

HorizonScan Occasional Articles

14

Food Information for Consumers (FIC) Labelling: Enforcement Policy across the EU

Introduction

The Food Information for Consumers (FIC) Regulations¹ were published in 2011, and enforceable from 14 December 2014. They require pre-packed food to be labelled in a standardised format. Amongst other information, a table of nutritional values must be printed on the packaging. Associated guidance to enforcement authorities gives the allowable tolerance between an analytical test of the nutritional content and the claimed content on the label. There is also various legislation and enforcement guidance covering the tolerance between actual and labelled quantities of key ingredients.

In the period prior to FIC implantation, many UK food businesses spent a lot of time and resources on updating and verifying their on-pack labels. The legislation permits the nutritional content to either be calculated from reference tables or to be determined by analysis. In most situations analysis would be expected to be the more accurate method, but it is disproportionately expensive for food businesses to test enough samples of each and every product to be statistically robust.

An analysis of Horizonscan data suggests that the priority given to FIC compliance testing and enforcement has varied between different Member States. This may be particularly pertinent as Brexit approaches. Whatever the political settlement, there is a general belief amongst UK businesses that their goods will be subject to intensified scrutiny by regulatory authorities in the remaining Member States. Some authorities will want to be seen to be applying the letter of the law to UK goods.

¹ Regulation 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers

Reasons for Inaccurate Ingredient and Nutritional Labels

There are many reasons why the nutritional or ingredient quantities in a food might be outside the tolerance permitted with the on-pack label value. These range from innocent to criminal intent.

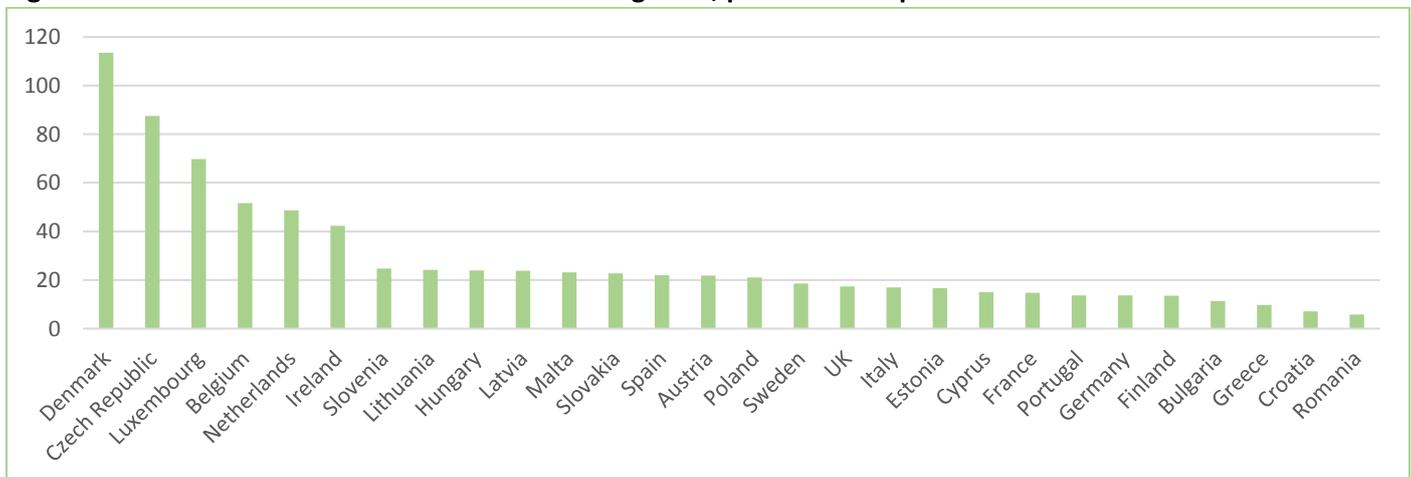
- **Unavoidable, despite best efforts.** The natural nutritional content of some key ingredients can vary more than the permitted tolerance. For example, the sugar content of potatoes is dependent upon variety, season, and storage conditions. This can give an inherent pack-to-pack variation.
- **Unrepresentative reference tables.** The nutritional label could have been calculated diligently by the business, but using reference table data based upon out-dated food varieties, a statistically invalid number of analytical tests, or otherwise unrepresentative of the specific product.
- **Poor practice or lack of knowledge.** The business could have made little attempt to verify their nutritional labels, or not know how to approach it. Poor recipe control could lead to a product being under-weight in a key ingredient, or out-of-specification with the nutritional label.
- **Criminal intent.** Lack of a key ingredient or component, such as a low protein content in cheese, can be an indicator of fraud. Excess fat can be an indicator of deliberately mislabelled meat content. Nutritional values can be deliberately mis-stated in order to avoid a “red” traffic light front-of-pack label for salt, sugar or fat.

Recorded Incidents 2015-18: Normalisation of Data

An absolute count of the number of incidents reported by different Member States would take no account of their relative size, overall policy priority given to food integrity in general, or to what extent they publish their results.

It is surprising that the number of total HorizonScan incidents per capita varies relatively little between the 28 EU Member States (**Figure 1**), particularly the largely populated countries of France, Germany, Italy and the UK. A few countries stand out as higher, but they are still within the same order of magnitude. This is despite perceptions that some countries allocate more resources to food testing than others, and that the figures might be expected to be skewed by region-specific food safety or integrity issues (such as unpasteurised cheese consumption in France, or widely-reported wine adulteration in South-East Europe).

Figure 1: Total HorizonScan Incidents Jan 2015 – Aug 2018, per Million Population



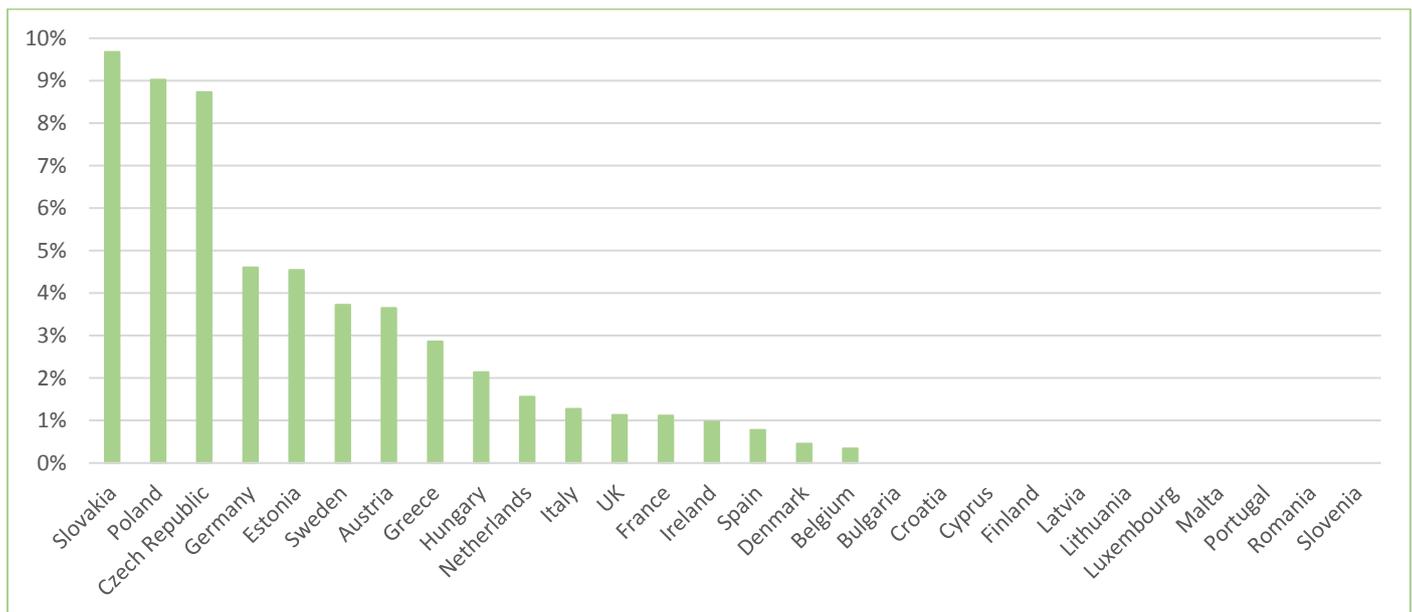
Given this relative lack of variation, normalising the FIC labelling incidents as a percentage of the total HorizonScan incidents can give a useful approximation of the relative policy weight that different Member States give to FIC testing and enforcement.

Data Analysis

“FIC Incidents” include lack of tolerance with nutritional labels, goods being underweight or lacking in key ingredients (including labelled vitamin or mineral content), or the nutritional composition being indicative of ingredients of a different quality than labelled. It excludes regulatory compliance with the format, completeness or legibility of the label. It also excludes unlabelled allergens, which are a food safety risk independent of the FIC regulations.

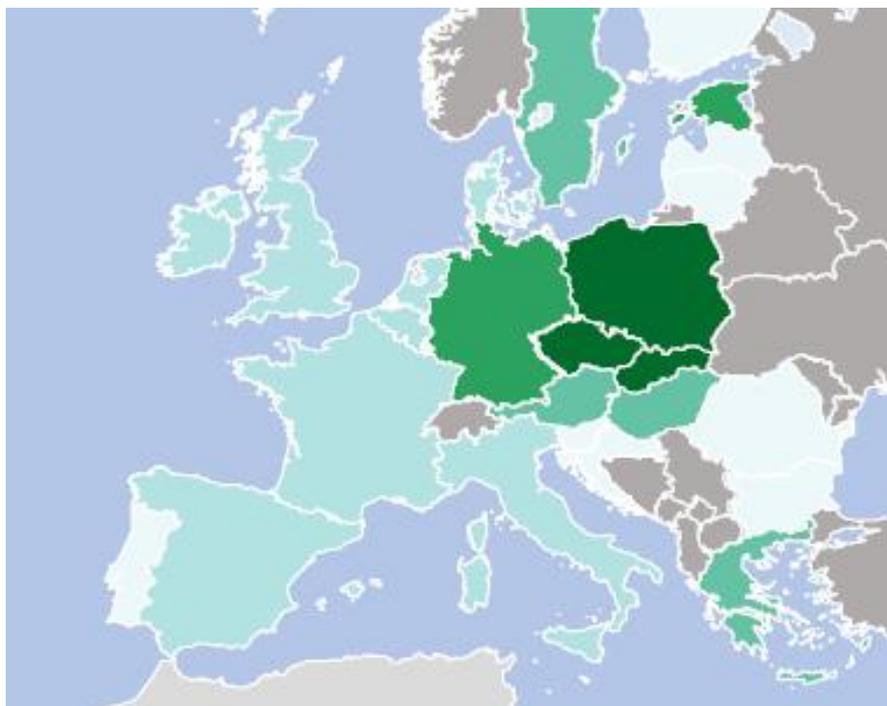
There are no FIC incidents at all recorded for 11 Member States during an over 2-year period (**Figure 2**), whilst for Slovakia, Poland, the Czech Republic they account for nearly 10% of all issues.

Figure 2: FIC Incidents Jan 2015 – Aug 2018, as a % of HorizonScan entries



A heat map (Figure 3) illustrates the clear difference in approach between Eastern and Western Europe.

Figure 3: Data in from Figure 2, illustrated as a heat map



In the Czech Republic (**Figure 4**), Poland (**Figure 5**), and Slovakia (**Figure 6**) the individual issues were remarkably similar. Some were the compliance issues irrespective of the FIC regulations (e.g. meat content, or products being underweight in a premium labelled ingredient), but the “new” nutritional labelling compliance issues were exclusively related either to salt or fat content. None related to the other major public health concern of sugar content. It is notable that some of the Czech incidents relating to salt content involved a public recall; an enforcement approach that would be unprecedented in the UK.

Figure 4: Breakdown of issues – Czech Republic

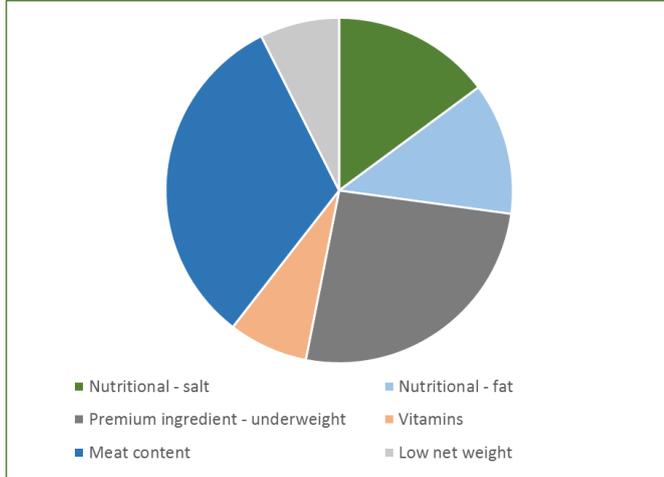


Figure 5: Breakdown of issues – Poland

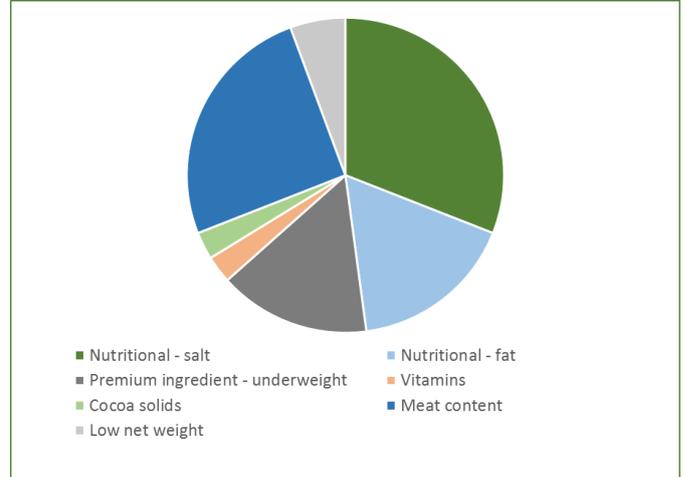
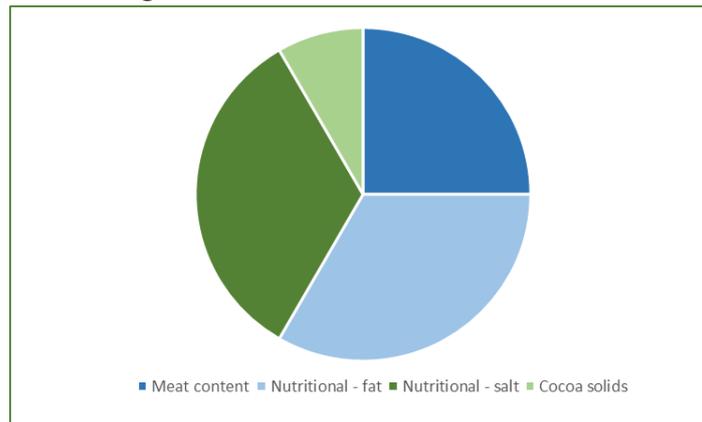


Figure 6: Breakdown of issues - Slovakia



Conclusion

Different Member States appear to generate comparable pro-rata numbers of food integrity incidents, as recorded by Horizonscan, but within this they allocate markedly different priorities to testing and enforcing the Food Information for Consumers regulations. A geographical block of central and eastern Member States give this much higher focus than those in western Europe.

This is relevant to food manufacturers looking to supply across the European Union. They should not assume that other Member States take the same enforcement approach as their own authorities, and they should take care to ensure that their nutritional labels are as accurate as possible in terms of fat and salt content.