

ENABLING HEALTHIER DIETARY CHOICES IN EUROPE: TOWARDS ENHANCED FRONT-OF-PACK INFORMATION ON FOODS AND ALCOHOLIC BEVERAGES

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Introduction

Improving the nutritional quality of Europeans' diets is a key priority on the EU public health agenda. One of the ways to achieve this is to provide consumers with clear, accessible and reliable information on the composition of foods and beverages. The current EU legal framework for food information suffers from major shortcomings in this regard. This policy paper presents two reforms that would improve EU food information requirements: the generalisation of a common EU 'front-of-pack' evaluative label on all foodstuffs and the introduction of ingredients and nutritional information on alcoholic beverages.



Vincent Delhomme

ELF Non-Resident Research Fellow
PhD Candidate, UCLouvain School of Law

Introduction

Obesity and chronic diseases remain a leading cause of harm and premature mortality in the European Union. Between 2010 and 2016, overweight and obesity rates on the continent have increased respectively from 55.9% of the population to 58.7% and from 20.8% to 23.3%¹. It is estimated that in 2017 over 950,000 deaths and over 16 million lost years of healthy life were attributable to unhealthy diets and the resulting non-communicable diseases which include cancer, cardiovascular diseases and diabetes². The diets of the European population continue to suffer from major imbalances, including an excessive intake of energy, fat, salt and sugar. The recently published Europe's Beating Cancer Plan highlights the importance of policies focusing on prevention, given that around 40% of cancer cases are preventable³.

Through its internal market and public health policies, the EU allows for the free circulation of foodstuffs carrying nutritional information, which gives European consumers access to a large and diversified market in which they should be empowered to make healthy choices. Since the publication of the Nutrition and Obesity White Paper in 2007⁴, fostering healthier diets has remained an important priority for the EU. The Farm to Fork Strategy, one of the flagship initiatives of the Von der Leyen Commission, aims, inter alia, at creating 'a favourable food environment that makes it easier to choose healthy and sustainable diets [which] will benefit consumers' health and quality of life, and reduce health-related costs for society⁵. As part of this strategy and its Cancer Plan, the EU wants to revise existing rules on nutrition labelling for food and alcoholic beverages.

¹ World Health Organization, European Health Report 2018, p. 24, [https://www.euro.who.int/en/data-and-evidence/european-health-report/european-health-report-2018].

² EU Science Hub, 'EU burden from non-communicable diseases and key risk factors', [https://ec.europa.eu/jrc/en/health-knowledge-gateway/societal-impacts/burden].

³ European Commission, Europe's Beating Cancer Plan, Communication from the Commission to the European Parliament and the Council, COM(2021) 44 final.

⁴ European Commission, White Paper on a Strategy on Nutrition, Overweight, and Obesity-related Health Issues, COM(2007) 279 final.

⁵ European Commission, A Farm to Fork Strategy. For a fair, healthy and environmentally-friendly food system, COM(2020) 381 final, p.2.

Nutritional information is only one policy area that can contribute to healthier diets, but it is appealing to policymakers and stakeholders for a host of reasons. In a well-functioning market, asymmetries of information must be reduced and consumers have to be enabled to make informed choices that are best aligned with their preferences. Although entailing costs, labelling requirements are also policies that do not comparatively impose a substantial regulatory burden on food operators.

Despite the improvements brought about by the Regulation on food information to consumers (FIC Regulation)⁶, adopted in 2011, the general legal framework applicable to nutritional and dietary information still suffers from major shortcomings. This policy paper explains why the EU should:

- Adopt a common and mandatory front-of-pack nutrition labelling scheme allowing consumers to quickly and easily understand the nutritional composition of food and beverages.
- Remove the exemptions from ingredient and nutritional information requirements applicable to alcoholic beverages.

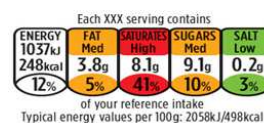
Providing better nutritional information: developing an EU front-of-pack label

A growing number of European countries are currently experimenting with front-of-pack (FoP) nutrition labels. The Nutri-Score, developed in France, has been officially endorsed by the authorities of six EU Member States (along with Switzerland) and is supported by some major food business operators like Nestlé and Delhaize. Many other FoP labels are currently in use on the European market. Beyond their similar basic function, providing consumers with information visible at first glance when shopping, FoP labels vary widely in their design and purpose. The three following examples illustrate this variety.



Nutri-Score

The Nutri-Score conveys nutritional information in the form of a colour-coded and graded indicator which synthesises various positive (e.g., fibres, proteins) and negative elements (e.g., sugar, salt).



Multiple Traffic Lights (UK)

The Multiple Traffic Lights (MTL) label gives precise nutritional information, both in absolute terms and as a percentage of recommended daily intakes. It also expresses a judgement on the quality of foods but in a nutrient-specific manner, each nutrient being assigned a colour whose function is the level contained in the product.



NutriInform Battery (Italy)

The NutrInform Battery, recently introduced in Italy, is a more classic kind of label that provides neutral and nutrient-specific information without using ‘traffic-light’ colours.

Overall, the development of FoP labelling schemes stems from the lack of effectiveness of traditional back-of-pack, textual and numerical food information. This kind of labelling is less noticeable and more difficult to understand, especially in a busy shopping environment, and there is evidence that it has limited effectiveness in conveying relevant information and helping consumers in

⁶ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, (OJ L 304, 22.11.2011, p. 18–63).

their choices⁷. Numerous studies have shown that FoP labels better attract consumers' attention and are easier to understand, and positive evidence has begun to accumulate regarding their ability to improve food choices⁸.

Evaluative and colour-coded labels, such as the MTL or Nutri-Score, appear especially effective when compared to other FoP labels⁹. They make it easier for consumers to judge the nutritional quality of products and make comparisons between them. This is especially important for vulnerable consumers such as lower income groups, who tend to simultaneously have lower levels of nutritional knowledge and be at higher risk of becoming overweight or obese.

In this regard, EU law as it currently stands is defective for two reasons. The FIC Regulation only imposes the provision of textual and numerical nutrient-specific information that can be given on the back of packaging. It is this kind of information that is typically hard for consumers to notice and decipher. Furthermore, the FIC Regulation prevents Member States from imposing the use of more consumer-friendly FoP labels on their territory. These can only be recommended by national authorities and voluntarily adopted by food business operators. This lowers the level of consumer protection while not effectively preventing the fragmentation of the single market.

The European Commission announced its intention to put forward, by the end of 2022, a proposal for the adoption of a common and mandatory EU FoP nutrition labelling scheme. This is a welcome development. In so doing, the Commission should base itself on the best available evidence and choose the most effective labels, taking into consideration the diversity of European food cultures and habits. The harmonised and mandatory nature of EU labels should have paramount importance, not only to avoid creating obstacles to the free movement of foodstuffs but to ensure that consumers are not

confronted by such a variety of nutrition labels on the marketplace that their confusion would only increase, thus preventing useful comparisons between products from being made.

The EU should also resist the attempts made by certain Member States to keep to the status quo, fuelled by the unwarranted fear that an evaluative and colour-coded FoP label would specifically hurt certain kinds of traditional domestic production and be prejudiced against the Mediterranean diet¹⁰. Italy in particular strongly opposes Nutri-Score and has developed its own label in reaction, the NutrInform Battery exposed above, which it is trying to promote. However, labels of this kind are exactly the ones being discarded as a result of existing behavioural evidence and should therefore not be considered for generalisation at the EU level.

The agri-food industry, which strongly opposed the use of FoP nutritional information when the FIC Regulation was discussed ten years ago, should embrace the adoption of an EU FoP label rather than reject it. It would provide food business operators a level playing field and offer them an incentive to reformulate their products to improve nutritional quality. This could be an occasion to accompany the change towards a healthier and more sustainable food chain.

Extending food information requirements to alcoholic beverages

Under the FIC Regulation, beverages containing more than 1.2% alcohol by volume are exempted from the mandatory nutrition declaration and obligation to provide a list of ingredients. Though this information can be given on a voluntary basis by manufacturers, the opportunity is rarely used. It is nearly impossible for consumers today to access complete and reliable information as to the composition of alcoholic beverages.

⁷ S. Storcksdieck et al., Front-of-pack nutrition labelling schemes: a comprehensive review, Joint Research Centre (2020); J. M. Bauer and L. A. Reisch, 'Behavioural Insights and (Un)Healthy Dietary Choices: A Review of Current Evidence', *Journal of Consumer Policy* 42(1) (2019), p. 17.

⁸ S. Storcksdieck et al., Front-of-pack nutrition labelling scheme...

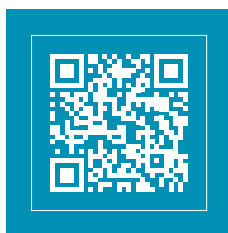
⁹ For a general overview, see V. Delhomme, 'Front-of-pack nutrition labelling in the European Union: a behavioural, legal and political analysis', *European Journal of Risk Regulation*, forthcoming.

¹⁰ See Council of the European Union, 'Non Paper on the "Front of Pack Nutrition Labeling – FOPNL" by Cyprus, Czech Republic, Greece, Hungary, Italy, Latvia and Romania' (2020), 10846/20.

No convincing justification has ever been offered for this exemption, which goes against basic consumer rights and makes little sense from a public health point of view. Beyond the harmfulness of alcohol per se, alcoholic beverages usually have high energy content and can contain excessive levels of certain nutrients, most often sugar but also fat. This is especially true for ‘alcopops’, products sold as a mix of alcohol and sugary drinks, which are particularly attractive to young people. This exemption creates an absurd situation wherein any soft drink is required to disclose its nutritional composition unless it is mixed with alcohol.

Extending food labelling obligations to all alcoholic beverages would enhance the transparency of their manufacturing process, allow consumers to better understand the role played by these beverages in their overall diet and, hopefully, contribute to reducing current levels of alcohol consumption on the continent. Europe remains the heaviest-drinking region in the world and records the highest proportion of total ill health and premature death due to alcohol¹¹.

In 2017, the Commission published a report exploring the possibility of making the list of ingredients and nutritional information mandatory for alcoholic beverages¹². The report clearly established that consumers have a knowledge deficit in the composition and nutritional value of alcoholic beverages and that this information would help a significant number of them to adjust their drinking habits. The Commission itself concluded that it ‘ha[d] not identified objective grounds that would justify the absence of information on ingredients and nutrition information on alcoholic beverages’, but it nonetheless decided not to push for binding legislation, relying instead on voluntary commitments from the industry.



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This approach is problematic for two reasons. First, access to accurate information as to the composition of products should be construed as a basic right for consumers rather than a favour to be discretionarily granted. Second, a closer look at the voluntary commitments taken on by the industry reveals that these are still widely insufficient. The self-regulatory proposals presented by the industry since 2018¹³ are patchwork and remain far from proper and wide implementation. Signatories have not yet committed to a total disclosure of information regarding ingredients and nutrition, and most of them envisage providing such information off-label rather than directly on the packaging. Consumers would have to use a web-link or scan code to access this information. Considering the limited time and attention that consumers have when shopping, this is a commitment which amounts to very little in practice.

While applying a common evaluative FoP nutrition label to foods and alcoholic beverages alike could give rise to scientific difficulties, these beverages should at the very least be required to fully disclose the list of their ingredients and provide caloric information. This information should be given in an intelligible manner and preferably have front-of-pack placement for greater effectiveness.

A final word of caution is necessary regarding labelling for alcoholic beverages. Unlike food, consumer research in this domain lacks breadth and is characterised by a higher degree of uncertainty¹⁴. Evidence also points towards possible unforeseen and negative effects of caloric labelling on alcoholic beverages which may lead to higher consumption¹⁵. This may result from people’s apparent tendency to overestimate rather than underestimate the presence of calories in their drinks. All of this warrants caution and a careful exploration and evaluation of options by the European Commission.

¹¹ WHO, Data and statistics on alcohol use, <https://www.euro.who.int/en/health-topics/disease-prevention/alcohol-use/data-and-statistics>.
¹² European Commission, Report from the Commission to the European Parliament and the Council regarding the mandatory labelling of the list of ingredients and the nutrition declaration of alcoholic beverages, COM(2017) 58 final.
¹³ https://ec.europa.eu/food/safety/labelling_nutrition/labelling_legislation/alcohol_en.
¹⁴ H. Schebesta and K. Purnhagen, ‘Limits to Behavioural Consumer Law and Policy: The Case of EU Alcohol Labelling’ in Consumer Law and Economics, eds. K. Mathis and A. Tor (Springer International Publishing, 2021).
¹⁵ O.M. Maynard et al., ‘No Impact of Calorie or Unit Information on Ad Libitum Alcohol Consumption’, Alcohol and Alcoholism 53(1) (2018); M. Bui et al., ‘What Am I Drinking? The Effects of Serving Facts Information on Alcohol Beverage Containers’, The Journal Of Consumer Affairs 42(1) (February 2008).

More can be done to provide European consumers with clear and reliable information regarding the composition of their foods and drinks. The Commission's willingness to act on the matter and to put forward concrete legislative proposals is a step in the right direction. The complexity and remaining scientific uncertainties that exist regarding nutrition and consumer behaviour are no excuses to refrain from acting.

Moving towards healthier and more sustainable diets is a laudable goal which will not be attained by labelling alone. Among others, two initiatives should be prioritised on the EU agenda: 1) revising the rules for the Common Agricultural Policy so that products presently being consumed in excess in the EU, such as meat or wine, will receive more calibrated financial support, and 2) ensuring that children are adequately protected from harmful food and alcohol marketing practices. ■

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Conclusion

Authors' Bio

Vincent is a PhD candidate in EU Law at UCLouvain and an Associate Researcher at GenerationLibre, a think-tank in Paris. A graduate from the College of Europe in Bruges, he worked there as a teaching and research assistant prior to his arrival at ELF. His main areas of interest are EU economic and constitutional law, public health, and consumer protection. He holds an LLM in Economic Law from Sciences Po Paris and a BA in Social Sciences, major in Law, from Sciences Po Paris.

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Publisher
European Liberal Forum

European Liberal Forum asbl
Rue d'Idalie 11-13, boîte 6
1050 Ixelles, Brussels (BE)

Contacts:
+32 (0)2 669 13 18

info@liberalforum.eu

www.liberalforum.eu

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