



Front of pack Nutrition Labelling: Joint Response to Consultation

January 2013

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1. Executive Summary

- 1.1 This is the response to a joint consultation between the Department of Health (DH) and the Devolved Administrations (DAs). Domestic provisions for nutrition labelling of food products are devolved under the Scotland Act 1998, the Government of Wales Act 2006 and the National Assembly of Wales (Transfer of Functions) Order 1999/672 and the Northern Ireland Act 1998. In Scotland and Northern Ireland, the Food Standards Agency (FSA) is responsible for nutrition labelling on behalf of their respective Devolved Administrations. The DAs, FSA and DH have taken into account all responses to the consultation, including in particular those from within their respective countries, in determining their next steps. Throughout the rest of this document, all of these bodies are referred to as “we”.
- 1.2 We are committed to the provision of clear and consistent summary nutrition information on the front of food packages to help consumers make better informed food choices – and so to help them improve their health, guard against risks such as obesity, and conditions such as high blood pressure, heart disease and diabetes.

Consultation

- 1.3 From 14 May to 6 August 2012 we ran a joint consultation on Front of Pack (FoP) nutrition labelling to explore how greater consistency and clarity on FoP labelling might be achieved:
- in the light of the new European Regulation 1169/2011 on the provision of food information to consumers (the ‘EU FIC’), and the framework of rules it sets out
 - in a way that maintains and extends its use across the widest range of food and drink products
 - taking account of the evidence of what form of presentation consumers find most useful in enabling them to make healthier choices.
- 1.4 191 full responses to the consultation were received in response to the consultation from a range of retailers, manufacturers, non-governmental organisations (NGOs), local government, enforcement authorities and individuals from across the UK. (Annex C provides a list of respondents).
- 1.5 Additionally, a further 948 individual responses were received to a shortened version of the consultation issued by the British Heart Foundation, a copy of which is shown at Annex E.

Summary of Responses

- 1.6 Officials in all four countries contributed to summarising these responses.
- 1.7 Responses showed strong support for greater consistency in the provision of FoP nutrition information, and the food industry and NGOs expressed a willingness to work towards this aim.
- 1.8 A range of views was expressed on the preferred format, with support for various combinations of percentage Guideline Daily Amounts (%GDAs), colour coding and high/medium/low (HML) text. The majority of respondents felt that:
 - for public health reasons, information on energy value, fat, saturated fats, sugars and salt (energy + 4) should be provided as widely as possible, rather than on energy alone;
 - basic information should be provided on a per portion basis because it reduces the need to calculate actual intakes and provides additional information if the full nutrition declaration on the back of food packaging is provided per 100g or per 100ml alone;
 - some respondents questioned the basis for the thresholds that determine the colour coding and their applicability to a wider range of foods than were originally covered by the existing scheme;
 - if declarations on similar products were given differently, e.g. 'as consumed' or 'as sold', this might confuse consumers; and
 - there was little support for any guidance on further separate emphasis of energy content (e.g. pings); however, some supported the use of colour coding for energy.
- 1.9 Many respondents agreed that Annex V of the EU FIC provided a good basis for a list of foods that might be exempted from carrying FoP. However, others felt that because the scheme was voluntary there was no need for an exemption list. Some identified foods in Annex V for which they considered FoP should be provided, and conversely others identified foods that they thought could usefully be exempt.
- 1.10 The general view from the food industry was that the introduction of the EU FIC would not decrease the amount of FoP information given. However, some businesses qualified their response by saying that mandatory font sizes and increased information requirements might limit the use of the full energy + 4 nutrients FoP formats. In some restricted cases, energy only would be given.
- 1.11 There was some support from consumers for harmonising the position of FoP labels on food packaging. However, manufacturers and retailers cited technical issues and

branding of different ranges as reasons why this might be difficult to achieve in practice.

- 1.12 There was a mixed response to the use of logos, with many retailers and manufacturers already using them to denote certain ranges, but there was no strong call for their introduction across all food categories.

Government Response

- 1.13 On 24 October 2012, UK Health Ministers' announced that it was their intention to work towards a consistent FoP scheme based on a hybrid approach including both %GDAs and colour coding. The announcement preceded publication of this formal response to the consultation and was made because it was important to set an early direction of travel. This was in order to make quick progress towards agreeing a scheme before the food industry begin to re-label their products to comply with the new EU FIC.

- 1.14 The Health Ministers' announcement took into account the responses of this consultation, as well as subsequent public announcements from some major food retailers in support of a hybrid scheme. This formal response goes wider than the format for a new UK-wide scheme and addresses all aspects of the consultation.

- 1.15 This document sets out our response to the consultation. In summary, we intend to:
- Consider further whether energy should be colour coded, but will take no further action to intervene or give guidance on enhancing energy declarations.
 - Allow businesses to decide which products will carry FoP labelling and where to place FoP labels, whilst encouraging its widespread use on multi-ingredient foods where consumers find it harder to judge nutrient content.
 - Consider the need for further guidance on whether nutrition information should be provided 'as sold' or 'as consumed'.
 - Take no further action, at this time, to introduce a health logo across all foods that identifies 'best in category'.
 - Take no further action, at this time, to introduce the use of 'pings' to highlight energy content on food products.

2. Introduction

- 2.1 Front of pack (FoP) labelling is provided voluntarily by food businesses, and is used to highlight information on energy and certain nutrients – fats, saturates, sugars and salt – which can have been shown to impact negatively on people’s health if eaten in large quantities.
- 2.2 The voluntary provision of FoP nutrition information is already widespread in the UK, with around 80% of processed foods carrying some form of FoP labelling. However, food manufacturers and retailers have introduced this in many different forms. Some use labels showing Guideline Daily Amounts (GDAs), which are recommendations on the maximum amounts of key nutrients and calories to be consumed per day in order to maintain a healthy diet. Some use colour coding and/or the descriptors ‘high, medium and low’ (HML), which highlight levels of energy, fat, sugar and salt. Some use a combination of these systems.
- 2.3 Whilst this information is useful to consumers and research shows that they can use various forms of FoP to choose healthier foods, it also shows that if more consistency were brought to its provision, it would better gain consumers’ attention and would be more effective in helping people to balance their diets and control energy intakes.
- 2.4 We ran a joint consultation from 14 May 2012 to 6 August 2012. This opened discussions on FoP nutrition labelling to explore how a clearer and more consistent approach to labelling might be adopted by the food industry in order to enable consumers to make better informed food choices. This document provides a summary of responses to the consultation and sets out the action we now intend to take.

3. Background

FoP, Obesity and Diet Related Disease

3.1 We have set out their approaches to tackling obesity and improving the balance of the population's diet, as well as the roles of key partners in delivering these shared objectives.¹ The need for clear, consistent information to underpin informed, healthy dietary choices is a key strand in all these approaches. Nutrition labelling on food, particularly when shown FoP, is a good example as it plays an important role in providing individuals, in an easily accessible form, with the information they need to make informed food choices which can benefit their own health and the health of their families.

FoP and Regulation (EU) No 1169/2011 on the provision of food information to consumers (EU FIC)

3.2 In December 2011, the EU FIC came into force in the UK. This Regulation will, for the first time, make it mandatory (from 2016) for most pre-packaged foods to carry nutrition labelling. In practice, this will bring the rest of Europe into line with the UK, where nutrition information has been provided on a voluntary basis for some time.

3.3 The EU FIC sets out some rules governing the content and presentation of the voluntary repetition of nutrition information FoP. These rules set out what nutrients must be covered (either the energy value alone, or the energy value plus amounts of fat, saturates, sugars and salt), as well as regulating other areas such as presentation, additional forms of expression (AFEs), minimum font sizes and percentage reference intakes (guideline daily amounts).

3.4 However, the EU FIC has sufficient flexibility to allow much of the voluntary practice currently on the UK market to continue, including the use of differing formats,

1 Healthy Lives, Healthy People: Our Strategy for Public Health in England:
http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_127424.pdf
Healthy lives, healthy people: a call to action on obesity in England:
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130401
Scottish Government's Preventing Obesity Route Map:
<http://www.scotland.gov.uk/publications/2011/03/17104457/1>
Welsh Government's Our Healthy Future Strategy:
<http://wales.gov.uk/topics/health/ocmo/healthy/?lang=en>
All Wales Obesity Pathway: <http://wales.gov.uk/topics/health/improvement/index/pathway/?lang=en>
Northern Ireland Administration's – A Fitter Future for All – Framework for Preventing and Addressing Overweight and Obesity in Northern Ireland 2012-2022:
<http://www.dhsspsni.gov.uk/framework-preventing-addressing-overweight-obesity-ni-2012-2022.pdf>

existing AFEs and the ability to provide nutrient information on a per portion only basis. Without any further harmonisation of FoP labelling, such variation could continue to make it harder for UK consumers to compare products and to use FoP labelling as effectively as possible.

Research on Front of Pack Labelling

- 3.5 Nutrition labelling has been widely researched. It has been shown to compete against a range of other drivers, including time pressures, taste preference, brand, and price in influencing consumers' food choices. However, it is clear that it can have an impact, and can enhance consumers' ability to choose healthier foods.
- 3.6 Key barriers to maximising the impact of nutrition labelling have been identified as lack of consumer motivation to use the information, as well as the limited attention paid to it. The research demonstrates that these barriers can be addressed by repeating key information FoP, in a consistent manner, across as many products as possible. The evidence is that consistency and market penetration of nutrition information provided on the front of food packaging are key to consumers' noticing this information, gaining familiarity with it, and having the confidence to use it.
- 3.7 Research also shows that consistency helps to remove the confusion that consumers experience when faced with multiple forms of presentation, and increases their motivation to use FoP information.
- 3.8 We also know that, in the UK, consumers comprehend all commonly used FoP formats and can utilise them to choose healthier foods. In addition, research shows that consumers like and use additional forms of expression and presentation such as colour coding, HML text, and %GDAs, and that these can improve consumers' ability to use nutrition information in certain situations. UK research has also demonstrated that consumers have expressed a preference for a hybrid label combining text, colour coding and %GDAs.

Consultation Process

- 3.9 The consultation exercise was undertaken in accordance with the Government's Code of Practice on Consultation (Annex F). The consultation ran for 12 weeks, beginning on 14 May 2012 and closing on 6 August 2012.
- 3.10 The consultation document was published on the Department of Health's website, the Food Standard Agency's (FSA) website and the Welsh Government's website. The consultation asked sixteen questions which were designed to help us progress towards a consistent front of pack labelling scheme with the aim of helping remove consumer confusion and increase usage.

How we raised awareness about the consultation

3.11 The consultation was sent to a wide range of stakeholders in each of the four countries across the UK. In addition, the consultation was highlighted through official level contacts with stakeholder networks, such as the British Retail Consortium (BRC), Food & Drink Federation (FDF), and non-governmental organisations (NGOs), which drew responses from a wide range of external stakeholders. The consultation was announced in the media and articles appeared in trade press and various public health and enforcement newsletters. Briefing sessions were held in the four countries across the UK to inform stakeholders about the consultation and to encourage them to respond. The consultation was also placed on Citizen Space, a website for Government consultations.

Number and range of responses

3.12 We received 191 separate responses to the consultation by email and by letter. Of these:

- 64 were from individuals
- 58 were from Health Services and Local Authorities
- 17 were from NGOs*
- 17 were from trade associations
- 11 were from large and 3 from small food manufacturers
- 9 were from major food retailers
- 6 were from academics
- 4 were from the voluntary and community sectors
- 2 were from nutrition service organisations

**One joint NGO response was received from the British Heart Foundation on behalf of 33 organisations.*

3.13 A full list of the organisations responding is at Annex C.

3.14 There was also a shortened version of the consultation, issued by the British Heart Foundation (Annex E), which resulted in a further 948 individual responses.

Key Findings

3.15 Responses to the consultation varied in their scope, but some key themes emerged from the consultation analysis:

- FoP labelling should be made more consistent, with a majority favouring a simple system.
- There was a strong willingness to work with us to achieve greater consistency in FoP labelling.
- FoP labelling should be provided, per portion, for the full five nutrients (energy, fat, saturates, sugars and salt) wherever possible.
- There were divergent views on the basis of a future UK-wide FoP scheme, with a majority favouring a combination of %GDAs with colour coding. However, the thresholds for colour coding would require further consideration.
- There were mixed views on exemptions from FoP labelling, with many proposing these should be in line with EU FIC exemptions, but others wishing to provide FoP information on at least some of these products.
- Technical issues and the branding of different ranges would make it difficult to achieve harmonisation of the positioning of FoP labels, although most consumers were in favour of such harmonisation.
- There was some support for further harmonisation on the issue of whether foods should be labelled 'as sold' or 'as consumed'.
- Respondents thought it was too early to promote the use of 'pings' to highlight energy content, especially as the new EU FIC requirements for labelling energy in kilojoules as well as kilocalories will impact upon this practice, but there was some support for colour coding calories.
- There was a mixed response to logos, with many retailers and manufacturers already using them to denote certain ranges, but no strong call for their introduction across all food categories.

4. Summary of Responses

4.1 This section summarises the responses to each of the consultation questions. Not all respondents answered every question; some responded directly to the questions, some answered only parts of questions, while others commented more broadly on the overall content of the consultation. Most of the information shown in this section refers only to the 191 responses made to the full consultation. Separate references are made to the 948 responses made to the shortened version of the consultation issued by the British Heart Foundation (BHF) where appropriate.

Question 1: To what degree does your organisation believe that greater consistency in UK FoP labelling would be beneficial to consumers? Is your organisation willing to work with the UK Governments to achieve this?

Responses

Benefits of consistency:

- 4.2 Responses from 100 organisations were received to this question. 95 respondents agreed that greater consistency would be beneficial to consumers. However, many stipulated that consistency should be linked to a particular approach, the main suggestions being:
- it should be a simple system
 - one that used traffic light colour coding (TLCC)
 - the hybrid/FSA scheme
 - % Guideline Daily Amounts (%GDAs)
- 4.3 A number of food businesses commented on the need for harmonisation across the EU, as well as in the UK.
- 4.4 Many non-food industry respondents stated that although consistency is beneficial, ease of use for the consumer should be the main priority. A couple of respondents suggested alternative FoP formats such as a logo based on nutrient profiling or a symbol.
- 4.5 Other respondents commented that food labels only played a partial role, and that education/balance of the diet were other key factors, as was lack of motivation/consumer attention to food labels.

Willingness to work with us to achieve greater consistency:

- 4.6 62 organisations expressed willingness to work with us to achieve greater consistency. However, many non-food industry respondents said they would do so only if the scheme was based on the existing scheme and/or used colour coding.

SUMMARY: There was widespread agreement that consistency would be beneficial to consumers in the UK. On the whole, businesses indicated a willingness to work with us on this issue.

Our Position

- 4.7 We welcome the willingness of many respondents to work with them to achieve a consistent FoP labelling scheme that best benefits consumers.

Question II. If you are not a food retailer or manufacturer, please provide your views on the current provision of FoP labelling in the UK.

Responses

- 4.8 129 direct responses to this question were received. 88 respondents thought FoP labels currently on the market were confusing/misleading and/or were in favour of a clear and consistent approach to FoP labelling. 32 respondents supported the hybrid scheme or one that incorporated colour coding, which was considered easy to use for consumers. %GDAs alone were considered time-consuming/complex to use and required mathematical skills to interpret.
- 4.9 Suggestions were made by some respondents for extending the range of foods carrying FoP labelling. These included imported foods, fast food, ethnic and market food, as well as menus in restaurants and other catering outlets.
- 4.10 There were a number of responses concerning diabetics, and the desire to see carbohydrate labelling on FoP, and a couple of respondents mentioned that consideration should be given to people with colour blindness.
- 4.11 Of the 948 respondents to the British Heart Foundation mini consultation, 732 agreed that there should be 'labelling telling you about salt, fat, saturated fat and sugar content in products as well as how many calories they have'.

SUMMARY: Overall, respondents considered the current provision to be confusing and were in favour of a clear, consistent approach. Respondents supported FoP labelling and wanted its use extended. There was a request for carbohydrates to be included in FoP for those with diabetes and concerns expressed about the usefulness to colour-blind consumers of the colours currently used.

Our Position

- 4.12 The responses reflect results of previous research that demonstrated that a variety of different schemes on the market can lead to consumer confusion. We note the support for a clear and consistent FoP scheme, and that most respondents who expressed a preference supported the inclusion of colour coding.
- 4.13 It is not possible to include carbohydrate in FoP labelling as the format of FoP will be specified by Article 30(3) of the EU FIC from December 2014. This states that only the energy value or the energy value together with the amounts of fat, saturates, sugars and salt may be repeated on the front of food packaging.
- 4.14 We will ensure the needs of all consumers, including those that are colour blind, are considered when the design principles of the scheme are developed.

Question III. In what circumstances do you think it might be appropriate to give an energy declaration alone FoP, instead of energy, fat, saturates, sugars and salt? Please detail the reasons for your views.

Responses

- 4.15 120 direct responses to this question were received. 93 respondents favoured using energy plus four nutrients on the grounds that this provides wider information on the nutrients of greatest public health concern and is most useful to consumers, helping them to make informed choices according to their health needs, across all food products, especially composite foods. Several respondents also commented on public health aspects, including the implications of high intakes of fats and saturated fat for heart disease, of sugar for diabetes, and of salt in relation to hypertension.
- 4.16 14 respondents commented that it might be appropriate to provide an energy alone FoP declaration in certain cases, such as on small packages, or on products where the amounts of other nutrients are negligible. One commented that energy alone would suffice on FoP, as other information is available on back of packs.
- 4.17 Several respondents also made the point that labelling energy in kilojoules (kJ) as well as kilocalories (kcal), as required by the EU FIC, would have an adverse impact on food businesses' ability to make nutrition information useful and clear for consumers.

- 4.18 3 respondents felt that FoP labels should not apply to specialist foods for those with particular nutritional requirements (PARNUTS).
- 4.19 1 respondent argued against the introduction of FoP labelling, commenting that space on labels will be limited with the introduction of the EU FIC.

SUMMARY: On balance, most respondents favoured providing information on the full five nutrients where possible. However, flexibility would need to be retained to provide energy alone, when the amounts of other nutrients in a food are negligible or on very small packages. Respondents highlighted the possibility of consumer confusion in relation to the requirement to label both kJs and kcals.

Our Position

- 4.20 We welcome the support for the inclusion of energy plus four nutrients on FoP labels as this allows all consumers, and in particular consumers with specific health needs, to make informed choices.
- 4.21 We recognise that the provision of energy information in two units of measurement may both restrict space available on pack and impact on consumer understanding of this information. The UK lobbied hard on this issue. However, the Units of Measurement Directive 80/181/EC (as amended) commits all European Member States to use internationally agreed units of measurement – for energy this is kilojoules. We could not secure derogation from the existing Directive during negotiations. The EU FIC therefore states that energy must be labelled in kilojoules as well as kilocalories.

Question IV. Whilst market penetration of FoP labelling is key, there will be some food products on which consumers will not find it useful. Do you concur that products listed in Annex V of the FIC – foods that are exempt from mandatory nutrition labelling – should not carry voluntary FoP labelling?

Responses

- 4.22 95 direct responses to this question were received. 52 respondents agreed that foods exempted from providing nutrition information under the EU FIC should also be exempted from FoP labelling. A few felt that more contextual guidance was required on the definition of 'unprocessed' foods, and that a further definition was required for point 19 of the exemption list in Annex V of the EU FIC ('Food, including handcrafted food, directly supplied by the manufacturer of small quantities of products to the final consumer or to local retail establishments directly supplying the final consumer').

4.23 24 respondents suggested that the following exempt categories in Annex V should carry FoP labelling:

- Flavoured water products, table top sweeteners and salt substitutes
- Cheese products
- Chewing gums and sweets, as well as items with concentrated amounts of sugar or salt, even if exempt under Annex V points 17 (chewing gums) and 18 (Food in packaging or containers the largest surface of which has an area of less than 25cm²)
- Any foods containing macronutrients

4.24 Some argued that as FoP is voluntary, it should be the responsibility of the food business to decide if Annex V nutrition declarations are useful or not. Others argued for the exemption of particular foods as follows:

- Products that consumers commonly deem unhealthy
- Gifting items such as chocolate assortments and food products for Christmas, Valentine's Day, etc
- Raw dairy products and eggs, fish, meat alone
- Food service products, where they are prepared by the caterer and the end consumer does not see the product packaging – manufacturers would provide mandatory nutrition information, but saw little point in providing FoP
- Food products that are often not consumed on their own, are used as ingredients, and are consumed in small amounts, so do not have a significant impact upon the daily nutrient and energy intake of consumers
- Beer should continue to remain exempt, with beer manufacturers voluntarily providing FoP information

4.25 Of the 948 respondents to the BHF led mini consultation, 502 respondents would like to see FoP provided on all food products. Others listed mixtures of processed and pre-packed foods, take away menus, restaurants, confectionery, soft drinks, and other combinations of foods. (229 left the question unanswered).

SUMMARY: In general, most respondents were in favour of using the existing EU FIC exemptions from nutrition labelling as the basis for exemption from FoP, with some arguing for wider exemption of certain products and others arguing that fewer products should be exempted.

Our Position

- 4.26 The scheme remains voluntary and we are not inclined to prescribe exemptions. We agree that FoP nutrition labelling is most useful on composite processed foods, which consumers find difficult to assess nutritionally. We will promote the uptake of front of pack labelling as widely as possible for these types of products as the first stage. Research has demonstrated that market penetration and consistency are key, so we will promote FoP uptake as widely as possible, but with the proviso that use on some single ingredient products may be misleading and unhelpful.
- 4.27 Voluntary FoP labelling would not be appropriate for PARNUTS foods (those prepared for particular nutritional purposes, such as medical foods and infant formulas).

Question V. Currently FoP labelling in the UK is based on 'per portion'. The FIC permits expression of FoP information per 100g or per portion, but where per portion information only is provided, energy should be provided per 100g in addition. Views are sought on whether per portion remains the right basis for consistent FoP declarations.

Responses

- 4.28 140 direct responses to this question were received. Responses were mixed on this point. Some respondents focused their comments on the presentation of nutrition information and/or the cut-offs for colour coding, and others commented more generally.
- 4.29 47 respondents voiced a preference for 100g/100ml as the basis for determining the application of red, amber and green colours, and providing information on FoP on the actual amounts of the nutrients on a per portion basis on FoP.
- 4.30 25 respondents voiced a preference for FoP labelling based on a mixture, or combination, of per portion and 100g. Another suggestion was that energy should be provided per 100g only whilst other nutrients could be provided per portion.
- 4.31 32 respondents commented more generally on the benefits of declaring front of pack information on a per portion basis, as this reflected actual intakes more closely and added value to the back of pack information which must be expressed per 100g. (Note: Back of pack information may also be expressed both per 100g and per portion.) Others recognised that portions were not currently standardised, that manufacturers could vary the declaration, and therefore called for further work in this area, defining both children's and adults' portion sizes. One respondent also referred

to previous research, which has shown that consumers call into question the reliability of nutrition information if unrealistic portion sizes are used.

- 4.32 Of the 948 respondents to the BHF mini consultation, 540 agreed with the BHF question that 'food labels [should] be based on a standard amount (for example per 100g) to enable direct comparison between different products', with 6 respondents asking for information to be given in metric and imperial measurements. However, 114 called for FoP information to be given both per 100g and per portion, and a further 51 disagreed with providing FoP information per 100g, calling for it to be given per portion only.

SUMMARY: Most respondents (to the full consultation) who expressed a preference favoured FoP labelling per portion with colour coding calculated on a per 100g/100ml basis to allow direct comparison of food products, with many calling for clarification and standardisation of portion sizes.

A large majority of respondents to the BHF mini consultation agreed with the question posed. It is, however, not entirely clear whether this represented:

- (a) support for basing the underlying criteria for the *colour coding thresholds* on a standard amount (e.g. per 100g); or
- (b) support for the *presentation* of FoP labelling on a per 100g basis (i.e. repeating the per 100g information already required on the backs of foodpacks).

Our Position

- 4.33 We note that the majority of respondents were in favour of a system that will enable them to compare easily the nutrition information between different food products. We will start from the current threshold criteria developed by the FSA and will review the strength of any recent evidence that may be provided by stakeholders to establish whether there are any grounds for a different approach.
- 4.34 We note the call for colour coding to be based on a standardised reference amount and the view that this enables at-a-glance comparisons of products and negates any confusion that might occur if unstandardised portion sizes were used. We will work further with interested organisations on the thresholds to be applied to colour coding: whether these should be per 100g or per portion, the same for all foods, different for different categories of food, or a mixture of these approaches.

Question VI. The FIC allows nutrition information to be provided on an 'as sold' or 'as consumed' i.e. in a cooked or prepared, ready-to-eat form. Views are sought on how useful it would be to seek agreement on the types of product that should express FoP nutrition information on an 'as consumed' basis to bring further consistency and comparability to FoP labelling, bearing in mind full manufacturers' cooking instructions must accompany such declarations.

If 'as consumed' labelling is supported, please indicate the categories of food that should carry this information.

Responses

- 4.35 93 direct responses to this question were received. 44 respondents suggested that products should be labelled 'as sold' if consumers do not have to add anything to them before eating, but should be labelled 'as consumed' if something needed to be done to the product or added to it before consumption.
- 4.36 A further 8 respondents were in favour of labelling only on an 'as sold' basis, citing reasons such as the difference in cooking methods and how these can impact on nutrient content of foods.
- 4.37 28 respondents were in favour of providing FoP information on an 'as consumed' basis, with the provision of suitable preparation instructions. Respondents argued both ways on the usefulness of declaring nutrition information for foods including other foods that may be added, such as milk with breakfast cereals, with some saying it was useful and others that it was misleading.
- 4.38 11 respondents were unsure whether it is better to label 'as sold' or 'as consumed', stating that some flexibility should be retained, rather than having a prescriptive list.
- 4.39 2 respondents called for a statutory code of practice to define the classes of food products that should be labelled 'as consumed' or 'as sold'.

SUMMARY: A majority view was in favour of products being labelled 'as sold' where possible, but 'as consumed' with relevant preparation instructions for foods that could not be eaten in their 'as sold' state.

Our Position

- 4.40 We propose to look at the possibility of developing guidance to bring greater consistency across the market.

Question VII. We are also interested in gaining an insight into how the agreement of the FIR [note: now called the EU FIC] might affect the provision of FoP labelling in the UK. Please indicate whether, following implementation of the Regulation's requirements, your company will be providing around the same amount of FoP information, and whether more or fewer of your products will carry FoP information. Please detail the reasons for your answer.

Responses

- 4.41 There were 31 responses to this question. 10 food retailers and food manufacturers stated that they intended to continue with their existing level of provision of FoP nutrition labelling.
- 4.42 17 food industry respondents highlighted that EU FIC requirements might affect their ability to display the full FoP format. Limited space, due to other mandatory labelling elements (such as the need to display energy per kJ as well as kcal) and the minimum font size, was a particular concern, especially on small packages.
- 4.43 Respondents also commented that the requirement to use four declarations of energy (i.e. per 100g and per portion, and in kcals and kJs) might cause confusion for consumers.
- 4.44 4 other respondents commented that the EU FIC could potentially increase the number of products that carry FoP nutrition labelling.
- 4.45 Industry respondents stressed the need for UK Health Ministers' recommendations to be made quickly in order for them to be incorporated into their planned label changes to comply with the EU FIC.

SUMMARY: Overall, retailers and manufacturers indicated they would continue to provide the same amount of front of pack information.

Our Position

- 4.46 We recognise that minimising the potential costs of voluntary FoP labelling for the food industry is important, and we will work, with interested organisations, to design a scheme that will form the basis for a formal UK-wide Recommendation as quickly as possible so as to reduce any associated relabelling burdens upon the food industry.

Question VIII. The FLABEL study indicated that consistency in positioning of the FoP label also played a part in gaining consumer attention. Views are sought on the degree to which position on pack could be harmonised

Responses

- 4.47 123 direct responses to this question were received. 51 respondents (mainly consumers or consumer organisations) thought harmonisation might be helpful, as this would help consumers quickly locate the information and make comparisons between products.
- 4.48 39 respondents (mainly from the food industry) did not favour harmonising the position of the FoP label on pack. Position can vary from product to product, depending on constraints on space (size of packaging), on packaging design (branding and product ranges) and variability in merchandising (how the product is displayed for sale). Harmonisation would have cost implications. These respondents questioned the level of benefit of harmonisation.
- 4.49 It was felt by businesses that because the EU FIC required FoP to be in the principal field of vision, at the point of sale, and because it had to be provided to minimum font sizes, this would in itself improve consumer attention to the information.
- 4.50 A further 23 respondents did not have strong views on this, with many stating that harmonisation should not be at the expense of useful FoP information, with the most important issues being that FoP information should be readily accessible and provided in formats and sizes most useful to consumers.

SUMMARY: There were mixed views on whether the positioning of FoP labels should be harmonised.

Our Position

- 4.51 We recognise that the evidence on the effect of positioning of FoP labels is limited. Individual package shapes and package designs will make complete harmonisation of position difficult and add cost. Given that the EU FIC already requires this repeat nutrition information to be 'in the principal field of vision' when displayed on shop shelves (EU FIC Article 34 (3)) and to use a minimum font size in accordance with Article 13(2), the four UK Governments propose to encourage consistent positioning as far as possible, but not to issue guidance on this issue.

Question IX. Views are sought on whether % Reference Intakes (%GDAs) should be used on all FoP labels.

Responses

- 4.52 137 responses were made to this question. Generally, the inclusion of %GDAs was widely supported.
- 4.53 55 respondents said that %GDAs should be used on all FoP labels as they:
- allow for direct comparison between products without the need for complex calculations
 - are already widely used
 - drive reformulation
 - are explicitly recognised in the EU FIC
 - are of particular benefit to those that need to keep track of nutrient intakes, especially diabetics or those on diets.
- 4.54 It was generally agreed that %GDAs are useful if consumers know how to use them, so some education may be required to improve levels of consumer awareness and understanding.
- 4.55 45 respondents suggested that %GDAs are useful as part of a wider, hybrid-style approach to FoP labelling.
- 4.56 18 respondents said that %GDAs should not be used on FoP labels, and a further 38 respondents highlighted problems with %GDAs. Both groups cited the following reasons:
- there is limited space on some labels (e.g. alcoholic drinks)
 - %GDAs are not accessible to those with poor literacy/numeracy skills, which potentially could widen health inequalities
 - nutrient requirements vary
 - %GDAs can be seen as a target rather than a maximum intake
 - %GDAs do not allow for quick consumer appraisal
 - %GDAs do not reflect nutritional requirement of specific groups
- 4.57 Respondents also quoted research that found that %GDAs alone performed worst in consumer tests using FoP information to identify healthier products.

SUMMARY: We should recognise the wide support for the use of %GDAs, and that many respondents felt that they worked best in combination with colour.

Our Position

4.58 On 24 October 2012, UK Health Ministers' announced their preference to adopt a hybrid system, which would include %GDAs and colour coding.

Question X. Given current market practice, and the research on consumer preference, a move towards more consistency would require most interested parties to make some changes alongside the changes that would be required by the FIC. Views are sought on interested parties' preference for the following options for a single approach:

- **%GDA only;**
- **%GDA + HML text + interpretative CC based on standardised nutrient levels;**
- **%GDA + HML text;**
- **%GDA + interpretative CC based on standardised nutrient level;**
- **Colour coding only;**
- **Colour coding + %GDA;**
- **Colour coding + HML text.**

Responses

118 responses were received to this question.

- **%GDA only** – 17 respondents supported this as a science-based scheme that can be used across all food and drink categories. They argued that it provides factual nutrition information per portion, allowing for easy comparison of foods in the amounts in which they are likely to be eaten. It was noted that adding interpretative text or colour would not provide any benefit in terms of products like bread, as information on positive nutrients such as fibre content is not included. %GDAs are already widely used in the UK and across the EU, and it is therefore important that any UK scheme is relevant EU wide.
- **%GDA + HML text + interpretative CC based on standardised nutrient levels** – 26 respondents supported this because, they said, it is backed by consumer research and allows at a glance comparisons.
- **%GDA + HML text** – 1 respondent supported this option.
- **%GDA + interpretative CC based on standardised nutrient level** – 2 respondents supported this option.

- **Colour coding only** – 11 respondents supported this as the simplest at a glance indicator, and reference was made to the House of Lords Science and Technology Committee's conclusion that the Multiple Traffic Light system best meets the needs of consumers.
- **Colour coding + %GDA** – 9 respondents supported this option.
- **Colour coding + HML text** – 4 respondents supported this option.

4.59 36 respondents suggested a further option of CC + HML text with the optional addition of %GDAs. They referred to the fact that this additional option was supported by previous research as the most understandable for consumers, and said that it maximises and assists easy comparability of products.

4.60 Of the 948 respondents to the BHF mini consultation, a total of 735 respondents agreed with the statement "the combined food label including traffic light colours, the words 'high, medium, and low' and % Guideline Daily Amounts is a helpful system" and said that they would like this system to be used by all supermarkets and food companies.

Summary: Overall, most respondents favoured a combination of %GDAs and colour coding. Many respondents (mostly community and health organisations) favoured colour coding plus HML text with %GDAs as an optional extra.

Our Position

4.61 In the light of the consultation, and subsequent announcements from the UK's major food retailers, UK Health Ministers' announced on 24 October 2012 their preference to adopt a hybrid FoP scheme incorporating %GDAs and colours.

4.62 We are also committed to looking at the impact of including HML text, given the new requirements for FoP set out in the EU FIC.

Question XI. Do you have any alternative suggestions that might fulfil the Governments' ambition to see a more uniform approach to FoP labelling?

Responses

- 4.63 There were 95 responses from organisations to this question, but most respondents had no alternative suggestions to make. Most of those commenting referred instead to the principles they thought should apply to any FoP scheme.
- 4.64 Of those respondents who did express an opinion, 23 re-iterated their desire to see continued use of colour coding along with low/medium/high text and/or %GDAs, and 4 suggested colour coding only. Numerous respondents expressed a desire for uniformity across retailers. Several respondents mentioned their desire to see a differentiation between naturally occurring sugars and added sugars. A few others suggested incorporating additional health logos.
- 4.65 1 respondent argued that colour cut-offs should be designed to differentiate within the wider categories of food that are currently not covered in the existing scheme, stating that this is important as 'cross category switching is difficult to drive', and that consumers should be able to choose healthier options within food categories that are consistently high in one or more of the key nutrients (e.g. 'light' spreads). This view was reinforced by another respondent in answer to question IV about exemptions, when this respondent stated that 'the criteria for any interpretative elements will be key to the decision on which categories should be labelled'.

Summary: Of those who expressed an opinion, the majority expressed a desire for a uniform colour coding scheme across all food products, combined with %GDAs and/or with HML text.

Our Position

- 4.66 We noted that there was no strong call for alternatives to the current schemes in use. UK Health Ministers' have therefore recommended that a hybrid system be adopted which includes %GDAs and colour coding, and that we work with interested organisations to develop the detail of a scheme that commands the widest support based on this format.

Question XII. If your business already provides FoP information, what form of FoP labelling do you use and why? Do you have any research that supports your choice of FoP scheme that you would be willing to share*? We are particularly interested in research (especially unpublished work) that:

- **Addresses consumer preferences, consumer understanding and comprehension (particularly amongst lower literacy and lower socio-economic groups (C2, D, E), those of different ages, disabilities (including those with learning disabilities), long-term conditions, gender, race, religion or belief, pregnancy and maternity);**
- **Demonstrates any impact on consumer choice;**
- **Demonstrates any effect FoP has had on the reformulation of food products.**

Responses

- 4.67 Responses from the major retailers and food manufacturers mostly recommended the FoP systems that were specific to their business. Two major retailers indicated that they were willing to explore alternative systems to those that they currently use.
- 4.68 Most respondents referenced existing research to support their choice. 1 supermarket using colour coding conducted its own customer research, which showed that the majority of its customers (60%) use front of pack labels and are influenced by them.
- 4.69 No new research, published or otherwise, was submitted to support specific FoP schemes.
- 4.70 2 major retailers concluded that colour coding was useful for all socio-economic groups, with one indicating that their hybrid label performs significantly better across all lower socio-economic groups. Most non-food industry respondents commented that colour coding in combination with HML and with the optional %GDA helps consumers who may have difficulties interpreting nutrition labelling, are less numerate, or whose first language is not English.
- 4.71 2 major retailers indicated that FoP labelling encouraged reformulation. Conversely, another retailer indicated that FoP had limited effect on reformulation.

SUMMARY: Most food businesses highlighted the perceived benefits of their own scheme, but little evidence was submitted in support. There was some evidence that FoP labelling affects reformulation, and some evidence outlined that colour coded FoP labels are used and liked by, and perform well for, lower socio-economic groups.

Our Position

4.72 We note the information provided in response to this question.

Question XIII. If your business uses interpretive additional forms of expression, such as HML text, and/or colour coding, how do you determine the cut-off points between each category? Does this differ between types of foods, or are the same criteria applied to all your FoP labelled products, and, if so, why?

Responses

4.73 Of the 30 respondents to this question, 3 food retailers that include colour coding as part of their front of pack label use the existing technical guidance. These 3 also called for a broader discussion about the criteria if a plan emerged to extend colour coding beyond the existing scheme, and called for the use of consistent criteria for colour-coded schemes across the market. 1 major retailer indicated that foods are grouped into categories according to the contribution a food makes to the diet.

4.74 2 food businesses that use %GDAs referenced the Eurodiet project (a two-year evaluation of scientific evidence on nutrition related issues from 1998 – 2000) and the European Food Safety Authority (EFSA) in support of their scheme.

4.75 21 non-food business respondents recommended using the existing technical guidance and expressed the view that these criteria should be applied consistently across all foods. This group of non-food businesses also called for the elimination of all colours other than red/amber/green, and consistent use of the shades of colours used.

SUMMARY: The existing technical guidance is most commonly used by food businesses that use colour coding in their FoP labelling. However, in considering the basis for a UK recommendation, we were urged to further consider the thresholds for colour coding to account for the place of a food product in the diet and the portion size consumed, alongside highlighting those products that are healthier within categories where the overall profile is less healthy.

Our Position

4.76 We recognise the robust basis of the existing scheme and the support it commands from some in industry and other interested organisations.

4.77 We also recognise the calls from some for a broader discussion on criteria to be used before applying the existing scheme any more widely. It is our intention to start from

the current criteria² and to review the strength of any recent evidence, published in literature provided by stakeholders, and from the field of behavioural change, to establish whether there are any grounds for change.

Question XIV. The FLABEL research recommends the use of health logos accompanied by repeat nutrition information as a form of labelling that might provide a way forward in delivering a consistent form of FoP labelling across the EU for the future. Interested parties' views and experience of using health logos are sought.

Responses

- 4.78 There were 82 responses to this question from organisations. 39 respondents had no additional comments to make on the topic of health logos. A number of respondents felt that advocating the use of logos was contrary to advocating a healthy balanced diet in which all foods are permitted in varying amounts. The consensus among those respondents who supported the use of health logos, was that there should be some sort of consistency, and that they should not be misleading, should be simple and not detract from the main FoP labelling. Some expressed a desire to be able to decide which messaging formats best suited their customers.
- 4.79 Those who commented on the specific effect of health logos said that customers found them useful, easy to understand and beneficial to making healthier choices.
- 4.80 However, 20 respondents felt that health logos were either misleading or inappropriate and might highlight the beneficial aspects of a product whilst ignoring other less beneficial ones.
- 4.81 25 respondents thought that health logos might be appropriate when used in addition to individual nutrient levels, for example traffic lights or %GDAs.

SUMMARY: There was a mixed response to the use of logos. Some responses echoed research indicating that consumers prefer a logo to be provided alongside other summary nutrition information, so that they can assess the validity of its award to the product in question.

Our Position

- 4.82 We note that there is no strong call for harmonised health logos at this time.

² Note: the Food Standards Agency Criteria were updated in 2009 but never re-issued. We will work from the basis of red/amber salt cut off per 100g of 1g and the RI for sugar of 90g.

Question XV. What are your views on further emphasising the energy content per portion of the FoP (e.g. by increasing the font size or prominence of this information or the use of 'pings') in order to help those looking to reduce their calorific intakes?

- Are there particular types of product that might benefit from this type of additional FoP labelling?
- Are there any commercial limitations to providing this information on foods?
- What criteria underpin the use of 'pings' and has their provision been evaluated?
- For those companies that currently colour code calories, do you have any research that demonstrates any impact of this approach?
- What criteria have been used to underpin the colour coding of calories*?

Responses

- 4.83 There were 79 direct responses to this consultation. Respondents mainly focused on the use of 'pings'³, with 14 respondents saying they would support the use of 'pings' in certain circumstances. 26 respondents did not support the use of 'pings', and 18 respondents had no comment to make on the use of 'pings'.
- 4.84 Those who did not support 'pings' stated that energy information alone was not always useful to make informed choices. Six respondents who had already used pings felt that they were particularly useful for consumers on calorie-controlled diets and hoped to be able to continue to use them.
- 4.85 35 respondents were open to the possibility of using pings in the future. Many of these saw the use of pings as a tool to emphasise lower energy options, and thought they could be very useful if properly used.
- 4.86 Concerns were expressed about:
- the level of consumer confusion over the use of both kilojoules and kilocalories to describe levels of energy,
 - ensuring the clarity of portion sizes in relation to the energy content shown on pings,
 - the potential for overcrowded labels and the font sizes on ping type labels given pack size restrictions.

³ A ping is a design feature, such as a green circle, in which the energy content of a portion is highlighted on pack.

- 4.87 Colour coding calories was raised by some respondents as another way of highlighting the energy content of foods, whereas others felt this was not useful and did not add to the information on the absolute amount energy per portion already given.

Summary: The use of pings was associated with energy information and seen as useful to those interested in counting kilocalories/kilojoules. There was continued interest in using these formats. Where views were expressed, opinion was divided on whether to colour code energy.

Our Position

- 4.88 We do not propose to develop guidance on the use of additional energy formats at this time. We will consider, alongside the issue of thresholds, the usefulness of colour coding energy.

Question XVI. Are there any further costs or benefits other than those set out in the costs and benefits section of the consultation document that might accrue from the further voluntary harmonisation of the provision of front of pack nutrition information as set out in this consultation document?

Responses

Benefits

- 4.89 There were 81 responses to this question. Many felt that a consistent approach would enable the public to make better informed, healthier choices. 28 respondents thought that consistent FoP nutrition labelling could lead to the reformulation of unhealthy products, helping to create a healthier nation and thus saving money for the NHS in the longer term. Many felt that a consistent colour coded labelling system should be supported by a national education/marketing campaign.
- 4.90 20 respondents felt that more evaluation and cost analysis was needed to examine the relationship between industry action and consumer behaviour, and to quantify the potential health benefits (and associated savings) associated with a consistent approach.
- 4.91 Many quoted the original FSA Impact Assessment (2006) on the FSA's voluntary FoP signposting scheme for certain pre-packed foods, which stated that if only 1% of benefits (moving consumers closer to population intake targets) were achieved as a consequence of signpost labelling, this would generate benefits in excess of £200 million per annum.

Costs

- 4.92 5 industry respondents felt that a consistent FoP nutrition labelling system in the UK would lead to disharmony of approach across EU and could add complexity/confusion and cost.
- 4.93 There was potential for industry to incur additional costs associated with label changes (if outside of normal cycles), as well as costs for reformulation, consumer campaigns and advertising. Many pressed for a decision on the final recommendation to be made as soon as possible to enable them to comply with EU FIC.

Summary: A consistent FoP label including colour coding could be beneficial to the nation's health. There may be additional costs to industry associated with labelling. The UK Governments, Government bodies and others – including industry – may also incur costs associated with consumer awareness/education campaigns.

Our Position

- 4.94 We will seek to minimise the cost to industry of any changes to FoP labels. We are conscious of the EU FIC timetable and will seek to make recommendations in Spring 2013, once we have agreed the detail of any new FoP scheme, in order to allow food businesses to begin relabelling from Summer 2013.
- 4.95 We will work to promote consumer understanding and uptake of the agreed scheme through Change4Life and other existing communications mechanisms, such as NHS Choices and the Food Standards Agency website.

5. Conclusions and Next Steps

- 5.1 We welcome the responses to the FoP nutrition labelling consultation from a wide range of interested parties and the willingness of many organisations to work with us to achieve greater consistency for future UK FoP labelling.
- 5.2 Respondents have confirmed to us the importance of FoP labelling, and the need to ensure that any scheme UK Health Ministers' might recommend will be one that is consistent across the food products that consumers buy and as widely applied as possible.
- 5.3 A range of views was expressed on the preferred format, with support for various combinations of %GDAs, colour coding and HML text. However, post consultation, the UK's major food retailers coalesced around a hybrid scheme that includes %GDA and colour coding. An issue on which there was consensus was the need to include information on energy, fat, saturated fats, sugars and salt wherever possible. Whilst it was agreed that labelling would be most useful on composite foods, there was no consensus on the foods that should not carry FoP labelling. We therefore believe that decisions on exemptions should be made by food businesses, with the caveat that they should not set out to be misleading where they are made. In addition, given the responses to the consultation, we will work towards recommending labelling on a 'per portion' basis, and will look further at the possibility of bringing more consistency to when nutrition declarations are given 'as sold' or 'as consumed'.
- 5.4 Whilst it was clear that the positioning of FoP information can help consumers, prescribing a common position would not work on all packaging/product types.
- 5.5 There was no call for the development of a common logo and little support for guidance on the highlighting of information on energy content or other information in the form of 'pings'. We do not intend to deliberate further on these issues.

Next Steps

- 5.6 UK Health Ministers' announced on 24 October 2012 their desire to work towards a consistent scheme based on %GDA and colour coding. We will work with interested organisations to develop both the underlying criteria, and the presentation of a FoP label based on this approach.
- 5.7 Officials in all four UK countries are working towards a fully developed scheme by Spring 2013, so that industry can relabel in time to be compliant with the EU FIC.

References quoted

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Annex A: Abbreviations

AFE:	Additional Forms of Expression (see EU FIC Article 35)
BMRB:	A public policy research company, once called the British Market Research Board, but now part of TNS UK, a Customer Services company
EFSA:	European Food Safety Authority
EU:	European Union
EU FIC:	EU Regulation No 1169/2011 on the Provision of Food Information to Consumers. (Previously referred to as the FIR). http://ec.europa.eu/food/food/labellingnutrition/foodlabelling/proposed_legislation_en.htm
FBO:	Food Business Operator
FLABEL:	Food Labelling to Advance Better Education for Life – an EU research project. http://www.flabel.org/
FoP:	Front of Pack
FSA:	Food Standards Agency
G:	Gram
GDAs:	Guideline Daily Amounts
HML:	High, Medium, Low
Hybrid:	In the context of FoP nutrition labelling, a hybrid label is one that combines %GDAs and colour coding
kcal:	kilocalories
kJ:	kilojoules
MTLs:	Multiple Traffic Lights (colour coding)
NGOs:	Non-Governmental Organisations
PARNUTS:	Foods prepared for particular nutritional purposes (Framework Directive 2009/39/EC): EUR-Lex – 32009L0039 – EN
RIs:	Reference Intakes (see EU FIC Annex XIII)
TL CC:	Traffic Light Colour Coding
UK:	United Kingdom

Annex B: Summary of Consultation Questions

- Q.I To what degree does your organisation believe that greater consistency in UK FoP labelling would be beneficial to consumers? Is your organisation willing to work with the UK Governments to achieve this?
- Q.II If you are not a food retailer or manufacturer, please provide your views on the current provision of FoP labelling in the UK.
- Q.III In what circumstances do you think it might be appropriate to give an energy declaration alone FoP, instead of energy, fat, saturates, sugars and salt? Please detail the reasons for your views.⁴
- Q.IV Whilst market penetration of FoP labelling is key, there will be some food products on which consumers will not find it useful. Do you concur that products listed in Annex V of the EU FIC – foods that are exempt from mandatory nutrition labelling – should not carry voluntary FoP labelling (see Annex E of the consultation)?
- Q.V Currently FoP labelling in the UK is based on 'per portion'. The EU FIC permits expression of FoP information per 100g or per portion, but where per portion information only is provided, energy should be provided per 100g in addition. Views are sought on whether per portion remains the right basis for consistent FoP declarations.
- Q.VI The EU FIC allows nutrition information to be provided on an 'as sold' or 'as consumed' i.e. in a cooked or prepared, ready-to-eat form. Views are sought on how useful it would be to seek agreement on the types of product that should express FoP nutrition information on an 'as consumed' basis to bring further consistency and comparability to FoP labelling, bearing in mind full manufacturers' cooking instructions must accompany such declarations.
If 'as consumed' labelling is supported, please indicate the categories of food that should carry this information.

4 Note for Industry – We would also be interested in understanding to what degree complying with the FIC impacts your answers to this question i.e. to what extent is your answer dictated by space restrictions and to what extent is it driven by other considerations?

- Q.VII We are also interested in gaining an insight into how the agreement of the EU FIC might affect the provision of FoP labelling in the UK. Please indicate whether, following implementation of the Regulation's requirements, your company will be providing around the same amount of FoP information, and whether more or fewer of your products will carry FoP information. Please detail the reasons for your answer.
- Q.VIII The FLABEL study indicated that consistency in positioning of the FoP label also played a part in gaining consumer attention. Views are sought on the degree to which position on pack could be harmonised
- Q.IX Views are sought on whether % Reference Intakes (%GDAs) should be used on all FoP labels.
- Q.X Given current market practice, and the research on consumer preference, a move towards more consistency would require most interested parties to make some changes alongside the changes that would be required by the EU FIC. Views are sought on interested parties' preference for the following options for a single approach:
- %GDA only;
 - %GDA + HML text + interpretative CC based on standardised nutrient levels;
 - %GDA + HML text;
 - %GDA + interpretative CC based on standardised nutrient level;
 - Colour coding only;
 - Colour coding + %GDA;
 - Colour coding + HML text.
- Q.XI Do you have any alternative suggestions that might fulfil the Governments' ambition to see a more uniform approach to FoP labelling?
- Q.XII If your business already provides FoP information, what form of FoP labelling do you use and why? Do you have any research that supports your choice of FoP scheme that you would be willing to share? We are particularly interested in research (especially unpublished work) that:
- Addresses consumer preferences, consumer understanding and comprehension (particularly amongst lower literacy and lower socio-economic groups (C2, D, E), those of different ages, disabilities (including those with learning disabilities), long-term conditions, gender, race, religion or belief, pregnancy and maternity);
 - Demonstrates any impact on consumer choice;
 - Demonstrates any effect FoP has had on the reformulation of food products.

Q.XIII If your business uses interpretive additional forms of expression, such as HML text, and/or colour coding, how do you determine the cut-off points between each category? Does this differ between types of foods, or are the same criteria applied to all your FoP labelled products, and, if so, why?

Q.XIV The FLABEL research recommends the use of health logos accompanied by repeat nutrition information as a form of labelling that might provide a way forward in delivering a consistent form of FoP labelling across the EU for the future. Interested parties' views and experience of using health logos are sought.

Q.XV What are your views on further emphasising the energy content per portion of the FoP (e.g. by increasing the font size or prominence of this information or the use of 'pings') in order to help those looking to reduce their calorific intakes?

- Are there particular types of product that might benefit from this type of additional FoP labelling?
- Are there any commercial limitations to providing this information on foods?
- What criteria underpin the use of 'pings' and has their provision been evaluated*?
- For those companies that currently colour code calories, do you have any research that demonstrates any impact of this approach?
- what criteria have been used to underpin the colour coding of calories*?

Q.XVI Are there any further costs or benefits other than those set out in the costs and benefits section of the consultation document that might accrue from the further voluntary harmonisation of the provision of front of pack nutrition information as set out in the consultation document.

*We appreciate that some of the information requested may be commercially sensitive to your organisation and that you may not wish it to be shared more widely. Please ensure that any responses of this nature to these or previous questions are clearly marked accordingly (see the 'publication of personal data and confidentiality of responses' section in Annex F of the full consultation documents).

Annex C: List of those who responded

We are very grateful to all those listed below who responded to the consultation exercise. 32 further individual responses received were in response to the full consultation, 948 additional individuals responded to a British Heart Foundation questionnaire (see Annex D).

Aldi
Allied Bakeries
Asda
Associated British Food
Association for the Study of Obesity (UK)
Banbridge District Council
Bexley Health Improvement, NHS South East London
Bolton Council
Bolton Council and NHS Bolton
Brakes Ltd
Bridgewater Community NHS Trust
Brighton and Hove Food Partnership
British Beer & Pub Association
British Dental Association
British Dietetic Association (BDA)
British Frozen Food Federation
British Heart Foundation
British Medical Association
British Medical Association (NI)
British Nutrition Foundation
British Soft Drinks Association
British Specialist Nutrition Association
Cancer Research UK
CASH – Consensus Action on Salt and Health
Centre of Excellence for Public Health NI
Chartered Institute of Environmental Health
Cheshire & Merseyside Directors of Public Health
Chief Environmental Health Officers Group
Children With Diabetes
Children's Food Campaign
Coca-Cola System Great Britain
Consumers for Health Choice
Dairy Council Northern Ireland
Dairy Crest
Dairy UK
Devon Trading Standards
Diabetes UK
East Ayrshire Council
Edinburgh Food and Health Training Hub
Ella Drinks Ltd
European Dairy Association (EDA)
Ferrero UK
Fife Council
Food and Drink Federation
Food Solutions and UEAPME
French Dairy Association (ATLA)
Government Chemist
Government Chemist (Scotland)
Government Chemist (Wales)
Greater Manchester Health Commission
Health Food Manufacturers' Association
Heart of Mersey
Iceland Foods Ltd
J.B.Preserves
Knowsley Council
Lactalis UK
Lancashire Care Foundation Trust
Lancashire County Council
Marks & Spencer's
Mind The Gap UK
Morrisons
MRC Human Nutrition Research
National Consumer Federation
National Farmers Union
National Federation of Women's Institutes
National Heart Forum
Nestlé UK
NHS Bradford & Airedale – Public Health Commissioning
NHS Buckinghamshire and Oxfordshire Cluster
NHS Cumbria
NHS Health Scotland
NHS Kirklees
NHS Knowsley
NHS Liverpool
NHS Tameside and Glossop
NHS Wakefield District/Wakefield Council
Northern Health and Social Care Trust
Nutrition and Wellbeing Ltd
PepsiCo UK & Ireland
Provision Trade Federation
Public Health Dietitians in Wales
Route2nutrition
Royal College of General Practitioners
Royal College of Paediatrics and Child Health
Royal College of Surgeons' Faculty of Dental Surgery
Royal Environmental Health Institute of Scotland
Sainsbury's
Scotch Whisky Association
Scottish Food and Drink Federation
Shropshire Community Health NHS Trust
Sugar Nutrition UK
Sustain: the alliance for better food and farming
Tayside Nutrition Managed Clinical Network
Tesco
The British Association for the Study of Community Dentistry
The Children's Food Trust
The Choices Programme
The Co-operative Food
The International Association for the Study of Obesity (IASO)
Think-free
Thornby Moor Dairy
Tower Hamlets Public Health Department
Trading Standards Institute
Trading Standards North West Regional Food Focus Group
Trading Standards South East Ltd
UK Faculty of Public Health
UK Metric Association
Unilever
Very Low Calorie Diet Industry Group
Waitrose
Wales Heads of Trading Standards
Warburtons
Welsh Dental Committee
Welsh Medical Advisory Committee
Welsh Nursing and Midwifery Committee
Welsh Pharmaceutical Committee
Welsh Therapies Advisory Committee
Which?
Wine and Spirit Trade Association
World Cancer Research Fund
Wye Valley NHS Trust

Annex D: BHF Responses by organisations

In addition to the list of named organisations who submitted individual responses, the British Heart Foundation also submitted a joint consultation response on behalf of the following NGOs:

Action Against Allergy
Association of Directors of Public Health
Barnardo's
British Dental Health Foundation
British Diabetic Association
British Heart Foundation
Cancer Research UK
Chartered Institute of Environmental Health
Chest Heart & Stroke Scotland
Children's Food Campaign
Consensus Action on Salt & Health
Diabetes UK
Faculty of Public Health
First Steps Nutrition Trust
Food Matters Health Education Trust
Heart of Mersey
Hyperactive Children's Support Group – HACSG
International Association for the Study of Obesity
National Children's Bureau – NCB
National Consumer Federation
National Heart Forum
Royal College of Nursing
Royal College of Obstetricians and Gynaecologists
Royal College of Paediatrics and Child Health
Royal College of Physicians
Royal College of Physicians of Edinburgh
Royal Environmental Health Institute – REHIS
Royal Society for Public Health
Stroke Association
Weight Concern
Which?
World Cancer Research Fund

Annex E: BHF shortened consultation

Food labelling Consultation

“As a member of the public, I would like to submit my views to the front-of-pack nutrition labelling consultation.

- Q.1. Do you agree that the combined food label including traffic light colours, the words ‘high, medium and low’ and Guideline Daily Amounts (pictured above) is a helpful system and would you like this to see this used by all supermarkets and food companies? Why?
- Q.2. Should there be labelling telling you about salt, fat, saturated fat and sugar content in products as well as how many calories they have?
- Q.3. Do you think combined food labels should be used on a broader range of foods? Which types of products would you like to see them on?
- Q.4. Should food labels be based on a standard amount (for example per 100g) to enable direct comparison between different products? Yours sincerely, Respondent’s name and address details.”

Annex F: Code of Practice on consultation

Criterion 1: When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3: Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultee' buy-in to the process is to be obtained.

Criterion 6: Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.



The FSA is responsible in Scotland and Northern Ireland for devolved policy relating to food standards, nutrition and dietary health including the implementation of the Food Information Regulation EU 1169/2011

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