

## Food information all over the place – upcoming changes expected

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Food becomes more and more in the center of the public interest. This is for instance demonstrated by the popularity of urban farming initiatives and also of books on food, such as *The Omnivore's Dilemma* (2006) and *Cooked, a Natural History of Transformation* (2013) by Michael Pollan, one of the most well known food journalists nowadays. Another food journalist Michael Moss published this year *Salt Sugar Fat – how the food giants hooked us*. All these books have in common that they publish a wealth of information on a subject that is essential to all of us, which more and more have come to realize.

### Nutrition declarations by Google

Google must have realized this too, as it has added nutritional information into its search functionality, with info on more than 1,000 food items ranking from fruits to vegetable and from meats to complete meals. The new functionality is a part of Google's Knowledge Graph that was launched in May 2012. Knowledge Graph is a database interconnecting various search results in order to enhance understanding. By offering information in this way, Google aims developing its information engine into a *knowledge engine*. As to food information, Google wants to help its users to make healthier choices – so it says.

According to Google's blogspot<sup>1</sup> the food information published via its Knowledge Graph is announced to operate in various ways.

Here are a few examples:

- *Tempted by some popcorn at the movies? Ask "how many calories are in popcorn" and you'll get your answer. [Hint: it's 31 calories per cup]*
- *Perplexed by a food label or recipe? Ask "what nutrients are in breadfruit?" or "is there sugar in granadilla?"*
- *Big on a high protein diet? Ask "how many carbs in corn?" or simply search for [corn] and you'll see detailed nutrition info."*

### Food information in the EU

In the European Union, food information is considered to be of the essence as well. To that end, rules on food information were revamped under Regulation 1169/2011 on the provision of food information to

consumers ("the Regulation")<sup>2</sup>. This Regulation will enter into force on 13 December 2014 and will bring about a great number of changes in the food information landscape in Europe. On the one hand, the Regulation aims to ensure a high level of protection of consumers' health and interests by enabling them in making informed choices. On the other hand, the Regulation aims to realise free movement of legally produced and marketed food. But how is this going to be achieved?

### Fair information practices

Firstly, food information shall not be misleading

- (a) as to the characteristics of the food;
- (b) by attributing to the food effects or properties it does not possess;
- (c) by suggesting that the food possesses special characteristics when in fact all similar food possess such characteristics;
- (d) by suggesting the presence of a particular food or an ingredient, while in fact substitution with another food or ingredient occurred.

It should be stressed that food information comprises all information about a food made available to a final consumer. So not only product labels, but also information published on company website, leaflets, advertisements etc.

### Specific guidelines for mandatory information

Secondly, the Food Information Regulation provides for specific guidelines for mandatory food information<sup>3</sup>. These guidelines relate for instance to the legibility of this information, requiring a minimum font size of 1,2 mm for the x-height, defined in Annex

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<sup>2</sup> Regulation (EU) No. 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending two earlier Regulations and repealing five earlier Directives and one earlier Regulation, also referred to as Food Information Regulation.

<sup>3</sup> Mandatory particulars include but are not limited to the name of the food, the list of ingredients, substances or products causing allergies or intolerances (which receive specific emphasis under the Regulation), the country of origin or place or provenance, where failure to indicate this might mislead the consumer, the name of the food business operator, being the operator under whose name or business the food is marketed or imported and a nutrition declaration.

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<sup>1</sup> <http://insidesearch.blogspot.nl/2013/05/time-to-back-away-from-cookie-jar.html>

IV to the Regulation. They also relate to the place where mandatory information is shown, requiring that such information appears directly on the package or on a label attached thereto, so not on a separate leaflet. In cases of distance selling, most of the mandatory information should be available before the purchase is concluded. i.e. it should clearly appear on the website where the food at stake is offered for sale. Furthermore, these guidelines cover language requirements, stipulating that mandatory information shall appear in a language easily understood by the consumers of the Member States where a food is marketed. For the Netherlands, this would clearly be Dutch, but the Member States also have the authority to stipulate that the particulars shall be given in one or more languages of the official languages of the European Union. Such language could be used as an alternative but also in addition to the national language.

### **Nutrition declarations**

Thirdly, nutrition declarations have become mandatory under the Regulation. Such declarations shall imperatively include the following seven elements: the energy value and the amounts of fat, saturates, carbohydrates, sugar, protein and salt contained in the food product. Furthermore, they may be supplemented with another six elements such as starch and fibre. The nutrition declaration should come in the form of a table, if space permits, and may be placed on the side or on the back of a packaging (not necessarily at the front side). The information provided must be given per 100 mg or 100 ml – only in addition thereto, information per portion can be given, provided that the portion is quantified. In order to indicate reference intakes of food ingredients, quite often the term GDA (Guideline Daily Amount) is used. This is not a requirement under the Food Information Regulation, but if used, this should be done in a way consistent with the Regulation. For vitamins and minerals, it is mandatory however to use the term RDA (Recommended Daily Amount).

### **Conclusion**

The Food Information Regulation brings about such important modifications for food information, that it is very likely that the packaging of most of the products marketed in Europe need to be adjusted. The nutrition declarations that Google intends to publish for various foods are just one element of those modifications. It is thereby ironic that in an attempt to harmonize the rules on food information, the Food Information Regulation in the same time creates barriers to EU-wide trade, by means of the language requirements for food information. Furthermore, even if the Regulation regulates food information in great details (e.g. font prescribed font

size), it is questionable whether those rules, or more precisely, the exceptions made thereto, will work for B2B transactions or in cases where the food is not sold to final consumers (e.g. mass caterers). This is certainly food for further thought.