EUROPEAN MARGARINE ASSOCIATION

IMACE POSITION

ON THE REVISION OF FOOD INFORMATION TO CONSUMERS REGULATION

Brussels, 1 June 2023

IMACE – the European Margarine Association – welcomes the Commission's intention to revise the Food Information to Consumers (FIC) Regulation and Front of Pack Nutrition Labelling (FOP) While we consider the FIC fit for purpose on many aspects, specific provisions have proved unsuitable to consumer information and should be revised.

IMACE would like to focus on three topics in the scope of the revision of the FIC:

- **Front of Pack Labelling (FOP);**
- **Trans-fatty Acids** (Art. 30(7) and Annex VII; Annex VII – Part A and B);
- **Flexibility on labelling requirements during times of major crises**

Overview of Front of Pack Labelling (FOP)

As per Regulation (EU) No 1169/2011 on the provision of FIC, the European Commission's Joint Research Centre released a report on the use and effectiveness of front-of-pack (FOP) labelling schemes. FOP labelling is meant to inform consumers about the foods they consume. The 2020 JRC FOP Labelling Report concludes that FOP labelling proves useful in helping consumers make 'health-conscious food choices', and supports efforts to prevent diet-related non-communicable diseases. It further advises on the need for a common, harmonised approach to FOP nutrition labelling in the EU.

In Europe, several systems have been developed: The UK Food Standards Agency (FSA) traffic light scheme (2011); the FR - Nutri-Score Labelling (2017); the keyhole symbol used in Sweden, Denmark and Norway to identify healthier options; and the NutrInform battery in Italy (2020). It seems that the French Nutri-Score labelling is getting the most traction as several countries (Spain, France, Belgium, Portugal, Germany and the

Netherlands),multinationals such as Nestlé, Danone and several retail brands adopted this voluntary labelling.

IMACE views on FOP schemes

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, beyond the mandatory nutrition declaration pursuant to Regulation (EU) No 1169/2011 (i.e. recommended intake per 100 g and/or portion/serving).

IMACE, nonetheless, invites the European Commission to take the following principles into account for an effective FOP scheme.

- Any scheme should be **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 prepacked food products** (irrespective of the possibility to reformulating), 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 not in line with 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 assess products' nutritional value based on a **harmonised calculation** for food products from the same category (e.g. margarine and butter), **compared against a common reference value** (100g or portion). When it comes to fats, a **portion size reference of 10 g or ml should be considered**, consumed twice a day, reflects the daily consumption (i.e. 20 g or ml) intake of the products;
- 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 perceptions of the same product. Common FOP nutrition labelling should also take care of avoiding double standards in assessing food products from the same category – for instance, the fats category which gathers butter, margarine, blends and other types of spreads;
- FOP nutrition labelling schemes shall not prevent companies to communicate about the nutritional composition of the foods, in line with the Nutrition and Health Claims Regulation.

In conclusion, IMACE is of the opinion that **FOP schemes shall be carefully considered,** always in the context of a healthy and balanced diet[1].

Trans-fatty acids

The FIC Regulation entails dispositions for – and has been successful at – reducing the presence of trans-fatty acids (TFA) in foods. In addition, Regulation (EU) 2019/649 – amending Annex III to Regulation (EC) No 1925/2006 as regards trans-fats, other than trans-fat originally occurring in the fat of animal origin – sets a maximum limit of 2 g TFA/100 g of fat in the final product. The margarine industry was already long compliant with the limit, since, due to high investments in product reformulation, the level of trans fats in margarine has been below 2% for over twenty years, going below 1% for some margarine products[2,3]. Moreover, dietary surveys in Europe (between 1999 and 2012) confirm that TFA intake has been below 1% in Western Europe for over 13 years[4,5,6] EFSA's draft scientific opinion on the "Development of harmonised mandatory front-of-pack nutrition labelling and the setting of

[1] REGULATION (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (Margarines, fat spreads, blends for spreading and/or cooking: categories B & C). 2007.
[2] EFSA. Scientific Opinion on the presence of trans fatty acids in foods and the effects on human health of the consumption of trans fatty acids. 2004.
[3] Abramovic H., *et al*. Trans fatty acids in margarines and shortenings in the food supply in Slovenia. *Journal of Food Composition and Analysis.* 2018. *74, 53-61.*
[4] Hulshof K.F., *et al*. Intake of Fatty Acids in Western Europe with Emphasis on Trans Fatty Acids: The TRANSFAIR Study. *Eur J clin Nutr.* 1999. 53: 143–157
[5] AFSSA. Avis de l'Agence française de sécurité sanitaire des aliments sur l'estimation des apports en acides gras trans de la population française. 2009.
[6] Capita R. and Alonso-Calleja C. Intake of Nutrients Associated with an Increased Risk of Cardiovascular Disease in a Spanish Population. *Int J Food Sci Nutr.* 2003. 54: 57–75.

nutrient profiles for restricting nutrition and health claims on foods" acknowledges the progress made by the industry to reduce the levels of industrial TFAs[7]. Moreover, most TFA nowadays are consumed from animal sources[8].

Regulation (EU) 2019/649 limits the non-ruminant TFA levels in food products. Therefore, the current mandatory labelling of partially and fully hydrogenated vegetable oils (PHVO/FHVO) is no longer relevant, as its ultimate goal – to indirectly inform consumers on the potential non-ruminant TFA content – is now being fulfilled by the new maximum levels. On the contrary, such labelling is counterproductive and confusing to consumers, given their limited/wrong understanding and negative perception of PHVO and FHVO[9]. IMACE, therefore, recommends **aligning the FIC Regulation with Regulation 2019 (EU) 2019/649 and no longer requiring the mandatory labelling of PHVO/FHVO.**

Implementing these actions would align EU legislation with legislative measures already ongoing in other parts of the world: for instance, in the United States, PHVO labelling is replaced by a mandatory TFA labelling in all products, requiring *trans* fatty acids to be indicated as "*Trans* fat" or "*Trans*" on a separate line under the listing of saturated fat in the nutrition label[10]. Such measure contributed to increase investment in product reformulation while facilitating consumers understanding[11]. The same goes for Canada, the first country in the world to have set mandatory TFA labelling where both industrial and ruminant trans-fats need to be declared in the nutritional table on the back-of-pack.[12] Some forms of TFAs labelling (e.g. mandatory TFA declaration) are also in place in countries such as Oman, Mexico and Venezuela[13].

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[7] EFSA. EFSA public consultation - The science behind nutrient profiling. 2021.
[8] Wanders, A. J., Zock, P. L., & Brouwer, I. A. Trans Fat Intake and Its Dietary Sources in General Populations Worldwide: A Systematic Review. *Nutrients*. 2017 (9) 840.
[9] A&B Danish study on consumer understanding of PHVO/FHVO, MIFU 2014; Report from the Commission to the European Parliament and the Council regarding trans fats in foods and in the overall diet of the Union population ,December 2015.
[10] Small Entity Compliance Guide: Trans Fatty Acids in Nutrition Labeling, Nutrient Content Claims, and Health Claims,
[11] D. Folmer, D. Lee, H. Honigfort, M. Carberry. Updated estimate of trans fat intake by the US population. Doell *Food Additives & Contaminants.* 2012. *Part A*, *29*(6), 861-874.
[12] Labelling of trans fatty acids, Government of Canada
[13] Countdown to 2023: WHO report on global trans-fat elimination 2022. January 2023

Recently, a WHO systematic review and meta-analysis of prospective observational studies on "Saturated fat and trans-fat intakes and their replacement with other macronutrients"[14] A clear dose–response relationship was observed for TFA intake and CHD incidence, regardless of the source of replacement energy. Although fewer data were available, replacement of energy intake from TFA with MUFA from plant sources reduced all-cause mortality and CHD incidence. WHO analyses provide some support for a specific adverse effect of industrially produced TFA; however, they could not rule out a comparable effect of ruminant TFA based on the data available.

While intake of industrial TFAs is well regulated and managed, ruminant sources of TFAs (naturally found in meat and dairy) are still exempt from any restriction, even though they carry the same negative public health impact[15,16] and are usually present at concentrations between 2 and 9% of total fat[17] – much higher than the current max levels for industrial TFAs. Such "double-standard" approach goes to the detriment of consumers' transparent information, hindering their ability to make informed choices. Therefore, **IMACE calls for mandatory nutrition labelling of TFA content above 2% on fat basis (applying the same threshold as for non-ruminant TFA).**

Flexibility on labelling requirements during times of major crises

The crisis in Ukraine and Russia is affecting the food industry in terms of supply of some foods-in particular, but not only, sunflower oil and other vegetable oils- and raw materials and ingredients for the production of certain foods. The need quickly to switch to other ingredient(s) in some cases prevents the sector from fully complying with all food labelling requirements, and in particular, those regarding the list of ingredients, the nutrition declaration or the country-of-origin indications.

[14] WHO. Saturated fat and trans-fat intakes and their replacement with other macronutrients. 2023
[15] Scientific and technical assistance on transfatty acids, *EFSA Journal.* 2018
[16] Brouwer IA. Effect of trans-fatty acid intake on blood lipids and lipoproteins: a systematic review and meta-regression analysis. WHO 2016; Gebauer S. et al. (2015), Vaccenic acid and trans fatty acid isomers from partially hydrogenated oil both adversely affect LDL cholesterol: a double-blind, randomized controlled trial. American Journal of Clinical Nutrition, 2015; doi:10.3945/ajcn.115.123646
[17] Trans fatty acids in Europe: where do we stand?, Mouratidou T, Livaniou A, Martín Saborido C, Wollgast J and Caldeira S. 2014. JRC Science and Policy Reports

We request that that existing EU legislation shall take in stock the lessons learnt from recent crises (including the COVID-19 Pandemic and the most recent Ukraine and Russia war) into consideration and their effects in the supply chain and their detrimental effects, safeguarding the unhindered movement of agricultural raw materials, ingredients and products for food production, distribution and sale.

Therefore, in times of major crises, we request the possibility for a temporary suspension of the relevant provisions of:

a) Articles 18 and 21 of Regulation 1169/2011 regarding listing of ingredients, and

b) Article 30 of Regulation 1924/2006 regarding nutritional declarations to allow flexibility on changing the botanical source of vegetable oils and lecithin (without prejudice of the allergen management consideration thus when switching to a non-allergenic source of lecithin). Considering that no immediate changes to packaging and labels will be made, and that enforcement by national authorities takes account of this flexibility.

Currently each Member State acts on its own principles thus leading to huge fragmentation in the common market. Harmonised structural trigger mechanisms could for instance entail fast-track provisions regarding labelling flexibility in times of crisis. Such measures must be temporary in nature, not compromise on food safety and health, and applicable in a uniform manner across the EU.

Furthermore, in practical terms, lack of flexibility and harmonisation in labelling in times of major crisis, leads to a great amount of waste adding up to a considerable environmental impact, in moments where waste avoidance is crucial.

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