

**FRONT OF PACK (FOP) NUTRITION LABELLING****EXECUTIVE SUMMARY**

1. During the past six years the Agency has worked with stakeholders to explore how best to provide nutritional information on the front of pack (FOP) which is helpful to consumers. In March 2006 the Agency recommended a principle based approach for the provision of voluntary FOP nutrition labelling to help consumers see at a glance the levels of fat, saturated fat, salt and sugars in foods sold through retail outlets and help them to make healthier choices. A number of UK food manufacturers and retailers voluntarily introduced FOP labels which adhere to some or all of the Agency's recommendations. The various FOP labels in the UK marketplace mainly differ in the interpretative elements used within them.
2. The independent FOP evaluation research published in May 2009 found that the co-existence of FOP labels with differing interpretive elements were causing a degree of confusion and distraction for the UK consumer<sup>1</sup>. It concluded that while the words 'high, medium and low' had the greatest influence on comprehension, combining it with traffic light colour coding and percentage of Guideline Daily Amount (GDA) enabled more consumers to make healthier choices. This view was echoed by consumers who took part in the citizens' forums<sup>2</sup>.
3. In the light of this evidence the Agency has been considering what more can be done to improve the consistency and ease of use of FOP labelling for consumers. This paper discusses the progress to-date and suggests a way forward.
4. The **Board** is invited to:
  - **note** the outcome of the consultation and citizens' forums reported in paragraphs 10 to 13.
  - **agree** to update the existing Agency principle based FOP approach and replace it with the proposed framework outlined in paragraphs 15 to 17.
  - **agree** to the proposed next steps set out in paragraph 20.

**NUTRITION DIVISION**

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<sup>1</sup> <http://www.food.gov.uk/multimedia/pdfs/pmpreport.pdf>

<sup>2</sup> <http://www.food.gov.uk/foodlabelling/researchandreports/citforumfop>

## FRONT OF PACK (FOP) NUTRITION LABELLING

### Introduction

1. The Agency has been considering what more can be done to deliver a single effective approach to front of pack (FOP) labelling which assists consumers to make healthier choices. The Agency has taken into account the findings from the independent FOP evaluation research, the consultation with stakeholders and citizens' forums held on this issue. The Agency also sought to convene a high level stakeholder meeting to discuss the matter further. However, due to the short notice of calling the meeting, it was not possible to secure attendance from all the senior executives from organisations with a direct interest in the issue.

### Issue

2. Since the Agency made its recommendations on FOP labelling in 2006 a number of manufacturers and retailers have voluntarily introduced FOP labels. Given the co-existence of different FOP schemes in the UK marketplace, new information on how consumers understand and use them, legislative developments at an EU level, and the UK Government's commitments in relation to FOP labelling it is necessary to review the Agency's recommendations to Government.

### Strategic Objectives

3. Meets the Agency's commitment in the new Strategic Plan for 2010/2015 to "*promote the adoption of a single, simple and effective FOP labelling approach*".

### Background

4. The UK Government has developed a programme of work to reduce obesity, improve diets and reduce the prevalence of diet-related diseases, such as diabetes, coronary heart disease and some cancers.
5. The 2004 White Paper: *Choosing Health for England and Wales*<sup>3</sup> included a commitment to address the difficulty many consumers have using nutrition information as currently provided on food labels<sup>4</sup> by commissioning the Agency

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<sup>3</sup> In Scotland, the Scottish Executive's Eating for Health: Meeting the Challenge (2004). In Wales, the Food Standards Agency and Welsh Assembly Government's Food and Well Being: Reducing inequalities through a nutrition strategy for Wales (2003). In Northern Ireland, work is progressing to develop a Department of Health's food and nutrition strategy.

<sup>4</sup> Food Standards Agency Nutritional Labelling Qualitative Research, Final report November 2001

to work with industry to develop, by 2006 ‘ a clear, straightforward coding system that is in common use, and that allows busy people to understand at a glance which foods can make a positive contribution to a healthy diet, and which are recommended to be eaten only in moderation or sparingly ’

6. The Scottish Government recognises the importance of enabling consumers to make informed choices at a glance about the food they eat (*Healthy Eating, Active Living: An action plan to improve diet, increase physical activity and tackle obesity (2008-2011)*). The Welsh Assembly Government's *Quality of Food for All* strategy calls for better nutritional labelling, and the Northern Ireland 'Fit Futures' health strategy note the importance of FOP nutrition labelling in enabling consumers to choose healthier diets.
7. More than 130 UK food manufacturers and retailers have voluntarily introduced FOP labelling. While there is much in common in terms of the information they provide, they differ in the way in which the information is presented. There are currently four main types of FOP schemes in use in the UK (Annex 1):
  - (A) Traffic lights (with or without high, medium or low accompanying text)
  - (B) Traffic lights (with or without high, medium or low accompanying text) and % GDA
  - (C) % GDA with pastel colours to highlight the nutrient rather than level of nutrient
  - (D) % GDA presented in a monochrome colour.
8. In light of these developments and the consumer's desire for a single FOP approach the (Westminster) Government obesity strategy document *Healthy Weight Healthy Lives* included a provision within the Healthy Food Code of Good Practice that called for:

*“A single, simple and effective approach to food labelling used by the whole food industry, based on the principles that will be recommended by the FSA in light of the research currently being undertaken”.*

### **Independent FOP Evaluation Research**

9. The independent evaluation research published in May 2009 found that the co-existence of FOP labels with differing interpreting elements was causing a degree of confusion and distraction for the UK consumer<sup>5</sup>. It suggested that the use and comprehension of FOP labelling could be improved if a single FOP approach was used in the marketplace and concluded that a format which incorporated ‘high, medium and low’ text, traffic light colour coding and

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<sup>5</sup> <http://www.food.gov.uk/multimedia/pdfs/pmpreport.pdf>

percentage of Guideline Daily Amount (GDA) was the format which best enabled consumers to make healthier choices. The Board was briefed on the findings of this research in June 2009<sup>6</sup>.

## **FOP Consultation**

10. On 30 July 2009 the Agency launched its formal stakeholder consultation on the practical issues which need to be resolved for a single approach to FOP nutrition labelling to work in real life settings and help consumers to make healthier choices (Annex 2). A total of 96 responses were received from a range of stakeholders including industry, consumer groups, public health bodies, enforcement bodies and members of the public and the advisory committees in Scotland and Northern Ireland (Annex 3). A summary of the consultation responses received can be found at Annexes 4 and 5.
11. Many respondents chose to comment on wider issues relating to FOP labelling as well as the technical issues and the draft Impact Assessment on which views had been sought. A number of responses made reference to a critique of the independent FOP evaluation research commissioned by the Food and Drink Federation (FDF) and questioned some of the conclusions in the independent FOP evaluation research. The comments raised, together with the critique and a response from the contractors who conducted the research, are attached at Annex 6. On the issue of a **single FOP approach** responses generally fall into one of the following three groups:
  - current adopters of traffic light FOP labelling, NGO's and members of the public support moving towards a single approach consisting of traffic light colours, %GDA and text;
  - retailers and some manufacturers oppose moving to a single approach at this time in view of on-going EU negotiations on FOP in the context of the Commission's proposal for a Food Information Regulation;
  - manufacturers who provide monochrome GDA FOP labelling currently and their trade association favour an approach based on the %GDA FOP label with traffic light colour coding and text allowed as an optional extra.
12. Very few comments were received on the draft Impact Assessment (IA). Those who did respond on this point considered the cost of introducing a single approach had been underestimated and some additional figures (e.g. for design and plate changes) were provided (Annex 7). The draft IA has been adjusted accordingly.

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<sup>6</sup> <http://flyonthewall.com/FlyBroadcast/FSA/BoardMeeting0609/>

## **Citizens' Forums**

13. The Agency commissioned eight 'citizens' forum workshops within the UK to learn about consumers' relationship with food labels, their awareness and understanding of FOP nutrition labelling<sup>7</sup>. FOP nutrition labelling was considered an important way to save time and make informed decisions but found the variety of different FOP approaches currently in use in the marketplace a hindrance.
14. There was wide support for a single FOP labelling approach that could be widely understood by consumers to make quick and informed decisions, especially if combined with food education for young people. It was felt that the Government should be responsible for the development of such an approach and that it should be adopted by all retailers and manufacturers. Overall there was a perception that a single approach would be easier to understand and more convenient to use, particularly for consumers who considered that trying to interpret several different schemes was inconvenient and time-consuming. The report of this work is available on the Agency's website<sup>8</sup>.

## **Proposed Framework for FOP Labelling**

15. It is widely accepted that FOP labelling is useful and valued by consumers, making it easier for them to make healthier choices when shopping. However research and feedback from consumers has indicated that the use of FOP labelling to inform consumer purchasing decisions could be enhanced further if there were a more consistent approach to FOP labelling. In working up a possible framework to strengthen arrangements further the Agency has taken account of consumer and industry needs, informed by responses to the formal consultation, the output from the citizens' forums and the research from the independent evaluation. The Agency's science checklist (Annex 8) and governance arrangements have been adhered to throughout this process.
16. Given the aspects of FOP where there is common agreement and consistency in approach (i.e. nutrients and weight in grams of individual nutrient per portion) and the current use of various interpretative elements (text to indicate the levels of the nutrients (High, Medium and Low), %GDA, traffic light colour coding and combinations of these), progress towards a single approach could be made by updating the existing Agency FOP principles and adopting a framework approach which consists of all of the following:

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<sup>7</sup> The forums were conducted in two parts. The same participants took part in both parts.

<sup>8</sup> <http://www.food.gov.uk/foodlabelling/researchandreports/citforumfop>

- I. Provision of information on the amount of fat, saturated fat, sugar, salt and calories.* Amount of each nutrient present (in grams) in a specified portion of the product.
- II. Provision of portion information.* The size of the portion should be described in an easily identifiable way (i.e. 1/4 pie or 1 biscuit) as well as the weight in grams. The number of portions/servings per pack should also be stated within the FOP label.
- III. Provision of the interpretive elements found by the independent FOP evaluation research to aid the understanding and use of the nutritional information provided within the FOP label. This could be achieved by applying 2 of the 3 elements initially but incorporating all 3 elements over time, i.e.:*
  - *High, Medium, Low text to indicate the levels of fat, saturated fat, sugar and salt* - Determined using Agency criteria for High (red), Medium (amber), Low (green). No text to be given for calories.

**And/or**

- *Traffic light colours (red, amber and green) for an at a glance indication of whether the level of fat, saturated fat, sugars and salt in a product are high, medium or low* - Determined using Agency criteria. Only traffic light colours should be used and calories should not be colour coded.

**And**

- *%GDA values in a portion* - GDA figures for fat, saturated fat, sugars and salt in a product to reflect values recommended by the IGD. No GDA values to be given for calories.

- IV. Flexibility in presentation of FOP information provided the label design does not mislead or confuse the consumer.*
- V. Application of the FOP label to be extended to a wide range of pre-packed composite processed foods* - Prioritised according to benefit for consumer and based on the approach outlined in Annex 9.

17. Such a principle based framework would be expected to make it easier for more UK consumers to use FOP labelling when shopping, help consumers make informed choices about food and drink products they purchase and encourage further product reformulation by industry. The approach being proposed would enable businesses to decide which interpretative elements to include in the FOP label (text and/or traffic light colours to indicate the level of nutrients, in addition

to %GDA) in the first instance. Business decisions would be taken in the full knowledge that research since 2004 has consistently shown that UK consumers when given a choice prefer and value a FOP approach which includes traffic light colours over and above any other interpretive element. This approach would also be expected to provide the flexibility needed to deliver greater harmonisation of FOP schemes over time. Annex 10 contains visuals to illustrate how the principles contained within the proposed framework might be incorporated into a FOP label design. To assist the transition to this single approach, we recognise that some companies may need to make adjustments in a phased manner and some flexibility has been included within the framework to allow for this.

### **European Dimension**

18. FOP nutrition labelling is not covered by existing nutrition labelling legislation, which is set at an EU level, but is contained within the Commission proposal for an EU Food Information Regulation (FIR). This will strengthen arrangements to enable UK consumers to make a healthier choice.
19. EU negotiations are ongoing and are unlikely to conclude before the end of 2011. Once agreed it is expected that there will be a 3-5 year period before they start to come into effect. Discussions have recognised the need to allow the various FOP approaches currently in use in EU Member States whilst evidence of their effectiveness is researched. It is encouraging that consumer and the public health protection needs of individual Member States are being addressed in a flexible manner in the context of the FIR. The principle based framework being proposed would enable UK consumers to benefit from a more consistent and effective approach FOP labelling over time and would be in keeping with the aims of the EU FIR proposal. Until such time as FOP labelling is made compulsory the voluntary approach should remain in place.

### **Next Steps**

20. Ministers will be informed of the Board's decisions. The Agency will then update its existing FOP nutrition labelling technical guidance to reflect the principles outlined in the framework for a single approach to FOP labelling and will conduct a further public consultation. The Agency will then formally submit its recommendations to Health Ministers in the Autumn.

### **Board Action Required**

21. The **Board** is invited to:
  - **note** the outcome of the consultation and citizens' forums reported in paragraphs 10 to 13.

- **agree** to update the existing Agency principle based FOP approach and replace it with the proposed framework outlined in paragraphs 15 to 17.
- **agree** to the proposed next steps set out in paragraph 20.



# Front of pack (FOP) Nutrition Labelling

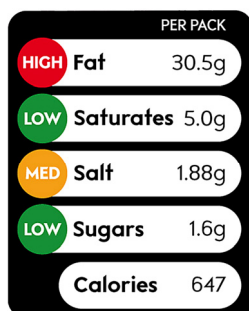
Annexes to Board paper

10 March 2010, Cardiff

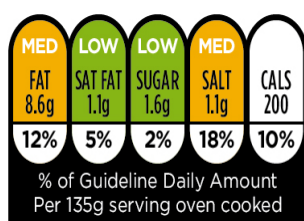
## Examples of Front of pack nutrition labels in the UK marketplace

There are currently four main types of FOP label in use in the UK:

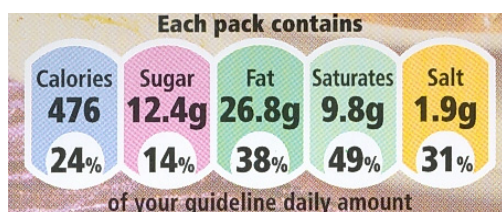
- a) Traffic lights (with or without high, medium or low accompanying text), e.g. Waitrose.



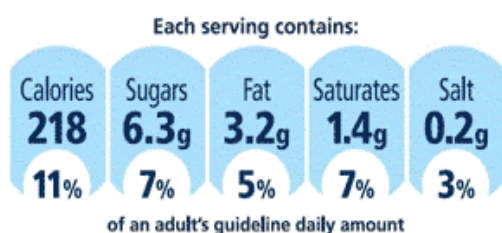
- b) Traffic lights (with or without high, medium or low accompanying text) and % GDA, e.g. McCain's.



- c) % GDA with pastel colours to highlight the nutrient rather than level of nutrient, e.g. Tesco.



- d) % GDA presented in a monochrome colour (usually in a neutral colour i.e. not red, amber or green) e.g. that used by various manufacturers and retailers.



## FOOD STANDARDS AGENCY CONSULTATION

**Title: Front of pack (FOP) nutrition labelling for pre-packed foods sold through retail outlets in the UK**

### CONSULTATION SUMMARY PAGE

<b>Date consultation launched:</b>	<b>Closing date for responses:</b>
<b>30 July 2009</b>	<b>5 November 2009</b>

#### Who will this consultation be of most interest to?

Food businesses, public health bodies, consumer groups and consumers.

#### What is the subject of this consultation?

Front of pack (FOP) nutrition labelling for pre-packed foods sold through retail outlets in the UK.

#### What is the purpose of this consultation?

The independent evaluation study on FOP nutrition labelling found that a single scheme would be helpful for consumers and that an integrated FOP labelling approach providing 'high/medium/low' text, traffic light colour coding and %GDA information was most effective in terms of consumer comprehension, consumer preference and enabling consumers to assess the healthiness of a product. This consultation seeks views on practical issues which need to be resolved for an integrated FOP nutrition labelling approach to work in real life settings and help consumers to make healthier choices. The consultation also seeks views on the related costs and benefits as identified in the draft Impact Assessment.

#### Responses to this consultation should be sent to:

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<b>Is an Impact Assessment included with this consultation?</b>	<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/> See Annex F for reason.
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## Overview

1. The independent evaluation study on FOP nutrition labelling found that a single FOP approach would be most helpful for shoppers and that the most effective FOP label combined text (high/medium/low), traffic light colour coding and %GDA information in an 'integrated label'. The Agency is now formally consulting on practical issues which need to be resolved for an integrated FOP nutrition labelling approach to work in real life settings and help consumers to make healthier choices. The independent study, funded by the FSA (referred to as the independent research throughout) was published in May 2009, and is available at <http://www.food.gov.uk/news/newsarchive/2009/may/pmp>
2. Stakeholders views are being sought on the following issues:
  - **Scope:** Consumers use FOP labels across a range of products, and are particularly interested in having this information for more complex products where nutrient content is not obvious. While the FSA currently recommend FOP labelling for seven product categories, we know that many retailers and manufacturers provide labelling on a wider of products. We would therefore welcome your views on the range of foods to which an integrated FOP label should be applied, including suggestions for a limited number of exemptions (paragraphs 17 - 21).
  - **Calories:** We know that consumers find calories on the FOP helpful in making healthier purchasing decisions, for example when watching their weight. We would therefore welcome your views on how to include calories in an integrated FOP label (paragraphs 22 - 28).
  - **Portion size criteria:** It is important that FOP labels help consumers to assess the healthiness of foods regardless of whether the portion size is small, medium or large. Current guidance on the use of text and traffic light colour codes establishes criteria which take account of nutrient levels per 100g and for food recommended to be eaten in portions greater than 100g. We would welcome your views on whether there should be criteria for foods recommended to be eaten in small portions which take account of portion size. If so what should these criteria be (paragraphs 29-31)?
  - **Saturated fat:** We know that consumers are confused by the various terminologies used for saturated fat and their understanding of saturated fat in the context of their overall diet is poor. We would like to improve this where possible to allow consumers to be aware of healthier choices. We also know it is of particular use for consumers with particular health concerns. Do you agree with the proposed approach to improving communication and understanding of saturated fat in an integrated label? If not why not? (paragraphs 32 - 34).
  - **Guideline Daily Amount (GDA) for sugars:** We are aware that the levels of sugars added to some foods are of concern to consumers, and it is important that labels help them to identify sugary products so that they can make healthier choices. In light of the European Food Safety Authority's recent opinion on the sugars Dietary Reference Value for nutrition labelling purposes

we would welcome your views on the appropriate sugars GDA figure that should be used on an integrated FOP label (paragraphs 35-38).

- **Salt thresholds:** Because most salt consumed is already in the foods consumers buy it is important that labels are as helpful as possible in identifying lower salt products, again so that consumers can make healthier choices. We would welcome your views on whether the salt thresholds for an integrated FOP label should be revised and if so which approach should be used (paragraphs 39 -44):
    - (a) changes to the per 100g criterion,
    - (b) changes to the per portion criterion, or
    - (c) both.
  - **Improving legibility:** In the independent study some consumers sometimes found FOP labels too small to read, or simply did not notice the FOP label, which means that they are unable to use the information provided to inform their decisions. We would therefore welcome views on proposed guidance to maximize the visibility and legibility of an integrated FOP label (paragraph 45-46).
  - **Public awareness:** The independent research found that there was a high level of awareness of the various FOP labels in the marketplace, but use of FOP labels remained low. Raising consumer awareness is likely to increase the impact an integrated FOP label has on purchasing decisions; and we are keen to ensure that this information is equally available across all consumer groups. We would therefore welcome your views on how government and stakeholders can work in partnership to raise consumer awareness and understanding of an integrated FOP label. We are particularly interested in targeting those consumers that do not currently use FOP labels to influence their food purchasing choices, and in particular consumers in social grades C2, D and E, those aged over 65 years and families with children) (paragraph 47).
3. Significant progress has already been made in the UK by many UK retailers and manufacturers in terms of introducing FOP labelling to a wide range of foods on a voluntary basis. A voluntary approach allows industry to change labels (as a part of their normal re-labelling cycle) at minimum cost. The Agency notes that integrated FOP labels (incorporating 'High/Medium/Low' text, traffic light colour coding and %GDA) are already available in the marketplace, such as those used by Asda and McCain. The Agency will continue to monitor progress of the voluntary approach.

## **Background**

4. Tackling the increase in overweight, obesity and diet-related illnesses is a priority for the Government. As part of its response to these public health challenges administrations across the UK have adopted strategies to tackle obesity. Front of pack labelling to help enable consumers to make healthier choices is an important part of these strategies.

5. In England the strategy was initially set out in the Department of Health's *Choosing Health* White Paper (2004)<sup>1</sup>, and reinforced by the *Healthy Weight Healthy Lives* cross-government strategy (2008)<sup>2</sup>. The Scottish Government has expressed support for the Agency's work to encourage clearer food labelling, such as FOP traffic light labelling, recognising that it is important that consumers can make informed choices at a glance about the food they eat (Healthy Eating, Active Living<sup>3</sup>). In Wales better nutritional labelling will help deliver the Welsh Assembly Government's Quality of Food for All strategy<sup>4</sup>. In Northern Ireland the importance of FOP nutrition labelling in enabling consumers to choose healthier diets was noted in the 'Fit Futures' health strategy<sup>5</sup>.
6. In England, the Healthy Food Code of Good Practice outlined in *Healthy Weight, Healthy Lives* (2008), challenged businesses to deliver,
 

*'A single, simple and effective approach to food labelling used by the whole food industry, based on the principles that will be recommended by the FSA in light of the research currently being undertaken.'*
7. FOP labelling is an important part of the Westminster Government's overall strategy alongside other work to improve the healthiness of food available, purchased and consumed. Reformulation (in terms of reduced fat, saturated fat, salt, sugar and energy) has resulted in a wider range of healthier products being made available to healthier consumers. It is also committed to substantial consumer-facing campaigns to inform and educate the population in healthy eating; the past year for example has seen campaigns on reducing salt intake, reducing saturated fat, and helping families eat well and move more via Change4Life.
8. Healthy eating is important to consumers. Over 90% of shoppers surveyed in the independent research stated that this was an important issue for them<sup>6</sup>. This supports similar findings from other surveys such as that conducted by Which?<sup>7</sup> that reported that 80% of consumers want to choose a healthy diet and favour more action across the food industry to make it easier for them to make healthier choices.

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<sup>1</sup> Department of Health (2004). *Choosing Health* White paper

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4094550](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4094550)

<sup>2</sup> *Healthy Weight, Healthy Lives: A Cross Government Strategy for England*, [www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_082378](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_082378)

<sup>3</sup> *Healthy Eating, Active Living: An action plan to improve diet, increase physical activity and tackle obesity (2008-2011)* [www.scotland.gov.uk/Publications/2008/06/20155902](http://www.scotland.gov.uk/Publications/2008/06/20155902)

<sup>4</sup> Currently under development.

<sup>5</sup> Department of Health, Social Services and Public Safety <http://www.dhsspsni.gov.uk/ifh-fitfutures.pdf>

<sup>6</sup> This mirrors findings of the Consumer Attitudes to Food Survey (2008) that found that healthy eating was an important issue for 87% of consumers.

<sup>7</sup> As noted in *Hungry for Change* (p7)

([http://www.which.co.uk/static/html/pdfs/hungry\\_for\\_change.pdf](http://www.which.co.uk/static/html/pdfs/hungry_for_change.pdf)). It also noted consumer demand for more action by manufacturers to reduce levels of fat, sat fat, salt and sugar and the use of a standardised approach to nutritional labelling.

9. FOP labelling provides consumers with information to help them to make healthier food choices and contributes towards efforts to reduce obesity levels and diet-related illnesses. To be effective in public health terms FOP labelling must be valued and readily understood, and motivate the widest range of consumers to use it when making purchasing decisions so that they improve the balance of their diet.
10. Since 2006, when the Agency recommended its voluntary principles-based FOP labelling approach (which included traffic light colour coding<sup>8</sup>), FOP labelling has become widespread in the UK with over 28,000<sup>9</sup> products featuring some form of FOP labelling. In line with a commitment made in 2006<sup>10</sup> and as agreed with stakeholders, an independently managed research project was commissioned by the Agency at the end of 2007, to review the effectiveness of the three main FOP nutrition labelling schemes used in the UK market (the independent research). These were:
- %GDA schemes providing information on amount of nutrient per portion of product as a percentage of Guideline Daily Amount;
  - traffic light (TL) colour-coded schemes indicating nutrient level (these can be found with accompanying 'High, Medium and Low' text); and
  - schemes which provide both a traffic light colour code (with or without text) and %GDA.
11. Stakeholders were involved in agreeing the arrangements for the independent management of the study<sup>11</sup>.
12. The Agency has also invited stakeholders to identify other issues that would need to be considered, when formulating FOP labelling policy. These issues were discussed at a stakeholder workshop in October 2008 (attended by more than 35 stakeholders) followed by a series of smaller meetings with interested parties. These were used to shape a pre-consultation document<sup>12</sup> on which views of 85 stakeholders were sought in March. Feedback from all these fora was used to develop this consultation document and the accompanying draft Impact Assessment.

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<sup>8</sup> [www.food.gov.uk/news/newsarchive/2006/mar/signpostnewsmarch](http://www.food.gov.uk/news/newsarchive/2006/mar/signpostnewsmarch) The Agency's recommendations focused on seven categories of processed foods that consumers had said they found particularly difficult to assess the 'healthiness' of. These categories are: (1) Sandwiches, wraps, filled baguettes and similar products; (2) Prepared or ready meals, whether hot or cold - (for example pasta salad bowls, prepared salad meals such as chicken caesar salad and prepared dishes sold with and without accompaniments such as rice, noodles, vegetables, potato or similar); (3) Burgers, sausages; (4) Pies, pasties and quiches; (5) Breaded or coated or formed meat, meat alternative, poultry, fish and similar products including those in sauces (for example chicken nuggets, fish fingers, chicken kiev, fish in parsley sauce, meat balls, lamb grills); (6) Pizzas; (7) Breakfast cereals

<sup>9</sup> The estimate used for the number of products using FOP labelling is based on pre-consultation discussions with industry. This is detailed further in the accompanying Impact Assessment.

<sup>10</sup> [www.food.gov.uk/aboutus/ourboard/boardmeetings/boardmeetings2006/boardmeeting90306/boardmins9mar06](http://www.food.gov.uk/aboutus/ourboard/boardmeetings/boardmeetings2006/boardmeeting90306/boardmins9mar06)

<sup>11</sup> Minutes of meetings can be accessed at: [www.food.gov.uk/foodlabelling/signposting/signpostevaluation/pmpanel/](http://www.food.gov.uk/foodlabelling/signposting/signpostevaluation/pmpanel/)

<sup>12</sup> The document set out the Agency's proposed approach to this formal public consultation and Impact Assessment [www.food.gov.uk/multimedia/pdfs/FOPframeworkconsult.pdf](http://www.food.gov.uk/multimedia/pdfs/FOPframeworkconsult.pdf)



## Europe

13. The European Commission issued a proposal for a new Food Information Regulation (EU FIR) in January 2008<sup>13</sup> to bring EU rules on general and nutrition labelling together into a single Regulation. One aspect of the proposal is the introduction of mandatory FOP nutrition labelling. The proposal would also allow for the development of national schemes to provide additional forms of expression of the mandatory nutrition information. The Environment, Public Health and Food Safety Committee in the European Parliament prepared a report on the Commission proposal but has since voted to defer deliberations until the rapporteur has produced an updated report to reflect suggestions for an amended text. It is unlikely that the European Council and Parliament will have completed their first readings of the proposal before mid-2010. The text is expected to include transition periods (of up to 5 years) to allow business to implement the requirements of the Regulation once they have been adopted. The UK Government is keen to ensure that any future EU legislation supports its public health aims, protects UK consumers and enables the UK to continue to refine its FOP recommendations in light of the recent independent research and responses to this consultation.

## Summary of findings of the Independent Research

14. The findings of the independent research<sup>14</sup> on FOP labelling approaches currently in use in the UK marketplace were published on 6 May. The research concluded that:

- a single FOP scheme would be most helpful for consumers, as the presence of different types of FOP labelling schemes in the marketplace causes shoppers difficulties;
- overall, the balance of evidence demonstrated that the strongest FOP label is one which combines use of text 'high, medium, and low', traffic light colour coding and percentage of Guideline Daily Amount (GDA), in addition to levels of nutrients in a portion of the product (referred to as an '**integrated**' label in this document);
- consumers who use FOP labels value them; they use them particularly if they are shopping for children, comparing different products, if they have a particular health concern (e.g. high blood pressure or diabetes), or if watching their weight; and
- there is a generally high level of understanding of FOP labels, even among those who do not tend to use them, which suggests that raising awareness of a single scheme could encourage increased use of FOP labels when buying food.

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<sup>13</sup> Proposal for a Regulation of the European Parliament and of the Council on the provision of Food information to consumers COM (2008)40 final  
(<http://ec.europa.eu/eu/food/food/labellingnutrition/foodlabelling/publications/3359-en.pdf>)

<sup>14</sup> The independent research related to that managed by the Project Management Panel (PMP) and conducted by BMRB Social research, and can be found at:  
<http://www.food.gov.uk/news/newsarchive/2009/may/pmp>



15. A summary of wider research findings on FOP label awareness, use, preference, comprehension and the coexistence of different FOP labels in the UK, is provided at Annex A.

### **Issues on which we are consulting**

16. This consultation seeks views on practical issues which need to be resolved for an integrated FOP nutrition labelling approach<sup>15</sup> to work in real life settings and help consumers to make healthier choices. These include issues on scope, terminology and criteria for nutrients (paragraphs 17 – 44), FOP label legibility and prominence issues (paragraph 45), as well as ways to maximise consumer awareness and use of an integrated FOP label (paragraphs 46). We also welcome views on the related costs and benefits as identified in the attached draft Impact Assessment.

#### **(i) Scope of FOP labelling**

17. Consumers use FOP labels across a range of products, and are particularly interested in having this information for more complex products where nutrient content is not obvious. The Agency currently recommends that FOP signpost labelling should be applied to 7 categories of composite processed foods, as defined in the current technical guidance<sup>16</sup>, because these are the types of foods which consumers have the most difficulty with when assessing the overall 'healthiness' of a product. However some adopters of the Agency's FOP traffic light labelling approach have successfully applied the existing criteria to a wider range of foods, including snacks and treats. FOP %GDA labels are also being used across a wide range of food categories.

18. In pre-consultation discussions, stakeholders generally supported the view that FOP labelling should be widely applicable (so that industry can use it on any product category if it so wishes) although some felt that there was merit in focusing on those foods where FOP offered the greatest benefit (e.g. processed foods with a wide range of ingredients). The need for an exemption list for FOP labelling was questioned given the voluntary nature of the measure.

19. The Agency recognises that while some businesses may want to apply FOP labelling to all their products, the potential added benefit for the consumer is likely to be food category specific. For example in the case of products such as fruit and vegetables FOP is unlikely to add any benefit.

20. In pre-consultation discussions with stakeholders the following food products were suggested as possible products that could be exempt from FOP labelling:

- Single ingredient foods, staples and primary produce such as:
  - cereal based products including rice, pasta, flour, bread,

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<sup>15</sup> That incorporates the elements high/medium/low interpretive text, traffic light colours and %GDA information. This is the approach which the independent research found to be most effective overall in terms of consumer comprehension, consumer preference and in enabling consumers to assess the healthiness of a product.

<sup>16</sup> <http://www.food.gov.uk/foodlabelling/signposting/technicalguide/>

- meat, fish, poultry (unprocessed),
- milk and some dairy produce (including cheese),
- bacon and ham.
- Fresh and minimally processed fruit and vegetables
- Foods sold in packages with small surface area

**21. The Agency would welcome views on the suggestion that FOP labelling should be applied to all pre-packed foods with a limited number of exemptions. It would also welcome views on which products should be exempted.**

**Question 1:**

***We welcome your views on the range of foods to which an integrated FOP label should be applied, including suggestions for a limited number of exemptions (paragraph 20).***

**(ii) Calories**

- 22.** Currently inclusion of calories in FOP labelling is an additional element rather than one of the Agency's core FOP principles.
- 23.** A total of 97 food businesses currently provide FOP information on calories. Of these, 16 users of the Agency's traffic light labelling approach include calorie information on their FOP label. At present only 4 retailers apply colour coding to calorie information on their FOP labels. Around 82 food businesses are using FOP percentage Guideline Daily Amount labels which include information on calorie content.
- 24.** The independent research found that whilst some consumers use calorie information on FOP labels when making purchasing decisions – often as a proxy for other nutrients – inclusion of this information did not improve or diminish the level of label comprehension. It also found that people who used calorie information often focused on counting calories (primarily if they were watching their weight).
- 25.** The European Food Information Council (EUFIC) study<sup>17</sup> found that UK consumers were the most knowledgeable on calorie content of food within the EU. It noted that fat and calories were the main drivers in UK consumers'

<sup>17</sup> A pan-European study carried out by the European Food Information Council (EUFIC) on in-store behaviour, understanding and use of nutrition information on food labels and nutrition knowledge <http://www.eufic.org/page/en/fftid/european-consumers-spill-the-beans-on-food-labels/>

perception of healthiness of foods with calories being the second most looked for item when using nutrition labels<sup>18</sup>.

- 26.** In pre-consultation discussions stakeholders expressed strong support for the inclusion of calories with some considering that this would improve consistency with the Agency's wider work to encourage caterers to provide calorie information.
- 27.** If calories were to be included with text and traffic light colours then criteria would need to be developed. The green (low) threshold would be set at  $\leq 40$  kcal per 100g<sup>19</sup> and the red (high) threshold would be set at 500 kcal/100g<sup>20</sup> and 600 kcal per portion (if the approach used for other nutrients is applied) in line with Regulation EC 1924/2006 on nutrition and health claims made on foods which applies when making 'low' and 'high' claims. In effect this would mean that nearly all products would receive an amber traffic light for calories, so provide little additional benefit to consumers and limited incentive for manufactures to reduce the calorie content of their products.
- 28.** The Agency recognises that consumers may find calorie information useful<sup>21,22</sup>, and therefore suggests that per portion calorie information should be included on FOP. It is suggested that calorie information should not include additional interpretive elements ('high/medium/low' text, traffic light colour coding or %GDA) and should be displayed on a neutral background (i.e. not using traffic light colours).

**Question 2:**

***We welcome your views on the proposal for including calories in an integrated FOP label (paragraph 27), and that interpretive elements should not be included.***

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<sup>18</sup> The Millward Brown research also found that calorie information was identified by consumers as being one of the most useful elements of a nutrition label (along with the fat and salt content of the food).

<sup>19</sup> In line with the low threshold in the European Regulation (EC) No 1924/2006 on nutrition and health claims.

<sup>20</sup> ie 25% of recommended intake levels (based on female Estimated Average Requirement of 2000 kcal/day) per 100g

<sup>21</sup> <http://www.food.gov.uk/multimedia/pdfs/quantannexa.pdf>

<sup>22</sup> <http://www.focusbiz.co.uk/webinars/eufic/paneuropeanlabelresearch/europe/>

### **(iii) Portion size criteria**

- 29.** It is important that FOP labels help consumers to assess the healthiness of foods regardless of whether the portion size is small, medium or large. Current guidance on the use of text and traffic light colour codes establishes criteria which take account of nutrient levels per 100g and for food recommended to be eaten in portions greater than 100g (Annex B). We would welcome your views on whether criteria for foods recommended to be eaten in small portions should also take account of portion size.
- 30.** Some stakeholders have argued that a per 100g approach unfairly penalises foods recommended to be eaten in smaller or larger portions. Some stakeholders, including some food businesses and non-governmental organisations (NGOs), have expressed support for the introduction of additional criteria for small portions, (current recommendations include criteria for large portions) while others were strongly opposed. Some felt that the inclusion of specific criteria for small portions could provide a more accurate reflection of the level of nutrient consumed in the single portion whilst others felt that this could give misleading messages about the product if it were to be consumed in a larger quantity or eaten frequently.
- 31.** In the independent research meal-sized products and products with smaller portions including snack products were considered in order to determine whether product size impacted upon comprehension of the information presented in different FOP label types. The research found that product size did not impact upon FOP label comprehension.

**Question 3:**

***Should the Agency develop specific criteria for an integrated FOP label for foods recommended to be eaten in small portions, to be used alongside the per 100g criteria and specific criteria for large portions? If so what should these criteria be? Or could foods recommended to be eaten in small portions be dealt with in other ways?***

### **(iv) Saturated fat**

- 32.** The Agency has reviewed its text/traffic light criteria for saturated fat in line with its saturated fat and energy intake programme and EU nutrient profiling thresholds<sup>23</sup> for 'high'. The Agency proposes no change to the existing saturated fat criteria.
- 33.** The Agency has also reviewed the use of various terms used to communicate 'saturated fat'<sup>24</sup>. Findings from the independent research found that saturated fat is not well understood; with some consumers believing that 'sat fat' is a good fat. The Institute of Grocery Distribution's (IGD) research found that saturated fat, and all of the terms used to describe it, are poorly understood and there was a degree

<sup>23</sup> EU Nutrient Profiles are to be established in the context of Regulation (EC) 1924/2006 on Nutrition and Health Claims (EU NP NHCR) made on food.

<sup>24</sup> This review was carried out prior to the Agency's Saturated Fat campaign.

of confusion related to the use of various terms<sup>25</sup>. It noted that whilst 76% of consumers surveyed understood that 'saturates' was a type of fat, 46% preferred the term 'saturated fat'. In February 2009, the Agency launched its consumer awareness campaign on saturated fat, which raised awareness about the health implications of consuming too much saturated fat. Further information about the campaign can be found at

[www.food.gov.uk/healthiereating/satfatenergy/satfatcons/](http://www.food.gov.uk/healthiereating/satfatenergy/satfatcons/)

- 34.** Most businesses currently use the term 'saturates' on FOP labels and this corresponds with the use of 'saturates' on back of pack nutrition information. **The Agency therefore suggests the term 'saturates' is used in an integrated FOP label to ensure consistent communication and that more is done to educate consumers about the term and the need to reduce intakes of saturated fat.**

**Question 4:**

***Do you agree with the proposed approach to improve communication and understanding of saturated fats in an integrated FOP label (paragraph 34)? If not why not?***

**(v) Guideline Daily Amount (GDA) for sugars**

- 35.** We are aware that the levels of sugars added to some foods are of concern to consumers, and it is important that labels help them to identify sugary products. There is currently no COMA<sup>26</sup> or SACN<sup>27</sup> advice on dietary intakes of total sugars. There is, however, COMA advice that non-milk extrinsic sugars (NMES) should not exceed 10% of total dietary energy i.e. 50g based on a 2000 kcal daily intake. COMA has also recommended that high intakes of NMES (>30% energy or >200g/day) should be avoided<sup>28</sup>. The World Health Organisation (WHO) in their 2002 report on chronic disease stated that the "range of population goals" should be <10% energy from NMES and that the frequency of consumption of foods or drinks containing NMES should be limited to a maximum of 4 times a day.
- 36.** In pre-consultation discussions, stakeholders acknowledged the complexity of this issue and there was a mixture of views on GDA's being based on 'total' or 'added' sugars. There was support for re-considering this issue once EFSA had issued its opinion.
- 37.** The European Commission asked EFSA to advise on the suitability of the GDA's<sup>29</sup> for a range of nutrients (including energy, fat, saturated fat, salt and sugars) included in the European Commission's Food Information Regulation

<sup>25</sup> Institute of Grocery Distribution, Working Group Report. Saturated Fat Communication: Enabling Consumers to Make More Informed Choices. Aug 2008 ([www.igd.com](http://www.igd.com)).

<sup>26</sup> The Committee on Medical Aspects of Food and Nutrition Policy (COMA) - this was replaced by Scientific Advisory Committee on Nutrition.

<sup>27</sup> The Scientific Advisory Committee on Nutrition: An advisory Committee of independent experts that provides advice to the Food Standards Agency and Department of Health as well as other Government Agencies and Departments. <http://www.sacn.gov.uk/>

<sup>28</sup> Both the 10% and 30% consumption limits are noted in *Dietary Reference Values for Food Energy and Nutrients in the UK* (DH 1991)

<sup>29</sup> Referred to in the EU FIR as Reference Intake Values (RIVs)

proposal. EFSA's view is that 90g is an acceptable figure for the GDA for total sugars (noting that it is compatible with an upper limit of intake of added sugars being 10% energy intake as recommended by COMA and WHO)<sup>30</sup>.

38. The Agency's current approach applies high/medium/low interpretative text and traffic light colour coding on an added sugars basis if total sugars in a product exceed 5g per 100g<sup>31</sup>. This approach is set out in Annex B. Additional text can be used to explain high total sugars levels where a product contains a high level of sugars from fruit and/or milk but is colour coded amber ('medium') due to the level of added sugars in the product. This approach is in line with COMA advice and requires both the total sugars and added sugars components to be known.

**Question 5:**

***In light of EFSA's recent opinion on the sugars GDA for nutrition labelling purposes, we would welcome your views on the appropriate sugars GDA figure that should be used on an integrated FOP label.***

**(vi) Salt**

39. Leaving the current high/medium/low text and traffic light criteria (see Annex B) unchanged would mean that salt thresholds would not have been moved to reflect overall reductions noted when 2012 salt targets<sup>32</sup> were published.
40. In 2006 the amber/red traffic light 'high' threshold for salt was set at 1.5g per 100g with an additional per portion criterion of 2.4g per portion (i.e. 40% of RDI – recommended daily intake levels) to reflect the 2010 salt targets. This was an interim measure which we committed to review in the context of salt reduction work. EU Nutrient Profiles are to be established in the context of Regulation (EC) 1924/2006 on Nutrition and Health Claims (EU NP NHCR) made on food<sup>33</sup>.
41. The 'high' threshold (at 1.5g per 100g) is different from figures being discussed for the EU NP NHCR (1.00g per 100g). This could mean that if a health claim were made under the EU NP NHCR this could result in a food product being signposted as amber/'medium' but having to also declare the level of the same nutrient as 'high' under the requirements of the EU NP NHCR.
42. In discussions, stakeholders generally expressed support for aligning the per 100g salt thresholds with EU NP NHCR. Others noted that if the FOP salt thresholds were lowered then products that had been reformulated to meet the

<sup>30</sup> Further details of EFSA's opinion can be found at: [http://www.efsa.europa.eu/EFSA/efsa\\_locale-1178620753812\\_1211902511922.htm](http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1211902511922.htm)

<sup>31</sup> The threshold for total sugars of 5g per 100g (as with all other 'low' (green) thresholds used in traffic light colour coding criteria) is aligned with the 'low' threshold as determined by the EU claims legislation EC 1924/2006.

<sup>32</sup> <http://www.food.gov.uk/healthierating/salt/saltreduction>

<sup>33</sup> Salt content levels in EU Nutrient Profiles are the trigger for either prohibiting the use of health claims or requiring the statement "High Salt Content" if a nutrition claim is made. EU Nutrient Profiles have yet to be agreed.

2010 salt targets could still be labelled as 'high' on FOP labels, whereas if the threshold was left unchanged, the products may be classified as medium (amber) - so a lower threshold would not provide recognition for salt reduction work carried out in line with the 2010 salt targets.

- 43.** The Agency's analysis (based on 205 food products<sup>34</sup>) of moving the per 100g medium/high boundary from >1.5g to >1g for salt (which reflects the current proposed threshold in the EU NP NHCR) was that there would be limited effect for most food categories. The greatest impact would be for burgers and sausages, snacks and fats and spreads<sup>35</sup>. Moving the 'per portion' medium/high boundary from >2.4g to >1.8g for salt (i.e. from 40% to 30% RDI) to align with the approach used for other nutrients would affect products sold with a serving size of >100g, such as sandwiches, ready meals and pizzas. Of the 65 products analysed in these food categories around 20% would change from medium (amber) to high (red) if the criteria were amended as proposed, with ready meals and pizzas being affected the most<sup>36</sup>.
- 44.** If changes are to be made to the 'high' salt thresholds then it is suggested that these amendments should come into effect at the same time as the implementation of the Food Information Regulation and the NP NHCR (whichever is the sooner), in order to minimise the level of disruption to businesses and be in line with good regulation principles.

**Question 6:**

***We would welcome your views on the whether the salt thresholds for an integrated FOP label should be revised and if so which of the approaches discussed above should be used:***

- (a) changes to the per 100g criterion,***  
***(b) changes to the per portion criterion, or***  
***(c) both.***

**(vii) Legibility**

- 45.** It is important that an integrated FOP label is sufficiently prominent and legible to communicate the key nutritional messages effectively to a busy shopper. The Agency's existing FOP technical guidance<sup>37</sup> includes some advice on prominence and legibility, but it may need to be updated.

<sup>34</sup> Nutritional data captured in February/March 2009 from retailer websites

<sup>35</sup> On average, burgers, sausages and snacks that are affected by this change would have to remove approximately 0.3g/100g of salt to revert to medium (amber), fats oils and spreads would have to remove approximately 0.4g/100g

<sup>36</sup> On average, ready meals which are affected by this change would have to remove approximately 0.4g/100g to revert back to medium (amber), pizzas 0.2g/100g and sandwiches 0.45g/100g.

<sup>37</sup> <http://www.food.gov.uk/multimedia/pdfs/frontofpackguidance2.pdf>

46. Examples of what an integrated FOP label could look like can be found at Annex C. These designs are for illustrative purposes only and combine the elements (text, TL colour coding and %GDA). In the independent study some consumers sometimes found FOP labels too small to read, or simply did not notice the FOP label. General rules for the legibility and clarity of mandatory food information are also under consideration as part of the negotiations on the FIR proposal.

**Question 7:**

***The proposed advice on prominence and legibility based on the Agency's current technical guidance can be found at Annex D. We welcome your views on how this might be revised to maximise the visibility and legibility of an integrated FOP label.***

**(viii) Public Awareness**

47. The independent research found that there was a high level of overall awareness and comprehension of FOP labelling. It also provided helpful indicators on how this could be improved further and which groups of consumers efforts should be focused on to have the greatest impact in terms of improved comprehension and use; these include the older population (i.e. over 65 years), those with lower levels of education and those in lower social grades (C2DE's). In pre-consultation discussions with stakeholders it was felt that improving consumer awareness and understanding of FOP labels was a shared responsibility between government, industry, public health bodies and consumer groups. Combining efforts to raise awareness of a single integrated label is likely to increase the impact FOP labels have on purchasing decisions and could also help improve trust in FOP labels as being helpful in providing an objective assessment of nutritional content of food products.

**Question 8:**

***We welcome your views on how government and stakeholders could work in partnership to raise consumer awareness and understanding of a single integrated FOP label (targeting those consumers that are not currently using FOP labelling, and in particular C2DE's, those aged over 65 years and families with children). We would welcome any information regarding initiatives or activities that have been undertaken in this area.***



## **Responses**

**48. Responses are required by close 5 November 2009.** Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

Thank you on behalf of the Food Standards Agency for participating in this public consultation.

**Yours,**

**Claire Boville**

*Nutrition Division, Food Standards Agency*

## **Attached**

**Annex A: Summary of Research Findings**

**Annex B: Criteria for Traffic Light Labelling**

**Annex C: Examples of integrated FOP labels**

**Annex D: Proposed guidance on visibility and legibility of FOP labels**

**Annex E: Standard Consultation Information**

**Annex F: Impact Assessment**

**Annex G: List of interested parties**

## **Summary of Research Findings**

### ***Awareness of FOP Labels***

1. The independent research found that awareness of FOP labels among consumers was high (around 8 in 10 consumers), which is in line with the findings reported by the EUFIC study<sup>38</sup>. The research also found that younger consumers and those with children had higher levels of awareness of FOP labelling. A tracking survey of awareness of GDA labelling by Millward Brown<sup>39</sup> reported 84% awareness in the general population and slightly lower for those in social grades C2, D and E (around 80%).
2. A range of public awareness activities by government, industry and other stakeholders has helped raise the profile of FOP labelling (recent audits of FOP label penetration suggest around 82% prevalence for the UK<sup>40</sup> spanning over 28,000 products<sup>41</sup>).

### ***FOP label use and factors influencing purchasing decisions***

3. The independent research found that FOP labels were mostly used in store with in-home use being rare. When FOP labels were used, this tended to be by people who are generally health conscious, those buying food for children, those who have medical conditions, and those on weight loss diets. Similar findings were reported in the EUFIC study, which noted that consumers with health conditions looked more often at the nutrition information. The independent research found that FOP labels were used in two main ways, to evaluate the healthiness of single products and to compare the healthiness of two or more products. FOP labels on treats, staple foods, products used in small amounts, ingredients in cooking, or for repeat purchases were rarely used by consumers. Price, brand loyalty, 'healthy range' information, health and nutrition claims, organic claims, product appearance and the consumer's attitude to healthy eating and level of nutrition knowledge all played a role in influencing purchase decisions. In some cases these issues could take precedence over FOP label information in terms of influencing purchasing decisions.

### ***Users of FOP Labels***

4. The independent research has shown that all FOP labels are less easily understood by those over 65 years, those who have lower levels of educational attainment, those who are from social classes C2, D, and E and consumers self defining as non-white. A recent summary published by EUFIC<sup>42</sup> found that

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<sup>38</sup> A pan-European study carried out by the European Food Information Council (EUFIC) on in-store behaviour, understanding and use of nutrition information on food labels and nutrition knowledge <http://www.eufic.org/page/en/fftid/european-consumers-spill-the-beans-on-food-labels/>

<sup>39</sup> [http://www.fdf.org.uk/publicgeneral/MillwardBrown\\_research\\_Sep08.pdf](http://www.fdf.org.uk/publicgeneral/MillwardBrown_research_Sep08.pdf)

<sup>40</sup> <http://www.flabel.org/en/basic100032.html>

<sup>41</sup> In the FLABEL research over 60% of the products surveyed carried %GDA labelling, but no information was available on the number using a traffic light based approach.

<sup>42</sup> <http://www.eufic.org/page/en/fftid/european-consumers-spill-the-beans-on-food-labels/>

consumers with higher levels of nutritional knowledge, consumers from higher social grades, and older consumers were more likely to look for nutritional information. The Millward Brown<sup>43</sup> %GDA tracking research suggested that usage of %GDA labels among social grades C2, D and E is lower than the overall population. However, the independent research found that the inclusion of text (high, medium and low), traffic light colours and %GDA on the FOP label helped to improve the level of comprehension of FOP labels for those with lower education levels and those in social classes C2, D and E.

### **Preference**

5. The independent research found that consumer preference (ie *belief* in which label was easiest to understand) was a poor indicator of *ability* to understand labels. Preference can play an important role in terms of engaging consumers – particularly consumers who are not currently using FOP labels – but this must be matched by the effectiveness of the label in accurately conveying the nutritional information in a manner that is readily understood by consumers.

### **Comprehension**

6. The independent research found that the level of comprehension of FOP labels was generally high (ranging between 58% and 71% in the specific tests used). Overall, the balance of evidence demonstrated that the strongest FOP label is one which combines use of the words 'high, medium, and low', traffic light colours and percentage of Guideline Daily Amount (%GDA), in addition to levels of nutrients in a portion of the product. A label incorporating all 3 elements was perceived to be easy to understand and also had one of the highest levels of objective comprehension. Text (the words 'high, medium and low') was found to have the greatest positive influence on comprehension, followed by traffic light colour coding and then %GDA.
7. Comprehension is crucial for FOP labelling to be effective. If consumers are unable to understand and apply the information contained in a FOP label then it cannot deliver public health benefits.

### **Coexistence of a range of FOP label types**

8. The independent research found that the coexistence of a range of FOP labels in the market place created considerable difficulty in comprehension for consumers. Some consumers found comparing products with different FOP label formats too difficult, frustrating and annoying and took too long. When comparing products, the presence of different types of signposting on the FOP label of each product meant some consumers did not realise that the weight of the nutrient in grams was present on both labels and could have helped them to make a comparison.
9. Differing use of colour in the different FOP labelling schemes caused confusion for consumers. Some did not realise that the colour (red/amber/green) in the traffic light scheme had meaning. Conversely, some thought that the monochrome colour used in %GDA schemes had meaning. Cool colours (blue or

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<sup>43</sup> [http://www.fdf.org.uk/publicgeneral/MillwardBrown\\_research\\_Sep08.pdf](http://www.fdf.org.uk/publicgeneral/MillwardBrown_research_Sep08.pdf)

green) used on monochrome schemes and the nutrient specific %GDA scheme<sup>44</sup> were often interpreted as indicating that the product was healthy or that products were low in nutrients where cool colours were used.

## **Conclusion**

- 10.** In summary, the research found that the strongest FOP labels were those which combine text (the words 'high, medium and low'), traffic light colour coding and %GDA information. The balance of evidence also shows that the coexistence of a number of FOP label formats in the marketplace causes difficulties for consumers and a single approach would enhance use and comprehension of FOP labels.
- 11.** The findings of the independent research provide a robust basis for moving the debate on FOP labelling forwards and identifying a labelling approach that not only uses the label that has been found to be strongest overall but also minimises confusion caused by the current range of FOP schemes in real life settings and help consumers to make healthier choices (particularly if adopted widely).

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<sup>44</sup> This used different non-traffic light colours to distinguish between different nutrients. The colours used have no bearing on the level of nutrient in the product.

## **Current Criteria for Traffic Light Labelling**<sup>45</sup>

### **The colour code**

#### **How the nutritional criteria were developed**

The green/amber (low/medium) boundaries are determined by the European Regulation (EC) No 1924/2006 on Nutrition and Health Claims, which came into effect on 1 July 2007<sup>46</sup>.

The amber/red (medium/high) boundaries are based on existing advice from COMA and SACN for fat, saturated fat, sugars and salt using 25% of recommended intake levels per 100g and 30% (40% for salt) per portion<sup>47</sup>.

In view of the fact neither COMA nor SACN has provided advice on intakes of total sugars an expert group was set up to recommend suitable criteria based on total sugars<sup>48</sup>.

Further work was undertaken to develop suitable sugars criteria for breakfast cereals<sup>49,50</sup>. Consumer research on breakfast cereals confirmed that consumers expect the colour code and the nutritional information per portion for breakfast cereals to be based on dry weight of cereal and that they wanted to be able to distinguish at a glance between breakfast cereals which are high in added sugars and those high in sugars due to high fruit content. A technical working group was subsequently set up to advise on the criteria for the sugars colour code in the case of breakfast cereals, which recommended that it should be based on added sugars and that additional on pack text, discrete from the traffic light signpost, should be provided to highlight the presence of sugars from fruit and / or milk not included in the colour code<sup>51</sup>. This approach is in line with COMA advice.

To ensure the consistency and clarity of the approach it was also recommended that this approach be applied to all the recommended traffic light signposting categories.

#### ***Nutritional criteria***

The traffic light colour approach to nutritional signpost labelling requires criteria that define the green/amber (low/medium) and amber/red (medium/high) boundaries for the key nutrients fat, saturated fat, sugars and salt. The criteria for foods are set out in Table 1.

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<sup>45</sup> Based on the Agency's existing technical guidance that can be found at **[www.food.gov.uk/foodlabelling/signposting/technicalguide](http://www.food.gov.uk/foodlabelling/signposting/technicalguide)**

<sup>46</sup> [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l\\_012/l\\_01220070118en00030018.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_012/l_01220070118en00030018.pdf).

<sup>47</sup> Department of Health. Report on health and social subjects No. 41. Dietary reference values for food energy and nutrients for the United Kingdom. London : HMSO, 1991

<sup>48</sup> <http://www.food.gov.uk/foodlabelling/signposting/signposttimeline/rationalesugars/>

<sup>49</sup> <http://www.food.gov.uk/foodlabelling/signposting/sugarslabcereals>

<sup>50</sup> <http://www.food.gov.uk/multimedia/pdfs/cerealportion.pdf>

<sup>51</sup> DN: insert weblink to working group paper

Table 1 – Food (per 100g whether or not they are sold by volume)

	<b>Green (Low)</b>	<b>Amber (Medium)</b>	<b>Red (High)</b>	
<b>Fat</b>	≤ 3.0 g/100g	> 3.0 to ≤ 20.0 g/100g	> 20.0 g/100g	> 21.0g / portion
<b>Saturates</b>	≤ 1.5 g/100g	> 1.5 to ≤ 5.0 g/100g	> 5.0 g/100g	> 6.0g / portion
<b>Sugars<sup>52</sup></b>	≤ 5.0 g/100g	> 5.0 to ≤ 12.5g/100g	> 12.5g/100g	> 15.0g / portion
<b>Salt<sup>53</sup></b>	≤ 0.30 g/100g	> 0.30 to ≤ 1.50g/100g	> 1.50 g/100g	> 2.40g / portion <sup>54</sup>

The colour code for sugars is determined in terms of both the total and added sugars components as follows<sup>55</sup>: -

**Green** if **total sugars** are less than or equal to **5g/100g**.

**Amber** if **total sugars** exceed **5g/100g** and **added sugars** are less than **12.5g/100g**.

**Red** if **added sugars** are more than **12.5g/100g**.

**In addition** to the per 100g criteria, there are ‘per portion’ criteria for food. The per portion criteria ensure that any food which contributes more than 30% (40% for salt) of an adult’s recommended daily maximum intake for a particular nutrient is labelled red (high)<sup>56</sup>.

<sup>52</sup> The Agency has asked SACN to review and advice on intakes of sugars as part of its future work programme.

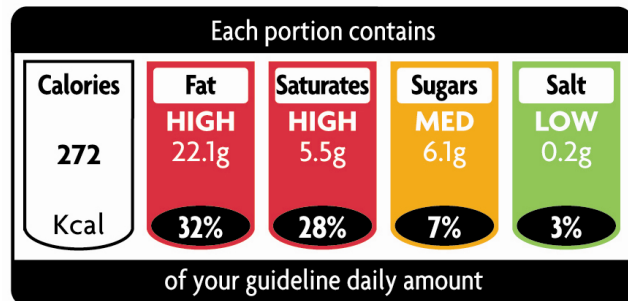
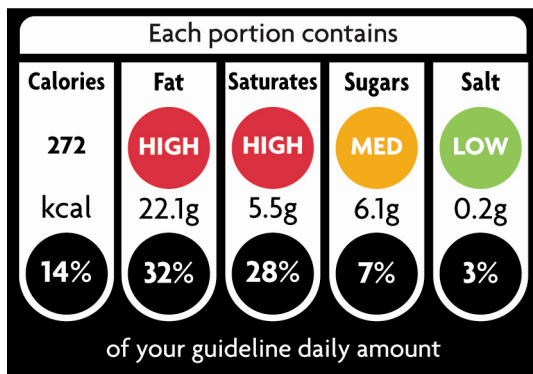
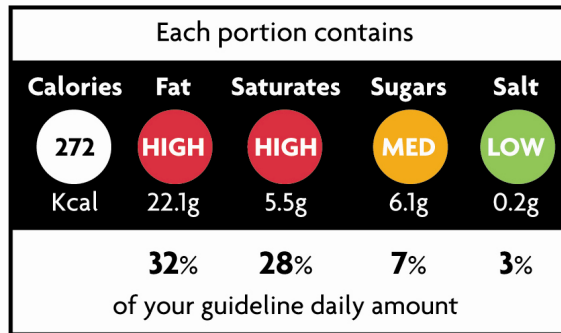
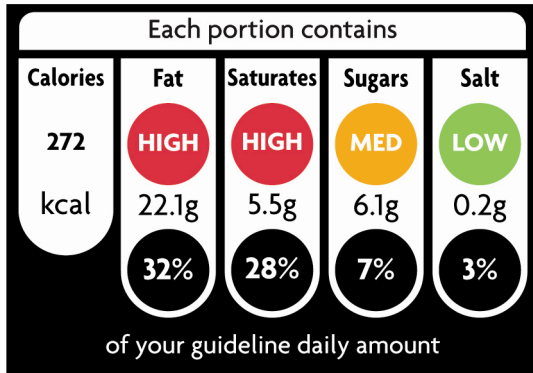
<sup>53</sup> Sodium from all sources expressed as salt.

<sup>54</sup> To be reviewed in 2008 to reflect progress on salt reduction work.

<sup>55</sup> For the purposes of the Agency’s front of pack nutrition signpost scheme, added sugars is defined as any mono- or disaccharide or any other food used for its sweetening properties. This would include, but is not exclusively limited to: sucrose, fructose, glucose, glucose syrups, fructose-glucose syrups, corn syrups, invert sugar, honey, maple syrup, malt extract, dextrose, fruit juices, deionised fruit juices, lactose, maltose, high maltose syrups, Agave syrup, dextrin and maltodextrin. The sugars contained in dried fruit are assumed to be intrinsic and are not included as added sugars. The sugars in milk powder are not included as added sugars, in line with COMA dietary guidelines which deemed sugars in milk as a special case and did not set guidelines to limit their intake.

<sup>56</sup> From 2008 the per portion criteria will apply to all foods over 100g. Until then the per portion criteria may be used if the serving size is 250g or greater.

**Examples of integrated FOP labels**



The graphics above combine text (high/medium/low), TL colour coding and %GDA in FOP labels which the independent research found to be most effective in the strongest overall in helping consumers make healthier choices.

### **Proposed guidance on legibility and visibility of FOP labels**

The Agency's current technical guidance<sup>57</sup> provides general guidance on aspects of FOP label design to improve their visibility and legibility. This is based on the visuals the Agency used during its 2005 consumer research and is intended as a guide.

- Agenda Bold is the typeface used in the signpost visuals in this guidance and was chosen for its clarity and legibility. Nutrients are in bold, upper and lower case. High, medium and low descriptors are bold and uppercase.
- Text included in the signpost should ideally be in black. Text within the colour coded areas of the signpost may be in black or white.
- On metallic and shiny surfaces, a matt-finish eases legibility.
- The FOP label should be easily visible and scaled in proportion with the size of the product, as a guide the following are suggested:
  - Use 10 point font on product packs with dimensions of approx. 200mm x 300mm (e.g. breakfast cereal).
  - Use 8 point font on product packs with dimensions of approx. 200mm x 200mm (e.g. >350g ready meal packs, boxes of burgers etc)
  - Use 6 point font on product packs with dimensions of approx. 180mm x 150mm (e.g. twin sandwich pack).
  - The minimum font size that should be used is 4 point.

### **FOP label position**

- Position the signpost in a consistent place on the front of pack where it is clearly seen. In the Agency's research it was positioned on front of pack, bottom left.
- Position the signpost in the same field of vision as the product fancy, brand or trade name, and if possible in a place consistent with use in other labels. Take care to ensure that the text is not distorted.
- In the case of multi-pack products or selection packs, place the signpost on the outer packaging. It can also be repeated on individual products.
- Do not place images behind the signpost (watermarking).

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<sup>57</sup> <http://www.food.gov.uk/foodlabelling/signposting/technicalguide/>



**Standard Consultation Information**

1. If you have any queries relating to this consultation please contact the person named on page 1, who will be able to respond to your questions.

**Publication of personal data and confidentiality of responses**

2. In accordance with the FSA principle of openness our Information Centre at Aviation House will hold a copy of the completed consultation. Responses will be open to public access upon request. The FSA will also publish a summary of responses, which may include personal data, such as your full name and contact address details. If you do not want this information to be released, please complete and return the Publication of Personal Data form, which is on the website at <http://www.food.gov.uk/multimedia/pdfs/dataprotection.pdf> Return of this form does not mean that we will treat your response to the consultation as confidential, just your personal data.
3. In accordance with the provisions of Freedom of Information Act 2000/Environmental Information Regulations 2004, all information contained in your response may be subject to publication or disclosure. If you consider that some of the information provided in your response should not be disclosed, you should indicate the information concerned, request that it is not disclosed and explain what harm you consider would result from disclosure. The final decision on whether the information should be withheld rests with the FSA. However, we will take into account your views when making this decision.
4. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

**Further information**

5. A list of interested parties to whom this letter is being sent appears in Annex B. Please feel free to pass this document to any other interested parties, or send us their full contact details and we will arrange for a copy to be sent to them direct.
6. This consultation has been prepared in accordance with HM Government Code of Practice on Consultation, available at: <http://www.berr.gov.uk/files/file47158.pdf> The Consultation Criteria are available at <http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44458.html>
7. For details about the consultation process (not about the content of this consultation) please contact: Food Standards Agency Consultation Co-

ordinator, Room 2C, Aviation House, 125 Kingsway, London, WC2B 6NH.  
Tel: 0207 276 8630.

### **Comments on the consultation process itself**

8. We are interested in what you thought of this consultation and would therefore welcome your general feedback on both the consultation package and overall consultation process. If you would like to help us improve the quality of future consultations, please feel free to share your thoughts with us by using the Consultation Feedback Questionnaire at <http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc>
  
9. If you would like to be included on future Food Standards Agency consultations on other topics, please advise us of those subject areas that you might be specifically interested in by using the Consultation Feedback Questionnaire at <http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc>  
The questionnaire can also be used to update us about your existing contact details.

**Impact Assessment**

**LIST OF INTERESTED PARTIES**

3663 FIRST FOR FOODSERVICE  
4CHILDREN  
A CAMACHO UK LTD  
A.G. BARR PLC  
AAMINA FOODS  
ABBOT LABORATORIES LIMITED  
ABD SEROTEC / MORPHOSYS UK LTD  
ABR FOODS  
ADAMSON BSMG  
ADVERTISING ASSOCIATION  
ADVERTISING STANDARDS AUTHORITY  
ADVISORY COMMITTEE ON ANIMAL  
FEEDINGSTUFFS  
AGRICULTURAL INDUSTRIES  
CONFEDERATION  
AL-KHOEI FOUNDATION  
ALLCHEM INTERNATIONAL  
ALLERGY ALLIANCE  
ALLIANCE FOR NATURAL HEALTH  
ALLIED BAKERIES LID  
ALLIED DOMEQC RETAILING LTD  
ALLIED TECHNICAL CENTRE  
ALLSPORTS INTERNATIONAL LTD  
ALPHA FLIGHT SERVICES  
ALPRO UK LTD  
ANAPHYLAXIS CAMPAIGN UK  
ANIMAL MEDICINES INSPECTORATE  
AN-NISA SOCIETY  
APCO EUROPE  
APNI ROTI  
ARLA FOODS PLC  
ASDA STORES LIMITED  
ASHTOWN FOOD RESEARCH CENTRE  
ASHWELL ASSOCIATES  
ASSOCIATED BRITISH FOODS PLC  
ASSOCIATION OF CEREAL FOOD  
MANUFACTURERS  
ASSOCIATION OF CONVENIENCE STORES  
ASSOCIATION OF MUSLIM SCHOLARS  
ASSOCIATION OF PASTRY CHEFS  
ASSOCIATION OF PORT HEALTH  
AUTHORITIES  
ASSOCIATION OF RADICAL MIDWIVES  
ASSURED BRITISH MEAT  
ASSURED FOOD STANDARDS  
ASTON MANOR BREWERY  
AUTHENTIXS  
AVONDALE FOODS  
BABY MILK ACTION  
BANGLADESH CATERERS ASSOCIATION UK  
BARBOUR INDEX PLC  
BARENTZ BV  
BARNET LONDON BOROUGH COUNCIL  
BARRY ATWOOD  
BEE FARMERS' ASSOCIATION OF THE UK  
BEE SERVICES  
BELSO'S (UK) CEREALS LTD  
BERNARD MATTHEWS FARMS LTD  
BERRY OTTAWAYAND ASSOCIATES LIMITED  
BETH-DIN  
BHF HEALTH PROMOTION RESEARCH  
GROUP  
BIOCARE  
BIOFORCE (UK) LTD  
BIOHEALTH LTD  
BIRD & BIRD  
BIRMINGHAM CHILDRENS HOSPITAL  
BIRMINGHAM CITY LABORATORIES  
BIRMINGHAM LIBRARY SERVICES  
BODYCOTE BIRMINGHAM  
BODYCOTE LAW LABS  
BOMBAY HALWA  
BOND PEARCE LLP  
BONNIA PETITE BANQUETING LTD  
BOOKER LTD  
BOOTH'S  
BOOTS UK LIMITED  
BOURNE LEISURE  
BOURNE SALADS  
BOURNEMOUTH UNIVERSITY  
BRADFORD COUNCIL OF MOSQUES  
BRADFORD HOUSE  
BRAKE  
BRANDBANK LTD.  
BREAKSPEAR HOSPITAL  
BRENT COUNCIL  
BRETBY CONFERENCE CENTRE  
BREWSTER ET HUGUETTE WHITE  
BRISTOL CITY COUNCIL (855)  
BRITANNIA BRANDS  
BRITANNIA FOOD INGREDIENTS LTD  
BRITANNIA FOODS  
BRITANNIA HEALTH PRODUCTS LTD  
BRITISH AIRWAYS HEALTH SERVICES  
BRITISH ASSOCIATION OF FLOWER  
ESSENCE PRODUCERS  
BRITISH ASSOCIATION OF NUTRITIONAL  
THERAPISTS  
BRITISH BEEKEEPER'S ASSOCIATION  
BRITISH BEER AND PUB ASSOCIATION  
BRITISH CARAMEL MANUFACTURERS  
ASSOCIATION  
BRITISH CHEESE BOARD  
BRITISH COFFEE ASSOCIATION  
BRITISH DENTAL ASSOCIATION  
BRITISH DIETETIC ASSOCIATION  
BRITISH EGG INDUSTRY COUNCIL  
BRITISH ESSENTIAL OILS ASSOCIATION  
BRITISH FERMENTATION PRODUCTS  
BRITISH FOOD IMPORTERS &  
DISTRIBUTORS ASSOCIATION  
BRITISH FROZEN FOOD FEDERATION

BRITISH FRUIT JUICE ASSOCIATION  
 BRITISH GOAT SOCIETY  
 BRITISH HEART FOUNDATION  
 BRITISH HERBAL MEDICINE ASSOCIATION  
 BRITISH HOSPITALITY ASSOCIATION  
 BRITISH INSTITUTE FOR ALLERGY &  
 ENVIRONMENTAL THERAPY  
 BRITISH MEAT PROCESSORS ASSOCIATION  
 BRITISH MEDICAL ASSOCIATION  
 BRITISH NUTRITION FOUNDATION  
 BRITISH PIG ASSOCIATION  
 BRITISH POTATO MARKETING  
 BRITISH POULTRY COUNCIL  
 BRITISH RETAIL CONSORTIUM  
 BRITISH SANDWICH ASSOCIATION  
 BRITISH SOCIETY FOR ECOLOGICAL  
 MEDICINE  
 BRITISH SOFT DRINKS ASSOCIATION LTD  
 BRITISH SUGAR PLC  
 BRITISH VETERINARY ASSOCIATION  
 BRITVIC PLC  
 BROMLEY CENTRAL LIBRARY  
 BROOKS-CARTER CLINIC  
 BUDGENS/LONDIS  
 BUREAU VERITAS  
 BURSON-MARSTELLER/BKSH  
 BUSINESS EYE  
 BUSINESS IN SPORT AND LEISURE  
 NUTRITION  
 CADBURY PLC  
 CADBURY SCHWEPPE  
 CAMACON LAW SOLICITORS LTD  
 CAMEDICA  
 CAMPDEN & CHORLEYWOOD FOOD  
 RESEARCH ASSOCIATION  
 CAMPDEN BRI  
 CANCER RESEARCH UK  
 CANDIA  
 CANTOX HEALTH SCIENCES  
 INTERNATIONAL  
 CARGILL FLAVOR SYSTEMS/DUCKWORTH  
 GROUP  
 CARVER WILDE COMMUNICATIONS LTD  
 CATERING UPDATE  
 CELLIFE UK LTD  
 CENTRAL LOBBY CONSULTANTS LTD  
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 CENTRE FOR PUBLIC HEALTH  
 CHRISTIAN CAMPING INTERNATIONAL  
 CENTRE FOR RESEARCH AND  
 POSTGRADUATE STUDIES  
 EXCELLENCE, NATIONAL INSTITUTE FOR  
 HEALTH AND CLINICAL EXCELLENCE  
 CEREAL PARTNERS UK  
 CHARBONNEL ET WALKER LIMITED  
 CHARLES BARKER PLC  
 CHARTERED INSTITUTE OF  
 ENVIRONMENTAL HEALTH  
 CHEMIST & DRUGGIST  
 CHILLED FOOD ASSOCIATION LTD  
 CHINESE NATIONAL HEALTHY LIVING  
 CENTRE  
 CHINESE TAKE AWAY ASSOCIATION  
 CHOCOLATES FOR CHOCOHOLICS LTD  
 CHRISTCHURCH  
 CHUNK OF DEVON  
 CHURCHES' COMMISSION FOR INTER-FAITH  
 RELATIONS  
 CLARKE WILLMOTT SOLICITORS  
 CMS CAMERON MCKENNA  
 COASTAL TRADING  
 COCA-COLA  
 COELIAC UK  
 COFRESH SNACK FOODS LTD.  
 COMMUNITY FOODS LTD  
 COMMUNITY NUTRITION GROUP  
 COMMUNITY PRACTITIONERS & HEALTH  
 VISITOR'S ASSOCIA  
 COMPASS GROUP UK & IRELAND  
 CONFEDERATION OF INDIAN  
 ORGANISATIONS (UK)  
 CONFOCO INTERNATIONAL LIMITED  
 CONSENSUS ACTION ON SALT AND HEALTH  
 CONSTELLATION EUROPE (HOLDINGS) LTD  
 CONSUMER FOCUS  
 CONSUMERS FOR HEALTH CHOICE  
 CO-OP  
 COORS BREWERS PLC  
 COSUCRA  
 COTT BEVERAGES LTD  
 COUNCIL FOR RESPONSIBLE NUTRITION  
 COUNSEL LTD  
 COUNTRYSIDE ALLIANCE  
 COUNTY HOSPITAL  
 COVINGTON & BURLING  
 CROP PROTECTION ASSOCIATION  
 CULLINANE ASSOCIATES LTD  
 CUMBRIA COUNTY COUNCIL  
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 D & T ASSOCIATION  
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 DAIRY COUNCIL  
 DAIRY CREST GROUP PLC  
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 DBC FOODSERVICE  
 DEL MONTE FOODS (UK) LTD  
 DENBIGSHIRE COUNTY COUNCIL  
 DEVON COUNTY COUNCIL  
 DIABETES UK  
 DR STUART'S BOTANICAL TEAS  
 DURHAM COUNTY COUNCIL  
 EA GRIFFITHS AND SON  
 EALING COUNCIL  
 EAST AND NORTH HERTS NHS TRUST  
 EAST END FOODS  
 EAST MIDLANDS FOOD & DRINK FORUM  
 EAST MIDLANDS TRAIN  
 EAST RIDING OF YORKSHIRE COUNCIL  
 EAST SUSSEX COUNTY COUNCIL  
 ECLIPSE SCIENTIFIC GROUP  
 EDLONG COMPANY LTD  
 ELKS BISCUITS  
 ELLIS LABELS & SYSTEMS LTD  
 ENGLISH TOURIST BOARD  
 ENVIRONMENTAL DATA SERVICES  
 ESSENTIAL TRADING CO-OPERATIVE LTD  
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EUROFINS LABORATORIES LIMITED  
EUROPEAN FEDERATION OF HEALTH  
PRODUCT MANUFACTURERS ASSOCIATION  
EUROPEAN FOOD LAW ASSOCIATION UK  
EUROPEAN RESEARCH INTO CONSUMER  
AFFAIRS  
EUROPEAN SNACKS ASSOCIATION  
EVERSHEDS  
F I DATA SERVICES  
FACCENDA GROUP LIMITED  
FACULTY OF PUBLIC HEALTH  
FANE VALLEY  
FARM FRITES  
FEDERATION OF BAKERS  
FEDERATION OF DANISH PIG PRODUCERS &  
SLAUGHTERHOUSES  
FEDERATION OF JAIN ORGANISATIONS  
FEDERATION OF SYNAGOGUES  
FEDERATION OF WHOLESALE  
DISTRIBUTORS  
FIBRISOL SERVICE LTD  
FINDUS  
FIRMENICH, WELLINGBOROUGH (UK) LTD  
FISH TECHNOLOGY CONSULTANT  
FISHMONGER'S COMPANY  
FLINTSHIRE COUNTY COUNCIL  
FOOD ADDITIVES AND INGREDIENTS  
ASSOCIATION  
FOOD AND DRINK FEDERATION  
FOOD AND ENVIRONMENTAL DIVISION LGC  
LTD  
FOOD BRANDS GROUP  
FOOD COMMISSION UK LTD  
FOOD CONSULTANCY  
FOOD ENGINEERING INTERNATIONAL  
MAGAZINE  
FOOD GB LTD  
FOOD LABELLING DATABASE  
FOOD LAW GROUP  
FORESIGHT  
FORUM GROUP  
FORUM OF PRIVATE BUSINESS  
FORUM PRODUCTS LTD  
FOX'S BISCUITS  
FRENSENIUS KABI LTD  
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FROZEN AND CHILLED POTATO  
PROCESSORS ASSOCIATION  
FUEL PR (CLIENTS INCLUDE DANONE)  
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G R LANE HEALTH PRODUCTS LTD  
GALACTOSAEMIA SUPPORT GROUP  
GENERAL DIETARY LTD  
GENUINE EMPOWERMENT OF MOTHERS IN  
SOCIETY  
GIN & VODKA ASSOCIATION  
GIRACT  
GIRAG SA  
GLASGOW SCIENTIFIC SERVICES  
GLENRYCK FOODS LTD  
GLOUCESTER CITY COUNCIL

GLUTAFIN  
GM FREEZE CAMPAIGN  
GOOD FOOD DISTRIBUTORS  
GOODMAN DERRICK  
GOVERNMENT OF WESTERN AUSTRALIA  
GRAIG FARM ORGANICS  
GRAYSHOTT HEALTH FOODS  
GREEN ISLE FOODS, NORTHERN FOODS  
PLC  
GRENCORE GROCERY  
GREENWOODS SOLICITORS LLP  
GUILD OF BANGLADESHI  
RESTAURANTEURS  
H J HEINZ  
H M PRISON SERVICE  
H T WEBB & CO LTD  
HALAL FOOD AUTHORITY  
HALAL MEAT  
HALEWOOD INTERNATIONAL LTD  
HALTON BOROUGH COUNCIL  
HAMPSHIRE COUNTY COUNCIL  
HAMPSHIRE SCIENTIFIC SERVICES  
HANDMADE CAKE COMPANY  
HARRODS LTD  
HARROW LONDON BOROUGH COUNCIL  
HARTWELL FOOD RESEARCH LTD  
HAZLEWOOD  
HEALAN INGREDIENTS LTD  
HEALTH & CONSUMER PROTECTION  
DIRECTORATE  
HEALTH CARE PRODUCTS  
HEALTH FOOD MANUFACTURERS'  
ASSOCIATION  
HEART OF MERSEY  
HEATHER PAINE ASSOCIATES  
HIBISCUS  
HILDRETH & COCKER LTD  
HILL & KNOWLTON (UK) LTD  
HM PRISON SERVICE CATERING GROUP,  
PEAT HOUSE  
HOLFORD & ASSOCIATES  
HOLISTIC NUTRITIONAL THERAPY  
HONEY ASSOCIATION  
HONEYROSE PRODUCTS LTD  
HOSPITAL CATERERS ASSOCIATION  
HOWARD FOUNDATION RESEARCH GROUP  
HUSH (HAEMOLYTIC URAEMIC SYNDROME  
HELP)  
ICE FRESH FOODS LTD  
ILCHESTER CHEESE CO LTD  
IMAMS AND MOSQUES COUNCIL (UK)  
INCORPORATED SOCIETY OF BRITISH  
ADVERTISERS  
INDEPENDENT NUTRITION LOGIC  
INFANT AND DIETETIC FOODS ASSOCIATION  
INNOCENT DRINKS  
INSTITUTE OF FOOD SCIENCE &  
TECHNOLOGY  
INSTITUTE FOR COMPLEMENTARY AND  
NATURAL MEDICINE  
INSTITUTE FOR OPTIMUM NUTRITION  
INSTITUTE OF CHEMICAL ENGINEERS  
INSTITUTE OF EDUCATION  
INSTITUTE OF FOOD RESEARCH  
INSTITUTE OF FOOD SCIENCE &  
TECHNOLOGY

INSTITUTE OF HOSPITALITY  
INSTITUTE OF REFRIDGERATION  
INTER FAITH NETWORK FOR THE UK  
INTERNATIONAL FISH MEAL & OIL  
MANUFACTURERS ASSOCIATION  
INTERNATIONAL FLIGHT CATERING  
INTERNATIONAL GROCERY DISTRIBUTION  
(IGD)  
INTERNATIONAL LABORATORY SERVICES  
INTERNATIONAL MARKETING  
INTERNATIONAL MEAT TRADE ASSOCIATION  
INTERNATIONAL PECTIN PRODUCERS'  
ASSOCIATION  
INTERNATIONAL SOFT DRINK COUNCIL  
INTERSERVE (FACILITIES MANAGEMENT)  
LIMITED  
IRISH YOGURTS LTD  
ISBOURNE ENVIRONMENT LTD  
ISLAMIC CENTRE OF GLASGOW  
ISLAMIC FOOD & NUTRITION COUNCIL  
ISLAMIC SHARIAH COUNCIL  
ISP ALGINATES  
J SAINSBURY PLC  
JAIN NETWORK  
JAMES GILBERTSON & CO  
JEAN GARON PUBLIC RELATIONS  
JETRO LONDON  
JOHN RUNDALL ASSOCIATES  
JOHN TAYLOR AND SON  
JOHN WEST FOODS LTD  
JOHNSTON CONSULTING  
JOINT COUNCIL FOR ANGLO CARIBBEAN  
CHURCHES  
JORDANS & RYVITA COMPANY LIMITED  
K J LOVERING & CO LTD  
KALLO FOODS  
KAPAJO.COM  
KELLER & HECKMAN LLP  
KELLOGGS  
KENT COUNTY COUNCIL TRADING  
STANDARDS  
KERRY FOODS UK  
KETTLE FOODS  
KIDNEY RESEARCH UK  
KIKKOMAN TRADING EUROPE GMBH  
KINNERTON CONFECTIONARY CO LTD  
KITCHEN RANGE FOODS LTD  
KORKERS SAUSAGES LTD  
KRAEBER (UK) LTD  
KRAFT EUROPE  
L HEPNER & ASSOCIATES LTD  
LA LECHE LEAGUE (GREAT BRITAIN)  
LABORATORY OF THE GOVERNMENT  
CHEMIST  
LACORS  
LAMBETH TRADING STANDARDS  
LANCASHIRE COUNTY COUNCIL  
LAW COMMISSION  
LAWCODE  
LAWDATA LTD  
LEATHERHEAD FOOD INTERNATIONAL  
LEEDS CITY COUNCIL  
LEEDS METROPOLITAN UNIVERSITY  
LEICESTERSHIRE COUNTY ANALYST'S LAB  
LGC (TEDDINGTON) LTD  
LIDL

LOCKWOODS LIMITED  
LONDON BOROUGH OF BARKING &  
DAGENHAM  
LONDON BOROUGH OF BRENT  
(ENVIRONMENTAL HEALTH)  
LONDON BOROUGH OF HAVERING  
LONDON BOROUGH OF LAMBETH  
LONDON BOROUGH OF SOUTHWARK  
LONDON FOOD CENTRE  
LONDON METROPOLITAN UNIVERSITY  
LONDON RETAIL MEAT TRADERS  
ASSOCIATION  
LOVELL WHITE DURRANT SOLICITORS  
LYONS TETLEY LTD  
MACFARLANES  
MALTSTERS ASSOCIATION OF GREAT  
BRITAIN  
MANCHESTER RUSK CO LTD  
MARDON PLC  
MARKAZI JAMIAT AHLE HADITH  
MARKS & SPENCER  
MARS  
MCCAIN  
MCCORMACK FOODS  
MCDONALD'S RESTAURANTS LTD  
MCKENNA & CO  
MED & HEALTHCARE PROD REG AFFAIRS  
(MHRA)  
MENCAP  
MERIDIAN FOODS LTD  
MICRON2 LTD  
MIDWIVES INFORMATION AND RESOURCE  
SERVICE  
MIKE'S SMOKEHOUSE  
MILTON KEYNES COUNCIL  
MITCHELLS & BUTLERS PLC  
MJSR ASSOCIATES  
MORELANDS LTD/MH FOODS LTD  
MP MEDIA SERVICES  
MRC HUMAN NUTRITION RESEARCH  
MULLER DAIRY (UK) LIMITED  
MUSGRAVE RETAIL PARTNERS GB  
MUSLIM COLLEGE  
MUSLIM DOCTORS & DENTISTS  
ASSOCIATION  
MYSUPERMARKET  
NATIONAL ASSOCIATION OF BRITISH AND  
IRISH MILLERS  
NATIONAL ASSOCIATION OF CIDER & PERRY  
MAKERS  
NATIONAL ASSOCIATION OF HEALTH  
STORES  
NATIONAL ASSOCIATION OF MASTER  
BAKERS  
NATIONAL BEEF ASSOCIATION  
NATIONAL CHILDBIRTH TRUST  
NATIONAL CONSUMER FEDERATION  
NATIONAL COUNCIL OF HINDU TEMPLES UK  
NATIONAL COUNCIL OF WOMEN OF GREAT  
BRITAIN  
NATIONAL DRIED FRUIT TRADE  
ASSOCIATION  
NATIONAL EDIBLE OIL DISTRIBUTORS  
ASSOCIATION  
NATIONAL EXPRESS  
NATIONAL FARMERS' UNION

NATIONAL FEDERATION OF CONSUMER GROUPS  
 NATIONAL FEDERATION OF FISHERMAN'S ORGANISATIONS  
 NATIONAL FEDERATION OF MEAT AND FOOD TRADERS  
 NATIONAL FEDERATION OF WOMEN'S INSTITUTES  
 NATIONAL HEART FORUM  
 NATIONAL INSTITUTE FOR HEALTH & CLINICAL EXCELLENCE  
 NATIONAL INSTITUTE OF MEDICAL HERBALISTS  
 NATIONAL MARKET TRADERS' FEDERATION  
 NATIONAL OBESTIY FORUM  
 NATIONAL OFFICE OF ANIMAL HEALTH  
 NATIONAL PHARMACY ASSOCIATION  
 NATIONAL PIG ASSOCIATION  
 NATIONAL SOCIETY FOR PHENYLKETONURIA  
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 NETMUMS  
 NETWORK OF SIKH ORGANISATIONS UK  
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 NUTRITIONAL HEALTHCARE R & D  
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 ODYSEA LTD  
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 PRINCES FOUNDATION FOR INTEGRATED HEALTH  
 PRINCIPAL FOOD MATTERS  
 PROFESSIONAL, MANAGERIAL AND HEALTHCARE PUBLICATIO  
 PROPRIETARY ASSOCIATION OF GREAT BRITAIN  
 PROTEIN TECHNOLOGY INTERNATIONAL  
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 SMA NUTRITION  
 SMALL INDEPENDENT BREWERS  
 ASSOCIATION  
 SNACK, NUT & CRISPS MANUFACTURERS  
 ASSOCIATION  
 SOCIETY OF HOMEOPATHS  
 SODEXO UK & IRELAND  
 SOIL ASSOCIATION  
 SOLGAR VITAMIN AND HERB  
 SOUTH ASIAN HEALTH FOUNDATION  
 SOUTHALL AREA COMMUNITY NETWORK  
 SOUTHWEST TRAINS  
 SPEECHLY BIRCHAM LLP  
 SPONSUS  
 SPRING SINGAPORE  
 ST GEORGE'S, UNIVERSITY OF LONDON  
 STAFFORDSHIRE COUNTY ANALYST  
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 STRUGAR NUTRITION CENTRE  
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 THE CO-OPERATIVE GROUP  
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## Summary: Intervention & Options

<b>Department /Agency:</b> <b>FOOD STANDARDS AGENCY</b>	<b>Title:</b> <u>Front of pack (FOP) nutrition labelling for pre-packed foods sold through retail outlets in the UK</u>	
<b>Stage:</b> Consultation	<b>Version:</b> 1	<b>Date:</b> 30 July 2009
<b>Related Publications:</b> Comprehension and use of UK nutrition signpost labelling schemes ( <a href="http://www.food.gov.uk/news/newsarchive/2009/may/pmp">http://www.food.gov.uk/news/newsarchive/2009/may/pmp</a> )		

### Available to view or download at:

<http://www.food.gov.uk/multimedia/pdfs/consultation/FOPlabellingia.pdf>

**Contact for enquiries:** Claire Boville

**Telephone:** 020 7276 8168

### What is the problem under consideration? Why is government intervention necessary?

In March 2006, following publication of extensive consumer research and consultation with stakeholders, the Agency recommended UK businesses use a voluntary front of pack (FOP) 'traffic light' labelling approach on selected categories of pre-packed foods to make it easier for consumers to choose a healthier diet. At the same time the Agency also made a commitment to review the effectiveness and impact of FOP nutrition labelling used in the UK market. This independent research found that a single FOP approach would be most helpful for shoppers and that the most effective FOP label combined text (high/medium/low), traffic light colour coding and %GDA information in an 'integrated label'. The Agency is seeking views on practical issues which need to be resolved for an integrated FOP nutrition labelling approach to work in real life settings.

### What are the policy objectives and the intended effects?

- (1) To help consumers make healthier choices through effective FOP nutrition labelling.
  - (2) To resolve practical issues relating to use of an integrated FOP nutrition labelling approach in real life settings
- Effective FOP labelling will contribute to improving health literacy amongst consumers by enabling them to improve their knowledge and understanding of nutritional content of foods and help them choose a healthier diet. Over time this will help lead to reductions in salt, saturated fat, fat and sugar intake for the UK population and in doing so achieve better health outcomes.
- In addition, it may provide further incentive to build on current work being carried out by industry to reformulate existing products and develop healthier products and in so doing contribute to the Agency's overall strategy to help improve the UK diet.

### What policy options have been considered? Please justify any preferred option.

**Option 1:** Do nothing (maintain status quo).

**Option 2:** Develop technical guidance to deliver an integrated FOP label.

**Option 3:** Develop technical guidance (that includes a specific FOP label design) to deliver an integrated FOP label.

**Option 2 is the preferred option.**

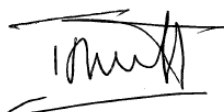
### When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

Once a baseline has been established, we will review within 3 years.

### Ministerial/CEO Sign-off For consultation stage Impact Assessments:

*I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) the benefits justify the costs.*

*Signed by the Food Standards Agency Chair\*:*



Date: 30 July 2009

\* for non-legislative Impact Assessments undertaken by non-ministerial departments/agencies

## Summary: Analysis & Evidence

**Policy Option:** This summary covers both options 2 and 3

**Description:** Develop technical guidance to deliver an integrated FOP label / Develop technical guidance (that includes a specific FOP label design) to deliver an integrated label.

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups'
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	£		No monetised costs are included in this IA. Stakeholder input on the range of costs discussed and assumptions used are being sought in this consultation.
	<b>Average Annual Cost</b> (excluding one-off)		
£		<b>Total Cost (PV)</b>	£
<p><b>Other key non-monetised costs</b> by 'main affected groups'</p> <p>Government will look provide matched funding for stakeholders in awareness raising campaigns. These and other costs are being sought as part of this consultation.</p>			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' See non monetised benefits
	<b>One-off</b>	<b>Yrs</b>	
	£		
	<b>Average Annual Benefit</b> (excluding one-off)		
£		<b>Total Benefit (PV)</b>	£
<p><b>Other key non-monetised benefits</b> by 'main affected groups' These relate to consistency by following agreed technical guidance and reputational gains for businesses from complying with Government approved technical guidance. There are also consumer benefits derived from reduced confusion over different FOP labels and access to nutritional information in a more effective FOP label.</p>			

Key Assumptions/Sensitivities/Risks

Price Base Year	Time Period Years	<b>Net Benefit Range</b> (NPV) £	<b>NET BENEFIT</b> (NPV Best estimate) £
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What is the geographic coverage of the policy/option?			UK		
On what date will the policy be implemented?			N/A		
Which organisation(s) will enforce the policy?			N/A		
What is the total annual cost of enforcement for these organisations?			£ N/A		
Does enforcement comply with Hampton principles?			Yes		
Will implementation go beyond minimum EU requirements?			N/A		
What is the value of the proposed offsetting measure per year?			£ N/A		
What is the value of changes in greenhouse gas emissions?			£ N/A		
Will the proposal have a significant impact on competition?			No		
Annual cost (£-£) per organisation (excluding one-off)		Micro	Small	Medium	Large
Are any of these organisations exempt?		N/A	N/A	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)			(Increase - Decrease)		
Increase of	£	Decrease of	£	<b>Net Impact</b>	£

Key: Annual costs and benefits: (Net) Present

## Evidence Base (for summary sheets)

### Reason for Intervention

1. FOP labelling is an important part of a package of government initiatives that seek to enable consumers to make healthier food choices and contribute towards efforts to tackle obesity and diet related illnesses as detailed further in **Annex A**.
2. In 2006 the Agency recommended a voluntary principles-based approach to FOP nutritional labelling that focused on seven categories of processed foods that were identified by consumers as being those which they found difficult to assess nutritionally<sup>1</sup>. Since then industry has used different forms of FOP nutrition labelling on many foods sold through retail outlets. In line with a commitment made in 2006 and the challenge posed by the presence of a multiplicity of FOP schemes, the Agency commissioned independent research<sup>2</sup> in 2007 to evaluate the effectiveness<sup>3</sup> of the different schemes in the UK marketplace, and the elements within them.
3. The research has confirmed that whilst there is a good level of comprehension of FOP labels, the existence of several FOP labelling approaches has created a degree of consumer confusion especially when consumers try to interpret different FOP labels applied on different products. For example some FOP labels use traffic light colours (to indicate the level of nutrient in a food) whilst others either use pastel colours or are monochrome (where the colours do not indicate the nutrient levels) thus confusing consumers as to the significance of the colours used.
4. The research concluded that 70% of the consumers interviewed were best able to understand and interpret the nutritional content of the food on FOP labels that included text (to state whether the level of a nutrient is high, medium or low), traffic light colours and percentage GDA's. A FOP label containing all these elements is referred to as an '**integrated**' label in this IA. The research concluded that standardising to the use of a single FOP label in the retail environment would enhance consumer use and comprehension of FOP labels.
5. In England Healthy Weight Healthy Lives makes a commitment to:
 

*'A single, simple and effective approach to food labelling used by the whole food industry, based on the principles that will be recommended by the FSA in light of the research currently being undertaken.'*
6. The need for an effective approach to FOP labelling is supported by all the devolved administrations and is a part of the Welsh Assembly Government's Quality of Food for All strategy<sup>4</sup> and the Scottish Government's Healthy Eating, Active Living action plan<sup>5</sup>. The

<sup>1</sup> Sandwiches, wraps, filled baguettes and similar products, prepared or ready meals, whether hot or cold - (for example pasta salad bowls, prepared salad meals such as chicken caesar salad and prepared dishes sold with and without accompaniments such as rice, noodles, vegetables, potato or similar) burgers, sausages, pies, pasties and quiches, breaded or coated or formed meat, meat alternative, poultry, fish and similar products including those in sauces (for example chicken nuggets, fish fingers, chicken kiev, fish in parsley sauce, meat balls, lamb grills) pizzas and breakfast cereals.

<sup>2</sup> <http://www.food.gov.uk/foodlabelling/signposting/signpostevaluation/pmpanel/>

<sup>3</sup> The independent research used three objective measures of comprehension that were identified as being likely to discriminate best between the different types of FOP signposting schemes, and to reflect the most common uses of FOP labels. These were (1) Evaluation of products on individual nutrients (restricted to 2 nutrients per product); (2) Evaluation of product in terms of overall healthiness; and (3) Comparison of two or more products in terms of overall healthiness. Tests were designed around these objective measures of understanding and all tests had a predefined correct answer against which to judge respondents for correctness. A second measure used was time taken to respond. Correctness was the most important way of judging comprehension, but if two label types facilitated similar levels of comprehension, then the label that facilitated the quickest answer was judged more effective.

<sup>4</sup> Currently under development.

importance of FOP nutrition labelling in enabling consumers to choose healthier diets was also noted in the Northern Ireland 'Fit Futures' health strategy<sup>6</sup>.

### **Intended effect**

7. The overall objective of FOP labelling is to provide at a glance information about key nutrients in foods in a way which helps make healthier eating easier for UK consumers and contributes to wider efforts to improve public health by reducing population intakes of calories, salt, fat, saturated fat and sugar. FOP labelling provides a visual means to complement messages related to healthy eating.
8. When the Agency announced its recommended FOP labelling approach in 2006 it was anticipated that the scheme would play a role in encouraging industry to broaden the provision of healthier products. Discussions with stakeholders suggest that reformulation and the development of new, healthier products has occurred and that FOP labelling has become one of the factors that some food businesses consider when reformulating products and developing new products<sup>7</sup>.

### **Background**

9. FOP labelling is part of Governments' wider response to tackle obesity and diet related illnesses (as detailed in Annex A).
10. The Agency announced its recommended approach to FOP labelling for seven categories of food products in March 2006. The approach recommended traffic light colour coded FOP labelling for salt, fat, saturated fat, and sugars with the colour coding reflecting the level of nutrient on a per 100g basis (with specific 'high/red' criteria on per portion basis). The amount of the nutrient (in grams) in the food product on a per portion basis is also given in the FOP label. Additional information on calories and %GDA could also be provided. When the Agency recommended its approach to FOP labelling it made a commitment to review the effectiveness of FOP schemes in use in the market place and update the Agency's advice in light of evidence provided by the independent evaluation study described below.
11. In 2007 the Agency commissioned an independent panel of experts in nutrition and social market research to manage the process of carrying out a scientifically robust independent study to provide a comparative analysis of the impact of the three main front of pack nutrition signpost labelling approaches used in the UK:
  - %GDA schemes providing information on amount of nutrient per portion of product as a percentage of Guideline Daily Amount (GDA);
  - traffic light colour coded schemes indicating nutrient level per 100g of product (these can be found with accompanying 'High, Medium and Low' text); and
  - schemes which provide both a traffic light colour code (with or without text) and %GDA.

<sup>5</sup> Healthy Eating, Active Living: An action plan to improve diet, increase physical activity and tackle obesity (2008-2011) [www.scotland.gov.uk/Publications/2008/06/20155902](http://www.scotland.gov.uk/Publications/2008/06/20155902)

<sup>6</sup> Department of Health, Social Services and Public Safety <http://www.dhsspsni.gov.uk/ifh-fitfutures.pdf>

<sup>7</sup> Based on discussions with food industry at official level who advised that in some cases this has also been reflected in the sales of products with reduced levels of nutrients. For instance, Sainsbury's experienced increased sales of its ready meals with lower amounts of salt, fat and saturates as a result of FOP labelling whilst sales of similar ready meals that were high in those nutrients declined. Similarly Tesco noted that after FOP labelling was introduced on its ready meals, sales of lower fat ready meals increased, outselling higher fat alternatives by more than 7% (this was even higher at 10% with lower salt ready meals). However, as has been confirmed by industry in discussions, it is difficult to disentangle the role of FOP in driving reformulation relative to other initiatives such as the voluntary salt targets and other commercial actions intended to increase sales). Several respondents noted that it is very difficult to isolate data on the impact FOP has directly on sales.

12. The research was not set up to identify a 'winning' scheme, but establish which scheme, schemes or combination of elements from schemes help consumers make healthier choices. The research also looked at whether having more than one scheme caused consumer confusion.
13. Stakeholders were asked to provide the independent panel with all available research carried out on FOP labelling. This research was used to inform the independent study design. The research combined both qualitative work to explore how consumers use FOP labels in the retail environment and at home and quantitative work to assess consumer understanding and comprehension of FOP labels.
14. In September 2008 insights from the first phase of the qualitative research<sup>8</sup>, and the study design of the quantitative phase of the research were published. Input from an advisory group of stakeholders (retailers, manufacturers and consumer and health groups) was sought during the design of the independent evaluation research. A full list of published references considered in designing the study is in the Scientific Rationale and Design<sup>9</sup>. The full research report was published on 6 May 2009<sup>10</sup>.

### **Summary of Research Findings**

15. The main findings of the research are set out below and the Executive Summary from the independent research report is attached at **Annex B**. The main conclusions of the research were that:
- a single FOP scheme would be most helpful for consumers, as the presence of different types of FOP labelling schemes in the marketplace causes shoppers difficulties in using them;
  - overall, the balance of evidence demonstrated that the strongest FOP label is one which combines use of interpretive text 'high, medium, and low', traffic light colours and percentage of Guideline Daily Amount (GDA), in addition to levels of nutrients in a portion of the product;
  - consumers who use FOP labels value them. They use them particularly if they are shopping for children, comparing different products, if they have a particular health concern (e.g. high blood pressure or diabetes), or if watching their weight; and
  - there is a generally high level of understanding of FOP labels, even among those who do not tend to use them, which suggests that raising awareness of a single scheme could encourage increased use of FOP labels when buying food.

### **Other research**

16. The Agency has considered other published research on FOP labelling, including a pan-European study on in-store behaviour, understanding and use of nutrition information on food labels and nutrition knowledge<sup>11</sup> by the European Food Information Council (EUFIC). This study was conducted in six EU countries and featured observation at aisle, in-store interview, an in-home self-completed questionnaire on nutrition knowledge, awareness, knowledge and proficiency in use of labels. The part of the study conducted in the UK involved customers of three major retailers Tesco, Sainsbury's and Asda<sup>12</sup>. The EUFIC study sought to provide information on nutrition knowledge as well as understanding and use of nutrition information on food labels (back of pack and FOP). It found that EU consumers have reasonable knowledge about nutrition, but do not necessarily look at the nutritional information when shopping. Other factors were considered to be more important in driving

<sup>8</sup> <http://www.food.gov.uk/foodlabelling/signposting/signpostevaluation/pmpanel/evaluation/>

<sup>9</sup> <http://www.food.gov.uk/multimedia/pdfs/quanrationale.pdf>

<sup>10</sup> <http://www.food.gov.uk/news/newsarchive/2009/may/pmp>

<sup>11</sup> <http://www.focusbiz.co.uk/webinars/eufic/paneuropeanlabelresearch/europe/>

<sup>12</sup> <http://www.eufic.org/>

choice. However where used, EU consumers focussed their attention on information relating to calories, fat (UK consumers also looked for saturates), sugar and salt levels in foods.

17. The EUFIC study, which relates to self-reported awareness and comprehension rather than objective comprehension tests, found that the majority of consumers in the UK said that they could correctly interpret %GDA labels, traffic light labels and labels combining traffic light and %GDA based on the information given on the label and could compare two similar FOP labels to identify which product was more or less healthy. A full report of the research is expected to be published later in the year.
18. The recently published summary of the first phase of Food Labelling to Advance Better Education for Life (FLABEL)<sup>13</sup> research, found a high prevalence of FOP labelling on foods in the UK (82% FOP label penetration).
19. In order to obtain further evidence from industry the Agency liaised with stakeholders to gather data to inform the development of this Impact Assessment. Input was sought at a stakeholder meeting and via a pre-consultation framework document that set out the Agency's proposed approach ahead of the formal consultation (see paragraph 67).
20. The findings of the independent research have been considered alongside other published research (described above) on FOP label use.

### **Interest in Europe**

21. At the start of last year the European Commission published a proposal for a new Food Information Regulation<sup>14</sup> (EU FIR) to replace and update provisions of the existing Food Labelling Directive and Nutrition Labelling Directive, which includes a provision to introduce mandatory FOP nutritional labelling of energy, fat, saturates, carbohydrates (with specific reference to sugars) and salt on pre-packed foods. The proposal also includes a provision to allow Member States to develop national schemes to address 'specific consumer demands for information' in relation to other forms of expression and presentation of nutrition information. Before being adopted the proposal must undergo the co-decision procedure requiring agreement by both the European Parliament and Council. It is unlikely that agreement will be reached before the end of 2010. Suitable transition periods will be afforded in the Regulation to allow the changes to be implemented by food manufacturers. It is likely that a period of up to 5 years will be allowed from the publication of the Regulation in the Official Journal before the new rules come into effect.
22. The EU FIR may result in labelling costs for industry, however at this stage the extent of the resulting changes to legal requirements and the related costs are unknown. The Agency will consider how costs to industry, that may arise relating to recommendations for an integrated FOP label and from the requirements of EU FIR can be minimised when we are clearer about the extent of the re-labelling that may be necessary.

<sup>13</sup> <http://www.flabel.org/en/basic100032.html>

<sup>14</sup> Proposal for a Regulation of the European Parliament and of the Council on the provision of Food information to consumers COM (2008)40 final (<http://ec.europa.eu/eu/food/food/labellingnutrition/foodlabelling/publications/3359-en.pdf>)



## **Consideration of Issues**

23. FOP labelling in the UK is voluntary. There are some practical issues which need to be resolved for an integrated FOP nutrition labelling approach to work in real life settings and help consumers to make healthier choices.
24. This consultation and IA focuses on these issues (see paragraph 33).
25. In discussions with stakeholders (as noted in paragraph 67) we have assessed the potential re-labelling costs that may arise where a business either chooses to adopt FOP labelling for the first time or adopts a different approach than it currently uses. These costs (estimated to be a maximum of £10m) and the basis of their assessment are detailed in Annex C. We would welcome stakeholder views on that assessment.

## **Options**

26. In order to resolve the outstanding practical issues which need to be resolved for an integrated FOP nutrition labelling approach to work in real life settings (based on the findings of the independent research) there are three options:

- **Option 1: Do nothing – no change to Agency’s existing FOP technical guidance.**
- **Option 2: Revise and update the Agency’s existing FOP technical guidance to cover an integrated FOP nutrition labelling approach.**

The technical guidance would be updated to reflect the findings of the independent research, that the most effective label combined ‘high/medium/low’ text, traffic light colour coding and %GDA. It would also address a number of issues to allow an integrated FOP label to work in practice.

- **Option 3: As Option 2, including specifying a FOP label design.**

Currently the technical guidance does not recommend a specific FOP label design. In order to address potential consumer confusion and trust issues identified in the independent research, consideration could be given to prescribing a specific FOP labelling design or logo.

## **Costs and benefits of options**

### **Option 1: Do nothing**

27. This option would mean that the Agency does not amend or update its technical guidance with the effect that a number of practical issues would remain unresolved. As a result businesses would be able to interpret and apply the findings of the independent research in different ways that would add to consumer confusion and inconsistency in FOP labelling in the UK.
28. This option would not involve any incremental costs to business or the public sector as no change would be required from current practice.
29. This approach might deliver the following ongoing benefits:

- Some health benefits for those consumers who are able to apply and choose to use the different schemes provided there is continued awareness raising work and education activities by government, NGOs and industry on FOP schemes.
  - health benefits deriving from reformulation where FOP labelling (along with other drivers) is used as a set of criteria against which to reformulate products.
30. The uncertainty over the practical aspects would mean there would be little incentive for additional businesses to use FOP labelling, so inhibiting wider adoption. The potential benefits for the UK population as a whole would not be maximised.
31. Government, NGOs, and industry would need to continue activities to explain the different approaches to FOP labelling.
32. **Option 1 is not the preferred option** as it would not deliver consumer benefit.

**Option 2: Revise and update the Agency’s existing FOP technical guidance to cover an integrated FOP nutrition labelling approach.**

33. **This is the Agency’s preferred option.** The current technical guidance would be revised to provide guidance on an integrated FOP labelling approach which can be used by industry in a consistent manner. The following issues would need to be resolved:
- **Scope:** The range of foods to which an integrated FOP label should be applied (possibly with a limited number of exemptions).
  - **Calories:** Whether, and if so how to include calories in an integrated FOP label.
  - **Portion size criteria:** Whether the Agency should develop additional criteria for foods recommended to be eaten in small portions, and what these criteria should be.
  - **Saturated fat:** Use of the term ‘saturates’ in an integrated FOP label to describe the level of saturated fat in a product.
  - **GDA for sugar:** The appropriate sugars GDA figure that should be used on an integrated FOP label.
  - **Salt thresholds:** Revising the high traffic light threshold for salt to 1g per 100g and 1.8g per portion.
  - **Improving legibility:** Revising the current guidance on the font size, colour, contrast and the position of FOP labels on products to maximise the visibility and legibility of an integrated FOP label.

The following costs associated with addressing these issues would also need to be considered.

### **Technical Familiarisation Costs**

34. The Agency's technical guidance would need to be revised to address the issues noted in paragraph 33.
35. Changes relating to the GDA figure for sugars and use of the term 'saturates' are not expected to generate any significant costs for business as many already provide %GDA information and also refer to saturated fat as 'saturates' on their current FOP label. If changes to the FOP label were recommended then we would expect them to be made at the same time as other routine changes as part of a business's normal re-labelling cycle.
36. Over 80% of all food products in the UK include some form of nutrition labelling (that includes calories). In addition, of the 128 businesses that currently use FOP labelling 97 provide information on calories with the remainder providing calorie information on the back of pack. The sourcing or inclusion of calories on FOP labels is therefore not expected to add significant costs, as most businesses have the necessary information readily available (design costs that may arise from changing a FOP label have been discussed in Annex C).
37. The level of impact of revising the technical guidance to improve visibility and legibility of the FOP label further will depend upon the responses to this consultation so has not been assessed in this IA.
38. The revised technical guidance is expected to be comparable in terms of complexity and detail to the current guidance. As such familiarisation costs will be lower than for those adopting FOP labelling for the first time, as existing FOP label users will only need to consider aspects which have to be amended. However, changes to labelling approaches would involve some costs associated with time to re-evaluate company policies and brand standards to enable their IT systems to ensure product compliance.

**Question 1:**

***We would welcome industry views on the assumptions made on technical familiarisation costs and the degree to which this is separate from wider re-labelling costs.***

**Question 2:**

***How long would a business require to read and understand the revised guidance - assuming no change in length overall? (the current guidance can be found at [www.food.gov.uk/foodlabelling/signposting/technicalguide/](http://www.food.gov.uk/foodlabelling/signposting/technicalguide/))***

### **Portion size criteria**

39. If specific criteria are developed for foods recommended to be eaten in small portions (e.g. fat spreads) this would address some industry concern that current traffic light colour coding criteria does not adequately reflect the level of nutrient consumed in these products. Making such an amendment to the underpinning criteria would result in some familiarisation costs already included in the overall familiarisation cost noted in paragraphs 34-38.

### **Salt**

40. Reducing high (red) 'per 100g' and 'per portion' thresholds for salt could mean that the traffic light colour for certain products (e.g. burgers and sausages, breakfast cereals, fat spreads as well as some ready meals and pizzas), which already carry text and/or traffic light colours would result in changing this element of the FOP label.
41. However, costs associated with this could be mitigated if the reduced thresholds were to come into effect by 2012 as this would allow business to use up existing stocks of labels and look to align subsequent label changes with other changes arising from Option 2.

**Question 3:**

***Do you anticipate any specific familiarisation costs that may relate to additional criteria for foods recommended to be eaten in small portions? If so please provide information about these costs.***

**Question 4:**

***We do not expect changes in the salt thresholds to add significant costs for businesses and would welcome your views on this – particularly if there are any specific costs that need to be considered.***

42. The Agency recognises that there may be some foods, such as fruit and vegetables, for which FOP labelling provides little benefit. If an integrated approach were to apply to all foods with limited exceptions this would result in some additional labelling costs. However these costs could be mitigated by amending the technical guidance to include guidance as to the priority foods for FOP labelling (based on the responses to this consultation). This may result in some familiarisation costs but these are not expected to be significant (costs related to revising or adding FOP labels to products are mainly associated with re-labelling and these are discussed in **Annex C**).

**Question 5:**

***We welcome your views on the costs associated with extending the scope of foods for FOP labelling in addition to potential re-labelling costs.***

**Reformulation Costs**

43. The decision to reformulate with respect to nutrient content is usually taken where this offers some benefit to business – this could be by way of reputational gains: creating healthier product ranges and attracting new consumers or increasing sales of products which are healthier choices. In some instances FOP labelling has been a factor that is considered by business when reformulating products, however, it is not possible to isolate the reformulation costs attributable to FOP alone.

**Other Costs: Awareness Raising / Consumer Information and Education:**

44. As noted by the independent research, whilst there was a high level of self-reported awareness of FOP labels (over 80%), self reported use was lower at 58% (with only 35% of consumers saying they used FOP labels often). Several studies have found that while consumers like and are aware of FOP labels, the number of UK consumers that actually properly understand and use them is sub-optimal at the present time for certain sections of the UK population. This reflects findings from other research<sup>15</sup>.
45. To maximise the potential benefits of an integrated FOP label there is a clear need to engage all consumers – especially those who are not currently using FOP labels – and invest further in activities to improve consumer awareness, comprehension and use of FOP labels so that they are better motivated and empowered to make healthier choices easily. The independent research found that some consumers consider FOP labels to be a marketing tool used by business to promote ‘favourable’ goods. Promoting an integrated

<sup>15</sup> e.g. Millward Brown, which noted that whilst overall there was 84% (self-reported) awareness of FOP labels this was only 80% for consumers in lower social grades.

label should improve the use and effectiveness of FOP labelling particularly in terms of credibility and trust as it will relate to being a government-backed approach.

46. Since 2006 it is estimated that £8m has been spent by government and stakeholders on these activities<sup>16</sup>. We have sought precise costs from stakeholders on provision of consumer information but have been advised that FOP labelling is integral to their wider marketing and educational activities and as such it is difficult to quantify awareness raising costs for FOP labelling alone. If businesses chose to adopt an integrated FOP label then the overall expenditure could be less than the amount that has been spent on promoting multiple schemes since 2006. Businesses would still combine awareness raising of FOP labels with efforts to promote their brand/products rather than focus on FOP labelling alone. The Government could consider matched funding to help ensure that an integrated approach is promoted by all stakeholders.

**Question 6:**

***We welcome feedback on the cost estimates of awareness raising for industry, NGOs and other consumer and public health organisations.***

## **Benefits**

### ***Industry Benefits***

47. Increased consumer interest in health and wellbeing issues is leading to changing customer requirements and purchasing behaviour. This is creating a demand from consumers for more and clearer nutritional information. FOP labelling provides industry with a way to respond to this need.
48. The Agency's voluntary approach is consistent with a number of key principles of good regulation: provide certainty for firms by setting out the outcomes the Agency would like to see in the future, provide flexibility for firms in how they achieve those labelling principles and provide a means for co-ordinating reformulation activity across industry<sup>17</sup>.
49. Having different FOP labelling approaches in the market following different technical criteria has been identified by SME's as a potential barrier when considering adopting FOP labelling, and they would prefer greater direction on this matter. The wider adoption of an integrated

<sup>16</sup> The Agency has carried out extensive work to promote awareness of its recommended scheme. This has included a promotional advertising campaign as well as the production of consumer literature on nutritional content of foods including web-based marketing and leaflets at a total cost approximately £2 million. The Department for Children, Schools and Families and the Department for Health also carried out work to raise awareness of healthy eating in the school curriculum and Change4Life programme respectively, that includes understanding the nutritional content of foods with FOP being one of a range of tools used.

In Scotland a campaign 'Take Life On' was launched in June 2008 targeting adult audiences and promoting simple practical steps to improve health and increase confidence. Take Life On is promoted through television, radio, billboards and through a website. There is also some underway in Wales to raise awareness of healthy eating in schools, and through FSA Wales' Food Business Engagement Strategy.

Since 2006 the industry has also invested significantly in efforts to raise awareness of FOP labelling. It undertook an advertising and educational campaign to inform consumers about GDA labels and encourage greater use of FOP labels (estimated at £6million). This involved the production of information leaflets and targeted over 3,000 doctors surgeries as part of campaign to raise awareness of its 'What's inside' guide on how to understand and use GDA labels. In addition retailers funded media activities of TV and press to promote awareness in promoting awareness of FOP labels in store and introduced shelf edge ticketing, articles in consumer magazines, recipes with FOP information and provided information in leaflets and company websites. Consumer groups and NGOs have also featured FOP labelling in their campaigns to promote healthy eating. This has included production of literature and features in websites explaining FOP labelling and publication of a 'shoppers card' to help consumers use FOP labels more effectively.

<sup>17</sup> As outlined in BERR Economics Paper No.4, Regulation and innovation: evidence and policy implications, December 2008. <http://www.berr.gov.uk/files/file49519.pdf>

approach and related technical guidance will help overcome this issue for SME's and other businesses. It will also help create a level playing field and stability for business.

50. The main industry benefits of an integrated FOP label are those related to brand enhancement and reputational gains which may translate into additional sales. It is not possible to monetise the benefits due to FOP labelling alone. If a business decides to adopt FOP labelling it will do so for commercial reasons and where the associated benefits and rewards are considered by the business to outweigh the costs.

**Question 7:**

***Are there any other benefits for industry arising from Option 2? If so, what are they and please quantify them.***

**Consumer Benefits**

51. The extent of benefits depends on a number of factors, including: the level of comprehension and usage of FOP labels by consumers and the impact upon subsequent overall purchasing decisions; the level of take up by business; and communication/promotion activity to raise awareness of an integrated approach.
52. The main consumer benefit of developing an integrated FOP label is that it would give consumers access to key nutritional information presented in a consistent manner which could enable healthier choices and provide reassurance that it is underpinned by government approved criteria.
53. The extent of these benefits may be potentially greater for those specific population sub-groups identified by the independent research as being least likely to use FOP labelling.
54. Consumers may also be expected to gain indirect health benefits where FOP labelling provides firms with an incentive to reformulate and develop new products that are healthier – although it is not possible to ensure the extent to which such reformulation is due to FOP labelling as opposed to other drivers.
55. It is not possible to monetise these benefits at this stage.

**Option 3: As Option 2, including specifying a FOP label design.**

**Costs**

56. There are likely to be additional incremental costs if guidance on the specified format triggers packaging redesign.
57. It may also result in additional costs for a larger number of firms than option 2 due to the more prescriptive nature associated with additional design criteria.
58. However, where businesses choose to adopt an integrated FOP labelling approach for the first time then this is unlikely to add significant costs to option 2 as business will need to consider design elements as part of the wider re-labelling costs.
59. It is not possible to quantify the extent of these costs without knowing the nature of the FOP design.

## Benefits

60. Having greater consistency in the design and format of an integrated approach could offer potential benefits in terms of more consistency and improved consumer familiarity and awareness of FOP labels.
61. It could further reduce consumer confusion more than options 1 or 2 as the label would follow the same format, further reducing the potential for conflict resulting from label design. This would allow consumers to make cross-product comparisons and readily compare FOP nutritional information as it would be presented in a consistent manner.
62. There could be benefits to smaller firms who could more easily introduce an integrated FOP label on their products without having to conduct consumer research and would be able to use the same integrated FOP label if they supplied to different retailers.
63. Recommending a specific design would create a distinct brand identity for an integrated FOP label that would facilitate awareness raising and aid communication. It may also allow greater convergence of education and marketing campaigns to help consumers understand and use an integrated FOP label. A common approach and consistent 'brand' would also help build trust in an integrated label being seen and understood as a government-endorsed scheme. This would have the added advantage of generating greater transparency behind the technical criteria underpinning the FOP label.

### **Question 8:**

***We would welcome views on potential costs and benefits associated with option 3.***

64. Despite the additional benefits noted above **Option 3 is not the Agency's preferred option** as it would result in additional costs being incurred by business which may not justify the additional benefits to consumers and industry as compared with those identified in option 2. This could hinder or impede uptake by business.

## **Administrative Burden Costs**

65. As this is a voluntary initiative, there are no additional administrative burdens on business.

## **Consultation**

66. In advance of this formal consultation the Agency engaged with stakeholders to seek their input on the costs and benefits related to FOP labelling. At an evidence-gathering workshop held in October 2008, over 30 attendees from industry, trade bodies and consumer groups considered potential outcomes from the independent research. They also noted what other evidence should be considered in the development of the IA and the policy proposals<sup>18</sup>. This was followed up by a series of small meetings with industry and consumer groups to discuss the issues further and gather relevant data. These discussions generated a good response with over 40 stakeholders providing information that was used to develop a pre-consultation framework document<sup>19</sup>, which set out our proposed approach to the formal consultation as well as outlining the areas of costs and benefits (to consumers, industry, NGOs and government) that have shaped the development of this IA. The framework document was shared with stakeholders, who had participated in the pre-consultation discussions, to seek their views and ensure that no key issues had been overlooked. A total of 15 responses

<sup>18</sup> The discussion document and note of the meeting can be found at: <http://www.food.gov.uk/foodlabelling/signposting/policyreview/>

<sup>19</sup> <http://www.food.gov.uk/multimedia/pdfs/FOPframeworkconsult.pdf>

were received from a range of stakeholders<sup>20</sup>. Responses on the technical issues being considered in the consultation have been referred to in paragraph 33 above.

67. One of industry's main concerns was the need for ongoing discussions in Europe on the EU FIR to be taken into account when considering options for FOP labelling approaches for the UK. This is to avoid potential conflict between recommended approaches in the UK and in Europe, which could result in industry bearing the cost of re-labelling twice in a short time period and the need to produce different FOP labels for products sold in the UK and other EU Member States. The Agency recognises that this may be a potential issue for some multinational and large manufacturers and has discussed this further in Annex C. The current FOP arrangements are voluntary and allow business to choose to adopt FOP labelling if they wish as part of their normal re-labelling cycle, so minimising additional costs. The extent of the EU based legislative changes cannot be predicted as discussions are still at an early stage but are outlined in paragraph 21.
68. Stakeholders commented on the need for consumer education and awareness raising to encourage further take up and usage of FOP labels – especially if the UK recommended approach is different from the one currently being used by businesses. The Agency fully supports the need for increased education on nutrition labelling issues to improve the level of consumer engagement. Stakeholders and government have already carried out considerable activity to raise awareness of FOP via consumer campaigns, marketing etc but the total costs of such activities, in particular for the food businesses are difficult to relate to FOP alone as they are normally included in broader marketing/education costs. This, together with details of costs incurred on this since 2006, is detailed further in the 'consumer information' section of the IA (paragraph 44) and further information from stakeholders in this important area would be very welcome as well as information/evidence about activities and initiatives that have been undertaken to reach specific population groups.
69. The feedback from discussions with SME's is featured in the Small Firms Impact Test in this IA.

## **Enforcement**

70. FOP labelling is voluntary and therefore incurs no direct enforcement costs. However, where a business has chosen to adopt FOP labelling Local Authority Enforcement Officers is responsible for checking that the declarations are not false or misleading. This is the case with any information provided on food product packaging. The accuracy of FOP labels is normally checked at the same time as mandatory product labelling information is being examined by enforcement officers<sup>21</sup>. With nutrition labelling currently provided on a voluntary basis (anywhere on the product) for nearly 80%<sup>22</sup> of all food products in the UK it is not expected that any significant incremental enforcement costs will arise from specifically checking FOP labels.
71. When the FSA announced its recommended approach to FOP labelling in 2006 the estimated total for enforcement costs was based on the number of inspections and/or advisory/sampling visits to manufacturers and/or retailers multiplied by the estimated cost of analysis for total fat, sodium/salt and total sugars. In 2006/07 the total number of inspections to all food manufacturers in the UK and/or advisory sampling visits was 11,489. The cost of analysis for total fat, sodium /salt and sugar in a processed food sample is in the order of £60 per sample and this gives a total estimated enforcement cost of £0.7m.
72. However, with FOP being voluntary such checks are normally carried out as a part of the routine analysis applied to samples, so the cost would already be incurred with respect to the enforcement of nutritional labelling in the market place (both FOP and BoP). **In view of this no significant incremental costs are anticipated.**

<sup>20</sup> <http://www.food.gov.uk/multimedia/pdfs/consultation/FOPframeworkresponse.pdf>

<sup>21</sup> Based on discussions with LACORS at official level

<sup>22</sup> According to FLABEL 85% of products display some kind of nutritional information.



73. LACORS consider that enforcement costs could indeed be reduced if an integrated FOP labelling approach were to be used by industry as enforcement officers would only need to be familiar with a single set of criteria.

**Question 9:**

***We would welcome views on assumptions made in assessing enforcement costs.***

**Simplification**

74. Having an integrated FOP labelling approach may bring some benefits to those businesses which decide to adopt it, however there are no specific simplification measures from this initiative.

**Implementation and Review**

75. Take up of the scheme and its success with consumers will be reviewed in 2011/12.

**Post-Implementation Review**

76. Once a baseline has been established, we will review within 3 years.

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

**Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.**

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	Yes
Small Firms Impact Test	Yes	Yes
Legal Aid	No	No
Sustainable Development	No	Yes
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

## Annexes

Use the space below to indicate your consideration of at least the following specific impact tests.

### Competition Assessment

1. FOP nutrition labelling is used widely in the UK on over 28,000 products and FOP labelling arrangements are voluntary, therefore they are not a threat to product innovation. Companies make the decision to use FOP labels individually and where they perceive the benefits to outweigh the costs, and there is no evidence that use of one type of FOP label in itself generates any competitive advantage.

### Small Firms Impact Test

2. Specific input was also sought from SMEs. In total 86 SMEs were contacted via the Food and Drink Federation (FDF). Workshop discussions were also held with seven SMEs in Nottingham and Exeter. The SMEs ranged from manufacturers of artisan products to ready meal manufacturers. Some supplied or sought to supply to major retailers.
3. SMEs acknowledged the potential benefits of FOP labelling (primarily for consumers) but felt strongly that FOP labelling should remain voluntary. They commented that a mandatory requirement for FOP labelling would trigger significant costs (including product analysis, labelling costs) that would be a particular challenge for some artisan food manufacturers and newly established food businesses.
4. The presence of different approaches to FOP labelling was also deemed a barrier to adopting FOP labelling as it created uncertainty over which was the best approach to take. Where SMEs were seeking to expand their business and supply retailers there was an additional concern that if different retailers required different FOP labels this would impose additional costs on them. A single approach to FOP labelling was therefore favoured as it would provide a level playing field for business and reduce uncertainty and confusion for SMEs.
5. Some SMEs also commented that even without government intervention it was likely that FOP labelling could gradually become a retailer-driven pre-requisite for supplying to major retailers. SMEs would have to factor this in if they looked to expand their business by supplying to such retailers.
6. They also noted that customers were more aware of nutrition issues possibly as a result of seeing nutrition information provided by major retailers and government's focus on nutrition and healthy diets. SMEs felt that this increased interest could create a growing demand for nutritional labelling as well as a need to seek to reduce levels of nutrients (such as salt) in their products to retain their customers. This was a particular challenge for SMEs that produced 'indulgent' products or treats. They expressed concern that any declaration of 'high' levels of nutrients might reduce the demand for their products.
7. Specific costs of packaging/labelling was a key issue, especially if colours had to be added to the label. This was particularly the case for manufacturers of artisan products where the basis of sales focused more on other aspects such as local ingredients and use of a traditional recipe, which meant that minimal use of colours on the packaging was an integral aspect of product branding.
8. Whilst relabelling costs can be absorbed as part of the SME business cycle they said that products are not relabelled as often as with larger manufacturers with relabelling cycles ranging from 12 months to 5 years (although one SME advised us that they have not changed their labels for 40 years). Additionally some said that there is less incentive to

reformulate products on the grounds of nutritional content as the products are aimed at a niche market and often strive to differentiate themselves from mass-manufactured products on the basis of quality and taste.

9. SMEs also said that if they did not already provide nutritional information then the product analysis costs were either unknown (and presumed high) or deemed too costly. If a simple, user friendly means of assessing the nutrient content were available this would make it easier for SMEs to introduce FOP labelling. The Agency is exploring this matter further.

### **Sustainable development**

10. Impacts under all 3 pillars of sustainability (social, economic and environmental) have been considered and significant costs/benefits have been noted in the costs and benefits section of the IA. As FOP labelling is voluntary we would expect businesses to use up existing packaging so saving costs to industry as well as minimising the impact on the environment. Option 2 is the most sustainable because it minimises costs to industry whilst enabling consumers to benefit from an integrated approach. Option 3 is the least sustainable because it results in more companies redesigning their packaging to comply with specific a design in revised technical guidance without corresponding evidence of increased consumer benefits.
11. We will review the impact on sustainability in light of the consultation responses to see if any specific technical issues may result in greater sustainability costs or benefits.

### **Race equality issues**

12. We are not aware of any specific impacts on specific ethnic groups arising from the policy options.

### **Gender equality issues**

13. Whilst there is some evidence of self reported use of FOP labels being higher for women than men, the research did not deem this as significant. We do not consider that there will be any gender specific issues related to the revised principles for FOP labelling.

### **Disability equality issues**

14. Overall we do not consider there to be any differential impacts for disabled people other than the potential positive impacts for people with heart disease and stroke victims who are within the scope of disability legislation.

## Annex A

### **Background – Health Context**

1. One of the key health challenges for the UK population is tackling the increase in obesity and diet-related illnesses. This was underlined in the 2007 Foresight report<sup>23</sup> which noted that over 50% of adult men and women in the UK could be obese by 2050.
2. Obesity increases the risk of a number of chronic diseases, such as cardio-vascular disease (CVD)<sup>24</sup>, some cancers, arthritis and type II diabetes. The incidence of these diseases remains high. The number of new cases of type II diabetes, for example, rose between 1997 and 2003 and the prevalence of diabetes in the population increased from 2.8% in 1996 to 4.3% in 2005 – representing a 54% increase over the decade<sup>25</sup>. Cancer also remains a major cause of illness with more than 280,000 people diagnosed each year resulting in 1 in 4 of all deaths<sup>26</sup>.
3. The Foresight Report also said that obesity and poor health have a wider cost to society and business that were estimated to be £49.9 billion per year<sup>27</sup>. NHS costs attributable to overweight and obesity expected to double to £10 billion per year by 2050.
4. The food purchasing and eating habits of UK consumers are key contributory factors in the increasing prevalence of obesity and related illnesses. These diet-related illnesses affect all population groups, however they have a disproportionate impact on some socio-economic groups. Lower socio-economic groups also have lower levels of education, and poorer literacy and numeracy skills. Some studies in England<sup>28</sup> have noted a correlation between these factors and poor adult health<sup>29</sup>.
5. If consumers are not aware of the nutrient content of foods when making purchasing decisions then this can inhibit them from making healthier food choices. This is particularly the case with regards to energy dense processed convenience foods. Consumers have identified these as being difficult to assess the nutrient contents of when considering the overall healthiness of a food product<sup>30</sup>.
6. Moreover the inability to understand and balance the consumption of the salt, fat, saturated fat and sugar content of foods can result in an excessive consumption of these nutrients and increase the risk of associated illnesses.
7. For salt, the current average daily intake for UK adults is 8.6g<sup>31</sup>, whereas public health recommendations are that intakes should not be more than 6g a day<sup>32</sup>. Eating too much salt

<sup>23</sup> [www.foresight.gov.uk/OurWork/ActiveProjects/Obesity/Obesity.asp](http://www.foresight.gov.uk/OurWork/ActiveProjects/Obesity/Obesity.asp)

<sup>24</sup> The cost of cardiovascular disease to the UK economy was £30.7 billion in 2006 (via health care costs, informal care costs and productivity losses) (Based on a study funded by the European Heart Network: ([www.heartstats.org/atozpage.asp?id=2119](http://www.heartstats.org/atozpage.asp?id=2119))). The Westminster Government's White Paper in 2005 (*Choosing a Better Diet: A Food and Health Action Plan*) also suggested that 60% of premature mortality is attributable to diet related illness such as CVD.

<sup>25</sup> This was detailed in research published in the Journal of Epidemiology and Community Health Trends in the Prevalence and incidence of diabetes in the UK 1996-2005, EL. Masso Gonzalez, S. Johanson, MA. Wallander, LA Garcia Rodrequez

<sup>26</sup> [www.cancerresearch.org](http://www.cancerresearch.org)

<sup>27</sup> Foresight Report 2007 – costs estimated in 2007 prices

<sup>28</sup> The Achenson Inquiry (1998) into Inequalities in Health ([www.archive.official-documents.co.uk/document/doh/ih/ih.htm](http://www.archive.official-documents.co.uk/document/doh/ih/ih.htm))

<sup>29</sup> The Moser Report (1999) ([www.literacytrust.org.uk/socialinclusion/adults/moser.html](http://www.literacytrust.org.uk/socialinclusion/adults/moser.html)) underlined the issue of poor literacy and numeracy among certain SEGs noting and found that that 7 million adults in England (ie 1 in 5 adults) have lower literacy than that expected of an 11 year old child. The Agency's research in 2007 ([www.food.gov.uk/science/dietarysurveys/lidnsbranch](http://www.food.gov.uk/science/dietarysurveys/lidnsbranch)) also found that men and women with low levels of educational achievement tended to have lower intakes of some nutrients compared with those with qualification at GCSE level (Grade A-C) or above.

<sup>30</sup> <http://www.food.gov.uk/foodlabelling/signposting/signpostlabelresearch>

<sup>31</sup> Food Standards Agency. *National Diet and Nutrition Survey: An assessment of dietary sodium levels among adults (aged 19-64) in the UK general population in, based on analysis of dietary sodium in 24 hour urine samples.*

- is a significant risk factor in developing high blood pressure<sup>33</sup> and cardiovascular disease (the main components of which are coronary heart disease (CHD) and stroke). High blood pressure is an important contributory factor to the estimated 150,000 deaths in the UK from stroke and CHD each year (2006)<sup>34</sup>. People with high blood pressure are three times more likely to develop heart disease or have a stroke than people with normal blood pressure. They are twice as likely to die from these diseases. It is estimated that around 30% of all adults in England have high blood pressure<sup>35</sup> whilst the number is 33% for Scotland<sup>36</sup>.
8. High intakes of saturated fat are associated with raised blood cholesterol levels which is a major risk factor for CHD. Current intakes are around 13% of food energy intake compared to the recommended level of 11% energy intake. It has been previously estimated that a reduction in the average saturated fat level to the recommended levels would result in 3,500 less deaths per annum, saving the UK economy about £1bn a year. Fats and sugars are significant contributors of calories in the diet. This has implications for obesity particularly where consumption of an excessive energy intake is not matched with an appropriate level of energy output.
  9. These diet-related illnesses have a disproportionate impact on lower socioeconomic groups. The Health Profile of England 2006 report<sup>37</sup> found that men in the lowest household income groups had higher rates of CVD than those in higher income groups. Large socio-economic inequalities also exist in Scotland in relation to the prevalence of chronic disease<sup>38</sup> for example, mortality rate in the under 75s from CHD is nearly 2.4 times higher for males and nearly 3 times higher for females and the mortality rate from cancer is 1.7 times higher for males and 1.4 times higher in females in deprived areas compared to more affluent areas<sup>39</sup>. Similarly the CMO Wales Annual Report 2007 noted 'A clear gradient of health between those in the least deprived and those in the most deprived parts of Wales,' as well as a direct link between socio-economic deprivation and death rates with the highest death rates generally found in the areas of highest deprivation<sup>40</sup>. A study on diabetes<sup>41</sup> found that those in the most deprived areas of the UK are 2.5 times more likely to have type II diabetes. There are also significant inequalities in cancer incidence, mortality and survival<sup>42</sup>. The recent House of Commons Health Committee report on Health Inequalities (2008-09)<sup>43</sup> also expressed concern that health inequalities between social classes had widened over the past decade (an increase of 4% amongst men and 11% amongst women) noting that nutrition was one of the contributory factors.

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<sup>32</sup> Committee on Medical Aspects of Food and Nutrition Policy (COMA) and recently endorsed by its successor, the Scientific Advisory Committee on Nutrition (SACN)

<sup>33</sup> The Agency's Annual Report of the Chief Scientist 2006/7 identifies high blood pressure as a contributory factor in the estimated 160k deaths from stroke and CHD each year (2005). The main components of CVD are CHD and stroke

<sup>34</sup> ICD I20-I25 and I60-I69, <http://www.statistics.gov.uk/statbase/Product.asp?vlnk=14409>

<sup>35</sup> Health Survey for England Trends 2007 <http://www.ic.nhs.uk/statistics-and-data-collections/health-and-lifestyles-related-surveys/health-survey-for-england/health-survey-for-england-2007-latest-trends-%5Bns%5D>

<sup>36</sup> [www.scotpho.org.uk/home/clinicalriskfactors/highbloodpressure/data/highbloodpressure\\_prevalance.asp](http://www.scotpho.org.uk/home/clinicalriskfactors/highbloodpressure/data/highbloodpressure_prevalance.asp)

<sup>37</sup> A report on CVD risk factors for adults, obesity and risk factors for children ([www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4139556](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4139556))

<sup>38</sup> (Scottish Government's Task Force on tackling inequalities: Equally Well Report of the Ministerial Task Force on Health Inequalities, June 2008 ([www.scotland.gov.uk/Publications/2008/06/09160103/0](http://www.scotland.gov.uk/Publications/2008/06/09160103/0)). There is evidence that those from the most deprived areas more frequently consume foods high in fat, salt and/or sugar (Scottish Health Survey 2003, ([www.scotland.gov.uk/Publications/2005/11/25145024/50251](http://www.scotland.gov.uk/Publications/2005/11/25145024/50251))), Survey of Sugar Intake in Children in Scotland 2008, ([www.food.gov.uk/scotland/scotnut/scotsug](http://www.food.gov.uk/scotland/scotnut/scotsug)))

<sup>39</sup> [www.scotland.gov.uk/resource/doc/47171/0013513.pdf](http://www.scotland.gov.uk/resource/doc/47171/0013513.pdf)

<sup>40</sup> Published by the Welsh Assembly Govt, November 2008, ISBN 978 0 7504 49786

<sup>41</sup> Diabetes and the Disadvantaged, Reducing Health Inequalities in the UK Nov 2006, A report by the All Parliamentary Group for Diabetes UK ([www.diabetes.org.uk/Documents/Reports/Diabetes\\_disadvantaged\\_Nov2006.pdf](http://www.diabetes.org.uk/Documents/Reports/Diabetes_disadvantaged_Nov2006.pdf))

<sup>42</sup> [www.cancerresearch.org](http://www.cancerresearch.org)

<sup>43</sup> <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhealth/286/28602.htm>

10. Government efforts to address these health issues<sup>44</sup> must therefore take account of the needs and abilities of all consumers – especially those who are disproportionately affected by diet-related illnesses so that they are not unduly disadvantaged.
11. As part of its response to the public health issues noted above the Westminster Government has set out a broad strategy to tackle obesity. This included its 2004 Choosing Health White Paper<sup>45</sup>, the 2008 Healthy Weight Healthy Lives cross-government strategy<sup>46</sup> and most recently the Healthy Weight Healthy Lives One Year On Report<sup>47</sup>. In Wales it is intended these issues will be addressed by the Welsh Assembly Government's Public Health Strategic Framework 'A Healthy Future'. The issue of obesity was also addressed in the Scottish Government's action plan to improve diet, increase physical activity and tackle obesity, *Healthy Eating, Active Living*, the Welsh Assembly in their *Quality of Food for All* strategy and in the Northern Ireland *Fit Future* health strategy.
12. Industry has also acknowledged that the challenge posed by obesity and other diet-related illnesses is a public health priority. They have made considerable efforts to address this through reformulation work; the introduction of FOP labels; and promoting healthy eating messages. This is very welcome. It provides a good basis for future success and ensuring that FOP labelling plays its role as effectively as possible, as identified by the independent research.

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<sup>44</sup> There are similar health issues in the Devolved Administrations eg as noted in the Scottish Health Survey (2003) ([www.scotland.gov.uk/Publications/2005/11/25145024/50251](http://www.scotland.gov.uk/Publications/2005/11/25145024/50251)) and the Chief Medical Officer for Wales Annual Report 2006 (<http://wales.gov.uk/dphhp/publication/cmo/reports/report2006/cmreport2006?lang=en>)

<sup>45</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4094550](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4094550)

<sup>46</sup> Healthy Weight, Healthy Lives: A Cross Government Strategy for England, [www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_082378](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_082378)

<sup>47</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/DH\\_097523](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/DH_097523)

## Annex B

### Executive Summary from the Independent Research<sup>48</sup>

#### **How front of pack (FOP) labels are understood and used by shoppers; Key messages from the research**

This summary is aimed at the non-technical reader; more detailed summaries are provided at the beginning of each chapter.

This is the most comprehensive and robust evaluation of FOP nutrition signpost labelling published to date. It provides information on how FOP labels are used by shoppers in a retail environment; the extent to which they are accurately interpreted and the impact of the co-existence of the current range of FOP labels on comprehension.

#### **Overall aim**

This aim of this research was to establish which FOP labelling scheme(s), or which combination of elements of schemes, best facilitate the accurate interpretation of key nutritional information by consumers such that they are enabled to make informed choices about the foods they purchase.

The research addressed three key questions:

1. How well do individual signpost schemes (or elements of the schemes) enable consumers to correctly interpret levels of key nutrients?
2. How do consumers use FOP labels in real life contexts in the retail environment and at home?
3. How does the coexistence of a range of FOP label formats affect accurate interpretation of FOP labels?

#### **Comprehension of FOP labels**

- Levels of comprehension of different FOP labels are generally high (ranging from 58% to 71% when looking at labels on single products<sup>49</sup>), but two labels achieved the highest levels of comprehension overall:
  - One is a label combining text (the words high, medium, low), traffic light colours and % Guideline Daily Amount (GDA) (70%). This is also one of the top two preferred labels.
  - The other is a label combining text and traffic light colours (71%).
  - Whilst these two labels do not differ in overall level of comprehension, the inclusion of %GDA does influence shoppers' ability to understand the level of nutrients in a product, so the label combining text, traffic light colours and %GDA is the single strongest label overall.
- Some shoppers do use energy (calories) to decide how healthy a product is but the inclusion of energy has no effect on comprehension.
- Older adults (over 65), people with lower levels of educational attainment and those from social classes C2, D and E are less likely to be able to accurately interpret FOP labels. The research also suggests that certain minority ethnic groups have difficulty interpreting them, (though because of the sample size, this finding is indicative rather than substantive).

<sup>48</sup> <http://www.food.gov.uk/foodlabelling/signposting/signpostevaluation/pmpanel/>

<sup>49</sup> Combined figures from two separate comprehension tests looking at single products



- Expressed preference alone for particular labels is not a reliable indication of ability to comprehend. The 'wheel' format of the traffic light label was one of the weakest in performance in the comprehension tests despite being one of the top two preferred labels.

### **Use of FOP labels**

- Self-reported use of FOP labels is higher than would be concluded from observing what people actually do when they are shopping, suggesting a degree of 'over claiming'.
- FOP labels are valued by those shoppers who use them, but they compete with a range of other factors when purchasing decisions are being made.
- Other factors influencing purchasing decisions include other information on the product pack, such as labels indicating the product is part of a 'healthy' range, that it is organic or the look of the product itself. Shoppers are also influenced by factors such as price; brand loyalty ('I always buy product x '), and whether the item is considered to be a 'treat' or a staple.
- Though some people said FOP labels were hard to see on product packaging (especially when FOP labels used pale colours), shoppers who notice them make conscious and usually considered decisions about whether to use FOP labels. Shoppers are most likely to use them when buying a product for the first time; when comparing between different products; when shopping for children; when they are trying to control intake of certain nutrients (e.g. fat or salt), usually in relation to a health issue, such as a heart condition, or when they are trying to lose weight. Though those who have an interest in healthy eating are generally more frequent users of FOP labels, they do not always use them if they are confident in their knowledge of what is healthy. Conversely, those who are not interested in healthy eating tend not to use them and some avoid them because they perceive FOP labelling as an unwelcome attempt to control their behaviour.
- FOP labels are more likely to be used in the retail environment than in the home.

### **Effects of the coexistence of a range of FOP label formats**

- The existence of a range of FOP labels in the market place creates considerable *difficulty in comprehension* for shoppers. In addition, some shoppers observe that comparing products with different label formats is too difficult, frustrating, annoying or just takes too long.
- Different use of colour on the different labelling schemes causes confusion for some shoppers in the retail environment. Some do not realise that the colour (red/green/amber) in the traffic light scheme has meaning. Conversely, some think that the colour used in %GDA schemes has actual meaning. They interpret the cool colours (blue or green) used on monochrome schemes and the nutrient specific %GDA scheme as indicating that the product is healthy (monochrome schemes) or that products are low in nutrients in cool colours (nutrient specific %GDA scheme).

### **Conclusions**

- The main conclusion from the research is that, although levels of comprehension are generally high for all FOP labels, the presence of multiple label formats in the marketplace causes difficulties for shoppers. This suggests that standardising to just one label format would enhance use and comprehension of FOP labels. Overall the balance of evidence from the research favours the inclusion of %GDA, and shows the strongest FOP labels are those which combine text (high, medium, low), traffic light colours and %GDA information.

- Shoppers who use FOP labels value them, but FOP labels will always compete with other factors when shoppers are making purchasing decisions; these decisions are likely to be perfectly considered and are probably not susceptible to influence. However, there is clear evidence that some groups are less likely than others to use and understand FOP labels and there may be scope for increasing both comprehension and use (for certain purchasing decisions), among at least some of these groups.
- The generally high levels of comprehension, even among those who do not currently use FOP labels, provides a good starting point from which to address barriers to FOP label use.

## Annex C

### Analysis of Estimated Re-labelling Costs Associated with Applying Some Form of FOP Labelling

1. At present a total of 128 retailers and manufacturers use some form of FOP labelling. Of these 46<sup>50</sup> use traffic light colour coding, one uses pastel nutrient specific colours (with %GDA information), and the remaining 81 use a monochrome %GDA label. It is estimated that around 28,000 products have some form of FOP labelling on them. The vast majority are featured on packaging that uses colours. Some retailer own-brand products use two colours in the packaging design, in other cases they also feature a traffic light colour coded FOP label. For the purposes of this IA therefore it is assumed that all products use colour packaging.
2. Adopting a FOP scheme and its related technical criteria (for the first time or adopting a different scheme to one currently being used by a business) will, in general, result in incremental cost if this is conducted outside normal business labelling cycles, is undertaken when there are no other reasons to re-label, or if an existing label does not currently include any colours<sup>51</sup> (e.g. on some 'value' brands) and the business decides voluntarily to adopt an integrated approach.
3. Re-labelling costs vary depending on packaging media (as noted in Annex D). Data from a number of retailers and manufacturers suggests that these costs can range from £1,000 per Stock Keeping Unit (SKU) to £10,000 per SKU<sup>52</sup> (in the case of drinks cartons). However, on average the figure is likely to be closer to the lower end of this range for the vast majority of foods.
4. Re-labelling cost could theoretically be greatest where businesses decide to amend the FOP label type to bring it in line with an integrated FOP label. However these could be mitigated as businesses would normally adopt such changes within the normal re-labelling cycle, on a category by category basis (ie phased implementation over a number of years). The expectation would be that within three years most of the businesses currently using the Agency's recommended approach and those businesses using other FOP labels would have adopted an integrated FOP labelling approach in line with the revised technical guidance.
5. It would be comparatively simpler and quicker for those who have been following the Agency's current recommended approach to FOP labelling to make the adjustments outlined in option 2 as the changes are relatively minor. They would not result in costs associated with sourcing information to make the changes, although there may be some costs in revising IT systems to ensure that the required information is flagged up for FOP labelling purposes. Those businesses that decide to change from using %GDA FOP labelling to an integrated label would incur some technical assessment costs to set up software to determine the traffic light element for their labels.
6. We anticipate that some business may not opt to make the changes over the next three years, although others may make commitments to do so. Some may begin to roll out an integrated label within one year of Government agreeing the detail of an integrated FOP label approach. If the pace of adoption is similar to the last three years we would expect that over the next 3 years the guidance on an integrated FOP label will be applied to at least 9,000 products with others following in due course in line with their normal re-labelling cycles.
7. If all products with traffic light FOP labelling were to begin carrying an integrated label **outside** of the normal business cycle then the estimated re-labelling costs might be in the order of some £10m. However in reality, **costs would be expected to be considerably less** as it is unlikely that business would seek to make changes outside of their normal re-labelling cycles. A voluntary approach affords greater flexibility for business and enables

<sup>50</sup> There have been an additional TL adopters since this IA has been drafted.

<sup>51</sup> ie any of the colours currently used in schemes in the UK.

<sup>52</sup> These include design and plate costs (see Annex E).

them to decide how and when changes could be aligned with other planned activities such as recipe changes or other legislative and/or commercial drivers for re-labelling and repackaging. This has the added advantage that it allows businesses to use up existing packaging and product stock already labelled.

**Question 10:**

***We would welcome industry's views on the basis of the assessment for re-labelling costs for industry including (a) the estimated number of products that would have switched to the single integrated FOP label over the next three years outside normal re-labelling cycles in line with the Agency's revised technical guidance and (b) any estimates of one-off costs outside pure 're-labelling costs' e.g. IT set up costs).***

8. There may also be costs passed on to SMEs via the supply chain if they decided to change labels to meet retailer requirements – whether or not the SME absorbs that cost or it is passed on to the retailer depends on their relative market power, which will vary for each individual company and on a product basis. The number of SMEs that may be affected is not clear and we have not been able to assess this in discussions with industry.

**Question 11:**

***We would welcome SME views on potential costs that may arise as a result of complying with such requests from retailers including re-labelling costs and number of products affected.***

**Costs of having two labels** (one for the UK and one for other EU countries the business supplies to).

9. Some trade associations have identified that a potential additional cost may arise if different approaches to FOP labelling emerge in the UK and EU. This would only materialise once the EU FIR is agreed and if its requirements were found to conflict with the UK approach to FOP labelling. There is no way of predicting whether this situation will materialise or not. Even if it did costs would be mitigated by the fact that the Regulation is unlikely to be agreed before 2010 and would include a transition period in the order of 3-5 years. No information or evidence on the extent of these potential costs has been identified.

**Question 12:**

***We welcome views on this cost and the likelihood of the above event arising.***

**Implementation costs**

One-off implementation costs associated with any change in FOP labelling will be in addition to the label costs estimated above.

**Question 13: What type of implementation costs do we need to consider?**

**Question 14. How long (in hours) would Option 2 take to implement?**

**Product Analysis**

10. Where a business does not already provide back of pack information for the relevant nutrients then they may incur product analysis costs (estimated at £60 per sample on average) if they choose to adopt FOP labelling. This could be a cost that SMEs may have to absorb if they do not provide any nutritional information and are required to adopt FOP labelling to meet retailer requirements, but no estimates are available of how many SMEs would be affected. However, we do not anticipate product analysis costs to be a significant cost that is likely to be incurred over the next 5 years as nutritional information is already provided on the back of pack for over 80% of the products in the UK. Therefore we have not included any estimate for product analysis costs.

**Question 15:**

***We welcome views on product analysis costs and on costs that may arise for SMEs that currently have no nutritional information for fat, saturates, salt and sugar on their products. We would also like to better understand how SMEs calculate nutritional information***

## Annex D

### Industry Costs

#### Industry affected

Food and drink retailing contributed £21.3bn, 27% to the gross value added of the UK agricultural and food sector (2006).<sup>53</sup>

#### Businesses affected

Currently, there are known to be 131 businesses using front of pack (FOP) nutritional labelling. This is summarised in the table below:

*Table 1: All known businesses currently using FOP nutritional labelling by scheme<sup>54</sup>*

	All FOP business	Of which: %GDA	Of which: TL
Total	128	82	46
Of which manufacturers	107	76	31
Of which retailers	13	5	8
Of which caterers and other	8	1	7

*Note: GDA denotes any FOP currently expressing nutritional front of pack information for the 4 key nutrients by GDA percentage without colour coding. TL (Traffic Lights) denotes any system that displays colour coding on the key nutrients either with or without %GDA.*

Amongst the 46 current adopters using TL colour coding there is a large degree of variability on the amount of additional information and formats as is summarised below:

*Table 2: Format and additional information of TL businesses<sup>55</sup>*

	All TL adopters	with %GDA	with H/M/L text	Calories		
				All	Not coloured	Colour coded
Total	46	8	22	16	12	4
Of which manufacturers	31	5	16	8	8	0
Of which retailers	8	3	3	6	2	4
Of which caterers and other	7	0	3	2	2	0

*Figures are based on information collected at the time the IA was drafted and are subject to change.*

#### Number of products affected

In order to understand the actual impact of any change in FSA policy, it is necessary to estimate the number of products (stock keeping units) that will be affected. For some firms this will be all their products, while for others it may only be a proportion of their product portfolio.

As part of the consultation process the FSA organised workshops with businesses and sent out questionnaires with the help of the FDF (Food and Drink Federation) to probe further issues around FOP labelling, including product coverage.

<sup>53</sup> DEFRA Food statistics pocketbook 2008

<sup>54</sup> Note: Figures were based on information gathered at the time of original drafting and are subject to change.

<sup>55</sup> Note: Figures were based on information gathered at the time of original drafting and are subject to change. Where scheme format was unknown a business has been counted in all known adopters but not in the other columns

The information from the questionnaire is summarised below and indicates the minimum number of products affected, estimates and includes over 500 Stock Keeping Units (SKUs) from anonymised responses.

*Table 3: Results from workshops and questionnaires (rounded to nearest 100)*

	All		GDA		TL	
	Businesses	FOP SKUs	Businesses	FOP SKUs	Businesses	FOP SKUs
Businesses	25	18300	15	9800	10	8500
Of which manufacturers	16	3800	13	3800	3	100
Of which retailers	9	14500	2	6000	7	8500
Of which caterers and other	-	-	-	-	-	-

The workshops and questionnaires represent approximately 20% of all known businesses currently using FOP. It is therefore, necessary to up-rate these figures to account for the 80% of FOP using businesses that were not covered by the workshops and questionnaires. The figures derived are only estimates and are sensitive to a number of assumptions made which are detailed, along with the methodology, in Annex F.

**Question16:**

***The FSA welcomes any further information on number of SKUs affected by FOP from current adopters, particularly those who have not participated in the workshops or completed the Agency's data questionnaire.***

*Table 4: Estimated number of products currently using FOP (rounded to nearest 100)*

	Total		Retailers		Manufacturers	
	Lower Bound	Upper Bound	Lower Bound	Upper Bound	Lower Bound	Upper Bound
TL SKUs	8,500	9,100	8,500		100	700
% of TNS	13%	14%	13%	0%	0%	1%
GDA SKUs	9,800	18,900	6,000	7,300	3,800	11,700
% of TNS	15%	28%	9%	11%	6%	17%

The upper bound here does not represent the absolute maximum possible. Rather it is the largest amount in our estimated range derived using workshop data combined with TNS sales data. The lower bound is the minimum number of products that are currently using FOP, assuming that the workshop and questionnaire data are accurate from Table 3.

Using this information and noting the above caveats, it is possible to estimate how many products will be affected by the policy changes.

**Estimated number of businesses and products affected if all current TL adopters switched to an integrated approach.**

*Table 5: Number of businesses affected by Option 2*

Aspects of Option 2	All	All info	No text	Colour calories	no calories (non-coloured)	
					No GDA %	
Individual change	46	40	24	4	34	38
Cumulative	0	0	24	26	40	40

There was no information for 6 of the current TL adopters FOP format, so all adopters known would have to change their format to adhere to the new principles.

*Table 6: Estimated number of products affected by Option 2 (rounded to nearest 100)*

Aspects of Option 2	All skus	No text	Colour calories	no calories (non-coloured)	No GDA %
Individual change	9100	6700	8400	7000	7200
Cumulative	0	6700	7700	9000	9100

The total cost of re-labelling to businesses affected by Option 2 would be approximately £10m if all products were re-labelled outside of the normal business cycle. This is derived by taking the labelling cost estimates in Annex E for retailers and manufacturers (£1000 and £2100) respectively) and multiplying by the number of SKUs above (9,100). We would expect that where possible, firms would aim to re-label at the same time as normal re-labelling and reformulation cycles and so the total cost (subject to previous caveats) would be lower than the £10m estimated. (see Annex E: Labelling cycles section for further detail)

**Question 17:**

***We would welcome any comments on Annex D.***

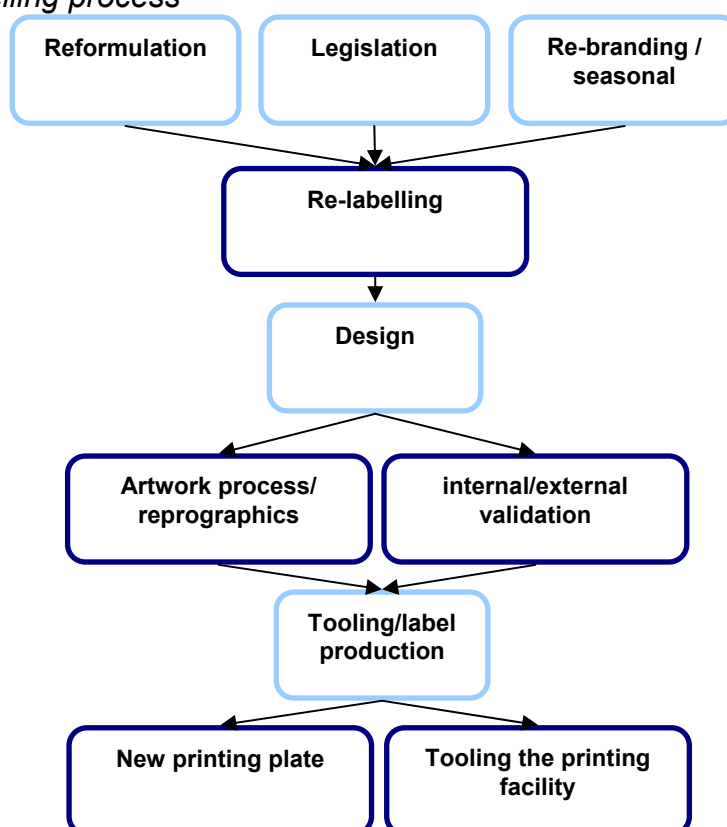


## Annex E Labelling

This section describes the labelling costs, average time between label changes and briefly the drivers for re-labelling. In order to understand better the re-labelling process and associated costs, we asked stakeholders a number of detailed questions about the key cost drivers due to labelling changes through both workshops and questionnaires.<sup>56</sup> The Agency is interested in the one-off costs of a labelling change and on-going costs only if legislation increases costs from standard business practise in labelling. A summary of the responses is given below.

### Drivers for re-labelling

*Summary of re-labelling process*



Re-formulation and re-labelling are often bundled together and it is difficult to disentangle the real drivers behind this process, as many other changes are 'piggy backed' on once the re-formulation/re-labelling process has been initiated. Some companies have review cycles and/or indicators, which initiate reviews (such as falling sales) of food products but the list below are the main factors considered when re-labelling/re-formulating:

- Reformulation is the main driver/cause of re-labelling, linked to - health agenda (driven either internally or voluntary targets such as the salt campaign), ingredient costs/seasonality and consumer preferences
- Legislation/regulation – normally absorbed into re-labelling/re-formulation cycles
- Re-branding
- Seasonal campaigns

### The labelling process

Labelling involves two key stages (as shown above) – the design (often company side) and tooling/label production (often out sourced):

1. Design, key cost components: Artwork process and reprographics
2. Printing, key cost components in re-tooling the printers for the label change: Change in plate or other printing medium and any other changes to the printing facility

<sup>56</sup> Questionnaires were administered through the Food and Drink Federation

## Labelling Costs

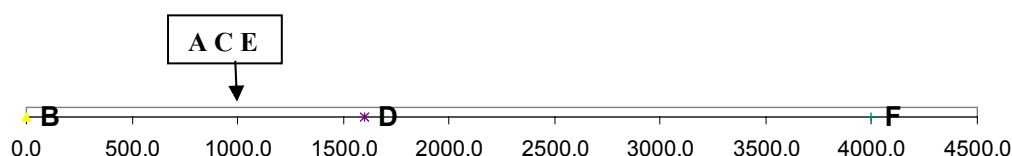
### Total costs for re-labelling:

The diagrams below illustrate the information on re-labelling costs obtained through the stakeholder workshops. Manufacturers labelling costs vary more widely than for retailers, though this may be due to the levelling affect of a greater number of products for retailers. The difference in ranges amongst manufacturers reflects the sensitivity of price to the different factors outlined above.

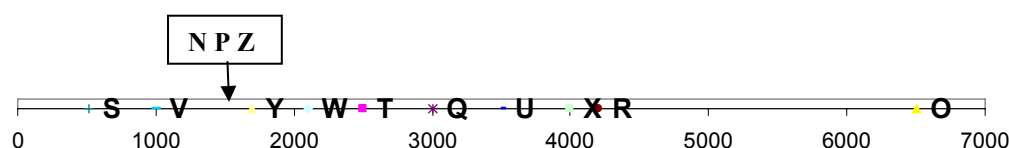
### Note:

- Diagrams are used to show variability of costs without identifying individual firms to ensure that information is anonymised as far as possible.
- All costs are given in '000s of pounds. Zero costs represent:
  - Products which did not exhibit such costs; or
  - Where cost estimates were not provided.
- The letters in the diagrams below refer to companies (that provided data). Where more than one company provided the same figures, they have been grouped together in the boxes above the diagrams.

### Retailers



### Manufacturers



### SMEs

SME re-labelling cost estimates ranged between £1,000 and £1,500.

Taking the median from the retailers and manufacturers results gives an estimated cost of re-labelling per SKU of £1,000 for retailers and £2,100 for manufacturers. The median is taken because the sample size was quite limited and any outliers from the surveys would skew the average. Although, given the cost estimates from the SME workshop, the one-off cost of re-labelling may be overstated.

Taking the mode from the retailers and manufacturers results would give estimated costs of re-labelling at £1,000 and £1,500 respectively. This would appear to be a more accurate representation of labelling costs given the SME responses.

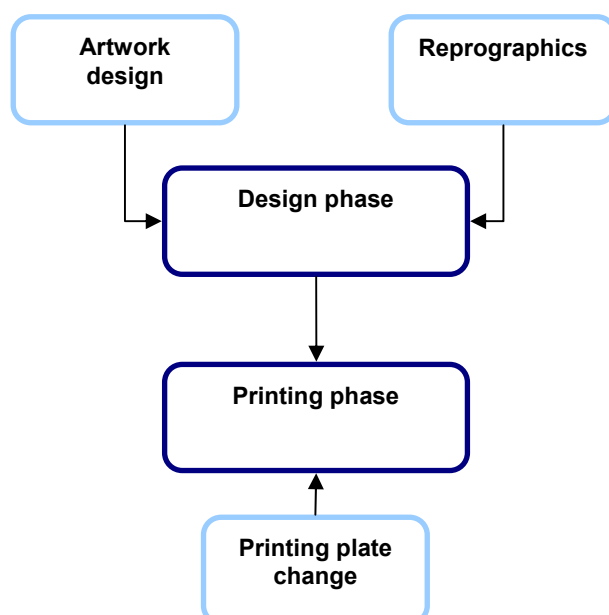
### Question 18:

**Which of the two cost ranges given above for retailers and manufacturers do you think is more accurate?**

These costs will only be attributable to a legislative change if the change has to occur outside of normal labelling cycles (see below) and if other labelling changes occur at the same time (see above) the full cost cannot all be due to a legislative change.

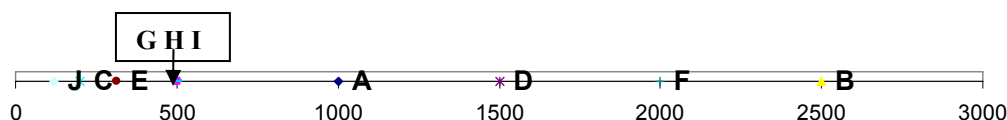
### Key cost components of labelling changes

Below is a summary of all the responses for the various main components of labelling costs, indicating again a large range in costs:

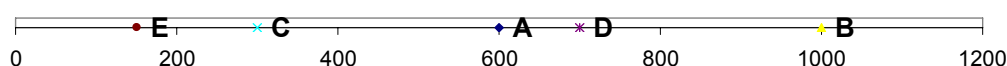


Note: all cost ranges are given per SKU. Where letters are repeated below this does not indicate the same company giving information.

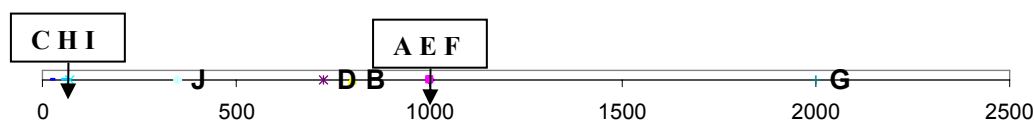
### Design costs



### Reprographics



### Change in print medium (plate, cylinder)



### Other factors that would increase/decrease labelling costs

- The media the label is printed on. The more complicated the packaging (for example flex printing) the greater the cost in label change.
- Consumer testing Consumer panels to test label designs will add significant costs to the process.

### Possible on-going costs of FOP

- Colours: The greater the number of colours used on the label, the greater the cost. For some types of packaging there is a maximum number of colours that can be used eg on drinks cans there is a maximum of six colours that can be used. For labels (eg paper

labels) that are produced using lithoprinting techniques then the cost of colour printing can be capped at four colours. This could be a possible on-going cost for TL adopters.

- **Change in size:** There may be costs in increasing packaging size to accommodate FOP. The use of FOP also represents an opportunity cost for firms who could use the space for other communications designed at increasing sales.

### Write-off costs

Depending on the amount of packaging or labelling stock (labels printed but not yet added to food products), a necessary labelling change with a short lead-in time could incur large costs through wastage. Based on consultations with industry, the longest period of time expressed was 2 years worth of stock. This does not mean every product would comply with mandatory legislation within 2 years but there would not be label wastage if all *new* labels were required to be within a certain format. This would not include the cost of re-labelling outside of a normal business cycle.

### Labelling cycles

In previous Impact Assessments, a 2 year labelling cycle amongst large retailers and 5 year cycle amongst SMEs was assumed. There are often internal processes in place to review products and the need to reformulate, which can have a cyclical time-frame. However, the figures given below were estimates for the average time between the re-labelling of a product and do not represent rigid time frames but rather average times between re-labelling. They illustrate that re-labelling times are also determined by the type of food product.

### *FOP food categories*

**Note:** All times are given in years along the diagrams.

- If a range was given the mid-point within the range is the number displayed on the charts, but the highest point will be taken when recording the 'upper bound' for the range (given below the diagrams)
- Where there were only two responses from manufacturers, only the upper and lower limit are given rather than a chart illustrating the ranges.

### Sandwiches, wraps, filled baguettes and similar products



Lower = 6 months or 0.5 a year

Upper = 2 years

### Prepared or ready meals (hot/cold)

#### *Retailers*



Lower = 6 months or 0.5 a year

Upper = 2 years

*Manufacturers*

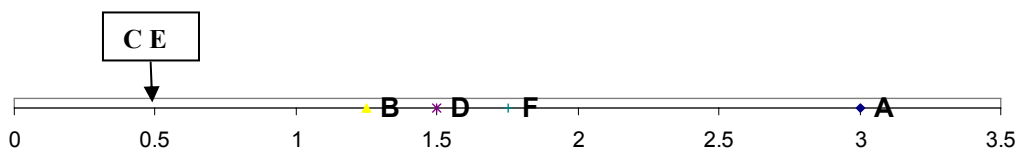


Lower = 1 year

Upper = 2 years

*Burgers and Sausages*

*Retailers*



Lower = 6 months or 0.5 year

Upper = 3 years

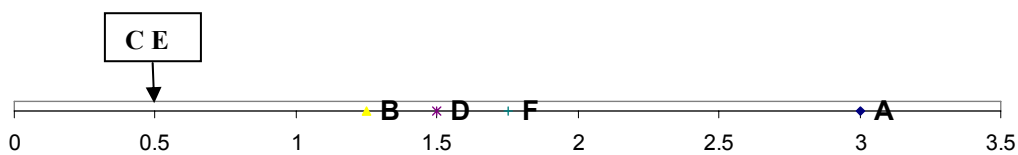
*Manufacturers*

Lower = 1 year

Upper = 1 year 6 months

*Pies, Pasties and quiches*

*Retailers*



Lower = 6 months or 0.5 year

Upper = 3 years

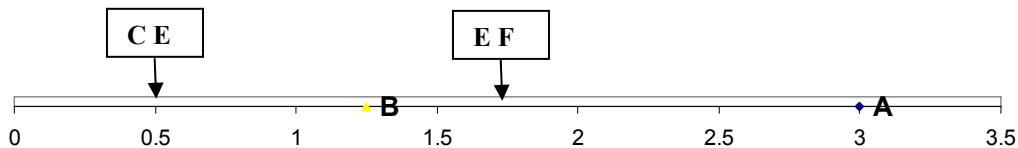
*Manufacturers*

Lower = 1 year

Upper = 1 year 6 months

Breaded or coated or formed meat, meat alternative, poultry, fish and similar products including those in sauces

Retailers



Lower = 6 months or 0.5 year  
Upper = 3 years

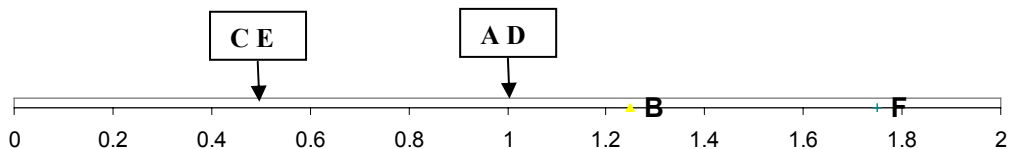
Manufacturers



Lower = 1 year  
Upper = 1 year 6 months

Pizzas

Retailers



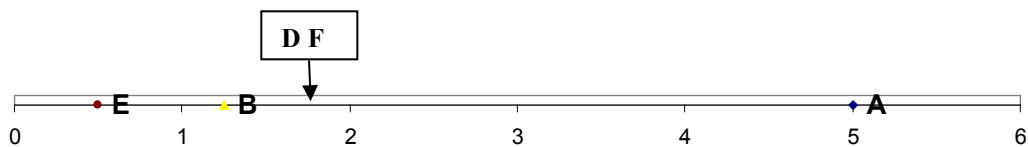
Lower = 6 months or 0.5 year  
Upper = 2 years

Manufacturers

Lower = 4 months  
Upper = 1 year 6 months

Breakfast Cereals

Retailers



Lower = 6 months or 0.5 year  
Upper = 5 years

Manufacturers

Lower = 1 year

Upper = 1 year 6 months

To summarise, amongst the categories above, a lead in time of 3 years would cover every category within expected re-labelling times except breakfast cereals where several companies only re-label approximately every 5 years.

*Other categories*

Ambient products, core brands and staple foods are likely to be labelled very infrequently, with anything up to 10 years (labelling cycles may span 20 – 40 years for some traditional SME products or where they relate to ingredient foods. However, some core brands, seasonal goods and chilled products can be re-labelled as frequently as twice a year.

## Annex F

### Methodology for Calculating Stock Keeping Units (Tables 4-6)

#### Notes

- The lower bounds here represent the data obtained from the FOP workshops and are therefore the minimum number of products that are currently using FOP, assuming that the workshop and questionnaire data are accurate.
- The upper bound here does not represent the absolute maximum possible. It is the largest amount taken from the derived estimates using workshop data combined with TNS sales data to account for the companies known to have FOP schemes but for which we do not have workshop information.
- The estimates for numbers of SKUs are given for retailers and manufacturers. Catering/other adopters were not included in the figures because there was insufficient data available.
- Retailers and manufacturers are treated separately because it is assumed the ratio between the total number of SKUs (as measured using TNS data) and SKUs using FOP (as measured by the questionnaires and workshops) will differ because of the different product portfolios.
- The TNS data used has some categories of food missing or under-represented, such as sandwiches, which may therefore under-represent the number of products using FOP or skew the ratios used between declared FOP products and all TNS food product SKUs
- The TNS data was the most comprehensive dataset available for SKU coverage (over 67,000 SKUs) which is under-representative of the total SKUs available on the UK market. This again means that estimates may be below real levels and percentages of FOP coverage may also be over-representative.

#### **Table 4: Estimated number of products currently using FOP**

##### Retailer approach

We received responses from 9 of the 12 FOP adopters within the retail sector, therefore the estimates for FOP coverage of products in retail is likely to be more accurate than the manufacturer estimates because of the higher response rate.

The number of declared SKUs from workshops is 14,485 products labelled with Front of Pack. To up-rate this for 3 missing retailers we assumed that the same ratio of declared FOP to TNS SKUs, which based on the responses gives approximately 49%. Multiplying the number of SKUs recorded in the TNS data by the ratio derived above for the three supermarkets gives 1,264. This is added to the declared number of FOP SKUs amongst GDA adopters from the workshop to give the upper bound, the lower bound as noted in the following table:

	TL SKUs	GDA SKUs L/B	U/B
FOP products	8469	6016	7280
% of TNS	13%	9%	11%

##### Manufacturer approach

The Agency only has data for 23% of all known adopters from the workshops and 44% of TNS data available. There is also only workshop data for 3 companies representing 10% of known adopters for TL. Therefore, there is a large range between the lower and upper bound number of SKUs amongst manufacturers.



Similarly to above, where the Agency had both information from the workshops and TNS, the total ratio between the two was derived. This gave a ratio of approximately 0.8 and would have given eventual figures of 1,116 for TL and 11,614 for GDA were the subsequent calculations followed through. However, in deriving the figures below, we used ratios specific to each scheme (0.48 for TL and 0.81 for GDA). Scheme specific ratios were used because the FDF recommendations for use of FOP (for which many of the known adopters of GDA are signed up to) cover more product categories than Agency guidelines.

The TNS data only covered a certain number of the manufacturers using FOP, so this total figure was up-rated to account for the missing data using the following formula:

Total SKUs TNS

(Businesses in TNS / all known adopters)

This was calculated for both TL and GDA, giving 1,395 and 14,515 respectively. These figures were then multiplied by the ratios derived above giving the upper bound figures summarised in the table below (the lower bound figures being the data from the workshops):

	TL SKUs		GDA SKUs	
	L/B	U/B	L/B	U/B
FOP products	55	667	3205	11667
% of TNS	0%	1%	5%	17%

#### **Table 6: Estimated number of products affected by Option 2**

The Agency has workshop information for 10 of the 40 adopters (for which it has information on the format of the FOP scheme, not including caterers/others), so it was necessary to estimate the number of FOP products for the 30 remaining companies. If there was TNS data available for the company this was multiplied by the ratio derived above for TL manufacturers (0.48) to give an estimate for number of products using FOP. Where there was neither workshop data nor TNS data, the number of FOP products per company was assumed to be 21.5. This was derived by taking the mean of all SKU data from TNS for TL manufacturers and multiplying it by 0.48.

#### **Question 19:**

***Do you agree with the approach taken above?***

#### **Question 20:**

***If your company uses FOP and you have not provided data either directly to the FSA or through FDF, but would like to, please contact us and we will provide you with the questionnaire***

## Annex G

### **Summary of questions included in the IA**

1. We would welcome industry views on the assumptions made on technical familiarisation costs and the degree to which this is separate from wider re-labelling costs.
2. How long would a business require to read and understand the revised guidance -assuming no change in length overall? (the current guidance can be found at [www.food.gov.uk/foodlabelling/signposting/technicalguide/](http://www.food.gov.uk/foodlabelling/signposting/technicalguide/))
3. Do you anticipate any specific familiarisation costs that may relate to additional criteria for foods recommended to be eaten in small portions? If so please provide information about these costs.
4. We do not expect changes in the salt thresholds to add significant costs for businesses and would welcome your views on this – particularly if there are any specific costs that need to be considered.
5. We welcome your views on the costs associated with extending the scope of foods for FOP labelling in addition to potential re-labelling costs.
6. We welcome feedback on the cost estimates of awareness raising for industry, NGOs and other consumer and public health organisations.
7. Are there any other benefits for industry arising from Option 2? If so, what are they and please quantify them.
8. We would welcome views on potential costs and benefits associated with option 3.
9. We would welcome views on assumptions made in assessing enforcement costs.
10. We would welcome industry's views on the basis of the assessment for re-labelling costs for industry including (a) the estimated number of products that would have switched to an integrated FOP label over the next three years outside normal re-labelling cycles in line with the Agency's revised technical guidance and (b) any estimates of one-off costs outside pure 're-labelling costs' e.g. IT set up costs).
11. We would welcome SME views on potential costs that may arise as a result of complying with such requests from retailers including re-labelling costs and number of products affected.
12. We welcome views on this cost and the likelihood of the above event arising.
13. What type of implementation costs do we need to consider?
14. How long (in hours) would Option 2 take to implement?
15. We welcome views on product analysis costs and on costs that may arise for SMEs that currently have no nutritional information for fat, saturates, salt and sugar on their products. We would also like to better understand how SMEs calculate nutritional information
16. The FSA welcomes any further information on number of SKUs affected by FOP from current adopters, particularly those who have not participated in the workshops or completed the Agency's data questionnaire.
17. We would welcome any comments on Annex D.
18. Which of the two cost [labelling] ranges given above for retailers and manufacturers do you think is more accurate?
19. Do you agree with the approach taken above [to estimate the number of products affected by option 2]?
20. If your company uses FOP labelling and you have not provided data either directly to the FSA or through FDF but would like to, please contact us and we will provide you with the questionnaire.

### List of consultation respondents

Organisation	Organisation Type	Abbreviation
3663	Food Service Supplier	3663
Aldi	Retailer	Aldi
Asda	Retailer	Asda
Association for the Study of Obesity	Research Organisation	ASO
Bernard Matthews	Manufacturer	Bernard Matthews
Boots	Retailer	Boots
British Dental Association	Trade Association	British Dental
British Dietetics Association		BDA
British Heart Foundation	NGO	BHF
British Nutrition Foundation	NGO	BNF
British Retail Consortium	Trade Association	BRC
British Soft Drinks Association	Trade Association	BSDA
Budgens/Londis	Retailer	Budgens/Londis
Burtens Foods	Manufacturer	Burtens
Cambridge Health and Weight Plan	Weight Management	CHWP
Cancer Research UK	NGO	Cancer Research UK
Consensus Action on Salt and Health	NGO	CASH
Central England Trading Standards Authorities	County Council	CEtSA
Chief Environmental Health Officers Group NI		CEHOG
Children's Food Campaign	NGO	CFC
Coca-Cola	Manufacturer	Coca-cola
Constellation Europe Limited	Distributor	CEL
Consumer Focus	NGO	Consumer Focus
Dairy UK	NGO	Dairy UK
Daisy Crest UK	Manufacturer	Dairy Crest
Danone Baby Nutrition	Manufacturer	Danone
Diabetes UK	NGO	Diabetes UK
East end foods	Manufacturer	East End Foods
East of England Trading Standards Association Limited	Trading Standards	East of England Trading Standards
Englyst Carbohydrates Ltd		Englyst
Faculty of Public Health	NGO	FPH
Food and Drink Federation	Trade Association	FDF
Fudges Dorset Village Bakery	Retailer	Fudges

<b>Organisation</b>	<b>Organisation Type</b>	<b>Abbreviation</b>
Gill Ward	member of the public	
Gin and Vodka Association	Trade Association	GVA
Glaxo SmithKline	Pharmaceutical/Manufacturer	GSK
Heart of Mersey	NGO	HoM
Hybu Cig Cymru	Trade Association	Hybu Cig Cymru
International Chewing Gum Association	Trade Association	ICGA
Infant and Dietetic Foods Association	Trade Association	IDFA
K Scott	member of the public	
Kellogg's	Manufacturer	Kellogg's
Kraft Foods	Manufacturer	Kraft
Local Authorities Co-ordinator of Regulatory Services	Local Authority	LACORS
Lighter Life	Weight Management	Lighter Life
Mars	Manufacturer	Mars
McCain	Manufacturer	McCain
Michael Hamilton	member of the public	
Morrisons	Retailer	Morrisons
Moy Park	Manufacturer	Moy Park
MRC Human Nutrition Research	Academic Institution	MRC
MySupermarket.com	Service Provider	My Supermarket
National Heart Forum	NGO	NHF
Nestle UK	Manufacturer	Nestle
New Covent Garden Food Company	Manufacturer	Covent Garden
NHS Scotland		NHS Scotland
Northern Ireland Food Advisory Committee	Food Advisory	NIFAC
Northern Foods	Manufacturer	Northern Foods
Northern Ireland Chest Heart and Stroke	NGO	NICHS
Pepsico	Manufacturer	Pepsico
Premier Foods	Manufacturer	Premier Foods
Provision Trade Federation	Trade Association	PTF
Quality Meat Scotland	Trade Association	QMS
Renfrewshire Council	Local Authority	Renfrewshire Council
Retailer	Wholesaler/Retailer	Retailer
Royal College of Midwives		RCM

<b>Organisation</b>	<b>Organisation Type</b>	<b>Abbreviation</b>
Royal College of Physicians		Royal College of Physicians
Royal Free Hospital Diabetes Management	Hospital	Royal Free Hospital
Royal Glamorgan Hospital	Hospital	Royal Glamorgan Hospital
Safe Food NI		Safe Food NI
Sainsbury's	Retailer	Sainsbury's
Saint Josephs University	University	Saint Josephs University
Scotch Whisky Association	Trade Association	SWA
Scottish Food Advisory Committee		SFAC
Scottish Food and Drink Federation	Trade Association	SFDF
Scottish Salmon Producers Association	Representative Association	SSPA
Shellfish Association of GB	Representative Association	SAGB
SI Metric Matters	Retailer	SI Metric Matters
Snack Nut and Crisp Manufacturers Association	Trade Association	SNACMA
Sugar Bureau	NGO	Sugar Bureau
Tanya May	member of the public	
Tate & Lyle	Manufacturer	Tate & Lyle
Tesco	Retailer	Tesco
The British Bee Keepers' Association	Trade Association	BBKA
The Dairy Council	Trade Association	Dairy Council
The Nutrition Society	NGO	NS
Trading Standards Institute	Enforcement	TSI
Unilever	Manufacturer	Unilever
University of Aberdeen, Public Health Nutrition Research Group	University	University of Aberdeen
University of Dundee	University	University of Dundee
Waitrose	Retailer	Waitrose
Which?	Consumer Association	Which?
WHOTS food group	Manufacturer	WHOTS
William Overington	Member of Public	
Wine & Spirit Trade Association	Trade Association	WSTA
Wrigley	Manufacturer	Wrigleys

## Stakeholder responses to the consultation on front of pack (FOP) nutrition labelling for pre-packed foods sold through retail outlets (practical issues).

<b>Scope of FOP labelling</b>			
The Agency would welcome views on the suggestion that FOP labelling should be applied to all pre-packed foods with a limited number of exemptions. It would also welcome views on which products should be exempted.			
<u>Question 1:</u> We welcome your views on the range of foods to which an integrated FOP label should be applied, including suggestions for a limited number of exemptions (para 20).			
General View	Respondent	Comments	FSA Response
All pre-packed foods should display FOP nutrition labelling	<p>WHOTS Food Group</p> <p>RCPH</p> <p>Faculty of Public Health</p> <p>Sainsbury's</p> <p>Safe Food</p> <p>HoM</p> <p>Diabetes UK</p> <p>Association for the Study of Obesity</p> <p>Northern Ireland Food Advisory Committee</p> <p>Tanya May (member of public)</p> <p>British Nutrition Foundation</p> <p>Kellogg's</p> <p>Trading Standards Institute</p> <p>McCain</p> <p>British Retail Consortium</p> <p>University of Aberdeen, Public Health Nutrition Research Group</p> <p>Chief Environmental Health Officers Group</p> <p>Coca-cola</p> <p>National Heart Forum</p> <p>Tesco</p>	<p>FOP labelling should be applied to as wide a range of foods as possible. The more products that carry consistent labelling, the greater awareness and understanding consumers will have and the greater their ability to use labels in a meaningful way.</p>	<p>Agree in principle.</p> <p>The FSA recognises that FOP nutrition labelling can be useful in helping consumers make healthier choices on a wider range of foods than currently recommended by the FSA, however there will be some products where there will be little added benefit for the consumer e.g. pre-packed fresh fruit and vegetables.</p>
FOP labelling should be applied to all pre-packed foods with limited exemptions	<p>Royal College of Midwives</p> <p>MySupermarket.com</p>	<p>FOP labelling should be applied to as many pre-packed foods as possible with only a limited number of exemptions. Different people look for nutrition information on different products and so it is important that it is standard.</p>	<p>Agree that FOP labelling should be applied to a wide range of pre-packed foods. The FSA recognises that some products with labels will be more beneficial to consumers than others.</p>
Exemptions are not	Tate and Lyle	Given that front-of-pack labelling is voluntary, we see no reason why	The FSA notes that consumers have queried

appropriate in a voluntary scheme	Premier Foods Food and Drink Federation Scottish Food and Drink Federation Fudges British Soft Drinks Association Sugar Bureau Snack Nut and Crisp Manufacturers Association British Heart Foundation NHS Scotland The Nutrition Society Nestle UK	exemptions should be necessary. Companies should be allowed to use the scheme on all products they feel are appropriate. A voluntary labelling scheme must be designed so that it can be used in all product categories.	the use of FOP nutrition labelling on certain foods and have requested that the FSA provides further guidance on this matter.
Suggested foods which should be exempt from FOP labelling	Children's Food Campaign Danone Baby Nutrition British Dietetics Association Infant and Dietetic Foods Association BDA Cambridge Health and Weight Plan Lighter Life BDA Danone Glaxo Smith Kline Pepsico	Foods for particular nutritional uses (PARNUTS foods) such as very low calorie diet foods, infant and weaning foods, sports foods and sports drinks.	Under the framework Directive 2009/39/EC, there are specific Directives with specific labelling requirements for parnuts foods including Medical foods, Infant formula and follow on formula, Very low gluten and gluten free foods, Energy restricted diet foods and Weaning foods  The labelling requirements for other parnuts products (i.e. very low calorie diets, sports foods) for which no specific Directive has been adopted are regulated by the general labelling requirements (Article 9) of Council Directive 2009/39/EC on foodstuffs intended for particular nutritional uses.
	Constellation Europe Limited Gin & Vodka Association Scotch Whisky Association  Royal Glamorgan Hospital Northern Foods MRC Human Nutrition Research Which? Gill Ward (member of public) FPH	Alcoholic beverages  Fruit and vegetables	Agree. FOP nutrition labelling is for use on family foods.  [1] The FSA considers that foods exempt from the requirement for mandatory nutrition labelling in the FIR proposal such as unprocessed or single ingredient foods, or those sold in small packages, would not require a FOP nutrition label.

	<p>Northern Foods CFC Which? Consumer Focus LACORS Diabetes UK</p> <p>Scottish Food Advisory Committee Dairy Council</p> <p>Retailer Premier Foods</p> <p>Dairy Crest Dairy UK Dairy Council</p> <p>British Bee Keepers Association International Chewing Gum Association Wrigleys</p> <p>Scottish Salmon Producers Association</p> <p>Kraft foods Burton's Foods</p> <p>East End Foods Morrisons Sainsbury's</p> <p>Bernard Matthews</p>	<p>Single ingredient foods (not specific)</p> <p>Unprocessed primary produce such as meat, fish, fruit and vegetables, and simple cereal based staples including rice, pasta and flour should be exempt from a FOP label.</p> <p>Suggested exemptions should be expanded to include the following:</p> <ul style="list-style-type: none"> <li>• Coffee and tea</li> <li>• Salt, Herbs and Spices</li> <li>• Cooking Oils (Vegetable and Olive Oils)</li> <li>• Condiments such as Vinegar and Mustard (difficult to define a serving and with mustard the 100g nutrition as meaningless)</li> <li>• Water, including flavoured water</li> </ul> <p>Would welcome exemptions for milk and some dairy produce (including cheese) as they make a very valuable contribution to a balanced diet.</p> <p>Honey Chewing gum</p> <p>Fish</p> <p>Seasonal products and gifts</p> <p>Foods sold in small packages</p> <p>Agree with the list of exemptions in the consultation document.</p>	<p>See response [1].</p> <p>See response [1].</p> <p>See response [1].</p> <p>The FSA also considers that FOP will provide little benefit on some other foods, such as those not eaten by themselves, and therefore believes that they should fall outside of the scope of FOP labelling.</p> <p>Whilst dairy products make a valuable contribution to a balanced diet, some dairy products contain high levels of fat, sugar and salt. Therefore the FSA does not agree that milk and dairy products should be exempt from FOP nutrition labelling.</p> <p>See response [1].</p> <p>See response [1].</p> <p>See Response [1].</p> <p>The FSA also considers that FOP will provide little benefit on some foods and therefore believes that they should fall outside of the scope of FOP labelling.</p> <p>See response [1].</p> <p>Noted.</p>
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FOP labelling for composite processed foods	British Dental BDA Dairy Crest Dairy UK Provision of Trade Federation	We believe it is sufficient that FOP labelling should be restricted to the current recommended food categories as these are typically products that may be high in fat, saturated fat, sugar and salt without the consumer necessarily realising this.	The FSA agrees that FOP nutrition labelling is most useful on composite processed foods, which are typically high in fat, sugar and salt, and which consumers find difficult to assess nutritionally. However, the FSA recognises that it will be useful in helping consumers make healthier choices on a wider range of foods than currently recommended by the FSA. The Citizens' Forums <sup>1</sup> found that respondents thought that it would be helpful for consumers if treats, such as chocolate and biscuits, carried FOP nutrition labelling.
Foods that make nutrition and health claims should have FOP labelling	British Dental	Any products for which special nutritional claims are made, e.g. "low fat", should also display clear information regarding the content of other ingredients that may be increased in compensation.	It is already a legal requirement to provide BOP nutrition information on products that make nutrition and health claims.
Children's products should have FOP labelling	British Dental CFC FPH	Clear FOP labelling is particularly important on products aimed at children.	FOP nutrition labelling is intended to be applied to family foods, not those that have been made specifically for children.
Loose foods should have on-shelf labelling	British Dental University of Aberdeen Diabetes UK Tanya May (member of public)	Shelf labelling should be used for loose/small items, where it is not feasible to provide a clear label on individual packaging.	Noted.
Concerns about suggested exemptions list in consultation document: <ul style="list-style-type: none"> <li>• Single ingredient foods</li> <li>• Fresh and minimally processed fruit and vegetables</li> <li>• Foods sold in</li> </ul>	British Dental LACORS WHOTS Consumer Focus Sainsbury's HoM RCM Diabetes UK SFAC Cancer Research UK University of Dundee Cancer Research UK	Exemptions for food categories such as cheese, bacon and hams would seem inappropriate given the variation in key nutrients of these products. Consumers should have FOP labelling to help make them aware of healthier choices within these categories.	Agree. The FIR proposal requires these products to display mandatory nutrition labelling.
		We would welcome further information about what would be included in the category entitled 'fresh and minimally processed fruits' and in	Noted.

<sup>1</sup> Add link to forum report when published

small packages		particular there needs to be a clear definition of 'minimally processed fruits'. Particular caution needs to be exercised around fruit juice drinks as these can sometimes contain high levels of sugar. There is clear evidence about the links between sugary drinks and obesity and it is because of this that we would welcome further information about the types of food which would be included in this category.	
Exemptions should be aligned with Food Information Regulation	University of Dundee Cancer Research UK	We fear that many readily available confectionary products (often energy dense and high in sugar and fat) would be likely to fall under the umbrella term "small surface area", denying the consumer of valuable nutrition information that could positively influence their purchase decision.	FIR discussions to agree the list of exemptions from the requirement for mandatory labelling information for small packages, whilst considering the need to provide nutrition information to consumers, are on-going.  The Citizens' Forums <sup>2</sup> found that respondents thought that it would be helpful for consumers if treats, such as chocolate and biscuits, carried FOP nutrition labelling.  Noted.
Exemptions should be aligned with Food Information Regulation	Dairy Crest	If the proposed Food Information Regulation will encompass additional categories for FOP labelling then the UK recommendations should be in line with it.	Noted.
<b>Inclusion of calories</b>			
The Agency recognises that consumers may find calorie information useful and therefore suggests that per portion calorie information should be included on FOP. It is suggested that calorie information should not include additional interpretive elements ('high/medium/low' text, traffic light colour coding or %GDA) and should be displayed on a neutral background (i.e. not using traffic light colours).			
<b>Question 2:</b> We welcome your views on the proposal for including calories in an integrated FOP label (paragraph 27), and that interpretive elements should not be included.			
General View	Respondent	Comments	FSA Response
Calories should be included on FOP nutrition labels	Fudges Sugar Bureau Kellogg's Which? East End Foods CEHOG BRC SWA FDF	The inclusion of calorie information on FOP is welcomed. Providing consumers with information on the calorie content of the foods that they consume is essential if we are to tackle excessive energy intakes.	Noted.

<sup>2</sup> Add link to forum report when published

Calories should be included on FOP labels without any interpretive elements.	<p>Diabetes UK ASO NIFAC Cancer Research UK HoM My Supermarket BNF Dairy Crest MRC SFAC TSI McCain NHS Scotland FPH Quality Meat Scotland CHWP Northern Ireland Chest Heart and Stroke</p>	Agree that calories should be included with no interpretive elements. Using a traffic light colour coding criteria where most products would fall into the medium (amber) category would not provide any benefit, and the GDA for energy does not apply to a broad range of consumers.	Noted.
Calories should be included without traffic light colours	<p>Royal Free Hospital Royal Glamorgan Hospital Budgens/Londis Central England Trading Standards Association Gill Ward (member of public) New Covent Garden Food Company BDA WHOTS Consumer Focus University of Aberdeen Safe Food Moy Park Hybu Cig Cymru NHF</p>	Calorie information should be provided on a neutral background. If nearly all products would be amber for calories, this would cause confusion for consumers.	Noted.
Calories should be included with	Retailer LACORS	It would be helpful for consumers to have an indication of the typical calorie % that the product portion contains so that they are able to help judge their daily	Noted.

<p>%GDA information</p>	<p>Tanya May (member of public) GSK Morrisons SNACMA Renfrewshire Council RCPH Pepsico Premier Foods Waitrose Nestle FDF SFDF Coca-cola Tate and Lyle Kraft Burton's Tesco</p>	<p>calorie intake. A majority of packs already contain this % so consumers would be used to it and may react if this was removed from the calorie segment of the FOP.</p>	
<p>Colour coding criteria that work for calories should be developed</p>	<p>University of Dundee NS Sainsbury's BRC Asda CFC</p>	<p>We support the Agency's move to include calories in FOP labelling, however we believe that calories should be colour coded in order to inform consumers whether the product is high, medium or low in calories.</p> <p>The argument used in the consultation for not supporting the colour coding of calories is the fact that the criteria laid down under the Claims Regulation for "low" will need to be used. This argument is inconsistent with the view included under the FSA guidance on nutrition and health claims which states that the colours are not claims. This needs to be clarified since we need a consistent approach.</p>	<p>Additional forms of expression (such as colour coding or interpretive text) form part of the overall nutrition declaration and not as nutrition claims. This is clarified in a recital in the Commission's proposal.</p>
<p>Not providing interpretive elements is a weakness of scheme</p>	<p>BSDA</p>	<p>The fact that the new hybrid scheme does not provide GDA information as a core principle could be taken as a weakness. In the interests of consistency, perhaps the approach taken for calories – without any interpretive elements – should be taken for all nutrient categories.</p>	<p>The independent research demonstrated that consumers benefit from interpretive elements on the four core nutrients as demonstrated by the independent research.</p>
<p>'Calorie' is an obsolete unit</p>	<p>SI Metric Matters</p>	<p>The calorie is an obsolete and unnecessary unit. It is a confusing and inaccurate unit which should be phased out without delay. If the energy value of the food/drink is to be shown it should be given in SI units (kJ). If the FSA remains reluctant to 'Shed Calories' and still wishes to retain this obsolete and unnecessary unit, then this</p>	<p>Noted. Schedule 7 of the Food Labelling Regulations 1996 require energy information to be provided in both kJ and kcal as part of the prescribed nutrition labelling</p>

Needs to be consistent with the provision of information in out of home settings. Colours should be voluntary	BHF	supplementary unit (the kilocalorie) must appear second and be less prominent. And if GDA values are shown these should also be in SI units, for example megajoules (MJ). The public should be encouraged to use kilojoules for food energy values.	requirements.
		Consumer research clearly indicates that calorie information is useful. If this information is to be provided but not required to be in the integrated model format, the FSA should seek to ensure that there is consistency with the proposed calorie labeling in out of home food settings. This would help to ensure some consistency in the information that consumers are receiving which should, in turn, support greater consumer awareness of nutritional information. The BHF also believes that calorie information using interpretative elements should be permitted where manufacturers and retailers choose to adopt this.	It is proposed that calorie information will be provided per portion, in line with the provision of calorie information in out of home settings.
<b>Criteria for small portions</b>			
<b>Question 3:</b> Should the Agency develop specific criteria for an integrated FOP label for foods recommended to be eaten in small portions, to be used alongside the per 100g criteria and specific criteria for large portions? If so what should these criteria be? Or could foods recommended to be eaten in small portions be dealt with in other ways?			
General View	Respondent	Comments	FSA Response
Welcome the development of criteria for foods sold in small portions	Dairy Crest NIFAC BBKA CEntSA Royal Free Hospital Asda NHS Scotland WHOTS Sainsbury's Waitrose Tesco	Welcome separate criteria for foods sold in small portions so that the colour coding helps indicate to the consumer the contribution of that product in the context of their overall diets.	Noted.
Do not welcome the development of criteria for small portions	ASO My Supermarket MRC Renfrewshire Council TSI Moy Park Which? RCPH East End Foods Consumer Focus Diabetes UK	We do not agree that additional portion size criteria be developed for products eaten in small amounts. We are of the view that consistently providing information per 100g allows consumers to compare products easily. Introducing different criteria for different products based on their portion size may be misleading.	Noted.

	<p>Safe Food</p> <p>BDA BHF CFC NHF HoM FPH Royal Glamorgan Hospital</p>		
	<p>Retailer Budgens/Londis Royal Free Hospital</p>	<p>For the sake of the confusion it may cause vs the benefits, we feel this should be left as it is.</p>	<p>Noted.</p>
	<p>University of Dundee</p>	<p>We feel it is important to highlight that during the nutrient profiling research – it was decided that foods eaten in small quantities should not be treated differently.</p>	<p>Noted.</p>
	<p>BNF</p>	<p>Rather than developing specific criteria, it might be best to consider other ways of dealing with small portions.</p>	<p>Noted.</p>
	<p>NS</p>	<p>If the evidence base from the FSA commissioned research is robust then there is no need to set different criteria for small or large portion sizes since this does not affect the consumers' ability to understand the information.</p>	<p>Noted.</p>
	<p>QMS</p>		
	<p>Diabetes UK</p>		
	<p>EETSA</p>	<p>The essence of all legislation is per 100g.</p>	<p>Noted.</p>
<p>Small portions can be dealt with another way</p>	<p>Coca-cola Premier Foods FDF SFDF Kellogg's SNACMA BSDA Tate and Lyle Burton's Nestle Morrison's Northern Foods University of Aberdeen</p>	<p>Portion size information is useful for consumers. Recommend using the GDA per portion approach, which allows for foods eaten in small portions to be represented appropriately.</p>	<p>Noted.</p>
	<p>LACORS NICHs</p>	<p>Portion size should be clearly stated on FOP labels.</p>	<p>Noted. [2] The FSA's FOP guidance on the provision of realistic portion size information will be reviewed and updated to ensure greater consistency in approach and</p>

				minimise the risk of the consumer being misled or confused about the information provided.
Labelling should take into account how food is consumed	GSK BSDA British Dental	A FOP nutrition labelling scheme that disregards the way in which food and drink is actually consumed will be substantially less useful than a scheme that takes this into account. Recent research by the IGD ("Portion Size: Understanding the Consumer Perspective", 2009) confirms that "Portion size information should, where possible, be provided for individual units or items of foods."		See response [2].
Legal issues	EETSA	The question here is whether or not offences could be committed for a product that per portion is depicted as "green" for fat, but per 100g should be "red". Would consumers be misled as regards the nutrient profile of the product?		See response [2].
Needs to be consistent with other Government strategies	BRC Sainsbury's	It is important that any decision taken is consistent with the existing Government campaigns and policies. Portion control is one of the key elements of the Government saturated fat strategy.		See response [2].
Work to establish standard portion sizes is required	CEHOG	The most important element is that a consistent approach is used and is clearly communicated to consumers. Specific criteria could be developed for foods to be eaten in small portions but further work is required in the area to establish standard portion sizes. Portion sizes are not well understood by consumers. Standardisation of portion size needs to be addressed with industry as a matter of urgency. Industry needs to be encouraged to continue to produce healthier food products with standard portion sizes.		See response [2].
Red Meat	Hybu Cig Cymru	For red meat 100g portions of raw meat are seen as appropriate. The recipes developed by HCC aim to be practical, nutritious and appetising. The majority of our recipes are based on 450g for 4 portions as this is a common pack size for red meat sold, especially mince, thus making it simpler for the consumer. This again needs to be considered.		See response [2].
Portion size is not a significant factor	Tanya May (member of public)	The weight of food eaten is not the most significant factor in a healthy diet. The significant factor is its energy density, or calories, bearing in mind that levels of fat (including saturates), protein and carbohydrates (including sugars), and where appropriate alcohol, are the component parts of that energy density.		Noted.

<b>Saturated Fat</b>		
The Agency suggests the term 'saturates' is used in an integrated FOP label to ensure consistent communication and that more is done to educate consumers about the term and the need to reduce intakes of saturated fat.		
<b>Question 4:</b> Do you agree with the proposed approach to improve communication and understanding of saturated fats in an integrated FOP label (paragraph 34)? If not why not?		
General View	Respondent	Comments
<p><b>Agree with the use of the term 'saturates'</b></p>	<p>Fudges Retailer Diabetes UK Cancer Research UK Dairy Crest Northern Foods Tanya May ASO EETSA University of Dundee Budgens/Londis Royal Free Hospital Royal Glamorgan Hospital BNF SFAC SNACMA Renfrewshire Council TSI McCain Asda Which? BRC RCPH NHS Scotland East End Foods Pepsico Consumer Focus FPH Premier Foods QMS Waitrose FDF</p>	<p>The FSA considers it important to establish a consistent term to be used across all FOP nutrition labels, as this will ease understanding for consumers.</p> <p>[3] The second phase of the saturated fat campaign was launched on Monday 18<sup>th</sup> January 2010. The campaign will run for four weeks and will include a poster campaign and advertisements in newspapers and magazines, and radio advertisements. The campaign aims to engage people by presenting the facts about the health impact of saturated and provide tips that help them to choose lower saturated fat options when shopping, cooking or eating out.</p>



	NICHs NHf Tesco		
<b>Disagree</b> with the use of the term 'saturates'	My Supermarket CEnTSA NIFAC BHF CFC BDA WHOTS NS University of Aberdeen CEHOG Safe Food	We are concerned that replacing the term "saturated fat" with the term "saturates" would add to consumer confusion. The term "saturated fat" is already well established and used in public health campaigns and messaging. Consumer research has also shown that the term 'saturated fat' is more easily understood.	The FSA is not suggesting that the term saturated fat is 'replaced' with saturates. The majority of businesses that provide FOP nutrition labelling already use the term 'saturates' on FOP labels due to space issues. This term is also consistent with regulatory requirements for back of pack nutrition labelling.
Support raising awareness of saturated fat amongst consumers	Nestle Sainsbury's LACORS Kellogg's Burton's	Support the need to improve customer understanding and awareness of saturated fat amongst consumers.	See response [3].
<b>Guideline Daily Amount (GDA) for sugars</b>			
<b>Question 5:</b> In light of EFSA's recent opinion on the sugars GDA for nutrition labelling purposes (EFSA's view is that 90g is an acceptable figure for the GDA for total sugars), we would welcome your views on the appropriate sugars GDA figure that should be used on an integrated FOP label.			
<b>General View</b>	<b>Respondent</b>	<b>Comments</b>	<b>FSA Response</b>
Support a GDA of 90g total sugars for FOP labelling	Fudges My Supermarket BSDA Tanya May (member of public) LACORS EETSA CEnTSA Diabetes UK Hybu Cig Cymru WHOTS Safe Food Waitrose British Dental Association	Support a total sugar GDA of 90g for use on FOP nutritional labels.	Noted.

<p>Agree with EFSA opinion (90g)</p>	<p>Premier Foods NIFAC SNACMA Northern Foods Budgens/Londis GSK BNF Kellogg's CFC Coca-cola Asda BRC NHS Scotland Pepsico Sainsbury's QMS Nestle Tate and Lyle Sugar Bureau FDF SFDF Tesco</p>	<p>Agree and Support EFSA's opinion and agree that a figure of 90g total sugar should be used. As an evidence-based policy maker, the FSA should take account of this new scientific review.</p>	<p>Agency advice is based on The Committee on Medical Aspects of Food Policy (COMA) recommended that the intake of non-milk extrinsic sugars (NMES) should be limited due to their role in dental caries and that the populations average intake should not exceed about 60g/day or 10 per cent of dietary energy (COMA 1991). Because there is no dietary requirement, ideally intakes of NMES should be much lower. Currently we do not have a recommended intake for total sugars and the suggested 90g figure may be too high. because of high NMES levels in manufactured foods and low levels of IMS in these foods.</p> <p>The Scientific Advisory Committee on Nutrition (SACN) working group on Carbohydrates are currently reviewing the evidence on sugar and health as part of a comprehensive review of Carbohydrates and health. Full terms of reference are available on the SACN website <a href="http://www.sacn.gov.uk">www.sacn.gov.uk</a>.</p>
<p>GDA should be based on NMES or 'added' sugars</p>	<p>Cancer Research UK University of Dundee FPH University of Aberdeen HoM BDA Englyst Carbohydrates Dairy Crest NHF</p>	<p>Guidance for sugar intakes on food labels should be consistent with the recommendations of COMA and WHO reports that NMES should not exceed 10% of total dietary energy (50g). Using a figure for total sugars (90g) may be perceived as endorsing higher sugar intakes.</p>	<p>The FSA approach to determining the medium/high boundary for FOP nutrition labelling will continue to be based on levels of added sugars. This is in line with COMA and WHO advice on the consumption of NMES. Information on the number of grams of sugar given on FOP labels will be for the amount of total sugars.</p>
<p>Support the FSA approach to applying traffic light colours based</p>	<p>Royal Free Hospital ASO CFC RCPH</p>	<p>We believe that the FSA's current approach which requires traffic light colour coding on the basis of overall sugar and added sugar represents the best way to convey this information. This allows consumers to make at-a-glance assessments. We are in favour of additional text to explain where sugar is mainly from fruit or</p>	<p>Noted.</p>

on added sugars	East End Foods NS BHF Englyst NICHs	milk sources.	
Both pieces of information should be provided	CEHOG Renfrewshire Council	Consumers should be given both the added sugar and the total sugar of the product as it is quite a complex issue.	The FSA approach to determining the medium/high boundary for FOP nutrition labelling will continue to be based on levels of added sugars. This is in line with COMA and WHO advice on the consumption of NMEs. Information on the number of grams of sugar given on FOP labels will be for the amount of total sugars.
The issue needs to be reviewed further	MRC TSI Which? SFAC Consumer Focus	We understand the rationale for the inclusion of total sugars given the scientific caveats in relation to NMEs and measurement difficulties. However the derivation of an appropriate GDA for total sugars does need careful thought. EFSA's recent opinion is based on the assumption that an individual consumer eats five portions of fruit and vegetables per day which does not reflect the reality of European fruit and vegetable consumption patterns. There is a need for an expert review in this area.	The Scientific Advisory Committee on Nutrition (SACN) working group on Carbohydrates is currently reviewing the evidence on sugar and health as part of a comprehensive review of Carbohydrates and health. Full terms of reference are available on the SACN website <a href="http://www.sacn.gov.uk">www.sacn.gov.uk</a> .
<b>Salt</b>			
<b>Question 6:</b> We would welcome your views on the whether the salt thresholds for an integrated FOP label should be revised and if so which of the approaches discussed above should be used: (a) changes to the per 100g criterion, (b) changes to the per portion criterion, or (c) both.			
General View	Respondent	Comments	FSA Response
Change per 100g criteria	Budgens/Londis Cancer Research UK Diabetes UK ASO MRC Renfrewshire Council East End Foods Tanya May	We recommend that the salt thresholds should be revised moving the per 100g medium/high boundary from >1.5g to >1g for salt.	Noted.
Change the per portion high criteria	CEnTSA CFC	The threshold for salt per portion should be no more permissive than the other nutrients. Therefore we support the change to the per portion high criteria for salt.	Noted.
Both the per 100g and per portion	Fudges Dorset Village Bakery	Support lower thresholds and support changes to both the per 100g and the per portion criteria. These changes would incentivise further reformulation to reduce	Noted.

high criteria should be changed	<p>Royal Free Hospital Royal Glamorgan Hospital HoM SFAC BHF Consensus Action on Salt and Health TSI RCPH NHS Scotland WHOTS NS FPH Kellogg's NICHs</p>	the salt content of pre-packaged foods as well as making consumers further aware of products that contain high levels of salt.	
Should be aligned with NHCR	<p>NIFAC University of Aberdeen BDA LACORS Asda Consumer Focus Safe Food</p>	It makes sense for there to be alignment between FOP salt criteria and the eventual nutrient profiles that are established for Regulation (EC) 1924/2006 on nutrition and health claims. It is important that no confusion arises from any discrepancy.	Noted.
There should be no change to the salt high criteria	<p>Dairy Crest McCain BRC Premier Foods Sainsbury's Waitrose University of Dundee Which? QMS NHF CEHOG Tesco</p>	<p>The proposed changing of the salt criteria is unwelcome. Not only would it remove some of the incentive for manufacturers to remove further salt as the prospect of achieving an amber light recedes, it will also be likely to add to consumer confusion as many foods that have been reformulated to get an amber traffic light go back to red.</p> <p>Changing the criteria based on the proposed thresholds for the EC regulation on nutrition and health claims is premature. These criteria have not been agreed and are not fit for purpose.</p>	The FSA welcomes efforts by industry to reduce the amount of salt in their products and proposes that changes to the salt criteria come into effect when the NHC nutrient profiles are introduced, which would allow industry to continue to make reductions in salt over time.
A GDA approach with no interpretive elements should	<p>SNACMA FDF SFDF</p>	The current GDA per portion without any interpretive element should be applied to salt as to all other nutrients.	The independent evaluation research showed that that strongest FOP labels are those which combine interpretive text, traffic light colour coding, and %GDA

be used.			information.
<b>Legibility</b>			
<b>Question 7:</b> We welcome your views on how the proposed advice on prominence and legibility based on the Agency's current technical guidance might be revised to maximise the visibility and legibility of an integrated FOP label.			
<b>General View</b>	<b>Respondent</b>	<b>Comments</b>	<b>FSA Response</b>
Broadly happy with current guidance on legibility	Northern Foods NHS Scotland Ease End NS FPH NHF LACORS HoM	Generally support the current FSA guidance on legibility.	Noted.
Position of FOP label on pack	NHF Diabetes UK Tanya May (member of public) Budgens/Londis WHOTS ASO MRC Which? Renfrewshire Council Royal Free Hospital University of Aberdeen NICHs	Support the consistent placement of FOP nutrition information on packs so that consumers know where to look for it.	The findings of the independent evaluation research suggest that the use of FOP labels by consumers is not affected by the position on-pack. Therefore, taking into account commercial factors, the FSA would like to give businesses flexibility in positioning the FOP label on their products, provided that it is on the front and can be clearly seen at a glance.
One standard format of FOP label	Diabetes UK Tanya May (member of public) Budgens/Londis ASO MRC CEiTSA	Greater consistency in the format of FOP nutrition labels is needed. We support one standard format.	Noted.
Font size	Diabetes UK NIFAC Royal Free Hospital NHS Scotland NS	All food labelling should be easily legible for the majority of people, including those who have difficulties with sight. A minimum font size of 6-8 point is recommended.	[4] Legibility of food information is a major issue for consumers. The inclusion of a minimum font size for mandatory food information as part of the proposed Food information Regulation would be both

	Hybu Cig Cymru University of Aberdeen Safe Food Renfrewshire Council NICHs		measurable and enforceable and coupled with best practice guidance on the other factors that affect label clarity should help improve the readability of food labels.
Legibility should be judged on a case by case basis	BSDA GSK	There is a legal requirement for labels to be legible and this is best judged on a case by case basis.	See response [4].
Legibility is being discussed at EU level	BD BRC Premier Foods Sainsbury's SWA Waitrose Tesco	The subject of legibility is currently being considered as part of the FIR. It would be unhelpful and expensive to implement guidance now, which may be overridden in the near future.	Noted.
Needs to be based on evidence	Consumer CEHOG TSI	The requirements should be based on what research shows consumers need to make proper use of the scheme.	Agreed.
Should be able to label calories only	BSDA	On packs where space is extremely limited, it is meaningful to use a cut-down version showing just calories with a legible print size rather than having to use the full labelling format at a print size that is too small to be read.	See response [1].
Direction of FOP label	Asda	Our own customer research showed that when consumers were presented with the same FOP information in both a horizontal and vertical format, preference for horizontal information was much greater than vertical, at 76% and 11% respectively. We believe this insight may have implications for the use of FOP labelling and therefore warrants further investigation by the Agency before a recommendation is made. Whilst vertical display is sometimes a necessity because of the label size, we believe this should be by exception and when there is space FOP information should always be horizontal.	Noted.
	Covent Garden	We would request the flexibility to allow FOP labels to be presented both horizontally and vertically to allow their use on a wider range of packaging. Our experience with the system shows that consumers are happy with them in a vertical and as design treatment it better fits the name traffic lights.	Noted.
	Waitrose	We were disappointed that the vertical format, as originally outlined by the Agency, was not put into the independent consumer research commissioned by you. However, our customers prefer the current vertical FOP format and we intend to roll out an evolved version across a wider range of pre-packed	Noted.

		categories.	
Legibility guidance should be strong and precise	CFC	The FSA should issue strong and precise guidance about the visibility, legibility and prominence of the FOP labelling. This should be on the main selling face, with clear colour coding and legible type on a plain or uncluttered background.	Agreed.
Legibility issues highlight the importance of traffic light colours	BHF	The inherent difficulties with providing textual information on small goods underlines the importance of ensuring that consistent traffic light colours are used on all products. This will help ensure that consumers are able to make at-a-glance judgements about the nutritional content of foods irrespective of the size of labelling.	Noted. See response [1].
<b>Public Awareness</b>			
<b>Question 8:</b> We welcome your views on how government and stakeholders could work in partnership to raise consumer awareness and understanding of a single integrated FOP label (targeting those consumers that are not currently using FOP labelling, and in particular C2DE's, those aged over 65 years and families with children). We would welcome any information regarding initiatives or activities that have been undertaken in this area.			
General View	Respondent	Comments	FSA Response
Initiatives and activities previously/ currently being undertaken	Diabetes UK Cancer Research UK BHF Which? Consumer Sainsbury's McCain NICHs	We are committed to raising awareness of FOP labelling and have previously or are currently undertaking some of the initiatives/activities listed below: <ul style="list-style-type: none"> <li>• Produced information on websites, magazines or other publications</li> <li>• Produced a 'shoppers card'</li> <li>• Campaigns</li> <li>• Education programmes</li> <li>• Reports</li> <li>• Competitions</li> <li>• Point of sale information</li> <li>• On-pack</li> <li>• Cooking courses</li> </ul>	The FSA welcomes stakeholders' continued commitment to raise awareness of FOP nutrition labelling amongst consumers, and would encourage them to focus efforts on increasing consumer use of FOP nutrition information to make healthier choices.
Ideas for future activities/ initiatives	Dairy Crest Northern Foods Tanya May (member of Public) LACORS British Dental My Supermarket SFAC TSI NHS Scotland FPH CEHOG	It is important to raise awareness and educate consumers on how to use FOP labels. Some possible ways of achieving this are listed below. We support some of the following: <ul style="list-style-type: none"> <li>• Public Health initiatives</li> <li>• In-store information</li> <li>• Branded websites</li> <li>• Programme of education</li> <li>• Support materials for local authorities, educational bodies and supermarkets</li> <li>• Through British Dental Association practices</li> <li>• Local partnership programmes involving trading standards, environmental health, PCT's etc</li> </ul>	[5] The FSA agrees that it is important to raise awareness and educate the consumer on how to use FOP nutrition information to make healthier choices. The FSA will be giving consideration to how best to do this.

	BDA East End Foods WHOTS University of Aberdeen	<ul style="list-style-type: none"> <li>Engagement with smaller community businesses that are more likely to be used by ethnic minorities in deprived areas</li> <li>Incorporate into change 4 life programme</li> <li>Through Health professionals (practice nurses, dieticians etc)</li> <li>Through community food projects</li> <li>Manufacturer advertising</li> <li>Giveaways – fridge magnets etc</li> </ul>	
Efforts should be aligned	Diabetes UK Budgens/Londis Royal Glamorgan Hospital CFC NHS Scotland Safe Food Tesco	We believe that we should all be working together to raise consumer awareness and understanding of FOP labelling as it is a shared responsibility between Government, Industry, Public Health bodies and NGOs.	See response [5].
Should promote the schemes that consumers are already aware of	Coca-cola GSK BSDA Nestle SNACMA BSDA Tesco	We think it makes sense to build on the knowledge that consumers already have and promote the schemes they are already aware of.	See response [5].
First challenge is getting industry signed up to single scheme	Diabetes UK Royal Free Hospital MRC NIFAC Asda Renfrewshire Council NS Premier Foods NHF	We believe that at present, efforts should be concentrated on promoting the single scheme to aid comprehension and recognition for consumers.	See response [5].
Must get consumers to use FOP labels	Tate and Lyle Mars ASO Kellogg's BNF Premier Foods Waitrose	We know from the results of consumer research that awareness of FOP schemes is already high. The real challenge lies in encouraging consumers to use FOP information to make healthier choices.	Agreed.



	FDf SFDF		
Need to raise general awareness about healthy eating/ food labels	Hybu Cig Cymru BBKA RCM	There is a need to raise consumer awareness, not only of the integrated labels but to ensure that the information provided is understood, especially around areas such as sugars, salt and saturated fat and the importance of eating a balanced diet.	See response [5].

Other comments			
General view	Respondent	Comments	FSA response
EU implications and timing	Coca Cola Mars FDf	The ongoing European discussion which proposes a Europe wide front of pack labelling scheme would legally take precedence over any voluntary scheme proposed within the UK if adopted. Given that this European ruling will be determined within the next 12-18 months, we would encourage the Agency to consider utilizing this time cost-effectively by working with industry to encourage consumers to use the information that is now widely available to them in retail stores.	EU negotiations are unlikely to be resolved before 2011. Once agreed there will be a 3 year period before they start to come into effect (5 years in case of small and medium sized enterprises (SMEs)). In view of the protracted nature of the EU co-decision negotiations, the extent and severity of the UK public health issues associated with obesity and chronic health related illness and the role FOP labelling has in the Agency's strategy to tackle these issues there is a need for public health protection reasons to pursue progression of the FOP UK policy objectives without delay
	Asda ICGA Premier foods SNACMA GSK Morrisons Sainsbury's Kraft QMS SWA Nestle The Sugar Bureau Aldi WHOTS Food Group	As the Agency is already aware, the European Commission is currently undertaking an extensive revision of consumer information under the Food Information Regulation (FIR). FOP nutrition information is being considered as part of this review and therefore we question whether it is appropriate to amend the UK labelling schemes whilst discussions continue at EU level – particularly given the cost of redesigning labels.	The FSA is seeking to ensure that a flexible framework, which allows Member States to develop and implement evidenced based approaches to front of pack labelling, is included in the Food Information Regulation.
	SNACMA Pepsico Nestle Wine and Spirit Trade	For businesses that import and export products within the EU, it is important to be consistent in product labelling from country to country. A UK-specific scheme would present challenges in this respect.	[1] The FSA does not recommend a specific approach, but a principle based approach which is compatible with the single market objectives.

	Association	One major concern would be that there would be an added cost if in one market they were expected to meet the FSA's voluntary FOP scheme, but were not able to use the same packaging in other European markets.	
Pepsico Morrisons		The Agency's consideration of a new front of pack scheme comes at a time when a large number of changes to labelling requirements are either imminent or on the horizon, with differing implementation timetables some of which are known and others which are still to be decided but all of which are, and will, place considerable cost burdens on businesses.	[2] The cost of any changes to FOP labels which are needed in order to comply with the FSA principle based approach can be minimised by incorporating them into normal packaging change cycles.
BHF CFC		Given the forthcoming general election, and the considerable delay caused by the independent review, we urge the FSA to move as quickly as possible to ensure that the a timetable for introduction of the single scheme is agreed before the next election.	FOP issues will be discussed by the FSA Board at an open meeting in March and recommendations made to Ministers thereafter.
BHF Which? Asda BRC		It is essential that the FSA works with the rest of the UK Government to champion mandatory front of pack food labelling underpinned by traffic light colours at the European level.	Noted.
		Retailers do not feel this is the right time to be looking at developing partnerships to raise consumer awareness and understanding of a single integrated FOP label, when the outcome of the discussions on the European proposed Regulation on consumer information may result in a slightly different scheme. Any national provisions will have to be developed as complementary to the European provisions and therefore further consideration may have to be given to different aspects, e.g. if Europe agrees to FOP labelling based on GDAs and the UK believes that traffic light is the right approach, would the use of colours be limited to certain categories of foods regardless of the fact that all foods will have to bear FOP labelling?	Noted.
Kellogg's		The introduction of a complicated scheme purely for the UK market would be an unrealistic burden in the current European regulatory framework. This is especially true in the current economic climate, particularly as there is no evidence to show it would add a proportionate benefit to the scheme already in market in the context of the Governments targets on obesity. The Food and Drink Federation estimates the cost to industry to change packs to be in the region £1000 million, over a 5 year period	See comment [1] and [2].
Tate & Lyle		We are not convinced that the integrated label will deliver sufficient	See comments [1] and [2].

		<p>benefits to the consumer to warrant its adoption; nor do we conclude from the data from the independent research that the triple hybrid scheme is necessarily the best option. Moreover, the on-going burden of multi colour printing costs, in addition to major set-up costs (as discussed later) at a time when significant planned changes to product labelling are going through the European regulatory process renders this completely unreasonable timing wise.</p> <p>The EU legislation clearly states the use of 'high' and/or 'low' are considered as claims which effectively prohibits the continued use of these terms and we will therefore cease to use these on FOP labelling.</p>	
<p>Implications of the nutrition and health claims regulation</p>	<p>Waitrose</p>		<p>[3] Additional forms of expression (such as colour coding or interpretive text) form part of the overall nutrition declaration and are not nutrition claims. This is clarified in a recital in the Commission's FIR proposal.</p> <p>See comment [3].</p>
	<p>3663</p>	<p>It was interesting to see that the nutritional criteria for the front of pack label claims are based on the conditions of the Nutrition and Health claims regulation. However, when the nutrient profiles, (which were due on the 19<sup>th</sup> of January 2009), are published for certain categories of food, I would be interested to see what effect this has, if any, on the nutritional criteria of the FOP labelling.</p>	<p>The nutrient profiles will not affect the criteria for low/green.</p>
	<p>East of England TS</p>	<p>The question is whether the front of pack labelling will constitute a nutritional claim – i.e. would prescribed nutritional labelling be required? Our opinion is that it would be if they are colour coded (i.e. green for low). As such, the PNL on the rear of the pack would have per 100g and maybe per portion. Or will FLR be amended to allow this FOP labelling to be sufficient?</p> <p>In our opinion, we think that the most beneficial information for a customer is to know the nutritional profile per 100g. We would hope that all of the consumer education as to what constitutes "low fat" (3%), has meant that if consumers were wanting to eat a "low fat" diet they would look for green labels per 100g which would show under 3g. The essence of the N&amp;HC legislation is to present all the information, whether good or bad together. If a "green" icon is presented for fats, carbohydrates and proteins, then "calories" must be presented. The FSA in paragraph 28 have suggested that calories can be presented in the information but not in a coloured icon. We can understand the logic behind this, but the problem comes if the calorie content is high and should really have been red, when all other information is green or amber. This is not in the spirit of the N&amp;HC legislation.</p>	<p>The presence of a FOP nutrition label would constitute a requirement for prescribed nutrition labelling.</p> <p>Regulation (EC) 1924/2006 on nutrition and health claims made on foods controls only beneficial claims, so would not apply to claims such as "high fat" or "high calorie" as consumers are unlikely to see these as beneficial. The Regulation requires a nutrient profile to be established, which will restrict the claims a food can make based on its nutritional composition. The nutrient profile has not yet been agreed and we do not know what the final profile is likely to look like. However, the most recent model discussed was based on saturated fat, salt and sugars and did not refer to calorie content.</p>
<p>Aldi</p>	<p>We are also concerned about the difficulties in providing simple nutrition information in the form of a traffic light scheme as the debate</p>	<p>See comment [3].</p>	

		<p>surrounding nutrient profiling for the purposes of the Nutrition and Health Claims Directive is proving.</p>	
<p>%GDA is the preferred scheme</p>	<p>Kellogg's</p>	<p>The UK industry is widely recognised as having shown global leadership in voluntarily improving the quality of nutrition information presented on food and drink products through GDA (Guideline Daily Amount) labelling.</p> <p>GDA's are the best labelling format for use across the EU. The majority of the industry in the UK uses GDA labelling and all 27 EU countries already employ them. The use of GDA's is becoming a global labelling system.</p>	<p>Disagree.</p> <p>Research on the most appropriate FOP label for EU use is not available. The USA will shortly be testing various FOP labels with consumers.</p>
	<p>SNACMA Coca cola GSK</p>	<p>We believe that the GDAs are the most practical way of helping consumers make informed choices about the food they eat and how it fits into a well balanced diet.</p>	<p>The FSA would be interested to see the evidence to support this view.</p>
	<p>BHF CFC Moypark Asda RCPH WHOTS</p>	<p>We commend the work that the FSA has done to move the labeling agenda forward and welcome the results of the independent research on FOP nutrition labeling published earlier this year. We firmly support the implementation of a single scheme based on the integrated model, and look forward to the widespread introduction of this scheme.</p>	<p>Noted.</p>
	<p>Boots</p>	<p>Boots welcomes the findings of recent independent research on the effectiveness of different FOP labelling schemes being used in the UK marketplace. We continue to support the application of FOP labelling with our lunchtime food, drink and all-day snacking products and already apply the current traffic light labelling, along with percentage guideline daily amounts (GDAs) on the back of pack, to a wide range of foods and drinks. We will now consider how best to implement the latest FOP labelling recommendations that combine traffic light colours with a descriptor (high / medium/ low) and percentage GDA'.</p>	<p>Noted.</p>
	<p>Bernard Matthews</p>	<p>We are broadly supportive of the Agency's approach with each of the issues in the consultation.</p>	<p>Noted.</p>
	<p>Mars</p>	<p>We consider that any single approach should take account of the current labelling landscape here in the UK, where GDA labelling is clearly the dominant scheme. This would appear to provide a sensible baseline for providing information for all consumer channels – with companies free to add other nutritional evaluation systems as they see fit.</p>	<p>Noted.</p>
<p>NS</p>		<p>Overall, the Nutrition Society supports Option 2: to revise and update</p>	<p>Noted.</p>

		<p>the Agency's existing FOP technical guidance to cover an integrated FOP nutrition labelling approach which can be used by industry in a consistent manner..</p>	
Sainsbury's		<p>We welcome the Agency's support and encouragement for Multiple Traffic Light labelling. Our customers continue to tell us that they like our MTL labelling and find colour coding an important indicator of the healthiness of a product.</p> <p>We do not view the debate over GDAs and MTLs as a question of 'either / or'. We display colour coded GDA information on the Back of Pack (BOP) and have done so for over 10 years. We will continue to display GDA information on BOP until a resolution is reached on the confirmed EU approach.</p> <p>Our research (see below) continues to show that customers find our MTL labelling the easiest 'at-a-glance' front of pack indicator to understand when compared to the GDA approach, which does not use colour-coding.</p> <p>Our research<sup>3</sup> shows that:</p> <ul style="list-style-type: none"> <li>• overall awareness for the MTL symbol by our customers is consistently high –95%</li> <li>• 93% find MTLs easy to understand</li> <li>• 80% said that MTL labelling 'always' or 'sometimes' influenced their shopping decisions</li> </ul>	Noted.
Kraft		<p>We note that the FSA consultation appears to focus on how a triple-hybrid scheme should be implemented. However, we believe that the FSA-funded research, alongside other studies by EUFIC and on behalf of the Food and Drink Federation, support our view that GDA is an effective system that is well understood by consumers. It is also the most widely adopted FOP system.</p>	Noted.
CEHOG		<p>For a FOP scheme to be truly effective it needs to be consistently and uniformly applied through the UK. Consideration need to be given to making it mandatory not voluntary. This would maximise its impact, minimise consumer confusion and prevent non compliance from the</p>	Noted.

<sup>3</sup> Source: Sainsbury's health tracker, May 2009

Call for a single scheme across all initiatives		<p>food industry. The scheme would need to be underpinned by appropriate sanctions to encourage compliance. This may create major concern from food industry but public health should take top priority. Finally FOP nutrition labelling scheme needs to be part of the broader public health strategy which involves not only consumer education/awareness but also policy and legislative changes.</p> <p>We would like to suggest that the FSA consider other settings in which consumers purchase prepared foods and that any single scheme should be rolled out across all settings. We would encourage the Agency to assess whether this scheme as proposed would be helpful in out of home settings in order to ensure that the most appropriate scheme, or schemes, are used.</p>	<p>[4] The FSA's work to provide consumers with effective nutrition information when eating out is at a much earlier stage of development than for Front of Pack labelling. The catering sector is very different to the retail sector, both the in range of different businesses types and in the way that information can be presented. Consumers have told us in our research that they want simple information which they can easily act on at the point of decision when dining out. The Agency is currently developing an approach for the provision of calorie information at the point consumers make a choice as the first and simplest step to meeting consumers' information needs.</p>
	Premier Foods		
	Nestle FDF Unilever	<p>Support a consistent approach for the provision of nutrition information across all settings where consumers make decisions regarding food choices. Whilst in this consultation, the FSA are seeking opinions on an integrated FOP labelling scheme, there are other Government schemes under consideration outside the retail arena. FSA support is given for the Healthy Food Code of Good Practice efforts to improve the nutritional information available in an out of home settings by providing calories per portion data. This scheme differs from the integrated label approach being suggested in retail settings. In addition to these two schemes proposed by the FSA, the Department of Health has just gone live with its draft criteria for the Healthier Food Mark to be tested in autumn 2009. This is a third scheme with different information being displayed at the point of purchase. The criteria suggested for the three tiered system are not consistent with the other schemes that are being suggested by the various Government Departments.</p> <p>If consumers are to start utilising the information available to them to aid in decision making at the point of purchase, the information needs to be in a clear format across all channels. We welcome the opportunity to work with FSA and other stakeholders to determine the</p>	<p>See comment [4].</p>

		best means to increase consumer use of the currently available nutritional information for all food purchases.	
	Tesco FDF	We believe the right approach is for a baseline that allows compatibility across food groups and for food sold for consumption both in and out of home using GDA labelling. Those who want to add traffic lights and/or wording could choose to do so. This approach is set out in the report of the Public Health Commission made up of representatives from industry, academia, health charities and consumer groups.	Noted.
Presentation of information	Retailer	It should be made clear that the nutrition information given on FOP is based on typical values otherwise this could be misleading.	Noted. This point will be addressed when the technical guidance is updated.
	Moy Park	To give a more accurate GDA, the nutritional values on FOP should be based on "as consumed" analysis.	Noted.
	BSDA	In general, it is advisable that any labelling scheme should take into account the sizes of the different packs and labels on which it is intended to appear, including the smallest ones. One of the reasons why a labelling scheme might not be used is that it demands too much space.	The FIR proposal includes an exemption from the requirement to provide mandatory nutrition information for foods sold in small packages, and would also apply for FOP.
	Royal Free Hospital	We would like to see continued expression of values per 100g on the label <b>in addition</b> to values per "portion." However, there needs to be some way of ensuring that manufacturers declare a reasonable average portion/ serving size. It is not acceptable to declare a typical portion which is smaller than the average person would consume. This is often a ploy used when the food is high in fat or salt	In the negotiations on the FIR the FSA is pressing for nutrition information to be given mandatorily per 100g or per 100 ml on all foods to facilitate comparison between products, in addition per portion information can be provided as long as the number of portions is indicated on the package and the portion size is clearly stated. However declaration by portion size alone would be acceptable only when the food is prepacked and sold as a single prepacked consumption unit or as an individual portion (e.g. an ice cream). In these cases the product is consumed in one sitting when eating the product the consumer is interested in the amount which they consume.
			The FSA recommends that portion sizes stated on food

			<p>labels should be realistic and meaningful to the consumer. Generally accepted portion sizes should be used where possible.</p> <p>FOP labelling is for use on family foods and not foods made specifically for children.</p> <p>Noted. [5] The Agency proposes that a principle based approach to FOP labelling which includes interpretive text (the words 'high, medium and low') along with traffic light colours and percentage guideline daily amounts (GDAs) should be developed and used by industry to improve consistency in the marketplace.</p> <p>Noted.</p> <p>See comment [5].</p> <p>High, medium and low text enables colour blind and visually impaired to recognise the level of each nutrient in a food product.</p>
	CEnTSA	<p>In addition to the above, we also hold the view that the GDA values used should be age appropriate, i.e. adult GDA should not be used on 'toddler's' meals as it makes the percentages misleadingly low, particularly salt and sugars</p> <p>I can easily understand the Traffic Lights colour coding of RED, ORANGE and GREEN, but I have seen many labels in LIGHT BLUE – I do not understand what this is supposed to represent and how I should read them and interpret them.</p>	
Use of colours	M Hamilton (member of public)	<p>The traffic light colour coding system is helpful and gives a quick indicator when there is a limited time to read labels.</p> <p>I suggest that each of the standardized traffic light symbols is specified with not only a specific colour but also a specific shape, and fairly large, all on a background that is either white or maybe light blue.</p> <p>For example, red filled equilateral triangle, yellow (or maybe orange) filled square and green filled circle.</p> <p>I have suggested the above shapes as they are distinctive each from the others. The edge of the shape gets smoother as the food gets better, going from jagged for red through to smooth for green.</p> <p>This would mean that people with colour blindness, people with impaired vision and people looking at packages in various lighting situations would have shape information to guide them as well as colour information.</p>	
	G Ward (member of the public) William Overington (member of the public)		



	<p>Morrisons</p>	<p>Besides enabling and encouraging consumer choice, we understand that one of the FSA's objectives in recommending the use of such FOP signposting is to encourage the re-formulation of foods by food manufacturers and retailers. We seek to optimise the nutritional composition of products where there is scope to do so. This is because we understand that small reductions in, for example, the salt content of our products can help consumers reduce their salt intake and also provide choice between product types. We are concerned that the broad ranges on which the traffic light colours are based may mean that if a nutrient cannot be reduced sufficiently to move from, say, "red" to "amber" the consumer and industry incentive to select the reduced nutrient version may be lost.</p>	<p>Whilst the FSA welcomes efforts by industry to reduce the amount of fat, saturated fat, added sugars and salt in their products to receive a more favourable traffic light colour, reformulation is not the primary objective of FOP nutrition labelling.</p>
<p>Bernard Matthews</p>		<p>Would also suggest some consideration is required for helping consumers make informed choices in regard to non-homogenous meat and poultry whether processed or un-processed. Meat and poultry are particular food items that by their nature can present very variable nutritional characteristics depending on the cut or which part is eaten. Turkey, for instance, may have fat levels varying from the light meat at less than 1g/100g, dark meat at 2.5g/100g through to the skin at over 30g/100g.</p> <p>The informed consumer will know that if they remove the skin first then the amount of fat consumed will be much less. Similar to removing the fat on bacon or selecting leaner cuts of meat, etc. However, if the traffic light indicator for fat is based on the whole product as sold then the fat level becomes the average of all the light and dark meat and skin which is then likely to be at levels in the Amber (Medium) range. Yet with probably over 75% of the meat being meat which is low in fat, Green (Low), there is a danger of the consumer perceiving the nature of the food in a wrong way.</p> <p>We also understand the need to avoid complexity as much as possible with the working of nutrition labelling. With meat, poultry. specific meat and poultry cuts, familiar and understood by consumers ( as per EU definition of meat ) then we would suggest that an informative way forward for the consumer would be to apply the front of pack nutrition in a specific and clear way. For example, a whole oven ready turkey might show on fop that the nutrition is for "Each serving of turkey</p>	<p>Information on the level of nutrients in a food product should be representative and meaningful to the consumer. It should be made clear that the information in the FOP label is based on typical values.</p>

		breast without skin”, or “Chicken thigh with skin removed”, etc.  This will then be good for the consumer in assisting their understanding of how they can better control their own fat and saturated fat intake. Similarly it is good for industry by showing the green light towards the leaner and healthier cuts and parts of meat.		
FOP info is not widely used	Morrisons	Crucially, despite efforts across industry, even widespread product re-formulations to reduce key nutrients (such as salt) may not be sufficient to reduce intakes at the population level without addressing an individual’s own influence over their personal dietary balance. Given the above, and that the PMP research has shown that FOP information is not likely to be used by all consumers, we believe that FOP nutrition labelling will not be sufficient alone to encourage the food industry or consumers to establish better dietary balance. Having concluded that product re-formulations and FOP labelling alone will not help consumers achieve a better dietary balance, we would encourage the FSA to invest in initiatives to help consumers establish better dietary balance, addressing frequency of consumption and understanding of appropriate portion sizes of foods which are key to levels of nutrient in the diet.		[6] FOP nutrition labelling is just one of a number of work programmes being taken forward by the FSA to help consumers to choose a healthier diet.  Whilst the independent evaluation research showed that use of FOP labels was low, the study concluded that use and comprehension of FOP labelling could be enhanced if a single FOP approach was used in the marketplace.
Information on other nutrients	K Scott (member of public)  Royal Free Hospital	Such labelling is of no use to me. As a diabetic who only eats what cannot raise my blood sugars I need to know exactly, by weight, the number of grams of protein and carbohydrate. If this is not still on the pack it denies me the opportunity of a varied diet as I would have to cut out all foods that could endanger me. It would be virtually impossible to calibrate amounts of insulin.  We feel it is absolutely essential that the carbohydrate value of food continues to be declared on its label. Many of our patients with type 1 diabetes rely absolutely on this information to calculate an appropriate insulin dose at meal times  We are in favour of carbohydrate being mandatory on <b>back of pack</b> . The main reason for this is that we are aware (as are the public) that front of pack signposting tends to highlight dietary constituents which are relatively “unhealthy” and which we as a population need to reduce.  We do not want carbohydrate to be seen as an “unhealthy” nutrient in the same way as fat and salt. For this reason, we do not think		[7] The list of nutrients (including carbohydrate and protein) which will be included in the mandatory nutrition declaration are still being discussed in the European discussions on the FIR,  See comment [7]

Alcoholic drinks	SWA	carbohydrate should sit alongside salt and fat on front of pack  Scotch Whisky producers are not currently required to provide nutrition information on the labels of their products. Moreover, in the Commission proposal for a new food labelling Regulation, we are offered a 5 year temporary derogation from the requirement to provide any such information. We support this provision and believe it will help us establish how nutrition labelling for all alcoholic beverages might be presented. If, following further research into the issue it is deemed necessary to provide nutrition labelling on alcoholic beverages, then we believe the most appropriate place to provide this would be off-label, for example, on company websites. If this is not possible, then the back label is the best place for the provision of such information.	Noted. FOP nutrition labelling is intended for family foods and not alcoholic drinks.
Emphasis should be on foods to eat more of, not those we should eat less of	Dairy UK	Rather than emphasise food components to avoid, we feel that the emphasis should be on encouraging consumers to understand better the concept of a balanced diet. The FSA's Eatwell Plate should be used as part of this process to encourage consumers to construct their diets around the food groups in the plate, and this will automatically result in consumers reducing their intake of fat, saturated fats, salt and sugar.	See comment [6].
FOP labelling should remain voluntary	Covent Garden	We agree that system should remain voluntary. We would also request that any changes should be phased in without a strict deadline to allow for packaging stocks.	Noted.
Should ensure FSA work with the Food Safety Authority of Ireland on this issue	Premier Foods	We would also strongly encourage the Agency to work with the Food Safety Authority of Ireland to ensure that any FOP recommendations from both authorities are aligned. Due to the nature of retailers supply chains, we do not know whether packaging will be distributed in Ireland when it is printed as retailers distribute products to Ireland through their own supply chain. The product is delivered to a retailer distribution centre and then distributed through their supply chain to either UK or Irish stores as required. Therefore, different labelling schemes in the UK and Ireland could be a barrier to implementation due to increased complexity and added cost.	ROI has not made recommendations on FOP labelling. The Food Safety Authority of Ireland is kept informed of the FSA's work in this area.
Consultation misses the opportunity to work with industry on this	FDF	We believe the consultation represents a significant missed opportunity. By failing to explore new ways of working in partnership with industry and other parts of Government, we fear the Agency will not create the clear, coherent and consistent approach that is vital if we are to achieve our collective ambition to improve the food literacy	Disagree. The Agency continues to actively engage with stakeholders to encourage adoption of a FOP approach which works best for the consumer.

issue		<p>of UK consumers.</p> <p>We are deeply concerned that the consultation is not designed to explore whether or not a single scheme would be the best solution at this stage, but asks simply how a 'triple hybrid' scheme based on %GDA, text and traffic light colours might best be implemented. Further, it is only looking at retail packs – not the provision of nutrition information in all settings.</p>	
Economic climate	FDF	<p>As food businesses deal with a challenging economic climate, their top priority is to continue to provide consumers with safe, nutritious and affordable food. Any proposals for changes adding costs onto business must be evaluated rigorously and demonstrate significant new benefit. The FOP labelling proposal is just one of a number of requests the FSA is currently making to industry for voluntary action.</p>	Noted.
Calories per portion only option	FDF	<p>We believe there is an opportunity for the Agency, Government and the retail, catering and manufacturing industries to work together to create a single approach to providing consumers with nutrition information. Calories per portion is an obvious starting point and if we succeed in making this the 'new currency' of nutritional information – which is the Government's ambition – then we will start on the road towards achieving our common goal of improving the food literacy of UK consumer</p>	<p>The Agency's FOP principle based approach includes the provision of calories on FOP labels.</p> <p>See comment [4].</p>

## Stakeholder responses to the front of pack labelling impact assessment

1. We would welcome industry views on the assumptions made on technical familiarisation costs and the degree to which this is separate from wider re-labelling costs.	
Respondent	Comments
Firm A	Believes that with so many voluntary targets now being imposed on food businesses the implementation of them causes a real commercial and resource challenge for each company. Every business will need to take hard priority decisions about which voluntary schemes it can implement.
FDF	As companies would apply any schemes voluntarily, time and money would only be needed if they chose to change. Given that most manufacturers would choose the GDA-based scheme that they value, they are unlikely to volunteer to change.
Firm B	We already include FOP GDA labelling on our products, so if a GDA based scheme were to be adopted without any additional elements, then we would not expect to have any significant costs.
Tate and Lyle	As this would be a voluntary scheme, the time and money to ensure technical familiarisation would only be applicable if T&L decided to change. At T&L we value and support the GDA based scheme so we would therefore be unlikely to change on a voluntary basis given current information.
FSA Response Noted.	
Noted.	
Noted.	
Noted.	
2. How long would a business require to read and understand the revised guidance – assuming no change in length overall?	
Respondent	Comments
Firm A	Believes that with so many voluntary targets now being imposed on food businesses the implementation of them causes a real commercial and resource challenge for each company. Every business will need to take hard priority decisions about which voluntary schemes it can implement.
Firm B	If we implemented the triple hybrid scheme all internal guidance documentation would have to be reviewed, involving around 25 teams in different locations in the UK. The impact would be the same as the original costs for all companies making a change.
FDF	As companies would apply any schemes voluntarily, time and money would only be needed if they chose to change. Given that most manufacturers would choose the GDA-based scheme that they value, they are unlikely to volunteer to change.
Nestlé	Nestlé is unsure of the relevance of this question
Tate & Lyle	As this would be a voluntary scheme, the time and money to ensure technical familiarisation would only be applicable if T&L decided to change. At T&L we value and support the GDA based scheme so we would therefore be unlikely to change on a voluntary basis given current information.
FSA Response Noted. No estimates of the required length of time to read and understand the revised guidance were provided.	

3. Do you anticipate any specific familiarisation costs that may relate to additional criteria for foods recommended to be eaten in small portions? If so please provide information about these costs.		FSA Response
Respondent	Comments	
Firm A	Believes that with so many voluntary targets now being imposed on food businesses the implementation of them causes a real commercial and resource challenge for each company. Every business will need to take hard priority decisions about which voluntary schemes it can implement.	Noted.
FDF	As companies would apply any schemes voluntarily, time and money would only be needed if they chose to change. Given that most manufacturers would choose the GDA-based scheme that they value, they are unlikely to volunteer to change.	
Nestlé	Nestlé labels GDAs across all products regardless of serving size	
Firm B	For foods eaten in small portions, using a GDA per portion approach allows the contribution of the food to the diet to be represented appropriately and as we already provide %GDA information we would not expect any significant costs by continuing to use this method.	
Tate & Lyle	At Tate & Lyle we value and support the GDA based scheme so we would therefore be unlikely to change on a voluntary basis given current information. Tate & Lyle remains committed to putting GDA based information on the front of its retail products where their presence will help consumers make meaningful, informed choices. Notwithstanding that, we do believe that the value of placing front-of-pack labelling on items containing readily identifiable single ingredients (such as sugar) is limited.	
4. We do not expect changes in the salt thresholds to add significant costs for businesses and would welcome your views on this – particularly if there are any specific costs that need to be considered.		FSA Response
Respondent	Comments	
Firm A	Believes that with so many voluntary targets now being imposed on food businesses the implementation of them causes a real commercial and resource challenge for each company. Every business will need to take hard priority decisions about which voluntary schemes it can implement.	Noted.
FDF	As companies would apply any schemes voluntarily, time and money would only be needed if they chose to change. Given that most manufacturers would choose the GDA-based scheme that they value, they are unlikely to volunteer to change.	
Nestlé	The value used for salt for calculating the values found in GDA labelling should be as agreed by the Commission (6g) and for the purpose of FoP labelling, it should always be provided on a per portion basis.	
	FSA Salt Reduction Targets were set with the specific purpose of encouraging reformulation in	

	order to reduce population salt intake. The average level of salt intake recommended within the population, the threshold, remains unchanged regardless of any reformulation work. Thresholds for the purposes of labelling should not be influenced by the FSA 2010 Salt Reduction Targets as claims that these targets have been met can be made in addition to any FoP nutrition labelling.
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5. We welcome your views on the costs associated with extending the scope of foods for FOP labelling in addition to potential re-labelling costs.	
Respondent	Comments
Firm A	Firm A already provide voluntary GDA style information on most of its products, e.g. where there is sufficient room and it doesn't see any reason to remove this information. However, it doesn't currently provide FOP labelling on Seasonal lines.
FDF	FDF member companies are committed to putting GDA based information on the front of all products where their presence will help consumers make informed choices. In practice this covers most categories of products and goes well beyond the limited recommendations for traffic light labels.
Nestlé	Nestlé labels FOP GDA information across all products where their presence will help consumers make informed choices.
Firm B	The costs of changing the labelling of our products include; design, artwork production, proofs etc, origination costs. The cost of changing retail-brands (Firm B produce around 1500 separate products) would also be absorbed by Firm B and other businesses which provide retailer brands. Our market-leading, established brands have an infrequent re-labelling cycle of around 1-5 years as the consumer knows and loves these brands and does not expect them to change. Any changes in labelling outside of this cycle would result in incremental costs to the business.
Tate & Lyle	Currently puts GDA information on FOP for Granulated Sugar and Light Cane Sugar, this is because these sugars have a broad spectrum of use. Using FOP on these products highlights the added benefits of using Light Cane Sugar. Putting this information on other Tate & Lyle products would not be helpful to consumers as these sugars are used solely as ingredients in domestic cooking and portion sizes are not standard or appropriate.
	<b>FSA Response</b>
	Noted.  No indications of costs associated with extending the scope of foods for FOP labelling in relation to potential re-labelling costs have been provided.  Traffic light criteria were originally recommended for those categories of foods which consumers found were difficult to assess nutritionally. Traffic light criteria have been successfully applied by some companies to a much wider range of foods, which benefits the consumer.  The re-labelling costs calculated take account of these factors.  The FSA recognises that FOP labelling on single ingredient foods offers limited benefit to the consumer and hence does not recommend they bear FOP labels.

<b>6. We welcome feedback on the cost estimates of raising awareness for industry, NGOs and other consumer and public health organisations.</b>	
<b>Respondent</b>	<b>Comments</b>
Firm A	Firm A understands that consumer awareness is high, but that consumers need to understand how to use all the information they have in order to make informed choices.
Nestlé	Nestlé believes that all stakeholders should work together to raise the awareness and use of nutrition labelling with consumers.
FDF	FDF does not believe that the focus should be on raising awareness as this has already proven to be high. The focus now needs to be on all stakeholders working together to encourage more consumers to use the information already available to them.
Firm B	As noted in the research conducted by Millward Brown, there is a high level (over 80%) of awareness for FOP labels. For this reason, we think that the focus should not be on raising awareness but rather to encourage more consumers to use the information already available to them so that they can make healthier choices easily with all stakeholders working together to achieve this.
Tate & Lyle	Tate & Lyle believes that the level of awareness for Industry, NGOs and other Stakeholders is already high after the excellent campaigns of the FSA and FDF. We feel that this money would be better spent in actively encouraging the consumer and general public to use existing FOP labelling to their advantage.
WHOTS Food Group	Minimal to a local authority, can tag onto inspection or hold a talk/seminar for manufacturers in area.
	<b>FSA Response</b> Noted.
	[1] We disagree. The independent research <sup>1</sup> and citizens' forums <sup>2</sup> both demonstrate that consumers are confused by the co-existence of a range of FOP labels in the marketplace, and want a single consistent approach.
	Noted and taken into account.

<b>7. Are there any other benefits for industry arising from Option 2? If so, what are they and please quantify them.</b>	
<b>Respondent</b>	<b>Comments</b>
FDF	Option 2 offers no benefits that go beyond the current GDA labelling scheme. The current economic challenges mean it is vital that companies prioritise their continued investment where it can have most impact and the businesses we represent will scrutinise each proposal for regulatory or voluntary action with this over-riding priority firmly in mind.
	<b>FSA Response</b> [2] We disagree. A consistently applied, understandable and useable approach to FOP labelling throughout the marketplace will help consumers to make healthier choices by a number of means: (i) Increasing the potential for consumers to understand and use it as it contains the elements shown to be most effective. (ii) Reducing confusion for consumers caused by the

<sup>1</sup> Comprehension and use of UK nutrition signpost labelling schemes, BMRB 2009.

<sup>2</sup> <http://www.food.gov.uk/foodlabelling/researchandreports/citforumfop>



		variety of FOP labels in the marketplace, and therefore encouraging use. (iii) Building trust and providing reassurance by using a Government backed approach, and therefore increasing usage. (iv) Indirect health benefits where using a single approach. Provides firms with an incentive to reformulate and provide healthier products.
Nestlé	A growing body of evidence confirms that GDA labelling is helping consumers make better informed choices. GDA labelling has also helped focus the reformulation and new product development efforts of manufacturers and retailers. Nestlé can see no further benefits of applying an integrated scheme beyond those already achieved when using GDA labelling.	The FSA would welcome the submission of evidence relating to consumer understanding of GDA labelling and its impact on food choices. See comment [1].
Tate & Lyle	Tate & Lyle currently use the GDA approach, this scheme covers the calorie content, fats, sugars, salt criteria, and portion size as set out in option 2. The portion size for sugar was formulated by using a standard teaspoon, as used in the UK.	Noted.

<b>8. We would welcome views on potential costs and benefits associated with Option 3.</b>		
Respondent	Comments	FSA Response
Firm A (response to Q.8-20)	<p>Firm A conclude that either option would incur significant time and costs for business. This is because it sells over 300 SKUs and most are in expensive gravure print. In addition, Firm A products are sold in the UK and Ireland plus they are exported across Europe and the rest of the world. It wouldn't be commercially viable to have separate packs for each of these geographical regions.</p> <p>The cost to our category and business would be significant. This is because such a large physical change to FOP and the introduction of additional colours would translate to both fixed redesign and origination costs as well as on going costs of around 10%. Fixed costs break down as follows: Design and artwork costs: £20-50K major redesign, £2-5k minor redesign New cylinders costs (on average): £3K per pack We can not comment on why retailers have provided lower origination charges than brands; unless they have just provided their own design or artwork costs and not the total costs. As a manufacturer of both brand and own label products, we see on average no difference in costs of the re-origination from brand to own label, with both being around the £3K mark per SKU.</p>	<p>Noted and responses will be taken into account.</p> <p>It is unclear as to what these on-going costs are so these are not taken into account.</p> <p>Noted. This has been taken into account. Costs are based on other metrics e.g. minor change, major change or size of business.</p>

<p>FDF Nestlé Tate &amp; Lyle</p>	<p>There is very little difference in the costs associated with option 3 compared with option 2. The costs of both will be extremely high for manufacturers who currently use monochrome GDA schemes. The FSA assessments of the costs of changing from a GDA scheme to a more complicated 'triple hybrid' approach are flawed and considerably underestimate the costs that industry would incur in making such a change.</p>	<p>The FSA has consulted on the costs of re-labelling for current traffic light adopters to change to the FSA's single approach for both options 2 and 3. The development of the impact assessment is iterative and is updated in the light of new data. While the Agency would encourage firms to adopt the FSA approach to FOP labelling, as FOP is voluntary it is up to individual businesses whether to participate or not.</p> <p>The FSA notes that there is little difference in costs between option 2 and option 3 because they both apply to existing FSA adopters. The difference between Option 2 and 3 is that Option 3 is more prescriptive in what a label should look like whereas Option 2 is more flexible. We would expect the number of stock keeping units in both to be constant.</p>
<p>FDF Firm B</p>	<p>The consultation states that 9,100 products would need to change at a cost of £1,000 a time, giving a total figure close to £10k. It is important that you recognize that this figure of £1000 per product was for retailer products and your own figure for manufacturers was £1500. This point seems to have been disregarded in the overall calculation. FDF believes that there are at least 20,000 products with GDA labelling in market that would need to change. Additionally, having reviewed industry data for re-labelling costs, we believe these are much higher than £1,500 stated given the complexity of this sort of artwork (number of colours etc.). This is represented in the real data collected from manufacturers but not allowed for in the calculations. Thus the overall calculation does not allow for the real variability of changing current packs. For example, a true breakdown of costs for a manufacturer would be; new plates an average of £1,000, additional colours on plates will cost on average £500, plus staffing time for checking of new artworks with up to 5 versions being checked, redesign fees from the Arthouses, and any potential stock write-offs. There would also be an increase in printing costs of approximately 10%.</p> <p>It is not relevant to find a median value for your calculations as you have gathered 'real data' that accounts for a significant proportion of food products, given the market impact of major producers you have surveyed. The SME data is likely to be much less representative given your small sample from a much larger base.</p>	<p>Noted and response will be taken into account. The median value will not be used in the future.</p>
<p>Adopting Option 2 or 3 will have a major impact on all companies – irrespective of which scheme they</p>		

	currently use. For instance: taking a more realistic but conservative estimate of cost of £2,500 (based on your data) and a very conservative estimate that some 20,000 SKUs currently use GDAs would mean that from our perspective any enforced changes would cost £50,000,000. This would then be compounded by any future changes in the light of the EU's Food Information Regulation. In other words: £100,000,000 would need to be spent on labelling changes in, say, five years. While we recognise that some of this money would be spent in the normal course of business (such as planned packaging redesigns and brand renovation work), this is not something that can be dismissed out of hand.	
FDI Nestlé Firm B	The impact assessment also fails to recognise the common packaging that many companies use to supply more than one country. In particular, the impact assessment has not considered that many manufacturers based on the British mainland will have common product and packaging for the UK <b>and</b> the Republic of Ireland and would find it commercially unacceptable to produce different labels for both markets.	The impact assessment sought views on this issue. No information or evidence on the extent of these potential costs has been identified. The FSA considers that a potential additional cost may arise if different approaches to FOP labelling emerge in the UK and EU. This would only materialise once the EU FIR is agreed and if its requirements were found to conflict with the UK approach to FOP labelling. If this situation did occur, costs would be mitigated by the fact that the Regulation is unlikely to be agreed before 2010 and would include a transition period in the order of 3-5 years.
Nestlé	Nestlé can see no further benefits of applying other schemes beyond those already achieved when using GDA labelling. The costs of either scheme will be extremely high for Nestlé as we currently use a monochrome GDA scheme.  The consultation states that 9,100 products would need to change at a cost of £1,000 a time, giving a total figure close to £10m. Nestlé supports the FDF data that there are at least 20,000 products with GDA labelling in market that would need to change (Nestlé alone would need to change around 800 products) and that the FSA data is inaccurate. It is not relevant to use a median value for these calculations as 'real data' was collected that accounts for a significant proportion of food products, given the market impact of major producers you have surveyed.  Nestlé believes the costs per product are much higher than £1000 and closer to £5000 given the complexity of this sort of artwork (number of colours etc.). A realistic breakdown of costs for Nestlé would be design and pre press costs, up to 5 new printing plates, additional colours needed on press, plus staffing time for checking of new artworks, and any potential stock write-offs. Some of these costs would be reduced if a the labelling changes for a voluntary scheme were introduced at the time	See comment [2].

	<p>of other pack changes, but not significantly reduced to the level declared in this consultation. Any impact assessment should also include the following costs (not included in the £5000): Calculation of new data, administrative costs to advise customers of new product codes and change the information throughout the supply chain, other labour costs such as project management, technical, regulatory affairs, nutrition and marketing.</p> <p>Nestlé UK imports a large proportion of its products into the UK and many of them carry multilingual labels (around 300 imported SKUs would be affected by a FoP labelling scheme). The costs of producing packaging for the UK market alone, which in many cases is a small proportion of the total volume for a product, will be immediate and ongoing largely due to the loss in cost savings associated with producing large volumes of packaging. Nestlé believes that the cost per SKU associated with imported SKUs is closer to £20k per SKU.</p>	
Firm B	<p>We believe there would be very little difference in the costs associated with Option 3 compared with Option 2 but it would be far more difficult to implement due to the differences in packaging format, layout and design. The costs of both will be extremely high as we currently use a monochrome GDA scheme.</p>	<p>[3] The FSA has consulted on the costs of re-labelling for current traffic light adopters to follow the FSA's principles for a single approach, for both options 2 and 3. While the FSA would encourage firms to adopt the FSA single approach, as FOP labelling is voluntary it is up to individual businesses whether to participate or not.</p> <p>The FSA notes that there is little difference in costs between option 2 and option 3 because they both apply to existing traffic light adopters. The difference between Option 2 and 3 is that Option 3 is more prescriptive in what a label should look like whereas Option 2 is more flexible. We would expect the number of stock keeping units in both to be constant.</p>
Tate & Lyle	<p>The consultation states that only 9,100 products would need to change at a cost of £1,500 per product. According to the data presented by the FDF there are approximately 20,000 products with GDA labelling in the UK Market currently, all of which would require changing to the new scheme. In addition, on page 25 (Annex C) of the consultation, it states that: 'It is estimated that around 28,000 products have some form of FOP labelling on them'. We do not therefore understand where 9,100 products comes from.</p> <p>The costs associated with re-labelling are also considerably higher than the estimated £1,500 in the consultation. Most worryingly the calculation for arriving at these costs has been done using a</p>	<p>Noted. See comment [3].</p> <p>The FSA's current estimates of the number of SKU's which carry traffic light labelling are 9,100.</p>

	<p>median value which is not appropriate in light of the data gathered. The FDF has taken an average cost of £2,500 per sku, which is taken from data presented by its members. However, Tate &amp; Lyle would incur costs even higher than this, as can be seen in the breakdown of costs as set out below:</p> <p>New plates £1,000, Additional Colours £500, Redesign Fees £1,000, Staffing time for approvals £2,000.</p> <p>Tate &amp; Lyle would incur extra costs for using 3 extra colours on packaging due to the nature of our single-coloured packaging. These figures have been calculated based on current redesign costs and do not include either the cost of stock write-offs or indeed increased printing costs associated with using more colours (approximately 10%) on an ongoing basis.</p> <p>Even with our limited retail range, approximately 57 sku's, the cost associated with this re-labelling would be £256,500. In addition, this cost would be compounded further by any changes in light of the EU's Food Information Regulation; this would effectively double our costs to £513,000.</p>	
<p>University of Aberdeen, Public Health Nutrition Research Group</p>	<p>We believe that option 3 is essential for consumers to understand and use FOP labelling fully: different formats will confuse people and reduce the impact. The format we prefer is the top right example of annex C for the FOP labelling which is the simplest design with the top and bottom text more easy to read from a distance and the percentage figures for GDA more clearly linked to the text below.</p>	Noted.
<p>WHOTS Food Group</p>	<p>Option 3, a standard label for all businesses would be easier for consumers and enforcers to understand. It would be easier for consumers to compare products and prevent marketing spin/design confusing the issue.</p>	
<p><b>9. We would welcome views on assumptions made in assessing enforcement costs.</b></p>		
<p><b>Respondent</b></p>	<p><b>Comments</b></p>	<p><b>FSA Response</b></p>
<p>FDF Nestlé</p>	<p>Standardisation is likely to minimise costs. The GDA scheme could achieve this.</p>	<p>Noted. Introduction of a consistent approach to FOP labelling would decrease enforcement costs.</p>
<p>Firm B</p>	<p>FOP labelling is voluntary and therefore incurs no direct enforcement costs.</p>	<p>Where a business has chosen to adopt FOP labelling Local Authority Enforcement Officers are responsible for checking that the declarations are not false or misleading. The accuracy of FOP labels is normally checked by enforcement officers at the same time as</p>

		mandatory product labelling information. With nutrition labelling provided on a voluntary basis for nearly 80% of pre-packed food in the UK it is not expected that any significant incremental enforcement costs will arise from specifically checking FOP labels.
Tate & Lyle	Tate & Lyle does not see why current enforcement costs would be increased in light of any form of proposal to change a voluntary FOP labelling. However, an increase in costs would be seen if any scheme were to be made compulsory.	Noted.
WHOTS Food Group	One integrated approach means that officers would only need to be familiar with one label. There is a potential for increased mislabelling as companies try to get their product into another category i.e. amber instead of red. There would be an increased need to sample during initial stages.	It is not clear what evidence is available to support this comment.

<b>10. We would welcome industry's views on the basis of the assessment for re-labelling costs for industry including (a) the estimated number of products that would have to be switched to an integrated FOP label over the next three years outside normal re-labelling cycles in line with the Agency's revised technical guidance and (b) any estimates of one-off costs outside pure re-labelling costs.</b>		
<b>Respondent</b>	<b>Comments</b>	<b>FSA Response</b>
Firm A	The cost to our category and business would be significant. This is because such a large physical change to FOP and the introduction of additional colours would translate to both, fixed redesign and origination costs as well as ongoing costs of around 10%. Fixed costs break down as follows: Design and artwork costs: £20-50K major redesign, £2-5K minor redesign New cylinders costs (ave.) £3K per pack	Response has been noted and a more appropriate figure will be used in future.
FDf Nestlé Firm B Tate & Lyle	As response to Q.8	See comments in response to point raised under Q8.

<b>11. We would welcome SME views on potential costs that may arise as a result of complying with such requests from retailers including re-labelling costs and number of products affected.</b>		
<b>Respondent</b>	<b>Comments</b>	<b>FSA Response</b>
FDf	It would be of concern if pressure were brought to bear on SMEs by any party which would significantly increase costs. FDf is aware that some SMEs make infrequent changes to labels and do not have the resources to do otherwise.	Noted.

<b>12. We welcome views on the cost of having two labels (one for the UK and one for other EU countries the business supplies to), and the likelihood of this arising.</b>		
<b>Respondent</b>	<b>Comments</b>	<b>FSA Response</b>
FDF	Many manufacturers are already using common schemes to retailers, for example GDA based schemes. FDF would hope that other changes would occur voluntarily in due course.	Noted.
Nestlé	Additional costs will arise if different approaches to FOP labelling emerge in the UK and EU. This additional cost will materialise once the EU FIR is agreed and if its requirements were found to conflict with the UK approach to FOP labelling. There is no way of predicting if this situation will materialise or not. Costs would be mitigated by the fact that the Regulation is unlikely to be agreed before 2010 and a long transition period (3-5 years).	Noted. The impact assessment will reflect this.
Tate & Lyle	When the EU Food Information Regulation comes into force, Tate & Lyle like other companies will have to change packaging designs to meet the new requirements. Some of our packaging carries multi-lingual labelling as it is sold throughout the EU. The proposed 'triple hybrid' scheme would have little relevance to other European markets, and indeed may be contrary to other national provisions. Moreover, given its size it would be particularly difficult to incorporate and as already said, would raise packaging costs on an ongoing basis. If such a scheme by practice becomes 'mandatory', a factor that would be contrary to the principles of the internal market and the purpose of a Regulation, Tate & Lyle would likely have to develop extra sets of artwork for the EU market. The cost of these would be on top of the re-labelling costs already discussed in the answer to question 8.	Noted and response is taken into account.

<b>13. What type of implementation costs do we need to consider?</b>		
<b>Respondent</b>	<b>Comments</b>	<b>FSA Response</b>
FDF	FDF wishes to reinforce its belief in the GDA scheme and that further implementation for a triple hybrid scheme should not be prioritised over steps outlined in our overarching comments.	Noted. No indications of implementation costs were provided.
Nestlé	Nestlé has already invested in, implemented and continue to support the GDA scheme. We would not wish to introduce any changes to our nutritional labelling ahead of EU approval of the FIR.	Until the FIR is agreed the extent of resulting changes due to legal requirements and the related costs are unknown. Any costs would be mitigated by the fact that the Regulation is unlikely to be agreed before 2011 and would include a transition period in the order of 3-5 years.
Firm B	Our preferred solution is the GDA scheme and we believe that with the new EU legislation due to be	See comment [3].

	agreed in the next 12-18 months , no changes should be made until the EU regulates through its FIR proposal. Consumers should be encouraged to use the information that is now widely available to them until this time.	
	The following implementation costs need to be considered; design, artwork production proofs etc., origination costs, ongoing costs for increasing the number of colours used in printing, training, guidance, documentation, communication to the consumer.	Noted and response is taken into account.
Tate & Lyle	See response to Q.12 and 8	See comments in response to points raised under Q12 and Q8.

#### 14. How long (in hours) would option 2 take to implement?

Respondent	Comments	FSA Response
FDF	FDF members have already invested in the GDA scheme and believe that it represents a strong base to drive consumer understanding of nutrition. FDF has not requested detail input from members on this point as they wish to more fully reap the benefits of the GDA scheme they have already implemented.	See comment [1]. Option 2 offers benefits to the consumer which are absent from option 1 (do nothing). A consistently applied, understandable and useable approach to FOP labelling throughout the marketplace will help consumers to make healthier choices more easily. See comment [2].
Nestlé	Nestlé has already invested in, implemented and continue to support, the GDA scheme. We would not wish to introduce any changes to our nutritional labelling ahead of EU approval of the FIR.	See comment [3].
Firm B	The relabeling cycle for Firm B branded goods is between 1-5 years.	Noted and response is taken into account.
Tate & Lyle	The amount of time to implement option 2 would be considerable, a minimum of 5 years.	Noted and response is taken into account.

#### 15. We welcome views on product analysis costs and on costs that may arise for SMEs that currently have no nutritional information for fat, saturates, salt and sugar on their products. We would also like to better understand how SMEs calculate nutritional information.

Respondent	Comments	FSA Response
FDF	FDF does not have any information on this question as SMEs have expressed the wish to continue with the current practices that are acceptable to them.	During pre-consultation engagement with stakeholders, 86 SMEs were contacted through FDF and 7 SMEs were



	invited to workshop discussions in Nottingham and Exeter <sup>3</sup> .
	No further information or evidence was provided in addition to the evidence outlined in the consultation document.

<b>16. The FSA welcomes any further information on number of SKUs affected by FOP from current adopters, particularly those who have not participated in the workshops or completed the Agency's data questionnaire.</b>	
<b>Respondent</b>	<b>Comments</b>
FDF	FDF estimate GDA labelling is on at least 20,000 product lines. These manufacturers wish to continue with the approach they have found to benefit consumers.
Nestlé	Wish to continue with the GDA approach.
Firm B	We have approximately 5300 stock keeping units (SKUs) sold through retail outlets. The number of our product SKU's that currently contain front of pack GDA nutritional information is detailed in the front of pack labelling questionnaire that was sent to the Agency prior to this consultation.
Tate & Lyle	As response to Q8
	<b>FSA Response</b>
	Noted.
	Noted and response is taken into account.
	Noted. See comment [3].

<b>17. We would welcome any comments on Annex D (industry costs).</b>	
<b>Respondent</b>	<b>Comments</b>
Nestlé	See response to Q.8
Firm B	We have around 5,300 product SKU's that would be affected if the integrated FOP labelling approach were to be adopted. The initial costs alone for the artwork redesign, reprographics, and production of the plates/cylinders would be around £4.5 million. This is almost half of the FSA's estimated industry cost of £10 million, indicating this is a huge underestimation as we represent around 3% of the UK grocery market but our costs reflect nearly 50% of the estimation.
	Annex D estimates that the costs of re-labelling a product SKU out of normal business cycles would be between £1000 - £2100, which we believe is an appropriate average, although some products can
	<b>FSA Response</b>
	See response to Nestlé entry at Q.8.
	Noted and response is taken into account.

<sup>3</sup> <http://www.food.gov.uk/foodlabelling/signposting/policyreview/>

	cost up to £6500, therefore this average can be misleading. Our figures are higher than the Agency's estimation due to the variety of costs which the Agency have not considered and the underestimation by the Agency of the product numbers requiring label updates.	
Tate & Lyle	See previous answers on costs	See response to Tate & Lyle entry at Q.8.

#### 18. Which of the two cost [labelling] ranges given in Annex E for retailers and manufacturers do you think is more accurate?

Respondent	Comments	FSA Response
FDF	Given that both are estimated on figures collected from the concerned industries they are both likely to be accurate. The fact that they are different indicates that delivering retail and branded products to market incorporates different elements – this should not be a surprise to those that understand the industry well. However, it is worth noting that the re-labelling estimate of £1,000 per SKU is based on a median value for retailers and not as would be expected on an average value across retailers and manufacturers.	Response has been noted and a more appropriate figure will be used in future.
Nestlé	See response to Q.8	See response to Nestlé entry at Q.8.
Firm B	Believes both figures to be accurate. The difference can be attributed to the fact that delivery of retail and branded products to market incorporates different elements.	Noted.
Tate & Lyle	We would repeat our comment that the Agency's re-labelling estimate of £1000 per sku is based on a median value and not as would be expected and more appropriate, an average value.	Response has been noted and a more appropriate figure will be used in future.

#### 19. Do you agree with the approach taken in Annex F of the IA (methodology for calculating SKUs)?

Respondent	Comments	FSA Response
FDF Nestlé	Looking at the data presented we are unclear as to why ratios have been used to reduce the number of products. It is also worth noting that on page 25(Annex C) of the Consultation, it refers to an estimated 28,000 products that carry some form of FOP labeling on them. We would assume that nearly all of these would need changing to meet a new standard.	[4] The FSA has consulted on the costs of re-labelling for current traffic light adopters to follow the FSA's principles for a single approach, for both options 2 and 3. Thus in doing so, FSA used TNS data and combined workshop responses to estimate the number of SKUs affected by Option 2 and 3. While the Agency would encourage all firms to adopt the FSA approved approach, as the approach is voluntary it is up to individual businesses whether to participate or not. Thus not all 28,000 products are relevant to the calculations of option 2 and 3.

Firm B	Considering the limitation of data available, we agree with the approach taken to calculate SKU's.	Noted.
Tate & Lyle	Looking at the data as presented, the consultation does not refer to page 25 (Annex C), where it states that an estimated 28,000 products carry some form of FOP labelling. In order for anyone to follow the proposed changes their packaging would need to be altered to match the 'triple hybrid' scheme. This is not reflected in the Methodology for calculating SKU's.	See comment [4].

#### Other comments related to questions raised in the 'interventions and options' section

Respondent	Comments	FSA Response
Coca Cola	As a system, we already provide GDA information on pack in addition to back of pack nutrition information. The FSA will be aware of the ongoing European discussion which proposes a Europe wide front of pack labelling scheme which, if adopted, would legally take precedence over any voluntary scheme proposed within the UK. Given that this European ruling will be determined within the next 12-18 months, we would encourage the Agency to consider utilising this time cost-effectively by educating and encouraging consumers to make use of the information currently provided on pack to make healthy dietary choices.	Until the FIR is agreed the extent of resulting changes due to legal requirements and the related costs are unknown. Any costs would be mitigated by the fact that the Regulation is unlikely to be agreed before 2011 and would include a transition period in the order of 3-5 years.
FDF	Discussions on a voluntary UK approach to labelling cannot happen in complete isolation from the complex negotiations now underway in Europe on a proposed Food Information Regulation. The Agency's consultation appears to have downplayed the huge significance of these EU negotiations – both in terms of defining exactly what information will be <b>legally allowed</b> to appear on packs in future and in terms of the costs that would be incurred by manufacturers if they were to make repeated changes to their packaging.	
	The Agency's impact assessment claims that the cost to industry of your preferred approach would be less than £10m. We fear this seriously under-estimates the full costs to those companies who have adopted the simple GDA labelling scheme if they are forced to implement a triple hybrid scheme on their packs ahead of the EU Regulation. As we argue elsewhere in this response the true cost is more likely to be £100m in a five-year period. While we recognise that some of this money would be spent in the normal course of business, the implications of this assessment cannot be ignored.	
Sugar Bureau	There is a high risk that additional work on adapting voluntary UK food labels will be overridden by mandatory nutrition labelling in the context of the proposed EU FIR. It is impractical to consider UK food labelling schemes in isolation of the forthcoming EU Regulations, for both costs and legal reasons. The IA included in the consultation document fails to consider costs that might be incurred by the food industry due to implementation of the triple hybrid approach in advance of this EU regulation. The costs of the food industry stated in this consultation are therefore likely to be hugely	

	underestimated.	
Northern Foods	The competition assessment contends that there is no evidence that use of one type of FOP generates any competitive advantage but does not address whether the responsible brand owner is left at a competitive disadvantage by voluntary adoption.	FSA are not aware of the basis for this agreement.
Pepsico	Our views are broadly in line with those included in the FDF response to this consultation. Please note we have already shared detailed information with the Agency regarding the financial impact of labelling changes within the broader context of recent and forthcoming labelling changes.	The information provided has been taken account of in developing the draft impact assessment.
SNACMA	The consultation states that 'as this is a voluntary initiative, there are no additional administrative burdens on business'. This is very simplistic assessment of the potential financial impact that the triple hybrid may have on businesses and we would refer you to the FDF's response on the matter.	Noted.

### Stakeholder responses to the independent research on front of pack (FOP) labelling 'Comprehension and use of UK nutrition signpost labelling schemes'<sup>1</sup>.

Respondent	Comments	FSA Response
<p>DFD</p>	<p>We have considered carefully the case for change. The PMP report (whose research we welcome and commend) contains the following tables (see Appendix A). We therefore take from the research that all the FOP schemes currently in market show high levels of consumer understanding and that there is little difference between the various schemes evaluated. Our conclusion is supported by an independent peer review of the PMP research carried out at our request by Professor Klaus Grunert of Aarhus University (see Annex 6.1), a leading expert in the field of consumer behaviour. This points out that the evidence for "confusion" (the main justification for proposing to move to a single scheme) rests on "weaker grounds".</p>	<p>[1] Noted. Taken as a whole, including the qualitative findings, the independent research<sup>2</sup> provides evidence that there is a significant difference in comprehension for labels containing high, medium and low text, traffic lights (TL) and % GDA, and for standardising to one FOP label format. See also the TNS-BMRB response to the FDF commissioned critique by Professor Grunert annexed to this document (Annex 6.2).</p> <p>[2] The findings from the Agency's Citizen's Forums<sup>3</sup> found that consumers thought that if a standardised FOP approach was adopted by all supermarkets and manufacturers, it would be easier to understand and more convenient to use, particularly for consumers who considered that trying to interpret several different approaches was inconvenient and time-consuming. Consumers liked a FOP label which included text, %GDA and particularly traffic light colours which aided quick decisions.</p> <p>[3] In developing a proposed single approach to FOP labelling, easily understood by consumers, as set out in the Prime Minister's speech in January 2008<sup>4</sup>, the FSA has taken these findings into account in developing a proposed single approach for FOP labelling, to be discussed by the Board in March 2010.</p>

<sup>1</sup> Comprehension and use of UK nutrition signpost labelling schemes, BMRB 2009.

<sup>2</sup> Independent research refers to the research managed by the Project Management Panel (PMP) and reported by BMRB (footnote 1).

<sup>3</sup> <http://www.food.gov.uk/multimedia/pdfs/citforumfop.pdf>

<sup>4</sup> <http://www.number10.gov.uk/Page14171>

	<p>It is our understanding that the PMP, which ran the FSA’s research study, was not actually tasked to make policy recommendations or to find a single approach. In fact, the original terms of reference for the Panel quite clearly state that its remit was simply “to independently manage the project to evaluate front-of-pack signpost labelling schemes operating in the UK in terms of the effect they have on consumer knowledge and behaviour”.</p> <p>In this particular respect we feel the Panel should be congratulated for undertaking a piece of thorough research that complements equally impressive studies into nutrition labelling conducted by EUFIC (The European Food Information Council) and the European Union funded FLABEL (Food Labelling to Advance Better Education for Life) project – all of which are starting to improve our knowledge of how consumers use on-pack nutrition information.</p> <p>Professor Grunert rightly describes the study as a “generally well-conducted, thorough piece of research”, but raises a number of important questions about the final conclusions drawn by the Project Management Panel. With regard to Professor Grunert’s critique of the PMP’s report, he points out that all signposting systems were, in fact, well understood by consumers and were particularly good in enabling shoppers to make comparisons between products. He challenges the claim that there is strong evidence to conclude that a triple hybrid scheme based on %GDAs, text and traffic light colours outperforms other label formats. In fact, the Agency’s research itself shows that the more complex the label, the longer it takes for consumers to compare two products.</p> <p>Prof Grunert also believes that there is little evidence to support calls for the standardisation of labels. He writes: “While some evidence for confusion caused by different label formats has been provided, it is certainly limited and does not, in this expert’s opinion, warrant such a wide-ranging conclusion.”</p>	<p>[4] The aim of the independent research was agreed with the Nutrition Strategy Steering Group (NSSG) at the outset of the research<sup>5</sup>. The research sought to establish which scheme(s), or elements of the scheme(s) best facilitate the accurate interpretation of key nutritional information by consumers such that they are enabled to make informed choices about the foods they purchase. The PMP’s remit can be found on the FSA’s website<sup>6</sup>.</p> <p>[5] The final report from the EUFIC pan-European study and the FLABEL study are not yet available and FLABEL research is ongoing.</p> <p>See comments above at [1] to [3] and the TNS-BMRB response to the FDF commissioned critique by Professor Grunert (Annex 6.2).</p> <p>[6] The comprehensions tests in the study were timed to provide a measure for differentiation between label types. There was little difference in time taken to complete tests under each label type.</p> <p>[7] Part of the PMP’s role was to ensure that the final report is a true and fair reflection of the data generated by the research. In addition the report was peer-reviewed by 2 recognized independent experts in qualitative and quantitative research methodologies.</p>
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<sup>5</sup> <http://www.food.gov.uk/healthierating/nutcomms/nutritionstrategy/nssgteleconf070515>

<sup>6</sup> <http://www.food.gov.uk/foodlabelling/signposting/signpostevaluation/pmpanel/signpostevalterms>

	<p>One key challenge remains: we still do not know if some label formats are better than others in actually influencing choices made in the shop at point of purchase. However, the knowledge base on the effectiveness of different schemes currently in market is still developing. Additional information should be continually reassessed to test the validity of conclusions that have been considered in arriving at the triple hybrid proposal.</p> <p>The Agency will be aware that very recently a new study has been published (Sacks, Rayner and Swinburn. Health Promot. Int. October 8, 2009) that concludes that front of pack 'traffic-light' nutrition labelling of ready meals and sandwiches did not change the purchasing behaviour of consumers. It was suggested that further research on the influence for nutrition signposting is still needed before colour coding is considered a promising public health intervention. Further, we know from other studies such as EUFIC and FLABEL, that the overwhelming majority of consumers still do not use the on-pack information that is now widely available.</p>	<p>See also comment [2].</p> <p>[8] The FSA is unaware of further published evidence on comprehension of FOP labels at this time. The independent PMP research sought to determine the most effective FOP label in terms of consumer comprehension and use, rather than to measure impact of FOP labels on consumer behaviour at point of purchase. See also comment [4].</p> <p>[9] The FSA is aware of the paper referred to (Sacks <i>et al.</i> 2009). The study looked at the short term purchasing behaviour of consumers, concerning itself with one type of FOP labelling (TL labelling) and two types of product in the stores of one retailer in the UK over an 8 week period. A number of other changes were made to the products and packaging that coincided with the introduction of FOP traffic light labelling. Therefore, it is not possible to separate which changes affected sales. The fact that the research was unable to demonstrate differential effects of FOP TL labelling in one particular set of circumstances does not mean that such labelling has not had other effects or that it would not have such effects in other circumstances (e.g. where TL labelling has been implemented more widely and over a longer time period). Sainsbury's compared sales of products over a 12 week period before and after traffic lights were introduced <sup>7</sup> and found an increase in sales of healthy products and a decrease in sales of less healthy products.</p> <p>Findings from the independent research and other observational studies such as EUFIC, support the view</p>
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<sup>7</sup> <http://www.j-sainsbury.com/files/reports/cr2007/files/report.pdf>

	<p>Surely Prof Grunert is right to argue that more could be gained by focusing on measures to increase the use of such information, rather than trying to further optimise the existing labelling systems? Given that Government has no power to regulate in this area – and in the absence of any hard data to support the hypothesis that consumers are confused by the current mixed economy of labelling solutions – and with new EU legislation due to be agreed in the next 12 to 18 months – we would argue strongly that the best, and most cost-effective, policy option for the Agency at this stage would simply be to work with industry to encourage consumers to use the information that is now widely available to them in retail stores.</p> <p>We agree that calorie per portion information is vital – which is why it has been at the heart of the GDA scheme from the start. And research carried out by the Agency and others – including EUFIC – supports that view.</p> <p>The Public Health Commission recently published a report that highlighted the importance of Government providing consumers with clear messages, articulated in a consistent and compelling way through all available channels. On the issue of front-of-pack labelling, the Commission proposed that both retail packs and menus in catering outlets should provide nutrition information based on the same baseline of the Big 5 (calories, sugars, salt, fat and saturated fat) presented in a per portion format with GDAs. Once this standard baseline was established, the Public Health Commission felt that companies could then be free to apply other nutritional evaluation systems, such as colour, on a voluntary basis.</p> <p>Our research – supported by the PMP findings – tells us that GDA labelling is having a significant positive impact for consumers.</p>	<p>that consumers do not look at food labelling often and as such, effects on short terms sales are likely to be limited. The conclusions from this small study do not mean that more research is needed before action can be taken to improve the comprehensibility or comprehensibility of nutrition labelling.</p> <p>[10] The citizens’ forums<sup>3</sup> has identified that promoting and implementing one approach of FOP labelling is an integral part to increasing usage of FOP labels. A consistent approach which is Government backed is required to increase consumer literacy, trust and use. See also comments [1] to [3].</p> <p>[11] The independent research confirmed that calories are liked and used by consumers, and that consumers are able to make healthier choices using the other interpretive elements, especially High, Medium and Low text.</p> <p>[12] The Agency is not aware of any research on objective consumer understanding which demonstrates that percentage GDA alone helps consumers to make healthier choices. See also comments [1] to [3].</p> <p>[13] The FSA would welcome the publication of this evidence.</p>
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<p>Tesco</p>	<p>We think Government and the FSA should work with industry to encourage more consumers to use the information already available to them – rather than try to create the optimum labelling system based on the subjective interpretations of a single piece of market research.</p> <p>We always review our policies in light of the latest research and information. This includes the ongoing studies by EUFIC and FLABEL. We have studied the research commissioned by the Food Standards Agency on the various systems and have the following comments:</p> <ul style="list-style-type: none"> <li>It focused on consumer responses to the different labels but provided no systematic examination of the technical deficiencies of colour coding. These include subjective thresholds between the colours and its inapplicability to several food categories including meat, produce, cheese and other dairy products.</li> <li>The research did not adequately explore how customers might react to products with a number of different traffic lights such as two ambers, one red and one green on a label. It also placed too much emphasis on the alleged problems of background colours on GDA labels.</li> </ul>	<p>[14] The FSA is working with stakeholders to agree a single approach which consumers understand and will increase consumer use of FOP labels.</p> <p>[15] The independent research did not set out to determine whether consumers understand the technical basis underpinning any of the various FOP schemes. The study was designed to determine whether consumers can use the interpretive elements provided in FOP labels to make informed choices; it is not necessary for consumers to understand the underpinning basis of the schemes to do this. The quantitative measures within the main survey were designed to test whether the various label types (and elements of labels) were interpreted correctly and whether they helped consumers to make healthier choices.</p> <p>[16] Traffic light colour coding has been successfully applied to a wider range of products than the original 7 recommended categories, by several companies. It is the FSA's intention to increase the scope of application to a wider range of pre-packed foods, including produce and dairy products.</p> <p>[17] The independent research tested consumer comprehension of each individual interpretive element and combinations of elements by measuring the ability of consumers to make healthier choices for a range of real-life products.</p> <p>[18] Pastel colours were included in the comprehension tests along with TL colours. The qualitative elements of the study found that consumers mistakenly assigned TL meaning to pastel colours (i.e. greens and blues were thought to indicate Low).</p>
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	<ul style="list-style-type: none"> <li>It did not address the issue of how consumers actually interpret hybrid labels. Our research shows that, for most people, colours dominate over numbers. Adding GDAs to colours does not solve the problem of colours.</li> </ul> <p>We welcome the independent peer review by Professor Klaus Grunert of Aarhus University, a leading expert in the field of consumer behaviour and note his conclusion that the evidence for “confusion” (the main justification for proposing to move to a single scheme) between the different labelling systems rests on “weaker grounds”. We do not therefore see the rationale for proposing a single integrated scheme.</p>	<p>[19] The FSA would welcome the publication of this evidence. The independent research tested consumer comprehension of labels combining text, TL and %GDA. This combination of elements was found to be most effective in enabling consumers to make healthier choices.</p> <p>See comments above at [1] to [3] and the TNS-BMRB This combination of elements was found to be most effective in enabling consumers to make healthier choices.</p> <p>See comments above at [1] to [3] and the TNS-BMRB response to the FDF commissioned critique by Professor Grunert at Annex 6.2.</p>
Burton's Foods	<p>Burton's Foods believes that the research shows that all FOP schemes in the market show high levels of consumer understanding. Burton's Foods is committed to providing good nutritional information to its consumers and have been doing so for many years in a voluntary capacity. The company believes GDA's provide this information in a clear manner and it intends to continue to use the GDA scheme going forward until a European FOP labeling position is confirmed. Burton's Foods see no benefit from the combined labels above and beyond the GDA scheme.</p>	<p>See comments [1] to [3].</p> <p>[20] The proposed EU Food Information Regulation is unlikely to be agreed before 2011 with a transition period of 3-5 years. The Commission proposal allows for the use of FOP nutritional labelling presentation.</p>
Kellogg's	<p>Research published in Health Promotion International concluded that in the short term at least, traffic light labels have no discernable effect on the relative healthfulness of consumer purchases. This is not to suggest that FOP labelling is unimportant, however the impact that traffic light labels have on behaviour change does not outweigh the cost of implementation and the subsequent detachment of the UK from European harmonisation. The FSA consumer research confirms very high awareness of front of pack labelling schemes, relatively good comprehension and usage amongst different target groups.</p> <p>The FSA research did not show significant differences in preference or ease of use with any of the labels tested. These results are confirmed by other studies such as the EUFIC pan-European survey.</p>	<p>See comments [9] and [20].</p> <p>[21] The independent research found that 2 labels were clearly preferred. The circular traffic light design (32%) and the label combining high, medium and low text, TL's</p>

	<p>GDA's are the best labelling format for use across the EU. The majority of the industry in the UK uses GDA labelling and all 27 EU countries already employ them. The use of GDA's is becoming a global labelling system.</p> <p>The totality of evidence [submitted to FSA, but not appended to consultation summary] demonstrates Industry's commitment to research, promote and educate consumers. The data show increasing use and awareness of GDA's over time.</p> <p>To better understand the Agency's research, and to test the recommendations of the Project Management Panel, The Food &amp; Drink Federation commissioned Professor Klaus Grunert from Aarhus University, a leading expert in the field of consumer behaviour, to conduct an independent review of the PMP research project. Whilst Prof. Grunert describes the FSA study as a "generally well-conducted, thorough piece of research", he makes a number of important points, namely:</p> <ul style="list-style-type: none"> <li>• All major schemes were well understood and were particularly effective in enabling consumers to make comparisons between products</li> <li>• However, we still don't know if some are better than others in actually influencing choices made in the shop.</li> <li>• There is not enough evidence to conclude that the triple hybrid outperforms the other label formats tested.</li> <li>• The more complex the label, the longer it takes the consumer to reach the correct answer.</li> <li>• Potentially, more could be gained by measures leading to increased use rather than by further optimising labels for comprehension.</li> </ul> <p>We therefore take from the research that all the FOP schemes currently in market show high levels of consumer understanding and that there is little difference between the various schemes evaluated. Our conclusion is supported by the PMP research carried out at our request by Professor Klaus Grunert. This points out that the evidence for "consumer confusion" of current UK market schemes (the main justification for proposing to move to a single scheme) rests on weaker grounds.</p>	<p>and %GDA (44%). No other label was chosen by more than 5% of shoppers.</p> <p>[22] It is not known what is the best FOP label for use across the EU. The FLABEL research which is ongoing, is looking into this issue.</p> <p>[23] The FSA welcomes this summary of research around awareness and usage of GDA's and notes that it does not reference any published evidence around objective consumer comprehension of %GDAs.</p> <p>See the TNS-BMRB response to the FDF commissioned critique by Professor Grunert at Annex 6.2.</p> <p>See comments [1] to [3].</p> <p>See comment [8].</p> <p>See comments [1] to [3].</p> <p>See comment [6].</p> <p>See comment [14].</p> <p>See comments [1] and [2].</p>
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Morrisons	We are aware of the FSA-funded (PMP) research into consumer understanding of FOP nutrition signposting and welcome the finding that the inclusion of %GDAs is informative to customers and that they would prefer it to be included. However, we also note that it was shown that there are other (price, cultural etc.) factors which influence purchasing decisions about food items, and that FOP signposting is likely to be used only by consumers with a specific health concern or interest.	Noted.
SNACMA	We understand that the latest PMP report on 'Comprehension and use of UK nutrition signpost labelling schemes' demonstrates that all of the FOP schemes currently in market show high levels of consumer understanding and that there is little difference between the various schemes evaluated. We would question whether the same report provides sufficient evidence to support a move to the 'triple hybrid system' which the FSA is currently consulting on.	See comments [1] to [3] and the TNS-BMRB response to the FDF commissioned critique by Professor Grunert at Annex 6.2.
Which?	It is essential that decisions about front of pack nutrition labelling are based on robust consumer research which tests consumer comprehension of different labelling formats.	Agreed.
	We have fully supported the Food Standards Agency's (FSA's) evidence-based approach. In view of the conclusions of the independent evaluation study, it is essential that all manufacturers and retailers now adopt the integrated FOP labelling approach with 'high/medium/low' text, traffic light colour coding and % guideline daily amount (GDA) information. Which?'s own research (Healthy Signs? 2006; Hungry for Change? 2009) has also supported the conclusions of the study that consumers find it confusing if manufacturers and retailers continue to use different forms of FOP nutrition labelling. Failure to have a consistent approach also makes broader Government communications on healthy living much more difficult.	Noted.
Provision Trade Federation	We are concerned that there was no consultation on whether the integrated label was the best format, particularly given the findings of the review carried out for the Food and Drink Federation by Professor Klaus Grunert. There is limited evidence in the FSA research that consumers were confused by the different signpost labelling formats. However, there was evidence that they did not refer to them. Therefore it would be more effective to focus resources on informing consumers about the existing schemes, and encouraging them to use them, rather than harmonising the formats into a single scheme which could itself cause consumer confusion. There will be significant costs associated with a move to harmonise the schemes and there should be a consultation.	[24] See comments [1] to [3], [10], [14] and the TNS-BMRB response to the FDF commissioned critique by Professor Grunert at Annex 6.2.
Mars	i) We welcome the Project Management Panel's research into FOP labelling which we believe is a useful addition to the growing body of research to improve our knowledge of	See comments [1] to [3], [10], [14] and the TNS-BMRB response to the FDF commissioned critique by Professor

	<p>how consumers use on-pack nutrition information. Based on the findings of that research, and supported by an independent peer review commissioned by the FDF and carried out by Professor Grunert of Aarhus University, we understand that all FOP labelling schemes, including GDA, showed high levels of consumer understanding, and that there was in fact little difference between the various schemes evaluated. Professor Grunert challenges the claim that there is strong evidence to conclude that a 'triple hybrid' scheme based on %GDAs, text and traffic light colours, as proposed by the FSA, outperforms other label formats, and found that the evidence for consumer confusion caused by different label formats was limited and did not, in his opinion, warrant such a wide ranging conclusion. We have concerns that a combined label is being promoted when there is no conclusive evidence that some label formats are better than others in actually influencing behaviour at the point of purchase.</p> <p>ii) GDA is the most prevalent scheme in the UK. There are 84 adopters (May 2009) across 20,000 product lines. The adopters include five retailers, three foodservice organisations, two convenience store chains and 73 manufacturing companies. The FDF research, supported by the PMP findings, tells us that GDA labelling is having a significant positive impact for consumers.</p>	<p>Grunert at Annex 6.2.</p> <p>[25] Noted. The FSA would welcome the publication of the FDF research referred to.</p>
<p>Pepsico</p>	<p>We note that all the signposting systems included in the PMP's research were well understood by consumers and enabled shoppers to make comparisons between products.</p> <p>We were also pleased to see that "calories per portion" was found to be a useful format by consumers, as this is the basis for the GDA system of labelling.</p> <p>However, a further study (Sacks, Rayner and Swinburn, published October 8, 2009) has thrown up some questions about the effectiveness of traffic lights in driving healthier food choices. The key finding of the report was: 'This short term study based on a small number of ready meals and sandwiches found that the introduction of a system of four traffic-light labels had no discernable effect on relative healthiness of consumer purchases.'</p> <p>Research carried out by EUFIC (The European Food Information Council) has also found that 'calories are well understood and participants were generally positive about front-of-pack flags, particularly when flags were uniform across products. The most liked flags are the simpler flags depicting only the number of calories per serving or per 100 g, while more complex flags including references to daily needs or exercise and the flag including a</p>	<p>See comments [1] to [3].</p> <p>See comment [11].</p> <p>See comment [9].</p> <p>Noted.</p>

	<p>phrase referring to balanced lifestyle were least preferred.<sup>8</sup></p> <p>Building on the concerns raised by the research of Sacks, Rayner and Swinburn and EUFIC, we do not agree that the PMP research points to the need for a standardised triple hybrid system, firstly because this option is not one which was tested during the research, and secondly, because the view of Professor Klaus Grunert, the independent expert commissioned by the FDF to review the project, was that, “While some evidence for confusion caused by different label formats has been provided, it is certainly limited and does not, in this expert’s opinion, warrant such a wide-ranging conclusion.”</p>	<p>See the TNS-BMRB response to the FDF commissioned critique by Professor Grunert at Annex 6.2.</p>
<p>CEHOG</p>	<p>It is important to recognise that there are many other factors that influence a consumer’s decision to purchase food e.g. price, brand loyalty, attitude to healthy eating, knowledge etc. Research shows that these factors are a higher priority than FOP label information for many. Nutrition programmes/initiatives need to include a focus on these wider issues as well as FOP labelling.</p> <p>The independent research found a good level of awareness of FOP labels. However it is important to recognise that on day to day basis individuals often struggle to understand and be able to confidently apply the information to make healthy food choices. This is a key concern as if the FOP label can not be used then any potential public health benefits will be lost. It is clear that a lot of research has been conducted on what is the best type of label format/approach. However further consideration needs to be given on how best consumers can become more confident in using food labels at a practical level i.e. comparing foods, or to make a decision on how healthy a food product is. This is especially important for those consumers who are from lower socio economic classes, have lower levels of educational attainment or are disadvantaged.</p> <p>The FOP nutrition labelling scheme is a substantial public health intervention and must be accompanied by comprehensive monitoring, evaluation and independent research. Information needs to be made available on the extent of uptake of the scheme, the impact on consumer behaviour, response of food industry, costs of scheme versus improvements made in individual/populations diet etc. Progress on this need to be available within 1-2 years of the launch of the scheme.</p>	<p>Noted.</p> <p>See comments [10] and [14].</p> <p>Noted.</p>

<sup>8</sup> Eilen van Kleef, Hans van Trijp, Frederic Paepe and Laura Fernández-Celemin (2008). Consumer preferences for front-of-pack calories labelling. *Public Health Nutrition*, **11**, pp 203-213  
doi:10.1017/S1368980007000304

Premier Foods	<p>The PMP research and a GDA survey conducted by the Food and Drink Federation has indicated that GDA's are well understood by those consumer's who use them (1), (2).</p> <p>However, the PMP research and other studies such as EUFIC (European Food Information Council) and FLABEL (Food Labelling to Enhance Better Education for Life) (3) show that three-quarters of consumers still do not use the on-pack nutrition information that is now widely available in the UK. It seems that improving the consumer usage and understanding of on-pack information currently available has a real opportunity to make a significant impact on food literacy and ultimately consumer choices. We would like to work with the Government, including the FSA, to encourage more consumers to use the information already available to them and to support food choice through the promotion of the basic principles of nutrition.</p>	<p>See comment [1].</p> <p>Noted. See comments [10] and [14].</p>
Kraft	<p>The PMP's research was comprehensive and the results show that all FOP schemes considered achieve high levels of consumer understanding, with little difference in performance between them.</p> <p>We support the conclusions of the independent peer review by Professor Klaus Grunert of Aarhus University that the research conclusion in favour of a single, triple hybrid scheme - incorporating GDA, text and traffic light colours - rests on "weaker grounds".</p>	<p>See comment [1].</p> <p>See the TNS-BMRB response to the FDF commissioned critique by Professor Grunert at Annex 6.2.</p>
Nestlé	<p>Nestlé UK feels that the FSA's decision to promote an "integrated FoP nutrition label" is premature given both the lack of hard evidence to support the need for a single scheme and the potential changes that will be forthcoming with the adoption of the EU Food Information Regulation.</p> <p>Nestlé would like to draw the Agency's attention to the FDF response to this consultation and the fact that an independent review of the FSA PMP research could not support the FSA conclusion "that an integrated front-of-pack labelling approach providing high/medium/low text, traffic light colour coding and % GDA information was most effective in terms of consumer comprehension, consumer preference and enabling consumers to assess the healthiness of a product".</p> <p>The research was carried out Professor Klaus Grunert of Aarhus University. He points out that all signposting systems were, in fact, well understood by consumers and were particularly good in enabling shoppers to make comparisons between products. He challenges the claim that there is strong evidence to conclude that a triple hybrid scheme</p>	<p>See comments [1] to [3] and [20].</p> <p>See comments [1] to [3] and the TNS-BMRB response to the FDF commissioned critique by Professor Grunert at Annex 6.2.</p>

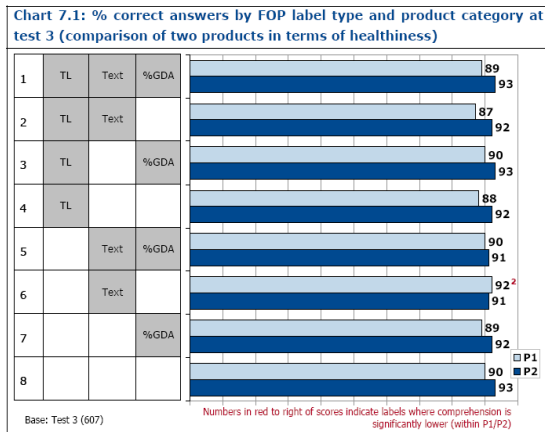
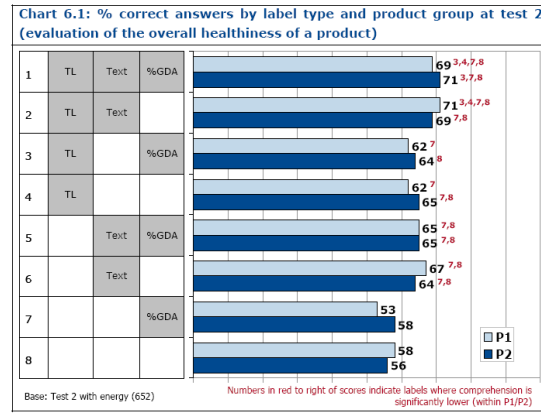
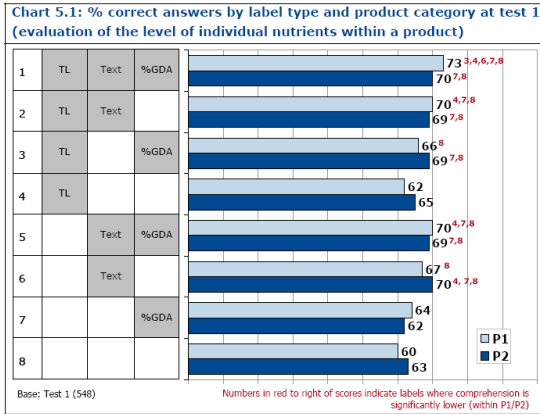
	<p>based on %GDAs, text and traffic light colours outperforms other label formats. In fact, the PMP research shows that the more complex the label, the longer it takes for consumers to compare two products. Prof Grunert also believes that there is little evidence to support calls for the standardisation of labels. He writes: "While some evidence for confusion caused by different label formats has been provided, it is certainly limited and does not, in this expert's opinion, warrant such a wide-ranging conclusion."</p> <p>In addition, a recently published research paper (Sacks G et al Impact of front-of-pack 'traffic light' nutrition labelling on consumer food purchases in the UK, Health Promotion International, 2009) concluded that:</p> <ul style="list-style-type: none"> <li>-The introduction of traffic light labels had no discernable effect on the relative healthiness of consumer purchases.</li> <li>-Further research on the influence of nutrition signposting will be needed before this labelling format can be considered a promising public health intervention.</li> </ul> <p>Nestlé believes that it is unwarranted to propose a new scheme which is more complicated than any of the individual ones and will require the changing of most FoP nutritional labels and that there is an opportunity to educate the consumers who are not currently using label information.</p>	See comment [9].
Sugar Bureau	<p>From its terms of reference the PMP was tasked with evaluating the various labelling schemes that are in use, in terms of their effects on consumer behaviour. However, they were not asked to conclude on a single winning scheme. It is therefore surprising and disappointing that this consultation takes the premise of looking at the practical issues of implementing <i>the</i> most effective FOP label, deemed to be a triple hybrid approach.</p> <p>Given this approach and in order to examine the robustness of the conclusions drawn by the PMP, an independent review of their findings was carried out by Professor Klaus Grunert from Aarhus University on behalf of the Food and Drink Federation, of whom the Sugar Bureau are members. As an expert in the field, Professor Grunert concluded that the PMP had carried out a thorough piece of research and that all major labelling schemes were well understood by consumers. However, he found there was not enough evidence to conclude that some schemes were better than others in influencing consumer behaviour, or that the triple hybrid scheme outperformed other label formats tested. He suggested in order to best help consumers the way forward should be to promote the <i>use</i> of food labels, rather than refining their comprehension further.</p>	See comment [4].  See comments [1], [2], [10], [14] and the TNS-BMRB response to the FDF commissioned critique by Professor Grunert at Annex 6.2.



	<p>In addition to the concerns as to the questions asked in the PMP research, another fundamental question remains unanswered. This is whether more complex labelling schemes, such as the triple hybrid scheme preferred by PMP, are more effective in delivering public health gains than simple schemes.</p> <p>Recent research (Brunstrom and Rogers, 2009) shows that consumers tend to choose portion sizes not according to liking (as has been previously supposed) but based on their perception of expected satiety (i.e. perceived calorie content). Furthermore, this research found there is evidence that consumers estimate the calorie content of portions poorly, especially when the food is energy dense. The most rational response to concerns about obesity, therefore, would be to focus consumer attention exclusively on the calorie content of foods. This has been previously suggested as a rational approach to front of pack labelling, and would receive widespread acceptance from food enterprises across Europe.</p>	<p>[26] Being able to understand the information provided on the FOP label and relate it to wider dietary health messages are key to influencing consumer purchasing behaviour. Promoting and implementing one approach to FOP labelling is an integral part to increasing usage of the FOP labels and consumer literacy.</p> <p>Noted. See comment [11].</p>
<p>Boots</p>	<p>Boots welcomes the findings of recent independent research on the effectiveness of different FOP labelling schemes being used in the UK marketplace. We continue to support the application of FOP labelling with our lunchtime food, drink and all-day snacking products and already apply the current traffic light labelling, along with percentage guideline daily amounts (GDAs) on the back of pack, to a wide range of foods and drinks.</p>	<p>Noted.</p>

**Appendix A**

Tables included in FDF response, taken from Chapter 5 of the report ‘Comprehension and use of UK nutrition signpost labelling schemes’, BMRB 2009.



**Independent review of the Food Standards Agency's labelling research by Professor Klaus Grunert, University of Aarhus**

**About Professor Grunert**

Klaus G. Grunert is Professor of Marketing at the Aarhus School of Business, Aarhus University, and is the founder and director of MAPP – Center for Research on Customer Relations in the Food Sector.

He has done extensive research in the areas of consumer quality perception and food choice, healthy eating, public acceptance of biotechnology and especially genetic modification, on how insight into consumer behaviour feeds into product development processes in food producing companies, and on competence development in the food industry.

As director of MAPP, he has carried out more than 60 collaboration projects with the food industry, including several pan-European studies. He is the author of 12 books, 82 academic papers in international refereed journals and numerous other publications.

Klaus G. Grunert is a past president of the European Marketing Academy, holds a part-time position as Professor of Fisheries Marketing at the University of Tromsø in Norway and is professor of the European Institute for Advanced Studies in Management.

**His brief from FDF**

In May 2009, FDF asked Prof Grunert to conduct an independent assessment of the Food Standards Agency's research approach and the robustness of the conclusions drawn. As well as asking for an objective view of the various reports published as part of the study, FDF asked Prof Grunert to provide responses to the following questions:

1. How rigorous is the research design. In particular is the approach used in the third phase sufficiently in-depth to draw the conclusions made?
2. Are there any obvious limitations to the overall approach?
3. If so, what are these and do they limit the value of the findings in any way?
4. Are the general conclusions drawn a fair assessment of the findings?
5. Are there any key questions that might be addressed to the researchers or additional data/information that might be requested to provide a greater understanding of the findings?

**Prof Grunert's report**

Aarhus, 23 June 2009

**Expert statement on the report 'Comprehension and use of UK nutrition signpost labelling schemes'****General remarks**

1. This is a generally well-conducted, thorough piece of research. It builds on previous research in the area, develops its own methodological approach in a well-reasoned scientific rationale, documents the methodology used, and acknowledges most of the limitations that accompany the methodological choices made. It draws upon both qualitative and quantitative research methods. As such, it makes a good contribution to the emerging literature on how consumers react to FOP signposting information.

2. The study was designed to address two major questions: to which extent signposting schemes enable consumers to correctly interpret levels of key nutrients, and how consumers use FOP labels in the retail environment and at home. These two questions are addressed by three qualitative studies (accompanied shopping, in-store shopping bag audits, in-home shopping bag audits), and a quantitative survey. Both qualitative and quantitative work feeds into answering both questions, though the quantitative part was mostly designed to answer question 1 and the qualitative part mostly to address question 2. Both qualitative and quantitative studies employ state-of-the-art methodology.

3. The design was later adapted to additionally address the issue of possible confusion due to presence of different labelling schemes on products. This issue was addressed by inserting a number of questions into an omnibus survey, and conducting additional qualitative work in the form of 50 depth interviews. As stated in the report, this part of the study did not have quite the same depth as the rest, and therefore provides indicative rather than fully comprehensive results.

**Results on consumer use of FOP labels**

4. Question 2 – how consumers use FOP labels in the retail environment and at home – is answered by three pieces of evidence. First, in the survey, self-reported use of nutrition labelling was measured. This leads to rather high, most likely inflated estimates of self-reported use, in line with previous studies using similar measurements. The report fully acknowledges the limitations of this procedure. Second, shopping was investigated by think-aloud accompanied shopping trips. This provides real-time evidence on shopping behaviour, although also here some effect of interviewer presence must be expected. The conclusion from this part is that nutrition labels are rarely used. Third, use of labels was investigated by retrospectively discussing products bought with consumers by the two shopping bag audits. They confirm the limited use of label information, especially at home, and add some insight into the way label information is used, when it is used at all. One major result is that the main use of FOP labels – if they are used at all – is to compare pairs of products, and to a lesser degree to evaluate products one by one.

5. Many of the results reported here are in line with other studies. This goes for the effects of health interest, weight loss, medical conditions, type of product, whether the product has been bought before, effect of having children and of gender, nutritional knowledge.

6. It is a bit misleading that all three qualitative studies are reported together in the final report, as the recruitment of informants differed – for the in-home shopping bag audit, but not for the other two tasks, informants were screened for self-reported use of labels, introducing a positive bias in this part of the study. While this screening procedure is aptly justified, one should not have pooled the results from the three studies.

7. The answers to question 2 provided by the study have two major limitations. First, since they rely mostly on the qualitative work, they provide useful insight, but do not necessarily generalize. This limitation is fully acknowledged in the report. Second, the results say nothing about to which extent label information, even when used, actually changes consumer choices into a healthier direction. This is a limitation this study shares with practically all previous research in the area. This could only be addressed by analyzing actual choices, and how they differ between situations where different information is available on the products.

### **Results on liking of different FOP labels**

8. Liking for the 10 formats tested was measured by a simple pick 1 out of 10 tasks. Two formats – the one combining text, %GDA and TL colours, and the one resembling the Sainsbury label – were picked most frequently. The size of the differences is probably inflated by the method, as only first preference is recorded, and the second, third...most liked label may have degrees of liking just under the most preferred one (this is what previous research would suggest). The report acknowledges that liking cannot be assumed to be correlated with use or understanding.

### **Results on comprehension of FOP labels**

9. Question 1 – how well FOP signposting enables consumers to correctly interpret levels of key nutrients – is mainly answered by three comparative tests in the quantitative survey. In these tests, different labels are compared. The labels are derived from an underlying factorial design, thus allowing isolating the effects of different components that the label may contain in addition to the information in grams – namely %GDAs, TL colours, and interpretive text (high, medium, low). This is the first time labels are tested for understanding based on an underlying factorial design, and this is a major progress compared to earlier research. As a consequence, though, none of the labels tested correspond exactly to labels as they exist on the market, although some are relatively close. To take care of this, two labels are added beyond the factorial design, approximating labels currently used by Tesco and Sainsbury.

10. The three tests are designed to simulate what are believed to be the major ways in which labels are used in real world shopping: to evaluate the level of one nutrient in a product, to evaluate overall healthiness of a product, and to compare two products in terms of overall healthiness (this is the most common use, according to the results from the qualitative research, as mentioned above). For all three tasks, respondent answers are held up against an objectively correct answer, determined by a survey among UK nutritionists.

11. For the first two tasks (the monadic tasks – one product is evaluated, no comparison is involved), answers are to be given on a five point scale, and answers are registered as correct if the respondent ticked one of two adjacent scale values where more than 70% of the nutritionists indicated the product should be evaluated. Respondents without any knowledge would thus have a chance of 2/5 of hitting one of the correct values. For the comparative task, answers were registered as correct if the respondent chose the product as more healthy than more than 70% of the nutritionists indicated was the healthier one.

Respondents without any knowledge would thus have a chance of 1/2 of hitting the correct answer. The tests thus differed in three ways: in whether the task was monadic or comparative, in the difficulty of the task, and in the response format in which the respondents were required to answer.

12. Of the three tests, the comparative test did not reveal any significant differences between the label formats tested. This is in line with previous research, including the EUFIC study, showing that all major current signposting formats seem to be good in enabling consumers to make comparisons. For the other two tasks, there were some differences, and analysis indicates that adding an evaluative text – high, medium, low – in addition to the gram information had the largest effect on propensity to come up with the right answer. Most tested label formats increased the percentage of correct answers beyond the baseline label (information only in grams).

13. Three considerations can be brought forward in interpreting the results of the three tests. First, one could argue that the monadic tests were more difficult and therefore discriminated better between the various labels. Second, for labels containing the evaluative text, the label format and the response format in which respondents had to answer were most similar – both involved a scale of more or less, expressed in verbal terms – and the strong effect of the text may hence be an artefact of the method (earlier research has shown that % of correct answers is related to how close the format of the label information is to the format in which responses are required). Third, while all three tests clearly correspond to ways in which people may use label information in the real world, their relative importance in real-world decision-making is not known, although the qualitative work conducted in the project suggests that the comparison task is the most widespread.

14. As all label formats seem to work reasonably well, and given that the common element in all label formats was the key nutrient information in grams, one wonders about the size of the effect of giving FOP information in grams per portion, compared to a situation where there is no FOP information at all, or where the FOP label included only text or colours.

This information cannot be inferred from the results of this study.

15. In order to investigate the effect of including energy information on the label, the second test (monadic evaluation of overall healthiness) was administered in two versions, one with and one without energy information. Results showed that the inclusion of energy information led to few significant changes. It should be noted, though, that before doing this task respondents were instructed “to be eating healthily the Government advise that most people reduce the level of fat, saturated fat (also known as saturates), salt and sugars in the foods they eat”, meaning that healthiness was framed in terms of those four nutrients, thus diverting respondents’ attention away from energy.

16. Given the latitude for interpretation given by the above, one can wonder how much significance one should attach to the differences between the label formats, and how much

one should attach to the generally high level of correctness achieved for most of the label formats tested. I think that a fair summary of the results would be as follows:

- a. When comparing two products in terms of healthiness – in cases where most nutritionists agree on which product is the healthier – all label formats tested perform equally well in helping consumers to do the comparison.
- b. When asked to evaluate a product monadically, i.e., without involving a comparison, in terms of more or less (of a nutrient, of overall healthiness), evaluative text is the signposting element that contributes most to raising the number of correct answers.
- c. Generally speaking, levels of correct answers are high, indicating good consumer proficiency in using the signposting information to evaluate products.

### **Results on possible confusion due to different label formats on the market**

17. During the course of conducting the research, additional work was added that should address the problems potentially caused by having several label formats in the marketplace simultaneously. Another test was designed, where respondents had to compare products in terms of healthiness that contained the information in different formats. In addition, more qualitative work was added, namely 50 depth interviews.

18. In the quantitative assessment, while correctness scores were a bit lower than in the main study, no significant differences emerged. The results thus underline again that most respondents are quite good at identifying the healthier of two alternatives, independent of the label format used, when it is (by objective standards) reasonably clear which of the two alternatives is the more healthy one, and when both labels contain key nutrient information in grams per portion.

19. In the qualitative work, it should be noted that this was again based on respondents comparing two products, but this time also pairs where nutritionists did not agree on which one was healthier were included, thus adding to the complexity of the task. The rationale for this was that it seems that otherwise respondents seem to be able to make meaningful comparisons based on the grams alone, so that the label format becomes less relevant. In these ‘hard comparisons’, a number of problems showed up, like misinterpretation of colours, confusion over the task etc.

20. The conclusion that “the coexistence of a range of FOP label formats in the marketplace causes difficulties for the shoppers” thus rests only on the qualitative research. And while the conclusion has intuitive appeal – everything else equal, having labels that differ in format adds some difficulty compared to a situation where there is only one label – one should note that the study does not provide evidence that can quantify this conclusion, i.e., there is no evidence on how widespread or serious such difficulties are.

### **The study’s overall conclusions**

21. As for comprehension, it is rightly concluded a) that all signposting has a positive effect on consumers’ ability to perform the two monadic tasks, and b) that the text element had the

biggest impact beyond giving the information in grams only. Referring to results from the qualitative work, it is further concluded in the final conclusions section that c) Text&TL and Text, %GDA&TL outperform the other label formats tested. This sharpening of the conclusions is based mainly on the argument that different use of colours in labels can cause confusion, and c) rests on much weaker grounds than a) and b).

22. In spite of the somewhat limited evidence on the question of confusion caused by different label formats, the report recommends standardization of labels and argues for the adoption of a label combining evaluative text, traffic light colours, and GDAs. This recommendation is based on two pieces of evidence. First, this is one of the two labels believed to be superior, as noted above. Second, it is argued that such a label, since it contains all current format elements, would facilitate comparison also to products with other label formats. In this context, it is also noted that, in the qualitative research, there were no signs of consumers being confused by having all three elements combined in one label. This argument again rests mainly on the qualitative evidence in the confusion task and hence rests on weaker grounds.

23. On these grounds, the first part of the ‘overall conclusions’ (p. 145 of the report) rests mainly on a smaller part of the study. While some evidence for confusion caused by different label formats has been provided, it is certainly limited and does not, in this expert’s opinion, warrant such a wide-ranging conclusion. This not least in the light of the fact that a) all label formats tested seem to perform fairly well in terms of consumer comprehension, but that b) we still do not know if some are better than others in actually influencing choices made in the shop.

24. The second part of the ‘overall conclusions’ states that FOP labels are only one among several factors impacting on food choice, but that the generally high levels of comprehension, even among those who do not currently use FOP labels, provides a good starting point from which to address barriers to FOP label use. Given the high levels of comprehension, one may wonder how much there is to be gained by further optimising FOP labels for comprehension, as compared to how much could be gained by measures that could lead to increased use.

**23/06/09**

**Professor Klaus G. Grunert**

**Director, MAPP Centre for Research on Customer Relations in the Food Sector**





## Response to Grunert review of FSA labelling research

We agree with many of the conclusions reached by Grunert in his review of the research; in the real world, no research design is perfect but, as Professor Grunert acknowledges, this is a well-conducted thorough piece of work underpinned by a well-reasoned scientific rationale and makes a good contribution to the literature of use of FOP labels. In addition, the research was peer reviewed by acknowledged UK experts in both quantitative and qualitative research at key stages. Responses to some of his specific points are set out below, but we take particular issue with his assertions about the validity of qualitative research. We of course agree that results from qualitative research are not quantifiable; qualitative research rather seeks to provide a richness of understanding not possible with quantitative techniques. However, Professor Grunert's suggestion that the results of qualitative research are somehow less valid, run counter to expert thinking in research methods. Properly designed and conducted qualitative research provides robust findings on respondents' views, behaviours etc; it is not possible to ascertain the frequency of responses in the population as a whole, but it **is** possible to assert with confidence that identified issues are real, rather than an artefact of the research design.

**Para 4:** *Question 2 – how consumers use FOP labels in the retail environment and at home – is answered by three pieces of evidence. First, in the survey, self-reported use of nutrition labelling was measured. This leads to rather high, most likely inflated estimates of self-reported use, in line with previous studies using similar measurements. The report fully acknowledges the limitations of this procedure. Second, shopping was investigated by think-aloud accompanied shopping trips. This provides real-time evidence on shopping behaviour, although also here some effect of interviewer presence must be expected. The conclusion from this part is that nutrition labels are rarely used. Third, use of labels was investigated by retrospectively discussing products bought with consumers by the two shopping bag audits. They confirm the limited use of label information, especially at home, and add some insight into the way label information is used, when it is used at all. One major result is that the main use of FOP labels – if they are used at all – is to compare pairs of products and to a lesser degree to evaluate products one by one.*

**Response:** The accompanied shops, as the review states, used think-aloud techniques. In order to minimise the possibility of respondents displaying 'acceptable behaviour' by consulting labels on food products whilst shopping, they were not informed that food labels were the focus of the research until the end of their shopping trip – rather, they were told that the research was about shopping behaviours. Further, during the accompanied shops researchers encouraged participants to 'think-aloud' about their purchasing decisions on all products, not just food bearing labels. Therefore, we are confident that the researcher effect was kept to a minimum during the accompanied shops.

The in-store bag audits were designed to ameliorate any possible researcher effect; the in-store shopping bag audit data produced findings which were fundamentally the same as the data from the accompanied shops. The in-home shopping bag audits were designed to ensure that FOP label users were included in the research, as it had become apparent from the in-store work that label

usage was limited in 'real life' situations. They were designed to focus on FOP label users, and gave insight into why and how people who use FOP labels do so; they revealed that people generally have a reason for using labels, and that labels are used whilst shopping, but rarely in the home.

**Para 6:** *It is a bit misleading that all three qualitative studies are reported together in the final report, as the recruitment of informants differed – for the in-home shopping bag audit, but not for the other two tasks, informants were screened for self-reported use of labels, introducing a positive bias in this part of the study. While this screening procedure is aptly justified, one should not have pooled the results from the three studies).*

**Response:** These three qualitative elements were not separate qualitative studies. They were designed as interlinked elements of the same study to meet some of the overall aims and objects set out by the Food Standards Agency. The findings from the three elements were analysed separately, in order to explore the data fully. They were reported together to give a full account of people's 'real life' usage, and appropriate conclusions have been drawn from within the data. The findings reinforce each other and provide an element of triangulation, which strengthen the findings of the individual elements; it is standard practice to report research findings in this way.

As the review states, the screening procedure was necessary to enable analysis of label users in any depth, as it was apparent in the in-store qualitative work that label usage was rare. The findings from the in-home shopping bag audits were, therefore, used to explain how and why labels were used by those who did use them; these findings were not used to assess the overall extent of label use by shoppers in general. The conclusion drawn from these was that labels were used rarely (if ever) in the home, even by label users. It seems highly unlikely that this would have differed if self-declared non-users had been included in this part of the study, so this is still a valid finding.

**Para 7:** *The answers to question 2 (consumer use of FOP labels) provided by the study have two major limitations. First, since they rely mostly on the qualitative work, they provide useful insight, but do not necessarily generalize. This limitation is fully acknowledged in the report. Second, the results say nothing about to which extent label information, even when used, actually changes consumer choices into a healthier direction. This is a limitation this study shares with practically all previous research in the area. This could only be addressed by analyzing actual choices, and how they differ between situations where different information is available on the products.*

**Response:** As the conclusions on label use are based on the qualitative work, it is true that they cannot be quantified. The strength of qualitative research is that it identifies a richness of understanding of issues, behaviours, attitudes etc that cannot easily be achieved through more structured methods of enquiry. Well-designed and conducted qualitative research is widely accepted as providing robust results – i.e. issues, behaviours etc are reliably identified, even though the frequency with which they occur in the population under study cannot be quantified.

The qualitative research was rigorously designed and conducted, and therefore has transferability; that is, the findings can be transferred to other settings through the provision of rich description (see Spencer et al (2003) *Quality in Qualitative Evaluation: A framework for assessing research evidence*. The Cabinet Office for a summary of the issues). Thus whilst the report cannot provide a

percentage figure, the design of the qualitative work means that we can still reliably draw general conclusions.

The study focused on label comprehension and did not set out to measure whether label information leads to healthier choices. This was broadly an efficacy study to examine which labels work best in enhancing objective comprehension. We know most shoppers can identify the healthier option using FOP labels (if there is a clear difference between products), but whether they then opt for the healthier option would depend on the role of the purchase in the shopper's diet (treat, part of weight-loss diet etc). The qualitative work suggested that health issues were a key reason for use among frequent users of FOP labels.

*Para 9 – none of the labels tested correspond exactly to labels as they exist on the market, although some are relatively close. To take care of this, two labels are added beyond the factorial design, approximating labels currently used by Tesco and Sainsbury.*

**Response:** The Scientific Rationale sets out the reasoning behind the design of labels used in the study. The existing literature offered no evidence that the range of presentational elements present in the marketplace would influence comprehension (except possibly for the elements of the Tesco and Sainsbury's labels included in the design) thus it was decided to hold all presentational elements (other than those under test) constant.

*Para 11 – For the comparative task, answers were registered as correct if the respondent chose the product as more healthy that more than 70% of the nutritionists indicated was the healthier one. Respondents without any knowledge would thus have a chance of ½ of hitting the correct answer.*

**Response:** This is not correct, respondents were presented with 3 possible answers: product A, product B, or neither A or B giving them a 1 in 3 chance of guessing the correct answer.

*Para 12 - Most tested label formats increased the percentage of correct answers beyond the baseline label (information only in grams).*

**Response:** This is true, although it is worth noting that for evaluation of overall healthiness of a product, %GDA alone did not increase comprehension compared with the baseline label, whilst all other combinations of elements resulted in a significant increase in comprehension over both the baseline label and the %GDA only label.

*Para 13. Three considerations can be brought forward in interpreting the results of the three tests. First, one could argue that the monadic tests were more difficult and therefore discriminated better between the various labels. Second, for labels containing the evaluative text, the label format and the response format in which respondents had to answer were most similar – both involved a scale of more or less, expressed in verbal terms – and the strong effect of the text may hence be an artefact of the method (earlier research has shown that % of correct answers is related to how close the format of the label information is to the format in which responses are required). Third, while all three tests clearly correspond to ways in which people may use label information in the real world, their relative importance in real-world decision-making is not known, although the qualitative work conducted in the project suggests that the comparison task is the most widespread.*

**Response:**

*First:* It is hard to assess whether the monadic tests were more difficult, although this does seem likely as comparison tests seem to fall into two types: fairly easy, or too complex to make a judgement, meaning only the easier comparison tests were included in the research.

*Second:* Questions (tests) 1 and 2 used a five point answer scale, with verbal terms only at the extremes and using different terminology from the text labelling. Test 3 used 3 possible answers (A, B or no difference). There is no evidence that the use of text was more obviously linked to the answer scale than the use of traffic lights (which map directly onto the text). Furthermore, there is no obvious or reliable way to map the three point text scale (high, medium, low) onto the five point answer scale, and it could be argued that it is easier to map percentages onto a five point scale. The qualitative work reinforced the finding that the text element was often the easiest form to use as it was the only element of the labels which required no interpretation on the part of the user.

*Third:* With the current low levels of label use it is hard to assess the relative weight each test should carry. Whilst comparisons were observed more often than other uses of FOP labels, even these were rare, and all of the types of use tested in the survey were observed in practice. If the use of FOP labels became more widespread in the future the balance of use could change, so we do not believe any one test should carry more weight at this point in time.

*Para 14. As all label formats seem to work reasonably well, and given that the common element in all label formats was the key nutrient information in grams, one wonders about the size of the effect of giving FOP information in grams per portion, compared to a situation where there is no FOP information at all, or where the FOP label included only text or colours. This information cannot be inferred from the results of this study.*

**Response:** The labels selected for the research were designed to reflect the FOP labels in the marketplace as far as possible, and at the time there were no FOP labels in the UK which did not carry gram information, so the decision was taken to include this as standard. The research obviously could not cover every issue and, in the absence of industry use of FOP labels without gram information, this seems a secondary concern.

*Para 15. In order to investigate the effect of including energy information on the label, the second test (monadic evaluation of overall healthiness) was administered in two versions, one with and one without energy information. Results showed that the inclusion of energy information led to few significant changes. It should be noted, though, that before doing this task respondents were instructed "to be eating healthily the Government advise that most people reduce the level of fat, saturated fat (also known as saturates), salt and sugars in the foods they eat", meaning that healthiness was framed in terms of those four nutrients, thus diverting respondents' attention away from energy.*

**Response:** The definition of healthiness was included in the tests as the cognitive testing phase found that healthiness was interpreted in a huge range of different ways by different people (depending on their personal circumstances). To ensure validity of the test, it was important to ensure all respondents were carrying out the same task during the survey, whether or not energy was present. This definition needed to work in either context. Energy was included as a variable in tests evaluating the overall healthiness of a product and otherwise held constant as present. This was because the qualitative work found that energy was sometimes used as a proxy for judging overall healthiness of a

product. We know from the open-ended question within the survey that, when it was present, energy was used to judge healthiness by one in five respondents (section 6.5). We believe the data provides sufficient evidence that respondents can use the information on labels equally well when energy is or is not present, which was the aim of the comparison. This was not intended to measure whether shoppers ignore all other information if energy is present, but whether the presence of energy helps or hinders in the judgement, regardless of what else is used.

*Para 16 – Given the latitude for interpretation given by the above, one can wonder how much significance one should attach to the differences between the label formats, and how much one should attach to the generally high level of correctness achieved for most of the label formats tested.*

Whilst there is a generally high level of correctness for most of the label formats tested, there are **statistically significant** differences in the influence of different elements of the labels. For example (as stated earlier) when evaluating the overall healthiness of a product, the presence of %GDA made no improvement to comprehension, whereas the presence of the other elements of signposting increased comprehension levels from under six in ten when no signposting or only %GDA was present, up to seven in ten when text and TL were present. The differences are, therefore, real, and cannot be dismissed as implied in the review.

*Para 16c. Generally speaking, levels of correct answers are high, indicating good consumer proficiency in using the signposting information to evaluate products.*

**Response:** It is important to remember the distinction between **ability** to use labels and **actual use**. It was clear from the qualitative research that actual use of FOP labels was comparatively rare and we should not lose sight of this. In the tests presented the level of correct answers was high. It should be borne in mind however that only products for which the nutritionists could reach a consensus were included in the test, and that in reality there would be numerous products where judgement would be difficult. Where the judgement was straightforward, levels of correctness were, indeed, high. The qualitative work included interviews where similar comparison materials were presented to respondents; these included both relatively easy comparisons (with products which nutritionists could reach consensus on), and more difficult comparisons (those on which there was less nutritionist consensus). This qualitative element found that respondents could make quick and easy comparisons on the relatively easy pairs, but found the more difficult comparisons far harder to work with; the more difficult pairings allowed probing about what elements people used in considering the comparative healthiness of products.

*Para 20. The conclusion that "the coexistence of a range of FOP label formats in the marketplace causes difficulties for the shoppers" thus rests only on the qualitative research. And while the conclusion has intuitive appeal – everything else equal, having labels that differ in format adds some difficulty compared to a situation where there is only one label – one should note that the study does not provide evidence that can quantify this conclusion, i.e., there is no evidence on how widespread or serious such difficulties are.*

**Response:** This observation under-estimates the robustness of findings generated through qualitative research techniques. As discussed earlier, the use of qualitative techniques means quantification is not possible, but, findings derived from properly applied qualitative methods of research and analysis do allow robust conclusions to be drawn – in this case, the conclusion that the co-existence of different labels in the market place causes a problem for some

shoppers. It may or may not be widespread, but the finding cannot be discounted. Whilst in “test conditions” most shoppers were able to make comparisons between products with different FOP labels, the qualitative work indicated that shoppers would not always be prepared to take the necessary time to make the assessment in a real life situation. We are confident that the qualitative analysis is sufficient to indicate a problem for certain shoppers, meaning a system with multiple label types could not be inclusive – i.e. even though the problem cannot be quantified the research has confirmed the existence of a problem.

It should also be noted that the ‘task’ during the accompanied shops, where participants were asked to choose the healthiest option from a range of food products, shoppers reported particular difficulty when trying to compare two different label types, and would swiftly move to other information included on the packaging information for help – words such as ‘lite’, ‘healthier’ etc, pictures of serving suggestions, the colour of the packaging etc. Therefore, simplification of labelling would help to ameliorate this problem.

*Para 21. As for comprehension, it is rightly concluded a) that all signposting has a positive effect on consumers’ ability to perform the two monadic tasks, and b) that the text element had the biggest impact beyond giving the information in grams only. Referring to results from the qualitative work, it is further concluded in the final conclusions section that c) Text&TL and Text, %GDA&TL outperform the other label formats tested. This sharpening of the conclusions is based mainly on the argument that different use of colours in labels can cause confusion, and c) rests on much weaker grounds than a) and b).*

**Response:** The conclusion that two label types performed best was **not** purely based on the qualitative work. These two labels consistently outperformed the largest number of other labels within the quantitative work. The qualitative work was of sufficient breadth and depth to support the conclusions made and these conclusions cannot be dismissed. There were repeated examples of shoppers believing that non-traffic light colours were signpost colours and thus interpreting them as meaningful (e.g. pale green or blue meaning healthy). This confusion was compounded by the presence of both traffic light and non-traffic light colours on different labels. Since traffic light colours were found to contribute to the level of correct answers in the tests, this supports the assertion that the inclusion of traffic lights in FOP labels would help wider comprehension and that, to avoid confusion, it would be helpful to remove the use of other, non-signposting colours.

*Para 22. In spite of the somewhat limited evidence on the question of confusion caused by different label formats, the report recommends standardization of labels and argues for the adoption of a label combining evaluative text, traffic light colours, and GDAs. This recommendation is based on two pieces of evidence. First, this is one of the two labels believed to be superior, as noted above. Second, it is argued that such a label, since it contains all current format elements, would facilitate comparison also to products with other label formats. In this context, it is also noted that, in the qualitative research, there were no signs of consumers being confused by having all three elements combined in one label. This argument again rests mainly on the qualitative evidence in the confusion task and hence rests on weaker grounds.*

**Response:** Again, the assertions about qualitative findings are based on a misunderstanding/misrepresentation of the validity of data generated through qualitative methods. The conclusions (**not** recommendations) drawn from findings from all stages of the qualitative research indicate that the use of multiple label

formats causes confusion for some shoppers, and therefore such a system could not be fully inclusive.

*Para 23. On these grounds, the first part of the 'overall conclusions' (p. 145 of the report) rests mainly on a smaller part of the study. While some evidence for confusion caused by different label formats has been provided, it is certainly limited and does not, in this expert's opinion, warrant such a wide-ranging conclusion. This not least in the light of the fact that a) all label formats tested seem to perform fairly well in terms of consumer comprehension, but that b) we still do not know if some are better than others in actually influencing choices made in the shop.*

**Response:** Determining whether labels influence healthier choice was outside of the scope of the final study (see response to para 7). We were testing to see if shoppers could equip themselves with the information they need to make a healthier choice (most can, if they take the time) but not whether they then go on to use this information. All labels may well have performed relatively well in the quantitative testing, but the evidence from the qualitative work that the presence of different label types can cause confusion (both from the smaller study, but also from the earlier larger scale qualitative work) cannot be discounted.

*Para 24. The second part of the 'overall conclusions' states that FOP labels are only one among several factors impacting on food choice, but that the generally high levels of comprehension, even among those who do not currently use FOP labels, provides a good starting point from which to address barriers to FOP label use. Given the high levels of comprehension, one may wonder how much there is to be gained by further optimising FOP labels for comprehension, as compared to how much could be gained by measures that could lead to increased use.*

**Response:** In a 'test situation' shoppers are generally able to use the information on FOP labels. However, the qualitative work provided clear evidence that, in reality, shoppers would abandon their attempt to use such labels much more quickly in a real-life situation, should they encounter any difficulty. There is obviously little point having theoretically perfect labels that are not used but we would argue equally that there is no point trying to increase use if shoppers have difficulty using the labels: this barrier is likely to outweigh any incentives to use them, and lead shoppers to give up trying. The research indicates that both comprehension and motivation are essential to increasing FOP label comprehension and use.

## Revised costings associated with implementing a single approach to FOP labelling

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As the FSA FoP recommended approach is voluntary<sup>1</sup>, it is inappropriate to attribute the costs of a firm deciding to adopt the FSA approach in the first instance, including extending the scope of FoP to a wider range of products than proposed by tier 1<sup>2</sup>.

### **Front of Pack: Number of Stock keeping units (SKUs)<sup>3</sup>**

At present a total of 133 retailers, manufacturers and service providers use some form of front of pack labelling. Of these, 48 use traffic light (TL) colour coding and 85 use percentage of Guideline Daily Amount (GDA) label. It is estimated that currently approximately 29,100<sup>4</sup> products have some form of FOP label, of which 9,100 SKUs use traffic light colour coding and 20,000 use percentage GDA.

In light of the consultation responses<sup>5</sup> and a forthcoming Defra report, we have amended our original re-labelling cost figure of £1,000 to £2,478 per SKU for a minor change and £4,037 for a major change. According to the Defra report, a change was considered as “minor” when only the text was changed on a single face of the label and no packaging size modification was required to accommodate this. The change was considered as major when not only the text but also the layout and/or colours and/or format were changed and/or multiple faces of the package were affected. As it is unclear the extent to whether a major or minor change would be incurred by the change in the FSA recommended approach, a range is provided below to account for whether changes are major or minor.

If all products with FoP TL<sup>6</sup> were to adopt the FSA’s proposed approach outside of the normal business cycle, then the estimated costs may be in the order of some £22.5m to £37m (rounded). However, in reality, the costs would be expected to be considerably less as it is unlikely that business would seek to make changes outside of their normal re-labelling cycles. A voluntary approach provides greater flexibility for businesses, enabling them to align labelling changes with other activities such as recipe changes, branding exercises and any legislative changes<sup>7</sup>. This flexibility also ensures that businesses are able to use up existing packaging already purchased.

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<sup>1</sup> As outlined in the previous IA and RIA

<sup>2</sup> Agency’s current recommended 7 categories

<sup>3</sup> A stock keeping unit is a unique identifier for a distinct product. One brand of product may consist of a number of SKUs based on different portion size, packaging style etc.

<sup>4</sup> Current estimates based on stakeholder information and are subject to change

<sup>5</sup> See Appendix B

<sup>6</sup> If all FOP adopters were required to change to a FOP label based on the Agency’s proposed FOP principles the cost would be approximately £72m - £117m (rounded)<sup>4</sup>. This proposal is however, beyond the scope of the current voluntary policy and is included for completeness only. Note, in the consultation responses, some GDA adopters incorrectly assumed that the Agency amended FOP principles would affect their SKUs directly.

<sup>7</sup> From discussions with industry as part of Front of Pack Consultation IA



### **Familiarisation Costs**

We also anticipate that there will be one-off reading costs involved in being aware of, and becoming familiar with the Agency's proposed FOP approach and associated technical guidance. Accordingly we have used ONS (Office of National Statistics) Standard Industry Classification code data to estimate the number of businesses affected.

It is estimated by the Agency that it would take one manager 1 hour to read and become familiar with the accompanying technical guidance needed to apply FOP labelling. The average hourly pay rate for 'managers and senior officials' is £18.22<sup>8</sup>. This is up-rated by 30% to account for overheads to £23.69 in line with the Standard Cost Model Methodology<sup>9</sup>. To estimate the total costs, the wage rates are multiplied out by the number of businesses affected as per the table below. For the current 48 TL adopters the costs would be £1100 (rounded) while for all 133 FOP adopters the cost would be £3200 (rounded).

*Table 1: Estimated familiarisation costs of Agency's proposed FOP principles and associated technical guidance on all current FOP adopters*

	<b>Number of businesses affected</b>	<b>Total one-off cost to business</b>
<b>TL adopters</b>	48	£1137.12
<b>GDA only</b>	85	£2013.65
<b>All FOP</b>	133	£3150.77

If the Agency's proposed FOP principles and associated technical guidance was to be considered by all relevant manufacturers and retailers<sup>10</sup> the associated familiarisation costs would be in the region of £800,000.

<sup>8</sup> Source: ASHE 2009

<sup>9</sup> <http://www.berr.gov.uk/files/file44503.pdf>

<sup>10</sup> The relevant SIC codes are: 10.13 Production of meat and poultry meat products; 10.2 Processing and preserving of fish, crustaceans and molluscs ; 10.3 Processing and preserving of fruit and vegetables; 10.5 Manufacture of dairy products; 10.6 Manufacture of grain mill products; 10.7 Manufacture of bakery and farinaceous goods; 10.8 Manufacture of other food products; 47.11 Retail sales in non-specialised stores with food, beverages or tobacco predominating

### **Amending the Salt Threshold**

If the 'high' criteria for traffic light (and text) labelling of salt is changed from 1.5g/100g to 1g/100g, and the per portion salt criteria is changed from 2.4g to 1.8g/portion (to bring in line with the proposed nutrient profiles within Regulation 1924/2006), a number of TL adopters may choose to reformulate their products and re-label, or just re-label their products<sup>11</sup> (if a TL colour change is required). We estimate that of the 9,100 current TL SKUs, approximately 25%<sup>12</sup> or 2,275 may either need to reformulate or re-label their products.

As outlined in the previous FoP IA, reformulation costs can vary considerably therefore estimating an average cost for reformulation would be misleading. It is however, possible to provide an estimate of the minimum reformulation costs<sup>13</sup>, based on the costs of product analysis only, which varies little between products. Based on salt stakeholder workshops, we estimate the cost of nutritional analysis to be £1500 per SKU and shelf life evaluation to be £300 per SKU which amounts to a minimum reformulation cost of £1,800<sup>14</sup>.

Therefore, based on the estimated number of SKUs affected (above), the minimum cost of reformulation will amount to £4m or re-labelling costs would range between £9m to £6m<sup>15</sup>. However, we expect costs to be considerably less as it is unlikely that business would seek to make changes outside of their normal re-labelling and reformulation cycles. A voluntary approach provides greater flexibility for businesses, enabling them to align labelling and reformulation changes with other activities such as branding exercises and any legislative changes<sup>16</sup>.

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<sup>11</sup> It may be that firms adopt the new recommended approach and incorporate the salt threshold change at the same time; however, in line with HM Treasury guidance (Green Book), we need to consider the marginal effect of amending the salt threshold.

<sup>12</sup> See Appendix A

<sup>13</sup> As in the Saturated Fat Impact Assessment

<sup>14</sup> Minimum reformulation costs = Nutritional analysis + Shelf life evaluation

<sup>15</sup> Using major and minor figures as quoted in forthcoming Defra report. See previous footnote *ibid*.

<sup>16</sup> From discussions with industry as part of Front of Pack Consultation IA

## Appendix A: Estimating SKUs affected by Amending Salt Threshold

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### TNS approach

- The TNS database contains data on 67,119 product lines.
- If the salt RED category gets changed from 1.5g/100g to 1g/100g:
  - 15,624 SKUs would change from amber to red, i.e. 23%. *Note this is 23% of all products, not 23% of amber products.*

For the categories where FOP is targeted 3924 products (27%) would change from amber to red.

- In order to estimate how many SKUs would be affected by the changing salt threshold we multiplied the number of SKUs with TL labels (9100) by a deflator based on the TNS data.
- Taking an average of 23% and 27%, we used a deflator of 25%
- $9100 \times 0.25 = 2275$

### Notes

- TNS gives us no data on sandwiches, the categories used as targeted categories at the moment are
- TNS cannot help with the portion threshold (2.4g/portion → 1.8g/portion) as it does not have reliable portion size information.

## Appendix B: Consultation Responses to re-labelling questions in consultation IA

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Firm A: Design and artwork costs 320k - £50k major redesign, £2-5k minor redesign. New cylinders costs (on average) £3k per pack. They also say “*As a manufacturer of both brand and own label products, we see on average no difference in costs of the re-origination from brand to own level, with both being around the £3k mark per SKU.*”

FDF: Believe re-labelling costs to be much more than £1500 as stated given the complexity of the artwork. *E.g. a breakdown of the costs would be; new plates an average of £1000, additional colours on plates will be on average £500, plus staffing time for checking new artwork with up to 5 versions being checked, redesign fees from the Art houses, and any potential stock write-offs.* They quote a “conservative estimate” of £2500 per SKU.

Nestle: Believe the costs per product are much higher than £1000 and closer to £5000. The cost per SKU associated with imported SKUs is closer to £20k per SKU (around 300 SKUs would be affected by a FOP labelling approach.)

Tate & Lyle: New plates £1000, additional colours £500, redesign fees £1000, staffing time for approvals £2000 = £4500

Firm B: Give a slightly contradictory response. Around 5300 products, relabeling would be £4.5 million which suggests relabeling costs per SKU of around £850. However they go on to say that £100 -2100 is an appropriate average, although some products can cost up to £6500 therefore the average is misleading.

An average based on Firm A, FDF, Nestle and Tate & Lyle would give £3,750 per SKU. This is around the midpoint figure of the Defra report which quotes £2,478 per SKU for a minor change and £4,037 for a major change.
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## **FRONT OF PACK NUTRITION LABELLING: A COMPARISON WITH THE GUIDANCE SET OUT IN THE SCIENCE CHECKLIST**

### **Introduction**

The FSA has defined the governance of science as the methods by which the Board assures itself that scientific evidence is being sought, obtained, interpreted, used and communicated appropriately and effectively by the Food Standards Agency. The attached checklist is one of the tools that has been developed to support the governance of science. It will be used to guide the Executive and Scientific Advisory Committees.

In this context, 'science' includes:

- the natural, physical, earth and social sciences, and may also cover other types of evidence (such as market research) where this is felt to be appropriate; and
- science from all sources, not just that commissioned by the Agency.

### **Aim**

The aim of the checklist is to make explicit the points to be considered in the preparation of papers dealing with science-based issues which are either assembled by the Executive or which draw on advice from the Scientific Advisory Committees. It addresses:

- the processes to be followed and whether these are comprehensive;
- what the science says and what its limitations are;
- whether there are controversies and what weight to give to alternative views; and
- whether those providing the risk assessment have clearly set out their conclusions.

The checklist relates primarily to the risk assessment process. It has been developed from the 'Post Phillips Framework' which the FSA published in 2002. It is important to maintain the formal separation of responsibility for risk assessment and risk management in line with Lord Phillips' recommendation but the Agency may wish on occasion to ask the scientific advisory committees whether a particular risk management option is consistent with their risk assessment.

Scientists who advise the Board in any capacity are expected to comply with the Universal Ethical Code for Scientists, launched by the Government's Chief Scientific Adviser in March 2007.

### **Criteria of Success**

Further work with the Chairs of the Scientific Advisory Committees will be needed to develop appropriate means of demonstrating how the points set out in the checklist have been addressed, but success criteria for the checklist are that:

- the Board is assured that the specified work has been done, and to an acceptable standard;
- the Board has the confidence that the science-base is comprehensive and has been interpreted correctly; and
- trust is built up within the Board about the Agency's collection and interpretation of scientific evidence.

## SCIENCE CHECKLIST FOR FRONT OF PACK (FOP) NUTRITION LABELLING (March 2010 Board paper XX)

### Defining the problem

#### 1. Has the problem been clearly defined?

Yes. When the Agency recommended its approach to FOP nutrition labelling in 2006<sup>1</sup> it made a commitment to revisit the Agency advice on FOP labelling to take account of developments in the UK marketplace, and evidence on the efficacy of the various FOP labelling systems currently used in the UK.

#### 2. Does the problem require a scientific answer?

Yes.

#### 3. Have different stakeholder views been taken into account when framing the issues and questions to be addressed?

Yes. Prior to the publication of the independent evaluation of FOP schemes<sup>2</sup>, the Agency invited stakeholders to identify issues that would need to be considered when formulating FOP labelling policy. These issues were discussed at a stakeholder workshop in October 2008<sup>3</sup> (attended by more than 35 stakeholders) followed by a series of smaller meetings with interested parties. These were used to shape a pre-consultation document<sup>4</sup> which outlined the Agency's proposed approach to the formal public consultation, on which views of 85 stakeholders were sought in March 2009. Feedback from all these fora were used to develop the consultation document and the accompanying draft Impact Assessment.

### Gathering and assessing the evidence

#### 4. What steps have been taken to ensure that all available and relevant scientific evidence has been considered by the committee?

The integrity and robustness of the FOP evaluation research was secured by an independent panel of experts, the Project Management Panel (PMP). The PMP consisted of four members with collective expertise in public health, nutrition and social and market research<sup>5</sup>. It was chaired by the former Chief Government Social Researcher Sue Duncan. Panel membership and Chair were agreed with stakeholders and the Nutrition Strategy Steering Group (NSSG), a CE level stakeholder group. The PMP consulted with stakeholders (the NSSG and Advisory Group (AG)<sup>6</sup>) and the FSA throughout the project.

- Stakeholders were requested to submit relevant evidence prior to the development of the research specification and research design.

<sup>1</sup> <http://www.food.gov.uk/aboutus/ourboard/boardmeetings/boardmeetings2006/boardmeeting90306/agenda9mar06>

<sup>2</sup> <http://www.food.gov.uk/multimedia/pdfs/pmpreport.pdf>

<sup>3</sup> <http://www.food.gov.uk/multimedia/pdfs/spworkshopoct08.pdf>

<sup>4</sup> <http://www.food.gov.uk/multimedia/pdfs/fopframeworkconsult.pdf>

<sup>5</sup> <http://www.food.gov.uk/foodlabelling/signposting/signpostevaluation/pmpanel/biog/>

<sup>6</sup> <http://www.food.gov.uk/foodlabelling/signposting/signpostevaluation/signpostevalterms>

- The overall research design was agreed with the NSSG before the work commenced.
- The PMP commissioned 2 pieces of work; a literature review<sup>7</sup> and a qualitative study (Navigator)<sup>8</sup> in order to inform the development of the research specification.
- The design of the qualitative phase was discussed with both the NSSG and the AG before it was finalised.
- The design of the quantitative stage, in particular the comprehension tests and product categories, were discussed with the AG during its development.
- The Scientific Rationale and Design for the quantitative survey, the report on the insights into the qualitative phase, and the final report were independently peer-reviewed, before being published.
- The PMP updates and involves the NSSG at key stages, and takes account of comments raised in the design of the study. Notes of meetings with the NSSG and paperwork are published on the FSA website. Finalised documents for the fieldwork stages have been shared with the NSSG

Full details of the PMP process and record of involvement with stakeholders can be found at:

<http://www.food.gov.uk/foodlabelling/signposting/signpostevaluation/pmpanel/pmpestakeholder/>

## 5. Has the appropriate methodology been used?

The research consisted of both qualitative and quantitative research, the qualitative aspect of the research informed the quantitative work. The qualitative work explored how people actually used front-of-pack labels, concentrating on findings that are most relevant to the design of the quantitative study phase. This provided information about the elements of FOP schemes currently in use and identified which were most effective in helping consumers make informed food choices.

Each stage of the evaluation was subjected to peer review and challenge, to ensure the methods and analyses were as rigorous as possible prior to commissioning.

A Scientific Rationale and Design<sup>9</sup> was published in September 2008, to address the first aim of the study, to determine how well individual signposting schemes enabled consumers to correctly interpret levels of key nutrients (the quantitative element of the research). It contained a discussion of the evidence drawn upon, explained the thinking behind the decisions made and provided a rationale for the final design of the study. It drew on insights from the qualitative work (conducted to address the second aim of how consumers use FOP in the retail environment and at home). The Scientific Rationale and Design and the Initial Insights from the Qualitative phase<sup>10</sup> were both peer-reviewed before being published on the FSA's website.

<sup>7</sup> <http://www.food.gov.uk/multimedia/pdfs/signpostlitresearch.pdf>

<sup>8</sup> <http://www.food.gov.uk/multimedia/pdfs/singposteval.pdf>

<sup>9</sup> <http://www.food.gov.uk/foodlabelling/signposting/signpostevaluation/pmpanel/evaluation/quant/>

<sup>10</sup> <http://www.food.gov.uk/multimedia/pdfs/quantannexa.pdf>

Two further stages were included to ensure the quantitative phase was rigorous and to provide assurance that respondents would be able to complete the questionnaire. A pilot was included to test the questionnaire which was then refined before a second, cognitive testing phase commenced. The cognitive testing determined exactly how respondents interpreted and responded to each of the planned comprehension tests included in the quantitative phase. The Cognitive report was also published on the Agency's website<sup>8</sup>.

The study was contracted to BMRB and University of Surrey through the Government's open competition process. Following expressions of interest, organisations invited to tender were subject to a rigorous appraisal process, after which the preferred bidder was recommended for the study by the PMP.

**6. What is the strength of the quantitative scientific evidence, e.g. is it relatively weak such as anecdotal or from a single case study or relatively strong as from a double-blind controlled study?**

The quantitative work consisted of a face-to-face in-home random probability survey of 3000 main shoppers in the UK. The research is the most robust published study on consumer comprehension of FOP labels published to date.

**7. Is qualitative evidence robust<sup>11</sup>?**

Yes. See answers to Q4 and Q5.

**8. Has the quantitative evidence base (if relevant) been reviewed by a statistician either within the Agency or externally?**

Yes. The scientific rationale and the final report were both peer reviewed by an expert in quantitative methodologies. Members of the PMP had expertise in quantitative methods used in nutritional studies. The Agency's statisticians provided expert advice on the design of the quantitative stage.

**9. If evidence was collected outside the UK, has the relevance to the UK situation been assessed?**

Evidence from two EU labelling studies, one by the European Food Information Council (EUFIC) and one funded by the European Commission (Food Labelling to advance better education for life (FLABEL)) which is on-going, were considered.

EUFIC conducted a pan-European study which looked at consumer in-store behaviour, understanding and use of nutrition information on food labels, and

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<sup>11</sup> We are aware of guidance issued under the auspices of the Government's Social Research Unit and the Chief Social Researcher's Office (Quality in Qualitative Evaluation: A Framework for assessing research evidence. August 2003. [www.strategy.gov.uk/downloads/su/qual/ex\\_summary.htm](http://www.strategy.gov.uk/downloads/su/qual/ex_summary.htm) and The Magenta Book. [www.gsr.gov.uk/professional\\_guidance/magenta\\_book/guidance.asp](http://www.gsr.gov.uk/professional_guidance/magenta_book/guidance.asp)). In the longer term, we will consider how to adapt this material for use in the Science Checklist.



nutrition knowledge in 6 EU countries including the UK (Sainsbury's, Tesco and Asda)<sup>12</sup>.

The FLABEL study is an ongoing project to understand how nutrition information on food labels affects dietary choices and consumer habits and has initially assessed nutrition label penetration across the EU<sup>13</sup>.

The PMP independent study findings are in line with those of EUFIC and the preliminary findings published by FLABEL<sup>14</sup>. However, the PMP study goes further, being the only study to objectively assess label comprehension by the UK consumer.

**10. Are the conclusions of the paper consistent with the quantitative and/or qualitative evidence, both in character and emphasis?**

Yes. The independent evaluation research set out to determine the comprehension and use of UK front of pack nutrition labelling schemes.

The research concluded that there is generally a high level of understanding for all FOP labels amongst UK consumers (58-71%), and that the balance of evidence is that a label combining text, traffic light colours and %GDA is the single strongest label overall. It was also one of the best liked labels and enabled shoppers to use information in their preferred format. There was a 12% increase in comprehension for a label containing text, traffic light and %GDA than a label with no interpretive elements.

The research also concluded that the co-existence of a range of FOP labels in the marketplace caused difficulties for consumers, and that standardising to one label format would enhance comprehension and use.

**11. Is the scientific evidence base transparent to stakeholders, and is it clear which evidence has been peer-reviewed?**

The scientific rationale (methodology) for the PMP study has been peer-reviewed and published. Stakeholders contributed to its development. The final report has also been peer-reviewed and published on the FSA website. A number of papers are being drafted for publication in peer reviewed journals to ensure wider dissemination of the research within the wider scientific community.

**Risk assessment**

**12. What are the facts underpinning the risk assessment? What are the assumptions?**

The Board paper reflects the evidence provided by the independent evaluation research and other labelling research, stakeholder input and citizens' forums. Collectively the evidence suggests that UK consumers and businesses would benefit if a single approach to FOP labelling were used since it would make it easier for consumers to use FOP labels to make healthier choices.

<sup>12</sup> <http://www.eufic.org/page/en/fftid/european-consumers-spill-the-beans-on-food-labels/>

<sup>13</sup> <http://www.flabel.org/en/>

<sup>14</sup> <http://flabel.org/en/upload/WP1%20first%20FLABEL%20results.pdf>

**13. Has an assessment been made of the likely impact and probability of occurrence?**

FOP labelling is a voluntary initiative and so it is difficult to assess its impact on changing consumer behaviour while there are a number of different schemes in use in the marketplace. The Agency is exploring what more can be done to elicit data to assess the impact of traffic light colour coding on consumer behaviour and monitor changes in purchases over time. Similar work is being carried out as part of the FLABEL research noted under question 9.

The Agency is committed to evaluating the impact of its FOP policy to help consumers make healthier choices and will be developing a methodology to undertake this work in the most effective way.

**14. Are all key scientific uncertainties highlighted? Has any indication been given about the degree of uncertainty or consensus involved?**

The limitations of the quantitative study design are set out in the Scientific Rationale and Design<sup>8</sup>, which provides a discussion of the evidence drawn upon, explains the thinking behind the decisions made and outlines the rationale for the final design of the study.

A critique of the independent evaluation research commissioned by the Food and Drink Federation (conducted by Professor Grunert, University of Aarhus) agreed that the study is a well-conducted thorough piece of work underpinned by a well-reasoned scientific rationale and makes a good contribution to the literature of use of FOP labels.

Although the FDF critique questions the validity of qualitative aspects of the research, the results of the qualitative research do not run counter to expert thinking in research methods (see Annex 6.2 which contains the contractors response to the critique). The qualitative research findings are not quantifiable; but rather seek to provide a richness of understanding not possible with quantitative techniques.

**15. Are significant gaps in the current evidence base noted?**

The conclusions of the independent evaluation are based on the strength of the qualitative and quantitative evidence combined. See answer to Q14. In addition to these findings, the Board paper reflects outcomes of the public consultation and findings from the citizens' forums<sup>15</sup>. There is limited research available on the impact of FOP nutrition labelling in consumer behaviour. The Agency is committed to evaluating the impact of its FOP policy on helping consumers to make healthier choices and will be developing a methodology to undertake this work in the most effective way.

**16. How have the areas of uncertainty been handled when reaching final conclusions and how do they impact on the advice?**

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<sup>15</sup> <http://www.food.gov.uk/multimedia/pdfs/citforumfop.pdf>  
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The Agency sought further advice from the contractors of the independent evaluation, on the FDF critique provided by Professor Grunert. The Agency is satisfied the conclusions of the independent research remain valid. The evidence has been considered alongside stakeholder views and evidence, other labelling research and the citizen's forums, to inform the Agency's position presented in the Board paper.

**17. Did the risk assessment consider the views of experts in all relevant disciplines, either as members of the committee or additional invited experts?**

The independent research was managed by a panel of experts in social and market research and nutrition, and was chaired by the Government's Chief Social Researcher. Independent experts peer-reviewed both the scientific rationale<sup>16</sup> (the methodology) and the final report<sup>17</sup>, both reports are published and in the public domain. The Agency has also considered the FDF critique and the contractors (TNS-BMRB) response (see Annexes 6.1 and 6.2).

**18. Is it clear how the conclusion is reached, based on the evidence presented to the committee? In particular, is the extent to which judgement has been used clear?**

Yes. The Board paper sets out the evidence and reasoning for the proposed options.

**19. Are there any other hypotheses which fit the same evidence? Have they been considered? Why were they rejected?**

The Agency has considered other hypotheses, such as those suggested by the FDF critique, which maintain that the evidence for consumers having difficulty with a number of FOP labels in the marketplace rests on weaker grounds. The contractors disagreed with this position, on the grounds that the qualitative evidence is robust. While it is not possible to ascertain the frequency of responses in the population as a whole, it is possible to assert with confidence that identified issues are real, rather than an artefact of the research design.

**20. How has the committee taken account of any conflicting views? Have any risk assessments carried out by others been cited? To what extent are there consensus/differing views?**

The independent research was agreed in 2006 by the Nutrition Strategy Steering Group (NSSG), who agreed PMP membership and the research specification. The PMP met regularly with stakeholders to seek their views and to receive further evidence before finalising the research methodology. The PMP also held stakeholder briefing sessions on 2 occasions, to present progress following publication of the Scientific Rationale and to present findings upon completion of the study. The PMP also met with individual stakeholders during the course of

<sup>16</sup> <http://www.food.gov.uk/multimedia/pdfs/quantrationale.pdf>

<sup>17</sup> <http://www.food.gov.uk/multimedia/pdfs/pmpreport.pdf>

the study, to discuss the research methodology and ensured that key evidence was taken into account and incorporated into the research design. The PMP also briefed the Board on the methodology and findings of the study. All 3 briefings included Q+A sessions.

**21. Has the committee or Agency consulted on the draft conclusions?**

The Agency has consulted on the technical issues which would need to be addressed for a single approach to FOP labelling to work in real-life settings, based on the conclusions on the independent evaluation research.

**22. Are the Committee's conclusions/advice expressed in clear, simple terms, and can it 'stand alone' i.e. is the meaning changed if supporting caveats and explanations are omitted?**

Yes, the conclusions of the research can stand alone.

**Interpretation**

**23. Is the committee's advice correctly presented and represented in the Board paper?**

At a meeting in June 2009, the Board were briefed on the methodology and findings of the independent research by the Chair of the PMP. The Agency has taken account of the finding of the independent research together with consumer and industry feedback from the consultation, draft impact assessment, report on the citizens' forums and other labelling research.

**24. Are any significant limitations clearly explained?**

The Board paper presents the range of evidence taken into consideration and the options available for increasing consistency in application of FOP labelling.

**25. If this is a review, have external influences changed since the last consideration such that assumptions should have been challenged?**

Since the Agency first made its recommendations for FOP nutrition labelling (March 2006), a number of UK food manufacturers and retailers have voluntarily introduced FOP labels which adhere to some or all of the Agency's recommendations. The various FOP labels which are being used in the UK marketplace mainly differ in the interpretative elements used within them.

The independent evaluation research published in May 2009 found that the co-existence of these different types of FOP labels was causing a degree of confusion and distraction for the UK consumer, and that the balance of evidence was that a label combining text, traffic light colours and %GDA is the single strongest label overall. The study concluded that use and comprehension of FOP labelling could be enhanced if a single FOP approach was used in the marketplace.

FOP nutrition labelling is one of the issues contained within the Commission proposal for an EU Food Information Regulation. EU negotiations are ongoing

and are unlikely to conclude before end of 2011. Once agreed it is expected that there will be a 3-5 year period before they start to come into effect. Given the timescales involved and the significance of the public health issues related to diet it would not seem proportionate from a consumer protection perspective to await the outcome of the EU co-decision procedure before pursuing progression of UK FOP policy objectives.

**26. Would it be helpful to have the advisory committee's view on whether (any of) the risk management options are consistent with the risk assessment?**

Not necessary. In presenting options, the Board paper has taken account of independent evaluation research, citizens' forums and stakeholder views.

**27. If the issue falls between scientific advisory committees or to more than one, has a satisfactory mechanism been put in place to ensure that all players have been involved and that each committee is aware of the views of the others?**

An independent panel (the PMP) were commissioned by the Agency to manage the research to determine the comprehension and use of FOP labels in the UK marketplace. This evaluation did not require the development of further technical criteria for labelling elements. The Agency intends to update its technical guidance to take account of the principles proposed in this paper and having consulted on the technical guidance will formally submit its recommendations to the Health Minister for agreement.

**28. If both risks and benefits were considered, are both addressed with the same rigour?**

The Board paper has assessed both the risks and benefits of proposing a single approach to FOP labelling to be adopted by all retailers and manufacturers voluntarily. The Agency considers that benefits to the consumer outweigh the costs to industry, and can be implemented at the same time as other labelling changes. Negotiations on the Commission proposal for an EU Food Information Regulation are unlikely to be resolved before 2011, after which there will be at least a 3 year period before they start to come into effect.

**29. Has the committee indicated whether the evidence base is changing or static, and when it may need to be reviewed?**

The Agency's research has concentrated on what label format works best for the UK consumer, and this has been taken into consideration in developing the Board paper. The on-going EC funded FLABEL<sup>13</sup> study which is looking to understand how nutrition information on food labels affects dietary choices and consumer habits across the EU, will not report on some of its work packages until the summer of 2010 at the earliest.

**30. Has a picture of the external environment been given so that the Board knows whether it needs to understand the context or educate consumers?**

The consultation exercise specifically sought views on the need to raise awareness and educate consumers of FOP labelling and this is reported in the Board paper.

## Tiered application of the proposed single approach to FOP labelling

A priority list of products to which a single approach to FOP labelling can be applied has been developed by the Agency. The principle based approach to FOP labelling recommends application to tier 1 in the first instance with the option to extend FOP labelling to those products in tier 2.

All other foods fall outside of the scope of FOP nutrition labelling, either because they will be exempt from nutrition labelling legislative requirements proposed under the FIR, or would provide little added benefit to the consumer.

### Proposed scope of FOP labelling

<b>Tier 1<sup>1</sup></b>	<b>Product Group</b>	<b>Including</b>
<b>Composite processed foods</b>	Sandwiches and similar	Wraps, filled baguettes and similar products.
	Prepared or ready meals	Hot or cold prepared or ready meals, for example pasta salad bowls, prepared salad meals such as chicken caesar salad and prepared dishes sold with and without accompaniments such as rice, noodles, vegetables, potato or similar).
	Pastry products	Pies, slices, puddings (e.g. steak and kidney pudding), pasties and quiches, sausage rolls, scotch eggs, pork pies, pastry desserts..
	Meat, meat alternative and fish products including Burgers and sausages	Breaded or coated or formed meat (e.g. burgers, sausages, meat balls, lamb grills), meat alternative, poultry(e.g. chicken nuggets, chicken kiev),, fish and similar products including those in sauces (e.g. fish fingers, fish in parsley sauce), processed and cured hams (e.g. gammon, bacon, ham, continental cured hams and sausages). ,
	Pizzas	Pizza and pizza style products e.g. baguette pizzas, calzone.
	Breakfast cereals	All breakfast cereals including muesli and porridge..
<b>Tier 2</b>	<b>Product Group</b>	<b>Including</b>
<b>Other pre-packed foods</b>	Hot and cold meal accompaniments	Yorkshire puddings, stuffing balls, dumplings, vegetable bake products, coleslaw, potato salad, fresh dips, olives and antipasti.
	Prepared carbohydrate based products	Filled pasta, readymade rice mixes, noodle based meals/accompaniments, readymade cous cous mixes and potato products e.g. chips, potato waffles, hash browns.
	Canned foods	Soups, vegetables, beans and pulses, pasta and spaghetti dishes, meat dishes, fish, fruit, custards, desserts, milk puddings, cream.
	Bread and bread products	All varieties of bread, baguettes, bagels, pittas, crumpets, muffins, flat breads, wraps, chapattis, naan breads, croissant, brioche, pastries.
	Cakes, buns, biscuits and similar	All sweet cakes, buns, biscuits and cake mixes.
	Dairy products and desserts	Cheese, cheese products, yogurts, custard, mousses, cheesecake, tiramisu, yogurt based drinks.
	Frozen desserts	Ice cream, ice lollies, cakes, puddings.
	Sweet and savoury snack items	Crisps, snack products, fruit and nut snacks
	Drinks	Soft drinks, including fruit juices and smoothies, yogurt based drinks, squashes and carbonated drinks, hot drink such as hot chocolate, malted drinks.
	Condiments	Tomato ketchup, brown sauce, mayonnaise, relishes, pickles, salad dressings, mustards, salt and pepper.
	Jams and spreads	All jams and preserves, marmalades, peanut butter, yeast extracts, chocolate spread, lemon curd, savoury spreads (including patè).

<sup>1</sup> Tier 1 represents the original categories recommended to carry traffic light labelling by the FSA.

Sauces	Sauces for pasta (meat or vegetarian varieties), meat & fish sauces.
Soups	Fresh, canned, condensed, dried and cup-a-soups.

### Other foods

	Product Group	Including
<b>Outside the scope of FOP labelling</b>	Fresh fruit and vegetables	All loose and pre-packed fresh and minimally processed (e.g. sliced) fruit and vegetables
	Unprocessed meat and fish	All meat and fish, either fresh or frozen.
	Single ingredient foods	Herbs and spices, vinegar, plain cous cous, cereal products (e.g. bulgar wheat, polenta), dried beans, lentils and pulses, flour, sugar, syrup, treacle, honey, salt. Tea, including herbal infusions and decaffeinated; whole or milled coffee beans, instant and decaffeinated coffee; water, where the only added ingredients are carbon dioxide and/or flavourings; milk and milk substitutes.
	Fats and oils	All varieties of butter, margarine and spreads, cooking oils.
	Foods for particular nutritional uses	Infant and follow-on formula, infant and weaning foods and foods for young children; slimming foods; sports foods; foods for special medical uses e.g. gluten free foods.
	Alcoholic beverages	All alcoholic beverages.
	Foods sold in small packets <sup>2</sup>	Chewing gum.
	Foods exempt from providing nutrition labelling	Any products not covered in the groups above which are exempt from the requirement for mandatory nutrition labelling under the FIR.

<sup>2</sup> Determination of size is dependent upon outcomes of FIR



**Illustrations as described in the proposed framework for FOP nutrition labelling**

%GDA and text

¼ pie (175g) typically contains (pack serves 4)

<b>Calories</b>	<b>Fat</b>	<b>Saturates</b>	<b>Sugars</b>	<b>Salt</b>
383 kcal	<b>MEDIUM</b> 18.5g	<b>HIGH</b> 8.9g	<b>LOW</b> 2.2g	<b>MEDIUM</b> 1.28g
	26%	45%	2%	21%

of your guideline daily amount

¼ pie (175g) typically contains (pack serves 4)

<b>Calories</b>	383 kcal		
<b>Fat</b>	<b>MEDIUM</b>	18.5g	26%
<b>Saturates</b>	<b>HIGH</b>	8.9g	45%
<b>Sugars</b>	<b>LOW</b>	2.2g	2%
<b>Salt</b>	<b>MEDIUM</b>	1.28g	21%

of your guideline daily amount

%GDA and traffic light colour coding

¼ pie (175g) typically contains (pack serves 4)

<b>Calories</b>	<b>Fat</b>	<b>Saturates</b>	<b>Sugars</b>	<b>Salt</b>
383 kcal	18.5g	8.9g	2.2g	1.28g
	26%	45%	2%	21%

of your guideline daily amount

¼ pie (175g) typically contains (pack serves 4)

<b>Calories</b>	383 kcal		
<b>Fat</b>	18.5g	26%	
<b>Saturates</b>	8.9g	45%	
<b>Sugars</b>	2.2g	2%	
<b>Salt</b>	1.28g	21%	

of your guideline daily amount

%GDA, traffic lights colours and text

¼ pie (175g) typically contains (pack serves 4)

<b>Calories</b>	<b>Fat</b>	<b>Saturates</b>	<b>Sugars</b>	<b>Salt</b>
383 kcal	<b>MEDIUM</b> 18.5g	<b>HIGH</b> 8.9g	<b>LOW</b> 2.2g	<b>MEDIUM</b> 1.28g
	26%	45%	2%	21%

of your guideline daily amount

¼ pie (175g) typically contains (pack serves 4)

<b>Calories</b>	383 kcal		
<b>Fat</b>	<b>MEDIUM</b>	18.5g	26%
<b>Saturates</b>	<b>HIGH</b>	8.9g	45%
<b>Sugars</b>	<b>LOW</b>	2.2g	2%
<b>Salt</b>	<b>MEDIUM</b>	1.28g	21%

of your guideline daily amount