



Food Labelling.

Bernd van der Meulen



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- You:
 - have such an insight into the rules relating to the presentation of food that you are able to devise a label that meets all the requirements

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Overview

- Materials
- Negative content
 - What is prohibited
- Positive content
 - Mandatory (what must be mentioned)
 - Voluntary (what is allowed to be mentioned)
- Presentation
 - How it must be mentioned

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Materials

- EU Food Law Handbook chapter on labelling
- Regulation 1169/2011 on Food Information to Consumers (FIC)
- Regulation 1151/2012 on protected designations
- CJEU 22 December 2010, Case C-120/08 'Bavaria' ECLI:EU:C:2010:798
- CJEU 23 November 2006, Case C-315/05 'Lidl Italia' ECLI:EU:C:2006:736
- CJEU 4 June 2015, Case C-195/14 'Teekanne' ECLI:EU:C:2015:361

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FIC Regulation

- 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
- ELI: <http://data.europa.eu/eli/reg/2011/1169/2018-01-01>



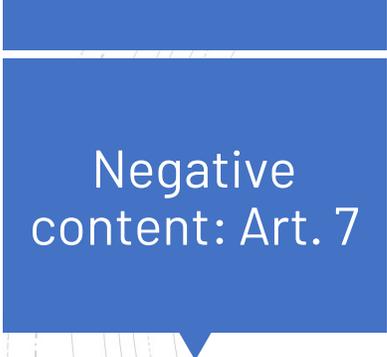
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Protected Designations

- Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs
- ELI: <http://data.europa.eu/eli/reg/2012/1151/2019-12-14>



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Negative
content: Art. 7

- Not misleading
 - Characteristics of the food
 - Properties it does not possess
 - Properties that are not different from similar foods
 - F.e. fat free candy
 - Wrongly suggesting presence of an ingredient
- Food Information shall not attribute to any food the property of preventing, treating or curing a human disease, nor refer to such properties.



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Farewell address

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The Ultimate Truth. Demons, dogma, dominance, definitions and democracy

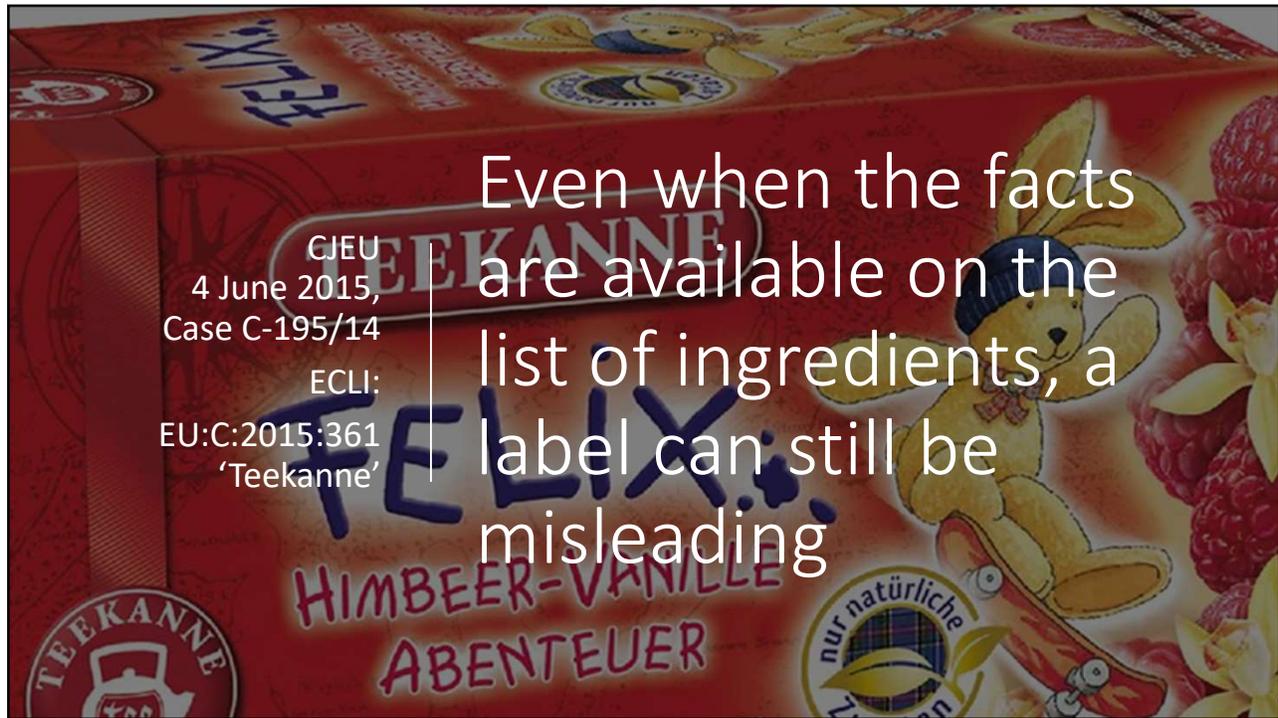
European Institute for Food Law working paper 2019/02

<https://www.food-law.nl/Working-papers/>
<https://www.berndvandermeulen.eu/speeches.html>



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Positive content

- Be accurate, clear and easy to understand

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Mandatory particulars Art. 9

- Checklist!
 - 1) Name Art. 17
 - 2) List of ingredients Art. 18
 - 3) Allergens Art. 21 + Annex II
 - 4) QUID Art. 22
 - 5) Net. Quantity Art. 23
 - 6) Durability Art. 24
 - 7) Conditions: storage / use
 - 8) Contact details
 - 9) Origin
 - 10) Instructions of use
 - 11) alcohol %
 - 12) Nutrition table

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Two names! Art. 17

Pocket Coffee

- Name protected as intellectual property, brand name or fancy name Art. 17(4)
- Allowed with restrictions



Finissimo Cioccolato e Caffè 100% Arabica

- Official name
 - Legal name
 - Customary name
 - Descriptive name
- Mandatory
- Annex VI physical condition: powdered, refrozen, freeze-dried, quick-frozen, concentrated, smoked, defrosted, 'formed meat' and 'formed fish'



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List of ingredients Art. 18 (exceptions Art. 19/20) Definition Art. 2(2)(f)



- All including additives
 - In descending order of weight
 - Name according to Art. 17
 - Nano
- Spices & herbs
 - 2%
 - Alternatives
 - Oils & fats
- Special rules Annex VII
 - Added water (5%)
 - Dehydrated ingredients
 - Varying proportions
- Group names
 - Additives
 - Flavourings
 - Compound ingredients
Art. 2(2)(h)

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Definition of ingredient

Art. 2(2)(f) FIC Regulation

'ingredient' means any substance or product, including flavourings, food additives and food enzymes, and any constituent of a compound ingredient, used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form; residues shall not be considered as 'ingredients'



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Definition of compound ingredient

Art. 2(2)(h) FIC Regulation

'compound ingredient' means an ingredient that is itself the product of more than one ingredient



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Allergens Art. 21 + Annex II Checklist!

- 1) Gluten
- 2) Crustaceans
- 3) Eggs
- 4) Fish
- 5) Peanuts
- 6) Soy
- 7) Milk
- 8) Nuts
- 9) Celery
- 10) Mustard
- 11) Sesame
- 12) Sulphur dioxide
- 13) Lupin
- 14) Mollusks



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Allergen labelling

Art. 21(1)(b) FIC Regulation

The name of the substance or product as listed in Annex II shall be emphasised through a **typeset** that clearly distinguishes it from the rest of the list of ingredients, for example by means of the **font**, style or background colour.

In the absence of a list of ingredients, the indication of the particulars referred to in point (c) of Article 9(1) shall comprise the word '**contains**' followed by the name of the substance or product as listed in Annex II.



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- Quantitative Ingredients declaration
- Ingredient is highlighted
 - In the name
 - Words, pictures, graphics
 - Essential characteristic to distinguish

QUID Art. 22



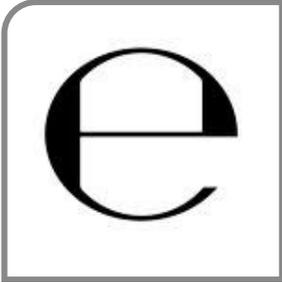
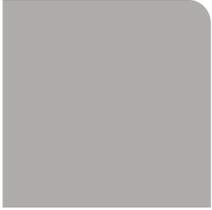
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Date marking

- Art. 2(2)(r) date of minimum durability of a food' means the date until which the food retains its specific properties when properly stored
- Art. 24(1): In the case of foods which, from a microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health, the date of minimum durability shall be replaced by the **use by** date. After the 'use by' date a food shall be deemed to be unsafe
- Art. 25 storage conditions and durability after opening



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Net Quantity

- Art. 23 FIC
- Exception: Sold by number
- Average is mentioned



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Net Quantity

Art. 23 FIC Regulation

1. The net quantity of a food shall be expressed using **litres, centilitres, millilitres, kilograms or grams**, as appropriate:
 - (a) in units of volume in the case of liquid products;
 - (b) in units of mass in the case of other products.
2. (...)
3. Technical rules for applying paragraph 1, including specific cases where the indication of the net quantity shall not be required, are laid down in Annex IX.



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COOL Art. 26

- Country of origin labelling
- When omission is misleading
- + specials



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Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products

Art. 13(5)

(a) Operators and organisations shall also indicate on the labels:

- (i) Member State or third country of **birth**;
- (ii) all Member States or third countries where **fattening** took place;
- (iii) Member State or third country where **slaughter** took place;

(b) However, where the beef is derived from animals **born, raised and slaughtered**:

- (i) in the same Member State, the indication may be given as 'Origin: (name of Member State)';
- (ii) in the same third country, the indication may be given as 'Origin: (name of third country)'.



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Nutrition labelling Art. 30 Annex IV



energy	kJ/kcal
fat	g
of which	
— saturates,	g
— mono-unsaturates,	g
— polyunsaturates,	g
carbohydrate	g
of which	
— sugars,	g
— polyols,	g
— starch,	g
fibre	g
protein	g
salt	g
vitamins and minerals	the units specified in point 1 of Part A of Annex XIII

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Assessment of values



- Laboratory measurement on actual product
- Calculation on reference values
- USDA database open to the public
- <https://ndb.nal.usda.gov/ndb/search/list>



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Voluntary
information
Art. 36

- Not misleading



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Voluntary Food Information

Art. 36(2) FIC Regulation

Food information provided on a voluntary basis shall meet the following requirements:

- (a) it shall **not mislead** the consumer, as referred to in Article 7;
- (b) it shall **not be ambiguous** or confusing for the consumer; and
- (c) it shall, where appropriate, be based on the relevant scientific data.



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Organic



- Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007
- Fertilizers
- Pesticides
- Certifications

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PDO, PGI, TSG; Reg. (EU) 1151/2012

- Protected Designation of Origin (PDO)
 - stricter than Protected Geographical Indication (PGI)
- Group application
- Registration and Protection similar to trademark (but lower in costs)



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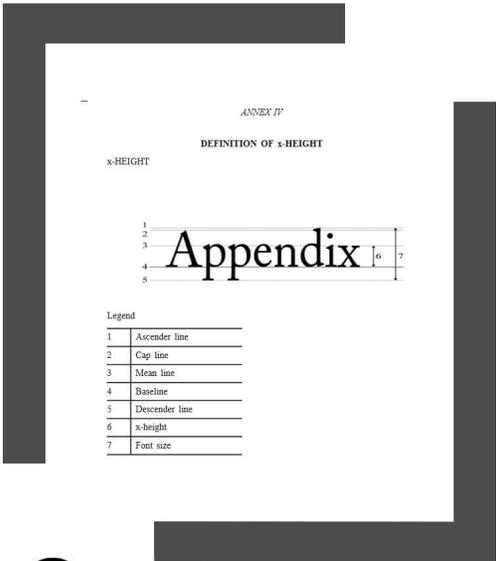
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CJEU
22 December 2010,
Case C-120/08
ECLI:EU:C:2010:798
'Bavaria'

- Bavaria NV v Bayerischer Brauerbund eV
- A trade mark registered prior to a protected designation, remains valid.

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ANNEX IV
DEFINITION OF x-HEIGHT

x-HEIGHT

Appendix

Legend	
1	Ascender line
2	Cap line
3	Mean line
4	Baseline
5	Descender line
6	x-height
7	Font size

Presentation of the information

- Font size Art. 13(2) x-height 1.2 mm
- Largest surface < 80 cm² 0,9 mm
- In the same field of vision: Art. 13(5): name, net quantity (% alcohol)

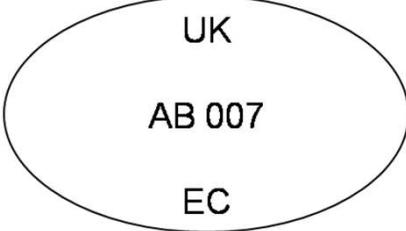


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Labelling issues discussed in previous lectures

- Art. 14(3) GFL regard shall be had to information available to consumer
- Must be labelled: GMOs
- Additives: function + (E-number or name).
- Hygiene: food of animal origin: health mark "oval"





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Responsibilities?

Food Business operator =.....? Lidl Italia →
(Case C-315/05)

Wrong labelling of alcohol %..who pays the administrative fines?

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Responsibilities

Art. 8 FIC Regulation

1. The food business operator responsible for the food information shall be the operator under whose name or business name the food is marketed or, if that operator is not established in the Union, the importer into the Union market.
5. Without prejudice to paragraphs 2 to 4, food business operators, within the businesses under their control, shall ensure compliance with the requirements of food information law and relevant national provisions which are relevant to their activities and shall verify that such requirements are met.

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Started...

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 labels. Big or small, we
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 • Variable Data
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• Variable Data
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• Variable Data
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 • Variable Data

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What do I expect from you?

- Understand the purpose of and possibilities within food labelling law
- Understand what you may not do on a food label
- Understand what you must do on a food label
 - Have a checklist of mandatory particulars
 - Realise that each particular is elaborated in articles and/or annexes
 - Realise that some labelling requirements are in other legislation
- Understand the requirements you must meet where you go beyond what is mandatory

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**Thank you for your
 kind attention**

Q&A

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