type II diabetes, a number of obesity-related conditions, and poor oral health.

¹¹ Van de Weyer, C (2006) *Changing Diets, Changing Minds: how food affects mental health and behaviour*. London: Sustain

¹² Edward, R (2007). "Children 'think chips grow on farms'", retrieved 31.8.2007, from: <http://news.scotsman.com/uk.cfm?id=1383902007>

¹³ National Consumer Council (2003). 'Bamboozled, Baffled and Bombarded: consumers' views on voluntary food labelling.' NCC: London

the environment, perhaps even contributing to prolonging and even rewarding damaging practices, then the rules should be changed.

There is a bewildering number of labels on an ever-increasing range of food products now available.¹⁴ Appendix 1 lists just a sample of these. New labels are being added constantly to this list, potentially adding to the confusing 'noise' of information and detracting from established accreditation schemes. For example a country of origin 'tick' label was launched as recently as August 2007 by GB Choice (a farm campaign group).¹⁵ The range of food and drink products carrying such labels is wide, but there are many inconsistencies. Food without packaging carries the least information and catering little or none.

All of the sustainability labelling schemes that we know of concentrate only on positive attributes and fail to highlight bad practice. In effect, a consumer is presented with the choice of 'neutral' and 'special' products (often at a premium price), which is in our opinion misleading, since bad practice on such issues as the environment and workers' rights is not neutral. A notable exception to this arrangement is in energy labelling for electrical goods (due to EC legislation), in which products are shown with A to E ratings. Exposing the poor energy performance of certain products has encouraged most retailers to phase out the worst and promote the best, effectively shifting the whole market towards less carbon-intensive products.

Some schemes are accredited, with independent certification, offering high levels of assurance and traceability, and some are not, representing little in terms of real values and lacking transparency. Yet there is little to distinguish between such schemes, except for the most well-informed consumers who are prepared to undertake research into the issue.

How consumers change their purchasing behaviour in response to labelling is variable. Some recent market research found that very few consumers recognised the Red Tractor, Freedom Foods and Leaf labels, and fewer made purchasing choices based on them, though this research was contested by the labelling organisations concerned. The Fairtrade label, by contrast, performed much better in this research on its recognisability and ability to influence behaviour.¹⁶ Rising organic sales also testify to the positive effects of labelling and marketing communications.¹⁷

However, changes in consumer behaviour should not be the only focus for judging label efficacy. Sustain believes that it is producers, manufacturers and retailers who need to change their behaviour by reformulating their products or altering production methods. Indeed, a robust labelling system, based on legislation, has already been proven to alter industry practice – and therefore consumer purchases – in the electrical white goods sector.¹⁸

Sustain's research to produce even the limited information in Appendix 1 required considerable investigation to find out what each label stands for, how the standards are set and monitored, by whom, and where their funding comes from. The majority of consumers

¹⁴ Tesco website: www.tesco.com. "Talking Tesco: how we compete", retrieved 29.8.2007, from: www.tesco.com/talkingtesco/productChoice/

¹⁵ GB Choice National Tick (label of origin) Scheme website: <http://www.gbchoice.com>

¹⁶ Cole, B (2007). "Red Tractor and other labels fail to register with shoppers." *The Grocer*, August 6, 2007

¹⁷ Smith, L (2007). Sales of organic food soar to £2bn but prices will continue to rise. *The Times*, September 1, 2007, see: http://www.timesonline.co.uk/tol/life_and_style/food_and_drink/article2364102.ece

¹⁸ Sustainable Consumption Roundtable (2006). 'I Will If You Will: Towards Sustainable Consumption'. Sustainable Development Commission: London

will not, of course, have either the time or inclination to undertake such research; nor will they necessarily have the expertise to judge whether claims are accurate. We see this as a demonstration of market failure to provide consistent information, and therefore merits government action. It is our view that patchy, partial and perplexing labelling is helping to maintain an unsustainable food and farming industry, with all the associated costs to the environment, society and the long-term health of the economy.

Currently, each label is unique in the way it is calculated, assessed and awarded. This is, of course, necessary when measuring incomparable factors such as carbon dioxide (CO₂) emissions and animal welfare. It is less acceptable when comparing like with like. For example, carbon labelling has created a whole scientific and academic sub-culture in how it is assessed, quantified and displayed and yet, despite the fact that methods are still in the process of development¹⁹, labels are already appearing on some products²⁰. Similarly, all nine UK organic labels are subject to the same basic EU legislation but all have different systems of assessment and symbols, and some standards are higher than others. Other labels have been criticised as being so weak as to be meaningless.

Rationalisation is essential to gain consumer confidence and to create consistent pressure on retailers and manufacturers for change. It needs to be comprehensive and comprehensible.

Comprehensive: What should be shown on a food label?

A sustainability food label should be comprehensive as possible in its scope, given the current state of knowledge, and be designed to be flexible enough to incorporate changes. Sustainable development is a set of interdependent parts and over- or under-emphasis of one part will lead to a weakening of the whole approach. In addition, citizens have different priorities at different times and a label should be able to accommodate these differences.

Comprehensible: How can these factors be measured and conveyed?

For some of the sustainability factors shown on figure 1, data is already available, being collected, and appearing on labels, while for others it is at a development stage. Collection, analysis and display of sustainability criteria is a constantly evolving process. It does not need to be, and may never be, perfect, but needs to be good *enough* to encourage producers to make and consumers to buy more sustainable food.

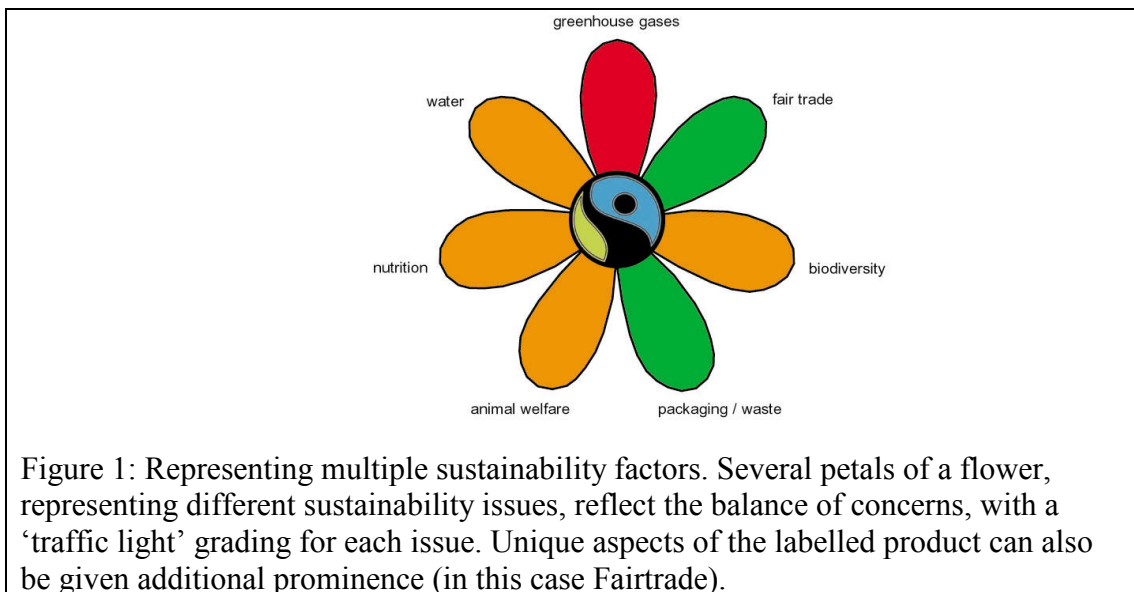
For some product attributes, vegetarian labelling for example, a product either does or does not qualify for a label. However, for the majority of sustainability characteristics, they can be graded from poor, though middling, to good, with the grading as fine (five, seven or more grades) or as simple (three, like the traffic lights) as required. This grading system can encourage producers to improve, and move up the gradient, and also allow purchasers to make more sophisticated choices.

Sustain is developing, with its membership and others, methods for handling multiple sustainability criteria, allowing grading for each. Each petal of the “flower” in figure 1 represents a different sustainability factor. Using a version of the ‘traffic light’ system each petal can have a value associated with it (red=poor, amber=improving, green=good). Colours

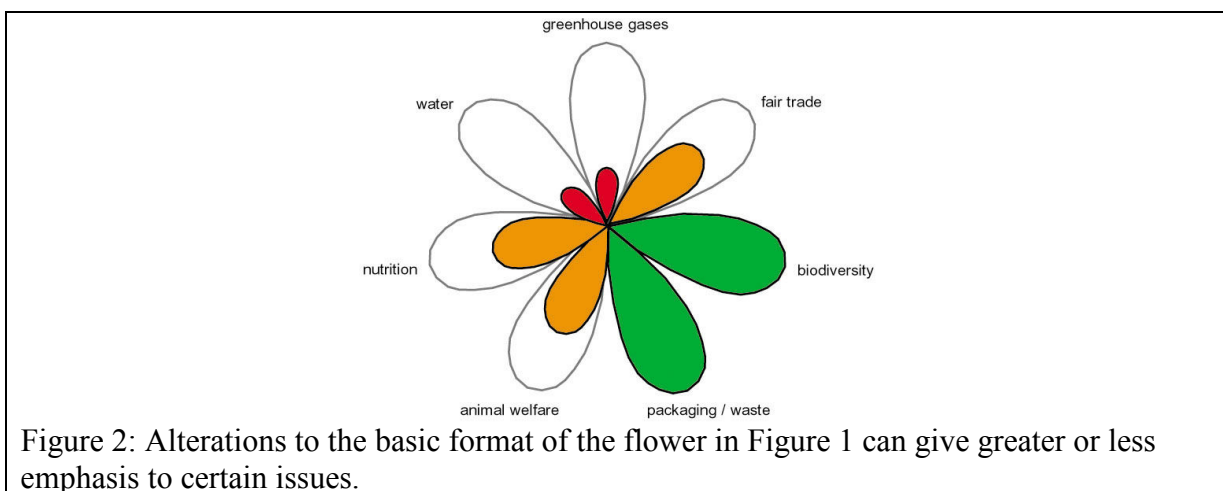
¹⁹ See announcement in “Food labelling” article in June 2007 edition of Defra’s *Farming Link* magazine: <http://www.defra.gov.uk/farm/contact/link/pdf/fl-june07.pdf>

²⁰ Walkers corporate website (2007) ‘Calculating the carbon footprint of a packet of Walkers Cheese & Onion Crisps’, retrieved 26.09.07, from: http://www.walkerscarbonfootprint.co.uk/walkers_carbon_footprint.html

allow for rapid and clear assessment by consumers and clear signals to the food industry. To emphasise a particular factor the centre of the flower can contain a sustainability symbol (in figure 1 Fairtrade) without losing the detail of the full range of factors.



An alternative method is to represent scores both by colour and relative sizes of the petals (see Figure 2). This may help consumers to understand at a glance that green petals represent a full score, and that red petals represent a poor score, since there is ‘room for improvement’.



We do not argue that either of these models provide a definitive solution to demonstrating the sustainability of a product, but they do show that what we argue for in this paper is a practical proposition. We believe it is vital that further research is undertaken to ensure an effective system of sustainability labelling which can be permitted by this Directive and, as soon as practicable, made compulsory.

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Appendix 1: Examples of types of label showing one or more aspects of sustainability

Label	Aspect of Sustainability	Products/Licenses	Who runs it?	Regulated	Comments
Carbon Trust	Environmental	Around 20 food products (trial)	Private company, set up by Government	No	Currently working with the British Standards Institute, Defra and others to develop robust methods for measuring greenhouse gases (GHGs) from food and farming system, since methane and nitrous oxide, as well as carbon dioxide, are important.
LEAF (Linking Environment And Farming)		Waitrose fresh produce, among others	Charity	No	Funding sources not clear from the website, though historically LEAF has been funded by agrichemical companies. Aims to reduce, not stop, pesticide use. Compliance often monitored by users. Farm focused.
Marine Stewardship Council		19 retailers, processors and distributors, hundreds of products, and a schools programme	Charity	No	Well respected in business and science, global in scope and accompanied by strict monitoring of fisheries.
Organic 9 UK labels plus many in EU	There are many overlaps. Organic covers several, though not yet all, sustainability factors under a single name	Over 7,000 producers, growers, processors and importers	Varies. Private, charities and, in the case of the EU label, government	EU and UK law on organic food and farming	Fast growing sector. Some labels have higher standards, e.g. for animal welfare, than others. The Soil Association is the largest and best known certifier. Basic EU law is considered too weak by some.

Fairtrade	Economic Overlaps: Fairtrade combines social and economic factors	2,000+ products	Private offshoot of Fairtrade charity	No	Generally labels tropical goods imported into OECD. Well promoted, recognised and respected. Some businesses prefer their own “equitable trade” schemes, but not all are independently audited.
Farm Assured 11 different labels		78,000 farmers, 350 processors and packers	Industry organisation. Science and government as observers.	No	Ensures legal minimum farm standards for fresh produce inc. meat. Sometimes appears as “Red Tractor” on labels. Criticised by some consumer and environmental groups for weak standards.
Traffic Lights	Social, including health Overlaps include high animal welfare standards; may also reduce food safety risks.	Significant and growing number of retailers and manufacturers	Government via the Food Standards Agency	No	The Food Standards Agency has set out clear rules for any company wishing to use this label, but it remains voluntary. Backed by body of research showing consumers can understand and use it. A number of major retailers and manufacturers are promoting a competitor system – Guideline Daily Amounts.
Freedom Food		2,220 members (not products). All major retailers stock some products, usually eggs.	Charity	RSPCA UKAS accredited	The Royal Society for the Prevention of Cruelty to Animals is well known and respected. However, some consider the Freedom Food standards to be too low.
Vegetarian		5,000 products	Charity	No	Vegetarian Society label is popular, as law about what can be labelled ‘vegetarian’ is weak. Many ‘V’ symbols on supermarket own-brand and proprietary brands are not accredited, and have differing meanings. The Vegetarian Society label and V symbols are well recognised, though what is vegetarian is disputed by some groups.
Other labels include, for example: – Air Freight (on fresh produce in M&S and Tesco), Dolphin Friendly (tuna), Glycaemic Index, Lion Quality (eggs), White & Wild (milk), plus charity symbols such as Bone Friendly, Orangutan Friendly, Family Heart Association, and many, many others					