

# Food and drink labelling: a practical guide for industry



### **Contents**

- 01 Foreword
- 02 Scope
- 03 Introduction
- 04 Main changes in list of mandatory requirements
- 05 Font size Largest surface area
- 06 Name of food
- 07 Allergen labelling
- 08 Ingredient list
- 09 Country of origin labelling (COOL)
- 10 Mandatory nutrition information
- 11 Additional voluntary labelling
- 12 Nutrition table
- 13 Nutrition declaration
- 14 Field of vision
- 15 Other compulsory labelling requirements
- 17 Checklist
- 19 **Definitions**

# **Foreword**

Publication of the Regulation on the provision of food information to consumers represents the first major overhaul of Europe's food labelling rules in 30 years. It makes considerable changes to the existing labelling legislation and will have a significant impact on how food businesses communicate with consumers.

Whilst the new Regulation establishes the general principles, requirements and responsibilities governing food information and in particular food labelling, it maintains the original objectives and the core components of the current labelling legislation. Recognising that the food label itself is not the only means of communicating information on food to consumers, the new rules extend beyond food labelling to cover other communication means, such as internet marketing or other modern technology tools.

This FDII guide for the food industry highlights the main changes that are mandatory under the new information rules. It will act as a valuable resource to food businesses in understanding the changes that need to be made in relation to the food information they provide.

The Food Safety Authority of Ireland welcomes this guide. It believes that it will assist food businesses in achieving compliance with the new rules, with the ultimate objective of providing clear and unambiguous information to the consumer.



**Professor Alan Reilly Chief Executive Food Safety Authority of Ireland** 

# Scope

Regulation (EU) No. 1169/2011 covers all food information made available to the final consumer by means of a label, other accompanying material or other means including modern technology tools or verbal communication e.g. websites, advertising, promotions. This booklet focuses on the labelling aspect of the Regulation, for Irish businesses producing food for the Irish market. The guidance is not exhaustive and should be used in conjunction with the Regulation and official national guideline documents.

The Regulation applies to all food business operators at all stages of the food chain where their activities concern the provision of food information to consumers.

# Introduction

This new regulation, Regulation (EU) No. 1169/2011, commonly known as the Food Information to Consumers Regulation (FIC), which replaces the current rules, sets out the requirements for the provision of food information to consumers. It also sets out new requirements with regard to the provision of nutritional information.

The Regulation came into effect on 13<sup>th</sup> December 2011. It will apply from 13<sup>th</sup> December 2014, with the exception of mandatory nutrition declaration\* which will apply from 13<sup>th</sup> December 2016. Specific requirements regarding the designation of minced meat will apply from 1st January 2014. The requirements regarding the mandatory labelling of country of origin for pig, sheep, goat and poultry meat will apply from 2015 (date to be specified).

Further rules are to be laid down where voluntary country of origin is given.

<sup>\*</sup> If businesses currently have nutritional information on pack they will need to comply with the new rules by 13th December 2014. If businesses do not currently have nutritional information on pack then they will have to comply by 13th December 2016.



# Main changes

#### In list of mandatory requirements

#### **Current regulations New regulations** 1. Name of the food\* 1. Name of the food\* 2. List of ingredients 2. List of ingredients 3. Allergens 3. Allergens 4. Quantity of certain ingredients 4. Quantity of certain ingredients 5. Net quantity\* Net quantity\* 6. Date of minimum durability 6. Date of minimum durability\* 7. Special storage conditions and/ 7. Special storage instructions and/ or conditions of use or conditions of use 8. Name and address of seller in the EU 8. Name and address of seller in the EU 9. Country of origin or place of provenance 9. Place of origin of the foodstuff if its where provided for in Article 26 absence might mislead 10. Instructions for use where necessary 10. Instructions for use where necessary 11. Alcoholic strength\* 11. Alcoholic strength\* 12. Nutrition declaration

From 13th December 2014 it is no longer mandatory to have the date of minimum durability in the field of vision. However to comply with the current legislation the name of food, the net quantity, the date of minimum durability, and the alcoholic strength (if applicable) must be in the same field of vision until that date.

All mandatory information needs to meet the requirements of font size (for further details see page 5).

Main changes

<sup>\*</sup> this information needs to be in the same field of vision to comply with legislation.

## **Font size**

# Mandatory labelling information must be given priority over any voluntary labelling information.

All mandatory requirements must be given in minimum font size:

- "x height" of 1.2mm (Times New Roman, 8 font).
- Exemption for smaller packs where largest surface area < 80cm² "X height" of 0.9mm (Times New Roman, 6 font).

Pack size exemptions on mandatory labelling requirements e.g. If largest surface area is <10cm<sup>2</sup> then only legal name, allergen labelling, date mark and quantity declaration are mandatory. In addition to this derogation, the list of ingredients must be provided through other means or must be made available at the request of the consumer.



See Annex IV to the Regulation.

# Largest surface area

For rectangular or box-shaped packages, the determination of the 'largest surface area' can be considered to be one entire side of the package concerned (height x width).

For cylindrical containers, the largest surface area can be considered to be the area excluding tops, bottoms, flanges at the top and bottom of cans, shoulders as well as necks of bottles and jars.

# Name of food

The name of the food needs to include an indication of the presence of the following where applicable:

- Indication of the physical condition of the food e.g. powdered, refrozen, concentrated, smoked in all cases where omission of such information could mislead the purchaser.
- 'Defrosted' in the case of food frozen before sale and sold defrosted (see Paragraph 2, Annex VI to the Regulation for exemptions).
- 'Irradiated' or 'treated with iodising radiation'.
- Substitution of ingredients where consumers expect the product to contain a certain ingredient and this has been partially or wholly substituted e.g. shepherd's pie made with pork.
- In the case of meat products, meat preparations and fishery products containing **added proteins** as such, including hydrolysed proteins, of a different animal origin, the name of the food shall bear an indication of the presence of those proteins and of their origin.
- Presence of water >5% in meat products and meat preparations with an appearance of a joint, cut, slice, portion or carcass and in fish products with the appearance of a cut, joint, slice, portion, fillet or of a whole fishery product.
- Formed meat and formed fish.
- **Designation of minced meat** (e.g. % fat content) for full designation see Part B of Annex VI to the Regulation.

For further details on all of the above see Annex VI to the Regulation.



# Allergen labelling

Allergens must be emphasised in ingredient list, each occurrence, by means of font, style or background colour, e.g. **bold**.

Only the name of the substance or product as listed in Annex II shall be emphasised.

e.g. Lasagne ingredients list

Allergen not obvious to consumer

Ingredients: Cooked Pasta (Durum Wheat Semolina, Water), Beef (24%), Reconstituted Whey Powder (Milk), Onion, Tomato Puree, Water, Celery, Tomato, Milk, Corrifour, Carrot, Mushroom, Cheddar Cheese, Wheat Flour, Garlic Puree, Salt, Basil, Caramelised Sugar, Oregano, Anti-caking Agent (Potato Starch), Black Pepper, Bay Leaf, Nutmeg.

#### **Processing aids:**

Any allergenic processing aid still present in the finished product (even if in an altered form) needs to be listed and highlighted.

#### **Exempt foods:**

In the absence of ingredients list (e.g. alcohol) - must say "contains" and the name of the allergen.

#### Allergen boxes:

Allergen boxes are no longer adequate; however, they may be used to direct consumers to the allergens highlighted in the ingredient declaration e.g. Allergy Advice: For allergens, see ingredients in **bold**.

#### Precautionary labelling:

The European Commission must adopt rules regarding information on the possible and unintentional presence in food of substances or products identified as allergenic.

#### Non-prepacked foods:

Indication of allergens is extended to non-prepacked food; allergens must be available in easily visible written format unless national rules are adopted. The Department of Health intend to introduce such rules.

# Ingredient list

1. The generic term 'Vegetable Oil/Fat' is no longer permitted in the list of ingredients; the specific name of the oil/fat must be declared.

#### Example 1\*



**Ingredients:** Vegetable Oil, Salt (1.6%), Milk, Water, Emulsifier (Mono-& Di-Glycerides), Preservative (Potassium Sorbate), Vitamins A & D, Colour (Carotene).





Ingredients: Vegetable Oil (Palm, Rapeseed, Partially hydrogenated Sunflower), Salt (1.6%), **Milk**, Water, Emulsifier (Mono-& Di-Glycerides), Preservative (Potassium Sorbate), Vitamins A & D, Colour (Carotene).

2. Caffeine beverage rules: statement required if >150mg/L (See Annex III part 4).
Foods other than beverages: If caffeine is added for physiological purpose, statement required – "High caffeine content. Not recommended for children or pregnant or breastfeeding women" – followed by caffeine content expressed in mg per 100ml (see Annex III part 4.1).

#### Example 2: Carbonated energy drink with caffeine\*



Carbonated Energy Drink with Caffeine. High caffeine content (32mg per 100ml)

**Ingredients:** Carbonated Water, Sugar, Citric Acid, Acidity Regulator (Sodium Citrate), Flavouring, Caffeine.





Carbonated Energy Drink with Caffeine.

High caffeine content. Not recommended for children or pregnant or breastfeeding women (32mg per 100ml)

Ingredients: Carbonated Water, Sugar, Citric Acid, Acidity Regulator (Sodium Citrate), Flavouring, Caffeine.

- 3. Engineered nano-materials must be labelled.
- These examples are for illustrative purposes only

# Country of origin labelling (COOL)

With certain exceptions (e.g. beef, fish, honey, olive oil, fresh fruit & vegetable), COOL is currently only mandatory when its absence might mislead consumers.

#### Changes/potential changes under Food Information to Consumers (FIC)

- Mandatory COOL will apply to poultry, sheep, pig and goat meat.
- COOL of the primary ingredient of a food where different to that given for the food. This indication is mandatory if the Food Business Operator (FBO) gives COOL of the food product.
- Possible mandatory indication of the country of origin or place of provenance for meat used as an ingredient in foods.
- Possible mandatory indication of the country of origin or place of provenance for the following:
  - types of meat other than beef, pig, sheep, goat and poultry meat;
  - milk;
  - milk used as an ingredient in dairy products;
  - unprocessed foods;
  - single-ingredient products;
  - ingredients that represent more than 50% of a food.

#### Table 1: Country of origin labelling

Туре	Торіс	Required?	Deadline	Implementation
Rules	On origin for meat of pigs, sheep, goats and poultry	Yes	December 2013	TBC
Rules	On origin of "primary ingredients" (defined as representing more than 50% of the food) when different from country of origin e.g. Irish Sausage made using non-EU pork / Irish Sausage, pork not Irish	Yes	December 2013	TBC
Report	On origin of meat as an ingredient	Yes	December 2013	TBC
Report	On origin of certain other foods (milk used as an ingredient in dairy products, unprocessed foods, single ingredient foods, ingredients that represent > 50% of a food).	Yes	December 2014	TBC

# Mandatory nutrition information







Energy/ kJ kcal
Fat
of which saturates
Carbohydrates
of which sugars
Protein
Salt

#### **Changes**

- 1. Nutrition Information is mandatory for most products\*.
- 2. Order is changed (Fat after energy, protein moved down).
- 3. Fibre is out and Sodium changed to Salt (sodium (all sources) x2.5).
- Information must be in 100g/ml, (may in addition also be provided per serving (note: portion rules in article 33 in the Regulation)).
- Mandatory nutrients can be supplemented with certain additional nutrients
   i.e. mono and polyunsaturated fat,
   polyols, starch, fibre, vitamins and
   minerals.
- 6. RDA replaced by nutrient reference value (NRVs), labelled as a % RI.
- \* Reference Annex 5 to the Regulation, where exempted foods are listed, e.g. small packs with a largest surface area less than 25cm², are exempt from the declaration of mandatory nutrition information.

# Additional voluntary labelling

#### Additional repeated nutrition information

All components of the mandatory nutrition declaration should be in the same field of vision on the foodstuff packaging. In addition, on a voluntary basis, listed elements of the nutrition information may be repeated in the principal field of vision.

If businesses choose to add front of pack nutritional labelling they can do so in 1 of 2 formats:



#### Each 39g bar contains

Calories	Sugars	Fat	Saturates	Salt
137				
137	7.3g	3.3g	0.9g	0.1g
7%	8%	5%	5%	2%

of an adult's guideline daily amount

or





#### 1. Option to use Energy value only

#### 2. Option to use Energy, Fat, Saturates, Sugar, Salt

When providing nutritional information as a % of reference intake, the statement 'Reference Intake of an average adult (8400kJ/2000kcal)' must be included and placed in close proximity to the nutritional information.

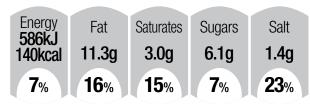
Per 25g bar:



Per 100g: 2343kJ / 560 kcal

Reference Intake of an average adult (8400kJ/2000kcal)

#### Per 25g bar:



Per 100g: 2343kJ / 560 kcal Reference Intake of an average adult (8400kJ/2000kcal)

# **Nutrition table**

**Table 2: Nutrition information** 

	per 100g/ml	per portion / per unit^	% reference intake*
Energy	kJ/kcal	kJ/kcal	%
Fat	g	g	%
of which			
Saturates	g	g	%
Mono-unsaturates	g	g	
Polyunsaturates	g	g	
Carbohydrates	g	g	%
of which			
Sugars	g	g	%
Polyols	g	g	
Starch	g	g	
Fibre	g	g	
Protein	g	g	%
Salt	g	g	%
Vitamins and minerals	Units as outlined in Annex XIII	Units as outlined in Annex XIII	%

<sup>\*</sup>Reference Intake of an average adult (8400kJ/2000kcal)

Nutrition declaration must be in tabular format with numbers aligned if space permits otherwise the information can be given in linear format.

This is a closed list and other nutrients cannot be included in the declaration. If a health / nutrient claim is authorised and applies to a different nutrient / substance not on the Annex XIII list, then the amount must be declared near to the nutrient declaration. e.g. Omega 3 constituents. For permitted health claims see Regulation (EU) No. 432/2012.

Mandatory
Supplementary
Information

 $<sup>^1</sup>$  portion = x g/ml pack contains x portions

# **Nutrition declaration**

#### **Mandatory**

Nutrition labelling per 100g/ml is mandatory, irrespective of whether a claim is made.

Nutrients must be declared in the new order in the nutrition declaration.

Salt must be declared in place of Sodium.

The word 'Calories' is replaced by the word 'Energy' expressed in kJ & kcal in that order.

#### Supplementary

The number of servings must be declared when per serving information is given. The 'per serving' quantity must be of a quantity of food that is easily recognisable to customers e.g. 'two grilled rashers (38g)', 1 slice (20g).

If the product is a single portion it must be included on the label that the pack contains one serving. The number of servings can be placed anywhere on pack.

The Reference Intake (RI) statement 'Reference intake of an average adult (8400 kJ /2000 kcal)' must be used where a % is used on pack per 100g/ml. The term GDA can still be used in addition to RI's once it meets the criteria of Article 35, but you will still need to include the reference intake information and statement as mandatory.

Reference Intake information can be given per 100g/ml. However, if businesses choose to give per portion information businesses will need to state the quantity of one serving and how many servings are in the pack.

Where Reference Intake information is given the following additional statement must be given in close proximity: Reference Intake of an average adult (8400 kJ /2000 kcal).

The term 'Reference Intake' can be used in relation to vitamins and minerals (references to "Recommended Daily Allowance" or "RDA" are no longer allowed).

See Annex XIII for Daily Reference Intake values.

Where nutrition information is repeated, Energy per 100g/ml (kJ & kcal) must be repeated.

The Reference Intakes for carbohydrates has increased from 230g to 260g and the reference intake for protein has increased from 45g to 50g.

Current children's GDA are no longer permitted from 14th December 2014.

Nutrition declaration shall apply without prejudice to the Directive 2009/39/EC on foodstuffs intended for particular nutritional uses (PARNUTS).

# Field of vision

The field of vision is all the surfaces of a package that can be read from a single viewing point, the intention is that all the information can easily be seen at the same time under normal purchasing conditions.

Principal field of vision means the field of vision of a package which is most likely to be seen at first glance by the consumer at the time of purchase and that enables the consumer to immediately identify a product in terms of its character or nature and, if applicable, its brand name. If a package has several identical principal fields of vision, the principal field of vision is the one chosen by the food business operator.



The name of the foodstuff, the date of minimum durability and the net quantity must appear in the same field of vision. If the product is an alcoholic beverage greater than 1.2% alcohol by volume, its actual alcoholic strength by volume must appear in this field if vision.



The name of the food, the net quantity of the food, the actual alcoholic strength by volume with respect to beverages containing more than 1.2% alcohol by volume.



# Other compulsory labelling requirements

#### Non-prepacked food

Allergen indication must be available in easily visible written form unless national rules are adopted which also require provision of additional written information. The Department of Health intend to introduce such rules.

#### Distance selling

Any food supplied through distance selling e.g. via the internet must meet the same information requirements as food sold in shops. This Regulation clarifies that in such cases, the relevant mandatory food information must also be available before the purchase is concluded, with the exception of a date of minimum durability/Use by date, and the information must appear on the material supporting the distance selling or be provided through other appropriate means clearly identified by the food business operator. When other appropriate means are used, the mandatory food information must be provided without the food business operator charging consumers supplementary costs. All mandatory particulars must be available at the moment of delivery.

For non-prepacked foods offered for sale by means of distance communication, the information that must be provided to the consumer will be set out in national legislation.

#### **Date marking**

A 'Frozen on' date for meat, meat preparations and unprocessed fish products that are frozen, or the date of 1st freezing when a product has been frozen more than once (format DDMMYY) must be given.

A 'Use by' date must be given on all individual portions and multipacks. The Use by date is for highly perishable foods beyond which the food is deemed unsafe.

#### Storage Instructions

After opening storage conditions and/or time limit for consumption shall be given where appropriate.

#### Quantity

Where a prepacked item consists of two or more individual packages which are not regarded as units of sale, the net quantity should be given by indicating the net quantity and the total number of individual packs e.g. 2x2L.

#### Foods for which the labelling must include one or more additional particulars

- Foods packed in certain gasses
- Foods containing sweeteners
- · Foods containing glycyrrhizinic acid or its ammonium salt
- Foods with added phytosterols, phytosterol esters, phytostanols or phytostanol esters

For full requirements please see Annex III to the Regulation 1169/2011.

#### Other compulsory labelling requirements/continued

#### Lot number

European Communities (Identification of Foodstuff Lot) Regulations, 1992 (S.I. No.110 of 1992) set out the requirements for the identification of the lot to which a foodstuff belongs. Note that no minimum font size is specified.

#### **Identification marks**

EU regulations require that certain products containing ingredients of animal origin must be marked with an identification mark.

#### **Declaration of quantity**

Packaged Goods (Quantity Control) Regulations, 1981 (S. I. No. 39 of 1981) specifies the font height for declaration of quantity.

**Table 3: Quantity** 

Nominal quantity g/ml	Minimum font size mm
< 200	3
200 – 1000	4
> 1000	6

<sup>&#</sup>x27;e' mark (not mandatory) but if given must be a minimum height of 3mm.

#### Supply of non-prepackaged foods

Food business operators that supply to other food business operators food not intended for the final consumer or to mass caterers, must ensure that those other food business operators are provided with sufficient information to enable them, where appropriate, to meet their obligations under this Regulation.

# **Checklist**

This check list is to be used in association with this document.

#### Prepacked food label check list

Language easily understood in country of sale	
Font size	
Name of food (include physical condition)	

#### Legal name / customary name / descriptive name

Irradiated	
Substitution of ingredients	
Added foreign proteins	
Added water greater than 5%	
Formed meat / Fish	
Packed in a protective atmosphere	
With sweetener(s) statement	
Contains aspartame	
Contains glycyrrhizinic acid or its ammonium salt	
Beverages with high caffeine content / foods with added caffeine	
Phytosterols, phytosterol esters, phytostanols or phytostanol esters	
Frozen meat, frozen meat preparations and frozen unprocessed fishery products	

#### **Ingredient declaration**

Heading 'Ingredients' (do not highlight the word 'ingredients')	
Descending order of ingredients by weight	
QUID for ingredients given special emphasis on the label above 2% (pictures and words)	

#### Allergens (Allergen boxes no longer permitted)

Include processing aids	
Highlighted (font style or background colour)	
Each allergen highlighted in each ingredient as it occurs	

#### Oil and fat

Source of vegetable oil or fat indicated	
Animal fat indicated as either animal or specific	
Fully/partially hydrogenated fat/oil indicated	

#### Date of minimum durability

Use by date (for highly perishable foods beyond which date the food is deemed unsafe)	
Best before end/Best before (not BBE)	
Frozen on date or indication of date in ddmmyy format for frozen fish, meat or products thereof	
Signposting for Best before / Use by date	
Multipacks must have Use by date on each individual pack that makes up the multipack	
Prepack portions >5L for supply to mass caterers must have date of minimum durability	

#### Storage instructions

Indication of special storage instructions or conditions of use (description of storage instructions which must be observed is mandatory on products with a Use by date)

#### Checklist/continued

#### Name and address

Name or business name and address of FBO (a website or customer careline number can be included but do not replace the need for a name and address)

#### Country of origin or place of provenance

Mandatory indication for meat from sheep, goats, poultry and pigs	
Voluntary COOL where the primary ingredient is different to that of the food	

#### Instructions for use

Symbols alone not permitted; they can be used in conjunction with words

#### **Alcoholic strength**

Alcoholic strength (beverages only) >1.2% by volume of alcohol; list the alcoholic strength as alc. X% vol.

#### **Mandatory nutritional declaration**

#### (in tabular format unless restriction on pack size then linear format)

Expressed per 100g/ml	
Energy (in kJ and kcal)	
Fat	
of which saturates	
Carbohydrate	
of which sugars	
Protein	
Salt (where appropriate can use statement 'salt content due to naturally occurring sodium' in	
close proximity to the nutritional declaration)	

#### Voluntary nutritional declaration

Mono-unsaturates	
Polyunsaturates	
Polyols	
Starch	
Fibre	
Vitamins and minerals (see page 12)	
Per portion nutritional information	
Portion/unit quantified in column heading on nutritional table	
Reference to number of portions/units contained in pack	
If giving % RI include statement.	
Reference intake of an average adult (8400 kJ/2000 kcal)	
Vitamins and minerals per portion information declared per 100g/ml	
% information given in column with % RI heading	
Front of Pack nutritional information	
Energy Value	
or	
Energy Value together with Fat, Saturates, Sugar, Salt	
FOP % RI per portion must include energy per 100g/ml	

#### Field of vision

Name of food, net quantity, alcohol content	
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# **Definitions**

**Legal name** means the name of a food prescribed in the Union provisions applicable to it or, in the absence of such Union provisions, the name provided for in the laws, regulations and administrative provisions applicable in the Member State in which the food is sold to the final consumer or to mass caterers.

**Customary name** means a name which is accepted as the name of the food by consumers in the Member State in which that food is sold, without that name needing further explanation.

**Descriptive name** means a name providing a description of the food, and if necessary of its use, which is sufficiently clear to enable consumers to know its true nature and distinguish it from other products with which it might be confused.



#### **Notes**









The FDII Skillnet is funded by member companies and the Training Networks Programme, an initiative of Skillnets Ltd. funded from the National Training Fund through the Department of Education and Skills.



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Food and Drink Industry Ireland (FDII) is part of Ibec and represents the food and beverage sector in Ireland. It represents the interests of manufacturers and suppliers in three main categories: Consumer Foods and Beverages, Dairy and Meat. FDII is committed to ensuring an environment exists which is conducive to the success and further growth of the Irish food and drink industry in Ireland and in export markets.

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