

Consumer information

As responsible businesses, ESA members support the accurate labelling of all foods to help provide consumers with information on a wide variety of issues including ingredient composition, nutritional value, portion sizes and storage conditions.

The Food Information to Consumers Regulation (EU) 1169/2011, which came into effect on 13 December 2014, consolidated and updated the existing European food labelling legislation into a single text, but also introduced a number of additional requirements. These include:

- a minimum font size for mandatory information
- mandatory back-of-pack nutrition labelling
- a clearer indication of allergens in the ingredient list
- indication of the vegetable oil type(s) for vegetable oil

The obligation to provide nutrition information has applied since 13 December 2016. Since then, European savoury snacks manufacturers have invested significant financial and human resources into the revision of their labels to ensure that they are fully in line with the provisions of Regulation (EU) 1169/2011.

New proposals for Front-of-Pack (FOP) Nutrition Labelling

ESA welcomes the proposal for a revision of the Regulation on food information to consumers as a follow-up on the European Commission's Farm to Fork Strategy adopted in May 2020.

The European savoury snacks industry has been at the forefront of voluntarily providing consumers with clear nutrition information (GDAs, now Reference Intakes) and fully supports a voluntary, science-based, non-discriminatory and informative labelling of food products.

In our vision, an EU-wide FOP labelling scheme should:

- Be based on sound scientific knowledge; led by the European Food Safety Authority.
- Be transparent and meaningful for consumers and help them in making healthier choices.
- Reflect the dietary needs and habits of all EU consumers.
- Stimulate innovation.

Portion Size

ESA continues to support the use of Reference Intakes (RIs) on-pack as formalised by European Law. However, whilst nutrition information provided per 100g (100ml) helps the consumer compare the nutrient content of different kinds of foodstuffs in general, it fails to provide information on the actual nutrient content the consumer typically consumes. Providing nutrition information on a per portion basis, in addition to per 100 grams, empowers consumers to choose a healthy, balanced diet.

In this way, consumers can decide if consumption of the whole pack of that particular food, or of the portion suggested on the pack, is appropriate for them.

Therefore, ESA members have been encouraged to voluntarily display the portion rationale of 30 g front-of-pack and/or back-of-pack. The portion rationale of 30g for snacks and nuts is in line with dietary recommendations for a snack in between meals and reflects consumption patterns¹. As a result, the majority of European savoury snacks manufacturers now systematically indicate the ESA portion rationale of 30g on their packs.

For additional information on the portion size, please consult [ESA Portion Size Factsheet](#).

Date Marking

Date marking is a mandatory requirement in accordance with Regulation (EU) No/1169/2011, that indicates the duration a food product can be safely stored under specific storage conditions. The "best before" date, associated with food quality, is suitable for most food items and signifies the date until which a food product can be expected to maintain its optimal quality if stored correctly. On the other hand, the "use by" date is linked to food safety and is obligatory for highly perishable foods that pose an immediate health risk from a microbiological perspective. Once the "use by" date has passed, a food product cannot be legally sold and is considered unsafe.

As a part of the revision, it has been proposed to update the rules on the date marking of food products to increase consumer awareness and avoid potential food waste.

ESA fully supports the use of the principle of a quality-based descriptor ("best before"). Public informative campaigns to increase consumers' ability to differentiate between date marking options impacting quality (best before) or food safety (use by) continue to be the critical tool to reduce food waste. The current differentiation between when the food business operators guarantee the quality (best before) and when food safety is the issue (use by) works well and should continue.

Allergen labelling

The Food Information to Consumers Regulation (EU) 1169/2011 includes a list of allergens which have been transferred over from the previous European Directive. However, the law also introduced a change in terms of how to label allergens in food products. From 13 December 2014 a separate list of allergens is no longer permitted, and instead there is a requirement to highlight each allergenic ingredient or processing aid in the ingredients list.

The Regulation also commits the European Commission to establish rules on voluntary precautionary allergen labelling. Article 36(3)(a) of Regulation (EU) 1169/2011 states that the European Commission is obliged to adopt implementing acts on the application of the voluntary food information requirements laid down in Article 36(2) to the "information on the possible and unintentional presence in food of substances or products causing allergies or intolerances". However, it does not specify any legal deadline for this work.

¹ "Comparison of the portion size and frequency of consumption of 156 foods across seven European countries: insights from the Food4ME study"; L. Kirwan et al. (2016): <https://www.nature.com/articles/ejcn2015227?platform=oscar&draft=collection>

ESA members recognize that the unintended presence of small amounts of allergens listed in annex II of the Regulation (EU) 1169/2011, which are not part of a product's formulation, and which may be present as a result of manufacturing or other operations, can pose an allergenic risk to some consumers. In applying precautionary 'may contain' labelling, a risk-based approach should always be taken. Currently applied best practices for the management of major allergens have dramatically decreased risks for allergic consumers. Therefore, precautionary allergen labelling should only be used where a thorough risk assessment has demonstrated that there is a real risk of a significant, but unavoidable, amount of allergen being present in the finished product.

The European savoury snacks industry ensures that all of their products which contain major allergens or their derivatives as ingredients are labelled according to the current legislation.

Origin labelling

The labelling Regulation also extends the provisions for mandatory country of origin labelling (MCOOL) for some meats. As stated in Article 26(3) of Regulation (EU) No 1169/2011, it is required that where the origin of a food is given and is different from the one of its primary ingredient, the origin of the primary ingredient shall be given or at least indicated as being different to the origin of the food.

For this reason, the European Commission adopted the Regulation (EU) 2018/775 and the following Notice on the application of the provisions of Article 26(3) of Regulation (EU) No 1169/2011 aiming at clarifying how the information on the origin of the primary ingredient should be displayed on labels. The new rules are applicable as of 1 April 2020.

As a sector ESA fully supports the principle that misleading statements of origin must not be made. However, we remain concerned that any future potential extension of the legislation to cover the mandatory origin labelling for products such as crisps (chips), nuts and other savoury snacks, would be highly burdensome for industry and would lead to greatly increased costs with little benefit to improving consumer information and absolutely no impact upon food safety. Therefore, we fully support the existing framework with a voluntary origin labelling.

Digital Labelling

The European savoury snacks industry recognizes the importance of providing mandatory information on food products. For this reason, ESA members support the possibility for food business operators, on a voluntary basis, to provide information to EU consumers digitally enabling consumers from different EU Member States to access information via different technologies in their own language in a sustainable way. The digital information would include mandatory and/or voluntary information; however, elements related to food safety (i.e. name of the food, list of ingredients, allergens) should be displayed also on the original pack. In the context of the increasing need of consumers and regulators to have access to more information on products, the possibility given to FBOs to display information via digital means is essential giving at the same time flexibility for updated and accurate information and reduce packaging waste.