

## IMACE Position on the Revision of the EU Food Information to Consumers Regulation

Brussels, 2 February 2021

IMACE – the European Margarine Association – welcomes the opportunity to contribute to the public consultation on the Inception Impact Assessment (IIA) on the proposal for a revision of the FIC Regulation. From the margarine and spreads perspective, the FIC is overall fit for purpose. Nonetheless, specific provisions have proved ill-adapted to consumer information and should be revised.

IMACE herein provides its views on two of the key aspects of the IIA (**front-of-pack nutrition labelling** and **country of origin labelling**), before addressing additional elements for revision:

- **Trans Fatty Acids (TFA);**
- **Portion sizes;**
- **Indications on food suitable for vegetarians and vegans.**

### Front of Pack Nutrition Labelling (FOPNL)

The [2020 JRC FOP Labelling Report](#) concluded that FOP labelling proves useful in helping consumers make ‘health-conscious food choices’, and supports efforts to prevent diet-related non-communicable diseases. However, several schemes have developed across Europe<sup>1</sup>, prompting the JRC to advise on a common, harmonised approach to FOP nutrition labelling in the EU.

IMACE is supportive of initiatives that aim to provide consumers with easy-to-understand and non-misleading information related to the nutritional characteristics of foods, and beyond the mandatory nutrition declaration pursuant to Regulation (EU) No 1169/2011 (i.e. recommended intake per 100 g and/or portion/serving).

Nonetheless, IMACE invites the European Commission to take the following considerations into account when developing a FOP scheme.

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<sup>1</sup> The traffic light scheme (UK, 2011), the Nutri-Score (France, 2017), the Keyhole (Sweden, Denmark and Norway), and the NutriInform battery (Italy, 2020).

- Any scheme should be **voluntary, non-discriminatory** and in accordance with transparent and objective criteria based on robust and sound **scientific evidence**;
- Criteria should be set by an **independent** scientific expert group;
- Any scheme should include **all food products**, whether they are complex or single-nutrient foods, and assess them according to their place in a healthy diet;
- Any scheme shall take into account the total nutritional value of the food, i.e. all nutrients (in the case of margarine and spreadable fats: vitamins, minerals, omega 3 fatty acids, MUFA, PUFA, DHA/EPA, etc.);
- FOP labelling shall not mislead the consumer to make choices that are against nutritional recommendations from health organisations (WHO ['A healthy diet sustainably produced'](#)) and national dietary guidelines and national authorities (e.g. Dutch ['Wheel of Five'](#), Swedish ['Nordic Nutrition Recommendations'](#));
- FOP labelling should make the distinction as to whether foods' nutritional value is assessed per 100 g/100 ml or per portion. The latter would be more relevant for certain categories of products such as margarine and spreadable fats;
- The system shall have broad support from the industry, health professionals, consumer organizations, retailers and government;
- The scheme should be **harmonised** across the EU to **avoid discriminatory practices** and diverging consumer perception of a same product. Common FOP nutrition labelling should also take care of avoiding double standards in assessing food products from a same category – for instance, the fats category which gathers butter, margarine, blends and other types of spreads. Moreover, **food products essentially consisting of one nutrient shall be carefully considered regardless of the FOP scheme**, always in the context of a healthy and balanced diet<sup>2</sup>. In case of qualitative FOP schemes, categories of food should be based on consumer usage and should be as broad as possible.
- FOP nutrition labelling schemes should allow for companies to communicate about effective reformulation efforts, which is the primary intention of EU food law.

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<sup>2</sup> Margarines, fat spreads, blends for spreading and/or cooking (regulation 1308/2013: categories B & C).

- FOP nutrition labelling schemes should be solely based on products' nutritional composition, and not on the presence of certain ingredients (e.g. additives) or on production processes.

### Country of origin labelling (COOL)

Country of origin labelling should remain **voluntary** for primary ingredients. It is important to evaluate whether information on the origin of a food is meaningful and relevant for consumers purchasing decisions. Whereas this may be the case for certain products (e.g. meat), it is not a decision factor for other food categories, including spreadable fats. Furthermore, indicating the country of origin of oils would not be most feasible given the complexity of the supply chain. The last substantial place of transformation (refining, blending, bottling) are not necessarily linked to the country where the oil seeds/fruits are grown/harvested.

The Commission Implementing Regulation (EU) 2018/775 – laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 concerning the provision of information on the country of origin or place of provenance of the primary ingredient of a food where different to that given for the food-, provides sufficient framework in that regard.

### Additional provisions of the FIC Regulation for revision

A few aspects of the FIC Regulation should be effectively implemented.

- **Trans Fatty Acids (TFA)** (Art. 30(7) and Annex VII; Annex VII – Part A and B): The FIC Regulation entails dispositions for – and has been successful at – reducing the presence of TFA in foods. In addition, [Regulation \(EU\) 2019/649](#) – amending Annex III to Regulation (EC) No 1925/2006 as regards trans fats other than other than trans fat originally occurring in fat of animal origin – sets a maximum limit of 2 g TFA/100 g of fat in the final product. However, those requirements do not cover all sources of TFA as only industrial (non-ruminant) TFA have to comply. Animal TFA are exempt. Consumers should have transparent information in order to make informed choices. Therefore **IMACE calls for mandatory nutrition labelling of TFA content.**

Regulation (EU) 2019/649 also no longer allows consumers to distinguish between high and low TFA products. Therefore, the labelling of fully or partially hydrogenated fats is

not relevant anymore and it could even confuse consumers as to the TFA levels of products. IMACE therefore recommends **aligning the FIC Regulation with Regulation 2019 (EU) 2019/649 and no longer requiring the mandatory labelling of ‘fully hydrogenated or partially hydrogenated’ for refined fats of vegetable origin.**

- **Portion sizes** (Art. 33(5)): IMACE strongly encourages the European Commission to implement the provisions in Art. 33(5) of the FIC Regulation, i.e. adopting rules on the expression per portion or per consumption unit for specific categories of foods. Providing nutrition information in reference to portion sizes, instead of per 100 g, is better adapted to consumers’ use of spreadable fats, for instance. No individual would consume margarine per 100 g on a daily basis. **Portion sizes should further be considered as unit base for FOP nutrition labelling, where relevant.**
- **Suitability of foods for vegetarians and vegans** (Art. 36(3)(b)): IMACE strongly encourages the European Commission to define EU requirements for ‘information suitable for for vegetarians or vegans’. This is essential in the face of growing consumer demand for vegetarian and vegan products. In addition, it would provide common marketing references for the food industry and ease trade on the single market. Recent international standards, such as the ISO TS 23662:2020 “Definitions and technical criteria for foods and food ingredients suitable for vegetarians or vegans and for labelling and claims”, currently under finalisation, can serve as a basis. IMACE is also supportive of the definition proposed by FoodDrinkEurope and the European Vegetarian Union in their [joint position](#).