



# **The complexity of labelling food products – what the legislation requires**

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**Directive 2000/13 („Labelling Directive“)**

**Directive 90/496 („Nutrition Labelling Directive“)**

**Regulation 1924/2006 („Nutrition and Health Claims Regulation“)**

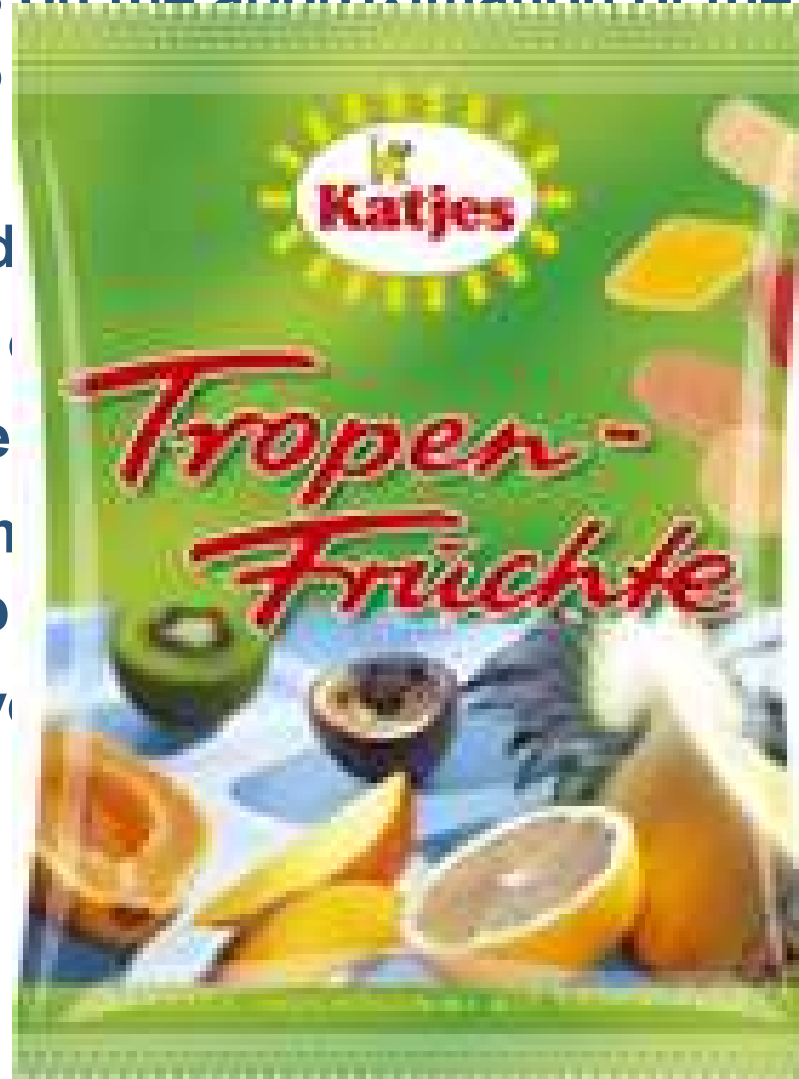
**Regulation 1925/2006 („Fortification Regulation“)**

**Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers (general labelling and nutrition labelling)**

**Special requirements (products, consumers or agricultural habits)...**

Directive 2000/13 on the approximation of the laws of the Member States relating to the labeling, presentation and advertising of foodstuffs

- Pre-packed food
- Free movement
- Consumer protection
- No medical claim or refer to such products
- Also covers advertising



(... is misleading...)

(... referring a human disease,

## Art. 3 compulsory labelling elements

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- (1) the name under which the product is sold (including irradiation-labelling)**
  - (2) the list of ingredients (including allergen labelling, irradiation-labelling)**
  - (3) the quantity of certain ingredients or categories of ingredients (QUID)**
  - (4) in the case of prepackaged foodstuffs, the net quantity**
  - (5) the date of minimum durability or, in the case of foodstuffs which are highly perishable, the 'use by' date**
  - (6) any special storage conditions or conditions of use**
  - (7) the name or business name and address of the manufacturer or packager, or of a seller established within the Community**
  - (8) particulars of the place of origin or provenance where failure to give such particulars might mislead the consumer [...]**
  - (9) instructions for use if necessary**
  - (10) alcoholic strength by volume if > 1,2 %.**

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**Article 1 (4) (a) ‘nutrition labelling’ means any information appearing on labelling and relating to:**

**(i) energy value;**

**(ii) the following nutrients: protein, carbohydrate, fat, fibre, sodium, vitamins and minerals listed in the Annex and present in significant amounts as defined in that Annex.**

**(b) ‘nutrition claim’ means any representation and any advertising message which states, suggests or implies that a foodstuff has particular nutrition properties due to the energy (calorific value) it**

**-provides,**

**-provides at a reduced or increased rate or**

**-does not provide,**

**and/or due to the nutrients it**

**-contains,**

**-contains in reduced or increased proportions or**

**-does not contain.**

**A reference to qualities or quantities of a nutrient does not constitute a nutrition claim in so far as it is required by legislation.**

**-Plus definitions of the nutrients**

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- 1. Subject to paragraph 2, nutrition labelling shall be optional.**
  - 2. ...unless you make a nutritional claim.**

**1. Where nutrition labelling is provided, the information to be given shall consist of either group 1 or group 2 in the following order:**

***Group 1***

**energy value, the amounts of protein, carbohydrate and fat („BIG 4“).**

***Group 2***

**energy value, the amounts of protein, carbohydrate, sugars, fat, saturates, fibre and sodium. („BIG 8“)**

**2. Where a nutrition claim is made for sugars, saturates, fibre or sodium, the information to be given shall consist of group 2.**

**3. Nutrition labelling may also include the amounts of one or more of the following:**

- starch, polyols, mono-unsaturates, polyunsaturates, cholesterol,**
- any of the minerals or vitamins listed in the Annex and present in significant amounts as defined in that Annex.**

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**§ff. Units for nutrient values, energy calculating factors, basis for declaration (100g, 100ml or serving/portion), lay-out (tabular form)**

**Art 1 (2)** The Regulation applies to nutrition and health claims made **in all commercial communications.**

**Art. 2 1) 'claim'** means **any** message or representation, **which is not mandatory**, which states, suggests or implies that a food has particular characteristics;

4) **'nutrition claim'** means any claim which states [...] that a food has particular **beneficial** nutritional properties

5) **'health claim'** means any claim that states[...] that a relationship exists between a food category, a food or one of its constituents and health;

6) **'reduction of disease risk claim'** means any health claim that states[...] that the consumption of a food [...] significantly reduces a risk factor in the development of a human disease;

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Nutrition and health claims may be used in the labelling, presentation and advertising of foods placed on the market in the Community **only if they comply with the provisions of this Regulation.**

1. By 19 January 2009, the Commission shall establish **specific nutrient profiles**, which food **must comply with in order to bear nutrition or health claims**.

The nutrient profiles for food shall be established taking into account in particular:

(a) the quantities of certain nutrients and other substances contained in the food, **such as fat, saturated fatty acids, trans-fatty acids, sugars and salt/sodium**;

2. By way of derogation from paragraph 1, **nutrition claims**:

(a) **referring to the reduction** of fat, saturated fatty acids, transfatty acids, sugars and salt/sodium **shall be allowed** [...];

(b) shall be allowed, **where a single nutrient exceeds the nutrient profile** if a statement that reads 'High [... (\*)] content' is made.

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1. The use of nutrition and health claims shall only be permitted if:
    - (a) the presence, absence or reduced content in a food [...] of a nutrient or other substance **has been shown to have a beneficial nutritional or physiological effect,**
    - (b) the nutrient or other substance for which the claim is made:
      - (i) **is contained in the final product in a significant quantity [...]**
      - (ii) **is not present or is present in a reduced quantity [...]**
    - (c) where applicable, the nutrient or other substance **is in a form that is available to be used by the body;**
    - (d) **the quantity of the product that can reasonably be expected to be consumed provides a significant quantity [...]**
  3. **Nutrition and health claims shall refer to the food ready for consumption in accordance with the manufacturer's instructions.**

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- 1. Nutrition and health claims shall be based on and substantiated by generally accepted scientific evidence.**
  - 2. A food business operator making a nutrition or health claim shall justify the use of the claim.**
  - 3. The competent authorities of the Member States may request a food business operator or a person placing a product on the market to produce all relevant elements and data establishing compliance with this Regulation.**

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When nutrition claims are made, nutrition labelling pursuant Directive 90/496/EEC has to be made.

**Where a health claim is made, nutrition labelling has to be made in the form of the „Big 8“** (energy, protein, carbohydrates, of which sugars, fat, of which saturated fatty acids, fibre, sodium).

If a *claim* relates to other substances (e.g. lutein), the amount shall also be stated in the same field of vision as the nutrition information.

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Nutrition claims **shall only be permitted if they are listed in the Annex** and are in conformity with the conditions set out in this Regulation.

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**1. Health claims are prohibited unless they comply with the requirements of the regulation and are included in the lists of authorised claims provided for in Articles 13 and 14.**

2. Health claims shall only be permitted if the following information is included in the labelling, or if no such labelling exists, in the presentation and advertising:

**(b) the quantity of the food and pattern of consumption required to obtain the claimed beneficial effect;**

(c) where appropriate, a statement addressed to persons who should avoid using the food; and

(d) an appropriate warning for products that are likely to present a health risk if consumed to excess.

## Article 13 Health claims other than those referring to the reduction of disease risk and to children's development and health

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1. Health claims are describing or referring to:
  - (a) **the role** of a nutrient or other substance in **growth, development and the functions of the body**; or
  - (b) **psychological and behavioural functions**; or
  - (c) without prejudice to Directive 96/8/EC, **slimming or weightcontrol** or a **reduction in the sense of hunger** or an **increase in the sense of satiety** or to the **reduction of the available energy from the diet**,

They shall be:

- (i) based on generally accepted scientific evidence; and
- (ii) **well understood by the average consumer.**

1. Notwithstanding Article 2(1)(b) of Directive 2000/13/EC, **reduction of disease risk claims and claims referring to children's development and health** may be made if the regulation allows them [...].

2. In addition to the claims the labelling shall also bear a statement **But what are children??** indicating that the disease to which the claim is referring has multiple risk factors and that altering one of these risk factors may or may not have a beneficial effect.

**Ample calcium-intake might reduce the risk of osteoporosis in later life.**

**The intake of calcium might not alter the chance of contracting osteoporosis, since the disease has several risk-factors.**

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**LOW ENERGY**  
**ENERGY-REDUCED**  
**ENERGY-FREE**  
**LOW FAT**  
**FAT-FREE**  
**LOW SATURATED FAT**  
**SATURATED FAT-FREE**  
**LOW SUGARS**  
**SUGARS-FREE**  
**WITH NO ADDED SUGAR**  
**LOW SODIUM/SALT**  
**VERY LOW SODIUM/SALT**  
**SODIUM-FREE or SALT-FREE**  
**SOURCE OF FIBRE**

**HIGH FIBRE**

**SOURCE OF PROTEIN**

**HIGH PROTEIN**

**SOURCE OF [NAME OF VITAMINS/ MINERALS]**

**HIGH [NAME OF VITAMIN/S/MINERAL/S]**

**CONTAINS [NAME OF THE NUTRIENT OR OTHER SUBSTANCE**

**INCREASED [NAME OF THE NUTRIENT]**

**REDUCED [NAME OF THE NUTRIENT]**

**LIGHT/LITE**

**NATURALLY**

**Not included (yet?): high energy, low/free from cholesterol, rich in  $\Omega$ -3 fatty acids/polyunsaturated fatty acids, high [other substance] content...**



**Significant**  
**expected to**  
**Health Claims**  
**healthy.**

**All of above**

**What about**

**Nutrition p**

**⇒No health**

**⇒Nutrition**



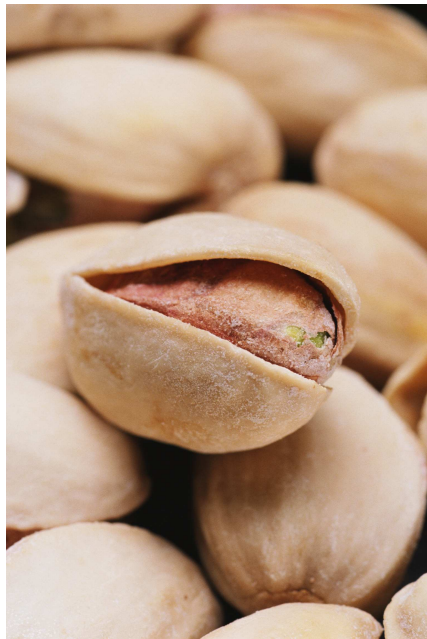
Carrots contain beta-carotene –  
but can you say that?

Art. 5 (1) c) where applicable, the nutrient or other substance for which the claim is made is in a form that is available to be used by the body.

**Product-labelling: We have nothing to say for the raw product, but it contains beta carotene when cooked and consumed together with fat-containing foods. beta-carotene works as an antioxidant and protects your cells (only if product is finely mashed!).**

**May be a good source of provitamin A depending on preparation.**





**Pistachios contain 50 % RDA of Vitamin B 1, Vitamin E and Magnesium per 100g.**

**⇒ Nutrition Claims „Rich in Vitamin B1, Vitamin E and Magnesium“ possible per 100g.**

**Nutrient Profile: Salt and fat might be a problem.**

**Health Claims? – depends on nutrient profile (Big 8!).**

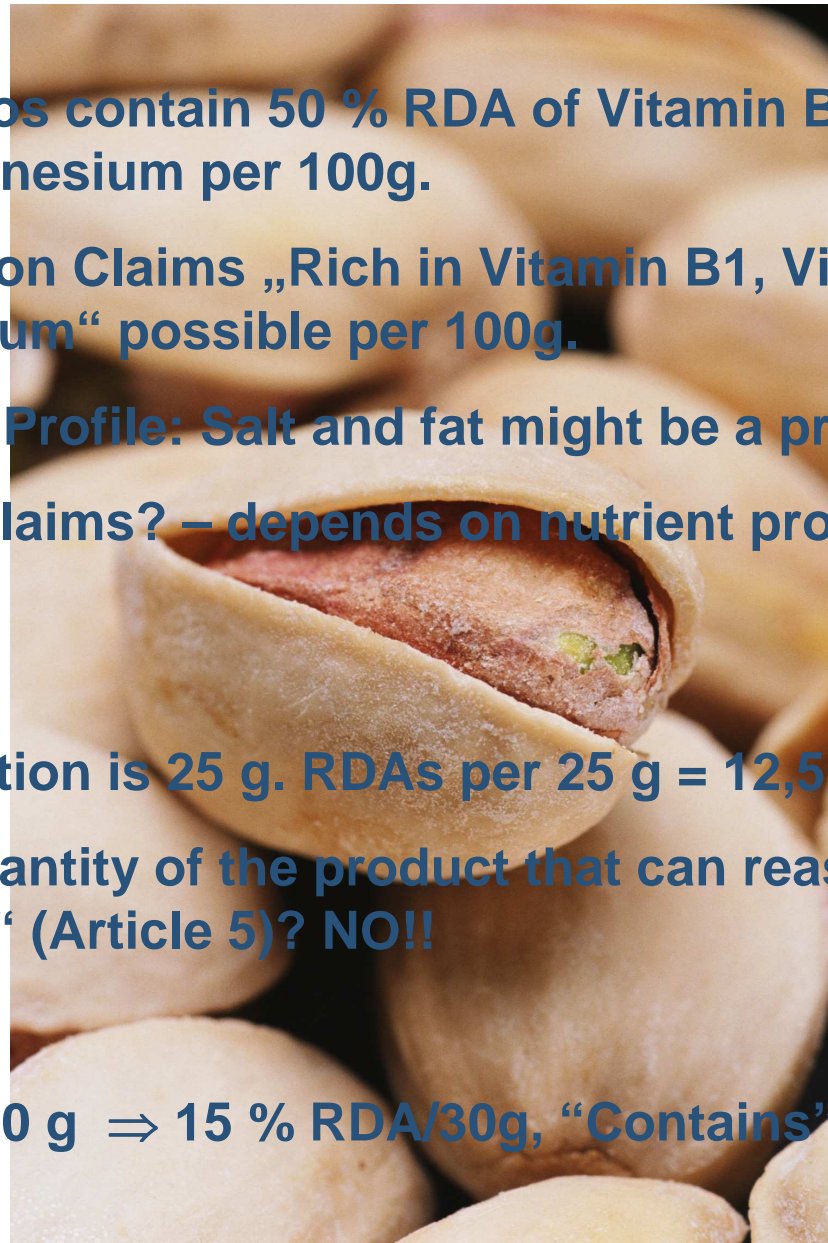
**BUT:**

**Producer states that 1 portion is 25 g. RDAs per 25 g = 12,5 %**

**Significant quantity in „quantity of the product that can reasonably be expected to be consumed“ (Article 5)? NO!!**

**Nutrition Claims allowed?**

**Solution: Make 1 portion 30 g ⇒ 15 % RDA/30g, “Contains” claim ok...**



## Article 7 - Labelling, presentation and advertising

[...]

3. Nutrition labelling of products to which vitamins and minerals have been added and which are covered by this Regulation shall be compulsory in the form of the „BIG 8“ plus the total amounts present of the vitamins and minerals when added to the food.

[...]

## **Article 2**

3. The labelling shall indicate the fruit content by including the words ‘prepared with ... g of fruit per 100 g’ of the finished product, after deduction of the weight of water used in preparing the aqueous extracts, if appropriate.

4. The labelling shall indicate the total sugar content by the words ‘total sugar content ... g per 100 g’, the figure indicated representing the value determined by refractometer at 20 °C for the finished product, subject to a tolerance of  $\pm 3$  refractometric degrees.

The sugar content need not, however, be indicated where a nutrition claim is made for sugars on the labelling pursuant to Directive 90/496/EEC (2).

Article 2 (2) Chocolate products which contain vegetable fats other than cocoa butter may be marketed, provided that their labelling is supplemented by a conspicuous and clearly legible statement: ‘contains vegetable fats in addition to cocoa butter’. This statement shall be in the same field of vision as the list of ingredients, clearly separated from that list, in lettering at least as large and in bold with the sales name nearby;

Article 3 (3) The labelling of certain cocoa and chocolate products must indicate the total dry cocoa solids content by including the words: ‘cocoa solids:... % minimum’.

- Regulation 834/2007 on organic production and labelling of organic products (mandatory „Community-logo“)
- Directive 2002/46 on the approximation of the laws of the Member States relating to food supplements (nutrients, warnings)
- Regulation 1830/2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms („This product contains genetically modified organisms“)
- PARNUT („foods for particular nutritional purposes“ – babyfood, weight management products, food for sportsmen, pregnant women, dietary foods for special medical purposes ...) – multiple requirements concerning nutritional labelling, intended use, substances etc.
- Regulation 1182/2007 laying down specific rules as regards the fruit and vegetable sector (mandatory origin-labelling)
- Regulations/Directives for caffeine, quinine, phytosterols, glycyrrhizinic acid

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**Consolidates various scattered legislation (Directives 2000/13, 90/496, Regulations/Directives for caffeine, quinine, phytosterols, glycyrrhizinic acid, ...)**

**New:**

**nutrition declaration is mandatory**

- 
- (a) the name of the food;**
  - (b) the list of ingredients;**
  - (c) Allergen-labelling**
  - (d) the quantity of certain ingredients or categories of ingredients (QUID);**
  - (e) the net quantity of the food;**
  - (f) the date of minimum durability or the 'use by' date;**
  - (g) any special storage conditions or conditions of use;**
  - (h) the name or business name and address of the manufacturer or packager, or of a seller established within the Community;**
  - (i) particulars of the place of origin [...]**
  - (j) instructions for use**
  - (k) [...] the actual alcoholic strength**
  - (l) a nutrition declaration (with exemptions) in the form of „Bad 5“ (energy, fat, saturated fat, sugar, salt) on the front of pack including GDAs – 3-5 years after entry into force), font size 3mm**

- 1. The mandatory particulars listed in Article 10(1) shall be printed in characters of a font size of at least 3mm with a significant contrast between the print and background.**
  - 2. Name, net quantity and alcoholic strength shall appear in the same field of vision (no longer durability).**
- [...]**

**Thank you very much for you attention!**

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