Implementing the FIC: The law and the practicalities

Stephen Pugh
Food Information
Department for Environment, Food and Rural Affairs
The regulation on the provision of Food Information to Consumers (1169/2011) (FIC)
Food Information Regulations (2014)
• The Food Information to Consumers ("FIC") Regulation:
  – Regulation (EU) No 1169/2011, covers General Labelling and Nutrition Labelling
  – Does not affect labelling provisions in product specific measures (e.g. chocolate, jam, olive oil, fresh fruit and veg).
  – Directives 90/496/EEC and 2000/13/EC are repealed
What’s new

- Food information vs food labelling
- Fair information practices
- Clarification of responsibilities
- Requirements for distance selling
- Criteria on legibility
- Legal frame for voluntary information
What else is new

- Allergen labelling
- Mandatory nutrition labelling
- Country of origin rules
- Some change around date marking
- Additional rules on name of food and ingredients
- Clarification of requirements for processed foods
What hasn’t changed

• Name of food (nearly)
• Ingredients lists (nearly)
• QUID
• Instructions and storage conditions (nearly)
• Name and address requirements (nearly)
### Annex III

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Packaging gases</td>
<td>No change</td>
</tr>
<tr>
<td>Sweeteners</td>
<td>Small changes</td>
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<tr>
<td>Liquorice</td>
<td>Small changes</td>
</tr>
<tr>
<td>Caffeine</td>
<td>Wording of the statement changes</td>
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<tr>
<td></td>
<td>includes foods</td>
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<tr>
<td>Plant sterols</td>
<td>Changes in wording</td>
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<tr>
<td>Frozen meat</td>
<td>Date of first freezing required</td>
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<tr>
<td>Annex VI</td>
<td></td>
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<td>------------------------------</td>
<td>-------------------------------------------</td>
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<tr>
<td>Physical condition or treatment</td>
<td>Changes about previously frozen</td>
</tr>
<tr>
<td>Treated with radiation</td>
<td>No change</td>
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<tr>
<td>Substituted ingredients</td>
<td>New requirement</td>
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<tr>
<td>Added protein</td>
<td>New requirement</td>
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<tr>
<td>Added water</td>
<td>New requirement</td>
</tr>
<tr>
<td>Formed meat (EN)</td>
<td>New requirement</td>
</tr>
<tr>
<td>Minced meat</td>
<td>Carried over from Hygiene rules</td>
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</table>
Added protein

• Annex VI Part A5

*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.*

• All meat products, preparations and fisheries products
  • Only animal proteins
  • Only where different
  • Commission Q&A
Added water

• Annex VI Part A6

In the case of meat products and meat preparations which have the appearance of a cut, joint, slice, portion or carcase of meat, the name of the food shall include an indication of the presence of added water if the added water makes up more than 5% of the weight of the finished product. The same rules shall apply in the case of fishery products and prepared fishery products which have the appearance of a cut, joint, slice, portion, filet or of a whole fishery product.

• Only for meat products, preparations; and
• Fisheries products and prepared fisheries products
• Where appearance of a cut, joint, slice or carcase
• Where appearance of cut, joint, portion, filet or of a whole fish
• Annex VI Part A7

Meat products, meat preparations and fishery products which may give the impression that they are made of a whole piece of meat or fish, but actually consist of different pieces combined together by other ingredients, including food additives and food enzymes or by other means...

• Meat products, preparations and fisheries product
• Impression that a whole piece of meat or fish
• Combined together by other ingredients or other means
• ‘Formed meat’ or ‘formed fish’ (EN)(ES different)
Clarity of Mandatory Particulars

- The general mandatory particulars must be printed in characters using a font size where the x-height is at least 1.2mm

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<table>
<thead>
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<tbody>
<tr>
<td>1.</td>
<td>Ascender line</td>
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<td>2.</td>
<td>Cap line</td>
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<td>3.</td>
<td>Mean line</td>
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<td>Baseline</td>
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<td>6.</td>
<td>x-height</td>
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<tr>
<td>7.</td>
<td>Font size</td>
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</tbody>
</table>

Appendix
• Clarity of Mandatory Particulars

- Where area of largest surface less than 80cm² minimum x-height reduced to 0.9mm
- 1.2mm x-height is roughly equivalent to 8 point)
- 0.9mm x-height is roughly equivalent to 6 point print.
National measures simplified regulation

• Removed
  – national cheese and cream standards
  – Ice cream standards
  – Low alcohol Drinks
  – Additive class on loose foods not required
National provisions

• Minced meat
  – National mark to cover minced meat not within the criteria of Annex VI, Part B (1):
    □ For UK market

• Allergen information
  – Verbal (and verifiable) presentation when allergenic ingredients have been used in the preparation of a food
Allergen information must be provided

Accurate and does not mislead

Verbally:
- Tell all customers that the allergen information is available

In writing, on menu, board etc:
- Must also be on a label, notice, menu, ticket or easily seen
Milk and Milk Products in glass bottles

Derogation relating to milk and milk products

Mandatory information not required for milk in reusable glass bottles.
The UK voluntary front of pack nutrition labelling

EU Reg. 1169/2011 requires a portion size declaration that is easily recognisable to the consumer.

UK Health Ministers have recommended the inclusion of colour coding as their preferred ‘additional form of expression’ (Article 35 – EU Reg. 1169/2011). This is based on extensive consumer research stretching back over 9 years which demonstrates that a label that combines colour and % reference intakes is preferred by consumers and is most effective at enabling them to make healthier choices.

EU Reg. 1169/2011 requires a portion size declaration that is easily recognisable to the consumer.

EU Reg. 1169/2011 allows for the inclusion of % reference intakes. The combination of colour coding and reference intakes allows consumers to identify foods that are high in nutrients of public health concern and how much they contribute, per eating occasion, to their diet.

EU Reg. 1169/2011 requires information on energy or energy plus fat, saturates, sugars and salt. This can be provided per portion or per 100g but where provided per portion energy must be additionally provided per 100g.

Each grilled burger (94g) contains

- Energy: 924kJ / 220kcal (11% of an adult’s reference intake)
- Fat: 13g (19% of adult’s reference intake)
- Saturates: 5.9g (30% of adult’s reference intake)
- Sugars: 0.8g (<1% of adult’s reference intake)
- Salt: 0.7g (12% of adult’s reference intake)

Typical values (as sold) per 100g: Energy 966kJ / 230kcal
National political landscape - Different governments in UK
Revised enforcement approach

Changes to the current system

• Non-criminal (where no immediate risk of harm)
• Civil penalties (improvement notices)
• Appeals through First Tier Tribunals
OFFENCES

Improvement Notice

Non-safety related requirements.

Criminal offences

Food safety (Allergen information and use-by dates).
Where can I go for guidance?

- Commission’s Q&A
- Defra/FSA guidance
- FSA training
- Industry guidance
- Reading University
In the UK Where can I go for guidance?

- Commission’s Q&A  
- Defra/FSA guidance  
- FSA training  
  https://www.food.gov.uk/enforcement/enforcetrainfund/onlinetraining
- Industry guidance
- Reading University  
  http://www.reading.ac.uk/foodlaw/label/index2.htm
Questions?

Ask me now

or e-mail:
labelling@defra.gsi.gov.uk