



SVERIGES KONSUMENTRÅD  
THE SWEDISH CONSUMERS' ASSOCIATION

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Belgium

## Labelling: Competitiveness, Consumer Information and Better Regulation for the EU

The Swedish Consumers' Association has been invited to comment on the DG SANCO Consultative Document on Labelling. Our views are presented below in detail.

### 1. Introduction, Context, Strategic goal

In general, we support the context and strategic goals as these have been specified in the present paper. There are, however, some points that we would wish to see clarified as well as a number of questions that we would wish to answer.

Firstly, under paragraph 1. we would have wished for a clearer statement that the present initiative is not simply connected to the Lisbon Strategy and the mainly economical concerns that it involves, but to the strengthening of the position of the European consumers.

Secondly, we do not find ourselves in agreement with what is said under para. 6. We do not concur with the conclusion that consumers in general can be described as uninterested in the information a label provides. On the contrary, in our experience consumers are indeed interested in the information a label provides. Further, the problem with products that are overly crowded with information is not so much a result of too much product information, but rather the commercial messages the producer wishes to include.

Thirdly, in answer to the second question posed in para. 11., is it practical to consider food and non-food labelling together or should they be dealt with separately, while it might be practical as such, we support a separation of food and non-food products. There are two reasons for this. Firstly, the two categories of products are highly diverse and must be treated accordingly. Different considerations are highlighted for each product category, e.g. in the case of allergens, and this should also be recognised. Secondly, labelling of food products is an area in which a lot of effort has been put to create a functioning framework. While it still has some way to go before it can be said to fulfil the strategic goals of the Commission, it is still clearly very much ahead of the work with non-food products. If nothing else, the present paper makes that very evident. Different, and in many cases more complicated considerations are involved in the case of non-food products. The recent work with the regulatory framework for the Registration, Evaluation and Authorisation of Chemicals (REACH) provides an excellent example of the difficulties involved. We are afraid that considering food and non-food products together might risk leading to that much of the work that has been put into food-products is lost due to the complicated situation with non-food products.

In answer to the last question in the same paragraph, is there any role for self-regulation or co-regulation in relation to labelling issues, it is our view that while there is potentially a role for such measures, past experiences have shown that they are very ineffective.

## **2. General food labelling and nutrition labelling**

### **2.1. General food labelling**

It seems clear that the rules governing general food labelling are in serious need of revision. The present Directive, dating back as far as 1978, cannot be said to mirror neither the consumer's right to information nor the development of the foodstuffs market over the last 25-30 years.

Besides being at least partially outdated, the legislation further suffers from being shattered throughout many different types of Community legislation. While this can, as is attempted by the present paper, to a certain extent be explained by general legal principles of *lex specialis* and *lex generalis* that does not fully address the problem of an area in which the legislation is very difficult to access. In particular, the present situation fails to provide consumers and operators with an understandable guide to the legislation on food labelling.

As is recognised in the present paper, it would perhaps constitute a surmountable obstacle to compile all specific information requirements, from fish to chocolate, in the same legislative package. Further, it would even risk failing in fulfilling the goal of providing clarity, as new problems would surface as a result of the complicated legislative mass that is likely to be the result. With that being said, it is our opinion that the recasting of the present horizontal provisions, including efforts to simplify, clarify and modify, would come a long way in fulfilling the strategic goals of the Commission.

In the work with fulfilling the strategic goals it is our demand that consumers must be guaranteed full and complete declaration of content, nutritional value and origin on all food products. The full declaration of content is especially crucial for consumers suffering from allergies. The list over allergenic substances requires constant revision and should therefore be supplemented by a complete declaration of contents on the product itself to help tracing and identifying new allergenic substances.

In answer to the question asked in para. 26, should the legislation be more prescriptive on format, size of the text, or could the objective be achieved through voluntary or soft legislation, it is our answer that the format should indeed be standardised and that hard-legislation is to prefer to the extent that it is possible.

*The Swedish Consumers' Association poses the following demands for general food labelling:*

*- Full and complete declaration of content and nutritional value, and;*

- *Origin labelling specifying the country of origin, as opposed to region or similar.*

## **2.2 General nutrition labelling**

As is the case with general food labelling, nutrition labelling is an area where the applicable legislation is at least partly outdated. The current Directive, 90/496/EEC, is far from a reflection of the nutritional information that is requested by consumers today.

It is our opinion that nutrition labelling should be made mandatory. The explanation that consumers do not make use of information as to nutrition does not take away the fact that consumers must be guaranteed the possibility to make informed and aware choices. Relevant and standardised nutrition information remains a key element in the making of those choices. The introduction of mandatory labelling could, at least in the short-term perspective, have negative effects for the providers that could find it difficult to bear the additional costs that would follow with such a regulation. In particular, those providers are likely to be small or medium-sized producers. In that respect, while we do not completely agree with the severity in the situation, we would consider exceptions for those businesses, such as longer implementation dates or similar.

It is absolutely clear that providing too much information would risk being counterproductive. However, it is our view that this problem must not be over exaggerated.

It is, therefore, the view of The Swedish Consumers' Association that as much information as is requested by the consumers must be available on all food products. In that connection, we would wish to take the Swedish system as an example the existence of a functioning labelling, generally providing consumers with the requested information.<sup>1</sup> Further, it shows that providing rules covering everything from fish to chocolate is far from impossible.

In particular, providing information elsewhere, e.g. on websites or in stores or restaurants should only be an option in special circumstances, e.g. with a view to assisting visually impaired consumers. However, it must not, and cannot, replace the information that should be accessible directly on the product itself.

However, and this is important to stress, this does not in anyway take away what we consider to be a duty owed by personnel engaged in the sale or preparation of food, to be able to inform consumers about the contents and nutritional value of what is being sold or served.

### **2.2.1. Simplified nutrition labelling**

In general, the existence of simplified labelling in the form of symbols or similar on the front of a product, implying the fulfilment of certain nutritional standards, is supported by The Swedish Consumers' Association.

One example of such simplified labelling is the Swedish "Keyhole" label, a trademark owned by the Swedish National Food Administration. The "Keyhole" is a self-regulatory system for products that have a low fat, sugar or salt, or high dietary fibre, content.<sup>2</sup>

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<sup>1</sup> Further information is available from the Swedish National Food Administration on their website <http://www.slv.se>

<sup>2</sup> Further information is available, in English, on [http://www.slv.se/templates/SLV\\_Page.aspx?id=3626](http://www.slv.se/templates/SLV_Page.aspx?id=3626)

## **3. Other food issues – Origin/Welfare/GMOs/Health**

### **3.1. Origin labelling**

It is the opinion of The Swedish Consumers' Association that origin is an essential characteristic of most products and that a requirement as to the labelling of origin should be required through legislation.

Further, it is our view that consumers tend to associate origin with a number of different product characteristics; safety, quality, animal welfare etc. Therefore, we find it difficult to motivate limiting the requirement as to origin labelling to certain products, as for example meat. Origin, for any of the reasons given above, constitutes a significant factor for consumers when making aware choices. Labelling of origin should therefore be made obligatory to all products sold within the Union.

Moreover, it is regretful that the consultative document fails to recognise the connection between origin labelling and consumer choices based on environmental concerns. In choosing between a product produced locally and a product that originates from a different country, perhaps even outside Europe, it would be naïve to think that environmental concerns are not influencing the choice. The length of transports is example of a factor with significant impact on the environment, something that the aware consumer is likely to consider.

In general, we favour a labelling that indicates which specific country the relevant product comes from, as opposed to a label indicating the region of origin. A "EU/non-EU" label, while being sufficient in some cases, would still only come close to providing consumers with the information they request. We therefore favour a general process to frame consumer demand for mandatory indication of "member state/third country" origin applicable to all food. As has been explained above, we believe that such a process would indicate a consumer demand for origin labelling on far more products than is the case today.

Further, it is crucial that the label specifies the origin of the raw product, as opposed where the product has for example been packaged or prepared. If a product contains more than one raw product, the origin of each individual one should be specified.

### **3.2. Social labelling**

The Swedish Consumers' Association further supports labels providing consumers with information on information of a social character. One example is provided by the FLO, Fairtrade Labelling Organizations, providing a label which contributes to the development of disadvantaged producers and workers. Purchasing products labelled with the organisation's symbol contributes to social and economic development in third world production countries,<sup>3</sup> information influencing the aware choices made by many consumers today.

### **3.3. Welfare labelling**

We agree with the opinion that consumers do request information on welfare of animals and we also agree that this information is in most cases very difficult to attain. Clear symbolic labelling could very well prove to be sufficient to provide the requested information. However, any such labelling requires a strong regulatory framework giving it credibility. The Community Action Plan on the Protection and Welfare of Animals could result in such a framework, and it is positive that labelling issues have been made part of the initiative. The Swedish Consumers' Association look forward to taking part of the initiative, including further development on options for labelling.

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<sup>3</sup> Further information is available on the FLO website, <http://www.fairtrade.net>

We would, however, already in this context express one caveat to our positive view on welfare labelling, in that such a label could very well risk leading to a loss of focus on the actual question of concern, i.e. animal welfare. For consumers it is undoubtedly positive if a functioning label as to animal welfare was to be introduced. However, it must not lead to a situation where one becomes content, forgetting the products that do not meet the necessary requirements, failing to achieve the objective of improving animal welfare at large.

Further, given that this issue in many ways concern the basic rights of animals, we generally oppose any kind of soft legislation, such as self-regulatory measures or recommendations.

### **3.4. GMO labelling**

The Swedish Consumers' Association have previously worked with the issue of GMO labelling and have in that respect emphasised the need for Member States to make sure that the requirements posed by Directive 2001/18/EC is actually enforced. GMO-labelling must be clear and unambiguous so that all consumers that wish to avoid products containing GMO has the possibility of doing so. In particular, the label 'GMO-free' must be avoided as it could serve misleading and generate fraudulent behaviour.

In this connection it is further worth emphasising the importance that a GMO label also ensures that GMO is not included in the product indirectly, i.e. via feedstuff. In our experience, this is where the real problem with GMO lies presently and it is absolutely crucial that consumers are not misled by a label claiming that a food-product is free from GMO, while in reality it includes GMO through feedstuff.

### **3.5. Health warnings on alcoholic beverages**

Issues concerning health warnings on alcoholic beverages are part of an area in which The Swedish Consumers' Association do not normally operate. We have therefore chosen not to bring forward any comments on this part of the Consultative Document.

## **4. Non-food labelling**

The need for labelling goes clearly beyond just food. The willingness of the consumer to make informed and active choices clearly spans over a large variety of products. As emphasised above, this clearly evidences the fact that consumers request a wide variety of information. Safety considerations, environmental issues, health issues and sustainability are all examples of variables that work determinative in making these choices. There is nothing to show that these considerations should not be relevant for non-food products, as well as for food.

Understanding different labels is, of course, crucial. We therefore fully agree with the conclusion that reviewing safety labels etc is fundamental in the non-food area.

It is the view of The Swedish Consumers' Association that as much information as is requested by the consumers must be available on all non-food products.

Further, the same demands as to labelling that were presented above concerning food products should also be made concerning non-food products. In other words, we demand full and complete declaration of content, origin labelling specifying the country of origin, as opposed to region or similar, and full and complete declaration of any allergens contained in the product.

However, special considerations are also involved in non-food products that are not present for food products.

Firstly, the labelling of content on non-food products will carry different considerations. In particular, it is in the case of such products important that the information is presented in a way in which consumers can actually make use of the information. Using highly technical terms or Latin is likely to have little or no influence on consumer confidence. We are in this respect willing to tolerate slight deviations from the demand for food products that all information should be made available on the

product itself. Further explanatory information, for example on the manufacturer's website could prove very useful to the consumers in the case of non-food products.

Secondly, the special environmental concerns when it comes to non-food products make it even more important that these products are equipped with origin labelling.

Moreover, there are also other special considerations that are brought up by non-food products. These are dealt with separately below.

#### **4.1. Safety**

While safety is perhaps the most important aspect of labelling in general, it becomes of special importance for the case of products that are inherently hazardous. Effective labelling informing about the dangers involved in using a particular product is therefore absolutely crucial for non-food products.

#### **4.2. Simplified labelling**

Given the potential environmental impact that is carried by many non-food products, the question of simplified environmental labelling is raised. In the Nordic countries this issue has resulted in the Swan ecolabel.<sup>4</sup> The vision of creating a sustainable society for this and future generations guide the work.

A less successful European attempt to create a Community-wide ecolabel is provided by the EU-ecolabel, symbolised by a flower.

The Swedish Consumers' Association have previously been, and remains, positive to both of these labels. However, at some point it must be decided whether the functioning local label should be traded for a pan-European system of environmental labelling. A similar situation has been highlighted in the potential conflict between the recent European initiative to harmonise organic labelling, and the Swedish organic label KRAV.<sup>5</sup> As with the Swan, the KRAV label is another example of a local initiative that has proved very functional.

While we are supportive of the strengthening of environmental or ecological products on the European market as such, there are at the same time questions to be raised as far as the position of the Swedish consumers is concerned. In fact, the Swedish market is already experiencing a functioning environmental label, the Swan.

Even though a harmonized European market would in the long-term perspective carry great benefits for all European consumers, there is at the same time a clear risk of a detriment in the short-term perspective. For Swedish consumers, where a functioning label is already in use, this risk is particularly evident. A scenario where the Swedish label is being marginalised by a European regime, must not lead to a worsened situation for the Swedish consumers.

Jan Bertoft  
Secretary General

Jens Henriksson  
International Officer

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<sup>4</sup> Visit <http://www.svanen.nu> for further information.

<sup>5</sup> Visit <http://www.krav.se> for further information.