

June 2008

Revision of Food Standards Agency Guidance on Clear Food Labelling

**SUMMARY REPORT OF RESPONSES TO CONSULTATION
FROM STAKEHOLDERS**

The Revision of Food Standards Agency Clear Food Labelling Guidance consultation was issued on 1st October 2007 and closed on 24th December 2007.

- 1 The FSA is grateful to those stakeholders who responded and sets out in the table below responses in order of the sections of the guidance document
- 2 The sections on which the consultation sought views were:
 - Part one – Compliance with the legislation
 - Part two – Best Practice advice
 - Annex I – Relevant legislation

The consultation also sought general comments on the revisions to the guidance.

- 3 The Food Standards Agency's considered responses to stakeholders' comments are given in the last column of the table. A summary of changes to the original proposal resulting from stakeholder comments is set out in the final table.
- 4 A list of stakeholders who responded can be found at the end of the document.

Statistics

Number of Interested Parties consulted:	1200
Total number of responses:	32
Scotland responses:	6
Wales responses:	3
Northern Ireland responses:	0
Consumers:	2
Consumer Organisations:	8
Trade Associations:	10
Industry	4
Enforcement:	5
Health Bodies	1
Academia:	1
Food Advisory Committees:	1
OGDs:	0

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General Comments

Respondent	Comment	Response
TSSE	The Partnership generally welcomes guidance on clear food labelling, which clarifies the issues which the profession has felt strongly about for some time.	Noted.
FDF	<p>It appears premature to issue revised draft Guidance ahead of the EC's labelling review proposals, the first consultation draft of which is currently expected before the end of 2007. When, however, the guidance is re-published it will be helpful to include appropriate graphic examples on the lines of those given except where otherwise indicate below.</p> <p>FDF welcomes the distinction between Parts 1 & 2 in setting out what is advice on compliance with the law and what is best practice, and the statement in Part 2 that the best practice advice is voluntary. That being the case, FDF asks that due care be taken to make this clear if publishing the results of any future survey of compliance with this guidance. It is al too easy to give the public impression of “non compliant” labelling which is in fact legal but does not correspond in one or more points with voluntary guidance.</p>	<p>Noted.</p> <p>Noted.</p>
TESCO	<p>Label clarity and label ease of use is extremely important to Tesco as it is the primary means of communicating product information to our customers.</p> <p>Whilst Tesco finds much of the FSA's labelling guidance very useful it is also the case that there is little point in having guidance which, for whatever reason, is not followed.</p> <p>When compliance levels against the previous clear labelling guidance were measured by the Agency it was found that the guidance was being followed in respect of only a very small number of labels. Despite this most labels were considered by the survey to be legible.</p> <p>The revised guidance has not, in our view, been changed significantly enough to change the likely level of compliance.</p> <p>We believe that the focus of this guidance leans too heavily towards requiring large print labelling without considering the way food labels are used in practice. We know that our customers do not read food labels from start to finish as if</p>	<p>Others have commented that 6 point size is hard to read and Guidance continues to</p>

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<p>EETSA</p>	<p>The Group welcomes the proposed revision of this guidance.</p> <p>We feel that the combination of detailing the legislation with what is considered to be best practice is somewhat confusing. The main body of the document contains references to “Complying with the legislation” alongside “Advice on Best Practice – recommendations”. In addition to this the legislation is duplicated again in the Annex.</p> <p>We feel that it would be better to place the specific mandatory requirements separately to the general recommendations – perhaps the legal requirements could be given in a box? Then the best practice outside the box? This would make a clear distinction between the two.</p> <p>Considering the guidance is intended to help make food labels clearer and is over 40 pages long, we would have thought it could have been made a bit more succinct (and therefore more likely to be read). If it concentrated on giving examples of good practice only, not examples of bad practice as at present</p>	<p>Noted. The duplication (which applies to a small amount of the information) is intended so Annex may be referred to as standalone document if necessary.</p> <p>Noted. In part 2 the aim has been to include best practice advice with footnotes for relevant details of legislation so that they are clearly separated and both can be accessed easily. Guidance has been made shorter where possible.</p>
<p>NFU</p>	<p>Rationale and aims The modern shopping environment is an extremely busy one, with fierce competition between products and brands. There is also demand for more and more information about food products, and for this to be displayed on pack. This situation means the potential for labelling to be misleading to consumers and to lack clarity is very great.</p> <p>The contradictions and conflicts that exist between clarity, marketing, packaging logistics and consumer demand should be taken into account in the guidance. However, it is not necessary to discuss these within the document. The NFU believe the document should strictly confine itself to what is needed to comply and advice on best practice. This will enable For example paragraphs 3 – 5, 7 - 9 are interesting but not ‘guidance’.</p> <p>The NFU supports the concept that local authorities should use this guidance to help their advisory role and to aid enforcement of legislation.</p> <p>Accessibility Anything that will make FSA labelling guidance more accessible to small businesses must be welcomed. However, we are not convinced that the current draft achieves this fully. While we acknowledge the complex nature of the law and the infinite variation in labels, our overall impression is that the document is very long and the language used is not particularly accessible to the microbusinesses our members run.</p> <p>We also acknowledge that this guidance is trying to serve all sizes of business, from producer-processor to major retailer. However, it is more likely that our members will seek advice from local business groups, trading standards or</p>	<p>Noted.</p> <p>The Agency was asked by stakeholders to provide rationale for the advice.</p> <p>Noted.</p> <p>The Agency is currently producing information sheets for its website www.food.gov.uk that will be helpful to small businesses.</p>

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	<p>trade organisations rather than read the guidance themselves. So, in the sector we represent, the guidance will be used by the advisers rather than the practitioners. It should therefore not be ‘sold’ as a guide suitable for use by all businesses.</p> <p>As such, we cannot offer any figures on cost of familiarisation with the guidance. However, if the guidance is read as part of time taken to design new labels we would estimate it could take up to 1 hour to locate and understand the relevant information and apply it. The cross referencing between the main text and the Annexes is confusing and leads to significant repetition, or at least the appearance of repetition.</p>	<p>Noted.</p> <p>Noted. Repetition has been reduced.</p>
Anaphylaxis Campaign	<p>With regard to the proposed labelling guidance which is the subject of this consultation, we would ask the Food Standards Agency to consider the needs of people with food allergy at every stage. We would ask the FSA not in any way undermine or eclipse the positive messages present in the FSA’s 2006 allergen report. We would request that food allergy is given its rightful priority.</p> <p>Past research activity including the “may contain” consumer research (3) has proved valuable in the past and further projects might be considered. A research activity to assess key allergen information might involve presenting a sample group with a selection of food packets and asking them to find out whether the food contains key allergens such as milk or wheat. Another very valid research activity would involve the assessment of a range of foods on sale against the criteria laid out in the guidance. We would welcome such initiatives and would be happy to support them.</p> <p>On the general subject of labelling, we would ask the FSA to consider consumers who are visually impaired or have literacy and language issues. We suggest that consumer research should be carried out in these areas too.</p>	<p>Noted.</p> <p>Noted for future reference.</p> <p>Noted for future reference.</p>
Which?	<p>Which was originally involved in the FSA’s labelling clarity task force. We therefore strongly support the development of the guidance and its revision following research looking at how effective it has been in practice. It is essential that information included on food labels is clear and easy for consumers to understand.</p> <p>We think that the revisions made to the guidance improve it and should make it easier for businesses to implement, ultimately enabling consumers to make more informed choices.</p> <p>Implementation</p> <p>It is essential that manufacturers and retailers appreciate the importance of following the guidance. It is disappointing that there has been limited adherence to the FSA’s advice on font size, for example. We hope that the revision of the guidance will mean that more companies implement the guidance.</p> <p>However, we hope that the FSA will also push for the key elements of this guidance to be incorporated into the new EU directive on food information as mandatory requirements.</p>	<p>Noted.</p> <p>Noted. Welcome support for revisions.</p> <p>Noted.</p> <p>Comment passed to colleagues for consideration in relation to EU Regulation</p>
Premier Foods	<p>Premier Foods understands the desire for revision of this guidance as further clarification in the light of consumer demands for clearer labelling, as it is very useful to have this guidance and all the legislative references included in one document. However we believe that with the imminent publication this month of a draft EU Commission Food Information Regulation which will significantly affect this subject, it may be better to consider delaying the re-issue of</p>	<p>Noted. The guidance applies only to the UK and will be reviewed again in the light of legislative changes.</p>

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	<p>this guidance until this new legislation has been adopted, or at least its scope more fully understood.</p> <p>We do not believe this revised guidance will incur significant extra costs for our business.</p>	Noted.
Yorkshire and Humber Trading Standards Group	<p>Paragraph 11- States one of the aims and objectives of this guidance is to help visually impaired consumers by addressing their specific requirements in relation to legibility. The guidance could go further in achieving this, for example the careline number could be in Braille or larger print rather than just in the same field of vision.</p>	<p>Amendment made to stress importance of careline information. We have not included provision of Braille as a best practice recommendation because at present this is only provided by a small number of manufacturers.</p>
FUW	<p>The Union supports and welcomes the review of the guidance relating to clear food labelling. The Union feels up-to-date information and clarification on food labelling legislation is of high importance to the industry, as this not only enables it to comply with legislation, but also improves consumer confidence.</p> <p>Members stated that the font used on labels should be clear and readable, preferably of a large size and in bold for people with impaired sight. Members felt the date should be easily found and interpreted, and agreed with the guidance to use abbreviations of the month, rather than figures, to avoid confusion.</p> <p>Members emphasised that clear labelling of food is essential to avoid consumer confusion, and that such labelling should extend to country of origin labelling. However, moves that would affect the packaging of loose foodstuffs should be avoided, as this would place a disproportionate and unnecessary burden on small businesses in particular. Some members noted that too much labelling can be detrimental to the image and consumption of a product, as it can detract from the selling power of the product. Labelling should therefore be simple, and unnecessary information avoided. Too much information can be difficult to decipher, and can put consumers off buying a product, and with this in mind, some members suggested that a list of essential information, prioritised depending on importance, would be useful.</p> <p>Some members felt that a stricter regime than codes of best practice should be put in place to allow consumers to make informed decisions based upon accurate information.</p> <p>Members raised concerns that point 40 in the guidance: 'Where possible use only one or a minimum number of languages' would discourage manufactures from printing information in Welsh as well as English. As Welsh is the first language of a significant proportion of the Welsh population, and a vital component of the culture and heritage of Wales, the use of the language should be encouraged.</p> <p>Some member raised concerns that the new guidance would place an extra burden on small businesses. To this end the Union would like to emphasis that if this is the case, then help and support should be available to such businesses.</p> <p>Members emphasised that the current poor quality and misleading nature of country-of-origin labelling prevents consumers from making informed decisions, and may often lead to purchases that would not otherwise have taken</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Guidance offers advice on prioritisation.</p> <p>Noted and passed on to colleagues for consideration in relation to new EU Regulation.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted. Comments on origin labelling to be added to</p>

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	<p>place. It is therefore felt that accurate country-of-origin labelling is extremely important, particularly as consumers are becoming more aware of globalisation and the impacts it has. As such, many members felt that such clear and accurate labelling should be a legal requirement in order to provide consumer choice and confidence, particularly in the context of the growing demand for locally produced food.</p> <p>I trust you will take the above into full consideration when reviewing the guidance on clear food labelling in Wales.</p>	<p>origin labelling consultation running concurrently.</p>
<p>Richard Bruce</p>	<p>I write first as a consumer and former farm manager whose family members are involved in catering and in food retail businesses with interests in the correct labelling of food_</p> <p>Many of the issues raised in these comments have already been reported to the Food Standards Agency and other government bodies but the seriousness of the situation appears to have been overlooked.</p> <p>The problem with food labels appears to be ever more complex and I am not at all sure that consumers have the time to read through the mass of information and quality standard logos. I know that my wife has considerable difficulty trying to compare products in attempts to control her diabetes and to avoid those additives that we know should be avoided. Some, like aspartame, have been reported to be linked to serious adverse health effects but are often hidden in the ingredients list and disguised as e-numbers. It is my considered view that the FSA should be ensuring that harmful products are NOT permitted in our food, or that intended for our children, rather than its current plan of insisting that the inclusion of such products are reported on the labels. It is wrong to rely on the consumers, who may not be aware of the science or the risks, to make such decisions when they are effectively "blindfolded" to the dangers.</p> <p>We have recently seen that scientists, who are aware of the potential long-term harm that may result in those who consume too much, have condemned suggestions that folic acid be added to flour.</p> <p>There have also been FSA campaigns about salt levels and confusing advice to consumers by scientists who have then stated that the risk from excess salt intake has been exaggerated.</p> <p>Fat content must be declared on food and sugar too for obvious health reasons.</p> <p>Perhaps the most important change in recent decades has been the requirement to declare the presence or possibility of contamination with nuts or nut oils in attempts to protect vulnerable individuals from potentially lethal adverse reactions.</p> <p>My concern then is once again in regard to the determination by the authorities in their refusal to even consider the request that all insecticide additions to food should be declared on the labels in order to protect those of us who have already been poisoned by the accumulation of the exposure to the toxins and their effects. Such individuals also have to avoid the additional ingestion of the toxins wherever possible and yet pesticides appear to escape the regulations regarding the adulteration of food with dangerous chemicals simply because they are pesticides.</p> <p>This attitude is not only irresponsible but it is also illogical and is based on the false assumption that all the data supplied by the manufacturer is accurate and reliable. As reported to the authorities this is most certainly not the case and in my research! have discovered that not only do The authorities not ensure that the data supplied is independently verified but also much of the information is wildly inaccurate.</p> <p>It is of interest to note that the EU has had to order the withdrawal of numerous classes of pesticide for this very</p>	

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	<p>reason and even the much-maligned China has recently seen fit to ban several organophosphoms chemicals when the danger was realised. Even in the USA as long ago as 1997 scientists called for an immediate ban on all OP compounds because of the serious danger to children presented by the residues of pesticides used in the field. (Sec "Overexposed– organophosphate insecticides in children 's food") My concern is not so much in regard to those residues, although they are obviously important, but of the greater risk presented by the chemicals that are admixed with food after it leaves the field. The approved methods of application used simply cannot be relied upon to prevent serious over-application but there are greater risks than over-dose. The very basis of the calculations that permit this adulteration is entirely reliant on the claim that the chemicals do not persist either in the environment or the body but there is ample evidence that neither assumption is based on the reality of the actual formulations and mixtures used or created by that use. Sadly, even when scientific analysis proving that the accepted data is flawed has been presented to the authorities no attempt has been made to check that data for accuracy. As a result the approvals continue and the risk to human health remains.</p> <p>One such approval concerns the recent one of a mixture of malathion and bifenthrin which was cleared for use as an insecticide admixed with <i>grain</i>. This approval was made despite considerable concern about the adverse health effects known to be triggered by malathion and the unpredictable nature of combined exposures. Perhaps unsurprisingly within a very short time the EU withdrew all pesticides containing malathion on safety grounds and this alone must put serious doubt <i>over</i> the claims that our health is protected by the regulatory process.</p> <p>There are similar problems with produce from or created by genetic modification and it is a complete disgrace that our food supply has been allowed to be contaminated when assurances were made by the industry that this would never happen. The polluter pays is the mantra of government and so the industry should be forced not only to remove the contamination but also to pay for the clean up and compensate all those who had had to cover the costs of testing and labelling conditions. Perhaps it is no surprise that the industry has fought so hard to persuade the regulators to allow them to escape enforced declaration on the food labels_</p> <p>Too much of this cost is being borne not by the polluters but by the innocent retailers and consumers who have demonstrated countless times that they oppose the introduction of genetically modified crops but this assault on the consumer's rights is mad worse by the failure to ensure that all products that have resulted from these processes are declared on the labels.</p> <p>Once again it is left to the consumer to take active steps to avoid the produce when it should be the responsibility of the authorities to enable the consumer to easily avoid unwanted contaminants that may well prove to have adverse effects at some point in the future. It is not known at this point if consuming modified products may trigger delayed adverse health effects and, since the BSE debacle, the Food Standards Agency was established to ensure that consumers are not put at risk.</p> <p>Prevention is better and far cheaper than what are usually only partial "cures" when biological, metabolic and chemical toxins and imbalances are involved and so it is very difficult to understand the reluctance of the Food Standards Agency to either warn of the obvious dangers or to take action to protect consumers. It seems that no expense or time is spared to flag up the potential risks posed by natural substances with which the human race has survived for thousands of years and yet there is an equally determined reluctance to even consider the possibility of</p>	
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	<p>harm from man-made products which have been available only for a few decades, or even less in some instances_</p> <p>Full labelling might help the consumer but the easiest, most efficient, and safest way to deal with hazards is to tackle them at source. Reliance on labels is simply an escape mechanism designed to avoid having to take difficult decisions. /t is akin to blaming a child for failing to read the warnings about a loose dangerous dog. By then it is too late.</p> <p>The risk posed by labelling is similar in that labels are all but useless to the blind or to those who cannot understand them – as was seen in the first Crulf War when those using pesticides were unable to understand the language used on the label instructions.</p> <p>As with pesticides consumers assume that what they are able to buy is not going to present a risk to their health but the Food Standards Agency's own campaigns highlight dangers to health in foods that have always been assumed to be completely safe and part of the normal and accepted diet.</p> <p>It is doubtful that most consumers would bother to spend the time to read labels unless they have a health problem and have been told to avoid <i>certain</i> foods or additives.</p> <p>Those of us who are aware of the adverse health effects that can be triggered by certain contaminants or items of food need to know for certain what the food we purchase contains and that is why it is so important that all contaminants, especially deliberately added insecticides and other known toxins, even when their toxicity is being disputed, must be declared on the labels.</p> <p><i>It is of interest to note that the permitted residue levels for systemic phosphoric acids such as glyphosate were raised considerably in order to allow produce from GM crops to be imported and yet there is a growing concern about the potential for these chemicals to induce health problems such as cancer.</i></p> <p>Sadly vested interests have managed so far to suppress the truth about the dangers of the organophosphorus group of chemicals but eventually the truth will escape their clutches.</p> <p>As Christopher Booker and Richard North reported in their book <i>"Scared to Death", "the government and its industry allies managed to suppress the evidence of how just one type of chemical was damaging the health of untold numbers of people. The regulatory system, supposedly designed to protect the public against these dangers was so corrupted that it did the very reverse"</i></p> <p>That problem was supposed to have been addressed following the BSE Inquiry but it is clear that the same attitudes and failures continue to this day.</p> <p>Perhaps the explanation for this sorry state of affairs is to be found in the quote from Upton Sinclair from the book <i>"The Secret History of the War on Cancer"</i> which seems to sum up the situation rather well. <i>"It is difficult to get a man to understand something, if his salary depends on his not understanding it"</i>.</p> <p>However, on the subject of the failure to declare the presence of organophosphates on food labels it is not simply a question of "understanding" but far more important is the issue of the responsibility to protect the health of the nation. At least one of the undeclared chemicals has been admitted to mutate bacteria and yet, despite the risks, it remains approved as an undeclared additive in food. Furthermore it is a proven nerve toxin that has cumulative and irreversible effects and is the only organophosphorus chemical proven in an English court of law to cause serious</p>	<p>There is currently no UK or EU requirement for the labelling of pesticides on food products and therefore no reference is made to pesticides in the guidance. Labelling of pesticides is not straight forward, has many practical difficulties and FSA consumer research has suggested that when</p>
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	<p>adverse health effects. There have been many other cases, which through deception were not heard by the courts. There is a requirement to protect the vulnerable in our society and, just as with nut allergy as previously mentioned, those poisoned by organophosphates and who <i>are</i> then vulnerable to additional exposures must be given the right to know when they are consuming potentially harmful chemicals.</p> <p>I urge the Food Standards Agency to take steps to ensure that all these toxins, whether present as residues or through the deliberate incorporation of chemicals, are declared on the food labels.</p>	<p>respondents looked more deeply at the labelling issue, it became evident that their ideas were often not really workable in the pesticides context.</p> <p>Comments noted.</p>
<p>West Yorkshire Analytical Services</p>	<p>These guidance notes do not address one of the most misleading and confusing issues found in food labelling- that food producers are increasingly labelling their products with two names; the fancy marketing name and the true legal name as required by regulation 8 of the Food Labelling regulations 1996. The fancy name is prominently displayed, whilst the legal name appears underneath in small inconspicuous text. Sometimes the fancy name contradicts the true name. For more & more products the true name does not appear on the front of the pack at all, but is relegated to the side or the back of the pack, often in small text, often hidden and obscured amongst other information. This is most commonly found in the labelling of soft drinks, fruit juice drinks & Smoothies and well as chopped and comminuted meat products. We are able to supply plenty of examples of such labels.</p> <p>When challenged by food enforcement authorities, food manufacturers quote the case law of Lewin v Purity Soft Drinks Ltd (2004), where the manufacturer was charged in relation to applying the trade description of "blackcurrant juice burst a refreshing fruit based drink" (blackcurrant juice content 13%). The magistrate dismissed the charge, stating that the label should be read as a whole.</p> <p>Only regulation 39 of the Food Labelling Regulations 1996, states where the name of the food should be on the pack in relation to other essential information. This states that the name of the food, appropriate durability indication, and net quantity or weight should all be in the same field of vision. Food producers pay lip service to this requirement by ensuring that the true name of the food (hidden away in small text at the side or back of the pack) is in the same field of vision as these other parameters.</p> <p>The deliberate obscuring of the proper legal name of the food is done for reasons of commercial advantage . To provide consumers with clear labelling information on the true nature of the product (not merely what it appears to be), the following is required:</p> <ol style="list-style-type: none"> 1) the true name of the food should appear immediately underneath the fancy name wherever it appears on the sample label. 2) Size of true legal name compared to fancy name in terms of size prominence —a minimum percentage size should be recommended for the size of true name compared to the size of fancy name, for example the true name should be at least 25% the size of fancy name. <p>In summary we think that the biggest single contribution that could be made to improve clarity of labelling would be to have the legal name displayed prominently on the main display surface of a pack. There is no explicit legal requirement for this but, as a guide to good practice, the guidance notes should certainly be promoting this approach.</p>	<p>Comments noted and amendment made to include advice on name of food.</p>
<p>BRC</p>	<p>Our overall impression is that in general the guidance has been notably improved by increasing the number of</p>	<p>Noted. Welcome support for</p>

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	<p>examples given, making it easier for industry to follow when in doubt.</p> <p>Retailers feel that there are sections of this guidance that have been very useful in the past; however some other sections have not been followed, as shown in the research carried out by the Agency in 2005. We feel that the Agency should take more notice of the outcome of that research, especially in two areas:</p> <p>Minimum font size. The 2005 research, referred to above, showed that the large majority of labels did not comply with the minimum font size specified, yet despite this the majority were legible. The guidance continues to place too much emphasis on font size. Retailers have on numerous occasions demonstrated to the Agency the difficulty with increasing font size on different packaging formats. We have also provided an extensive number of examples of labels demonstrating that font size is in many cases not crucial to achieve clarity; colour contrast, font type or layout are as important as font size.</p> <p>Grouping essential information. We feel that the guidance should not go beyond the legal requirement to provide certain information in the same field of vision. Although in many cases companies aim to have a ‘legal face’ on the package’ it is reasonable to allow retailers and manufacturers to make their own judgement on how best to present the rest of the statutory information to best inform the consumer.</p> <p>Regarding the format, as we did for the country of origin guidance, we welcome a format that makes a distinction between legislative requirements and best practice guidance; however we feel that this distinction could be made clearer in this document. This distinction is not helped by the extensive use of footnotes to the legislation which could be lead some readers to the view that the best practice advice is actually law.</p> <p>Paragraph 10. We feel that the word “second best” is pejorative. It is possible to produce a label that is clear and legible but does not fit with the Agency’s model.</p> <p>Paragraph 11. While we strongly believe that it is important to take into account disadvantaged sectors of the population such as visually impaired people, it is important that the rules are set based on the average consumer as defined under UCPD (Unfair Commercial Practices Directive).</p>	<p>revision.</p> <p>Noted. The Agency agrees that other factors are crucial to clarity, but maintains that font size plays a very important role which needs to be reflected strongly in the guidance.</p> <p>Noted. The guidance contains best practice advice on field of vision layout.</p> <p>Noted. It is intended that the use of foodnotes makes the distinction clear.</p> <p>Noted. It is accepted that the format described in para 19 is also clear. Wording changed to ‘alternative’.</p> <p>It is clear from the Directive that more vulnerable groups of consumers must also be protected. In particular it is made clear that "commercial practices which are likely to materially distort the economic behaviour only of a clearly identifiable group of consumers who are</p>
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		<p>particularly vulnerable to the practice or underlying product because of their mental or physical infirmity, age or credulity in a way in which the trader could reasonably be expected to foresee, shall be assessed from the perspective of the average member of that group" (Article 5(3)).</p> <p>The visually impaired are a clearly identifiable group of consumers whose economic behaviour could very well be materially affected by having information presented in a small or confusing manner. We feel that it is entirely foreseeable by a trader that people in this category would be affected in this way.</p>
CFG – Foodaware	<p>Foodaware Members discussed this revised Guidance at their December meeting. We note that although the FSA is specifically consulting about the use of the Guidance in England, parallel consultations are occurring in Scotland, Wales and Northern Ireland. Members feel strongly that this guidance should apply throughout the UK so that the Agency is promoting a consistent approach despite the voluntary nature of the guidance itself.</p> <p>Members welcome the clear presentation in the document and particularly appreciate the way the document recognises the importance of taking account of the interests of partially sighted people. The inclusion of pictures and visual material is valued as are the examples of good practice. Members mentioned that the use of colour to highlight important aspects on food labels can also be helpful to young children and those who may have learning difficulties. The traffic lights for nutritional labelling have been particularly valuable in this regard, allowing young children to begin to discriminate between products on the basis of their nutritional composition without needing to understand percentage declarations.</p> <p>It is disappointing that FSA research has shown that 89% of products surveyed did not comply with the recommended minimum font size especially in view of the ageing population and issues facing those who lack good eye-sight. It</p>	<p>Noted. This guidance will apply throughout the UK.</p> <p>Noted. Comments passed to Nutrition colleagues.</p> <p>Note. The Guidance does</p>

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	<p>seems like a retrograde step for the FSA to have to underline in <u>voluntary</u> guidance the importance of the minimum font size for mandatory information. In general, members consider the guidance should follow key principles such as clarity, legibility, contrast, and use of colour and pictures rather than details of fonts which are considered appropriate.</p> <p>Ultimately, whether labelling is clear, depends on the understanding of the customer. Perhaps the FSA should consider doing more customer surveys in this area and consider ‘naming and shaming’ those whose labelling is unclear.</p>	<p>follow key principles but also considers that font size and type are both important.</p> <p>Noted for future reference.</p>
<p>AYRSHIRE CENTRAL HOSPITAL</p>	<ul style="list-style-type: none"> • Clear labelling is essential, so many foods available it is difficult for consumers to know which the best product for their health is. Health claims only being used with evidence to support their uses is a great step forward, as a lot of our time is spent unravelling the half truths people believe about foods. • Would like to see a change in baby food labelling from 4 months to 6 months. The change in weaning practice was announced in 2001 yet products still claim “suitable from 4 months”. This undermines the fact we are trying to convey about babies’ nutritional intake, risk of allergy and future health. • Will these be changed as part as the revamp on labelling? 	<ul style="list-style-type: none"> • The draft guidance covers the presentation of the information on food labels as required by the Food Labelling Regulations 1996. It does not cover specific labelling requirements for products such as baby foods; this is dealt with by separate legislation. <p>Article 8 of Directive 2006/125 on processed cereal-based foods and baby foods for infants and young children states that products covered by the Directive should only be used by infants and young children of not less than 4 months and this should be indicated on the label. There is also a</p>

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		<p>requirement to indicate on the label the presence or absence of gluten if the indicated age from which the product may be used is below six months.</p> <p>In the case of infant formula and follow-on formula, Article 13 of Directive 2006/141 on infant formula and follow-on formula indicates that, where an infant is not being breast-fed, infant formula may be used from birth and follow-on formula from six months.</p> <ul style="list-style-type: none">• The EU review of food labelling which is looking at the general overarching food labelling rules, rather than subject specific requirements and therefore the labelling of baby foods is not part of this current work.
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Sangs (Banff) Limited	<ul style="list-style-type: none"> Consider the revision of the guidance to be a good thing and agree with the proposals on page 2 of the consultation. A rationalised format of guidance to give clear details of best practice can only be of benefit to manufacturer and consumer alike. There is scope for personal or regional interpretation of the current guidelines. This can lead to confusion and a precise format should help alleviate this situation. Particularly welcomes the advice on small labels and how to prioritise the information. A large amount of information must be legally displayed and this can be troublesome on a label on a small container. 	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
Margret Anderson	Food supplements and small packaging do not have the space to incorporate too much information. People living alone, may only want to purchase in small quantities. If the labelling requirements force companies to only sell in larger amounts, then it can be to the detriment of the consumer.	Noted.
Scottish Beekeepers' Association (SCOTLAND)	<ul style="list-style-type: none"> Welcomes any move to simplify labelling requirements. This would assist beekeepers and the enforcers, who not infrequently ask beekeepers to take inappropriate action. Consultative document observes at point 7 that people have problems finding, reading and using information. This seems to apply equally to the author as on page 35 it states honey does not have to be date marked which is not correct. 	<p>Noted.</p> <p>Amendment made.</p>
Scottish Association of Meat Wholesalers (SCOTLAND)	In agreement with the proposed revision and also with the objectives to improve labelling practice and consumer confidence. The importance of guidance to enforcement authorities should not be underestimated and neither should the need for them to provide effective and consistent advice to ensure good practice.	Noted.
Scottish Food Advisory Committee (SCOTLAND)	<ul style="list-style-type: none"> Clear food labelling is essential for consumer choice. It is important to inform but also important not to overwhelm consumers or the label with too much information. Important that visually impaired consumers are considered whenever possible. Braille should be considered on larger items if possible. Recommended that Braille should be used if possible on products with high fat and salt, to enable visually impaired consumers make healthy choices. Guidance would be clearer if there was less use of cross referencing and if the information was laid out in tabulated form as on page 10, with a similar one page or double page layout of examples as on page 11. The inclusion of the salt equivalent in the label fig.10 is important for less able customers who wish to make healthy choices. <p>Page 13</p> <ul style="list-style-type: none"> 43. If the inside of the label is to be used consumers should be clearly directed to it. 	<p>Noted.</p> <p>We have not included provision of Braille as a best practice recommendation because at present this is only provided by a small number of manufacturers.</p> <p>Noted.</p> <p>Amendment made.</p> <p>Noted.</p>

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	<ul style="list-style-type: none"> The Yoghurt example on page 13 was poor. Better to choose a clear example. If this was an example of best practice I think it would be appropriate to include front of pack signposting even though this is voluntary and not discussed until paragraph 53. A web address referring to the IGD guidelines could be included. <p>A reference could be made to front of pack signpost labelling. A final sum up of that section is needed.</p>	<p>Amendment made.</p> <p>Amendment made.</p> <p>Noted.</p>
The British Dietetic Association	The BDA welcomes this consultation on labelling. We support guidelines that improves and helps people to make the right food choices.	Noted.
Farmers Union (Wales)	<p>The Union supports and welcomes the review of the guidance relating to clear food labelling. The Union feels up-to-date information and clarification on food labelling legislation is of high importance to the industry, as this not only enables it to comply with legislation, but also improves consumer confidence.</p> <p>Members stated that the font used on labels should be clear and readable, preferably of a large size and in bold for people with impaired sight. Members felt the date should be easily found and interpreted, and agreed with the guidance to use abbreviations of the month, rather than figures, to avoid confusion.</p> <p>Members emphasised that clear labelling of food is essential to avoid consumer confusion, and that such labelling should extend to country of origin labelling. However, moves that would affect the packaging of loose foodstuffs should be avoided, as this would place a disproportionate and unnecessary burden on small businesses in particular. Some members noted that too much labelling can be detrimental to the image and consumption of a product, as it can detract from the selling power of the product. Labelling should therefore be simple, and unnecessary information avoided. Too much information can be difficult to decipher, and can put consumers off buying a product, and with this in mind, some members suggested that a list of essential information, prioritised depending on importance, would be useful.</p> <p>Some members felt that a stricter regime than codes of best practice should be put in place to allow consumers to make informed decisions based upon accurate information.</p> <p>Members raised concerns that point 40 in the guidance: 'Where possible use only one or a minimum number of languages' would discourage manufactures from printing information in Welsh as well as English. As Welsh is the first language of a significant proportion of the Welsh population, and a vital</p>	<p>Noted.</p> <p>Noted and passed on to colleagues for</p>

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	<p>component of the culture and heritage of Wales, the use of the language should be encouraged.</p> <p>Some member raised concerns that the new guidance would place an extra burden on small businesses. To this end the Union would like to emphasis that if this is the case, then help and support should be available to such businesses.</p> <p>Members emphasised that the current poor quality and misleading nature of country-of-origin labelling prevents consumers from making informed decisions, and may often lead to purchases that would not otherwise have taken place. It is therefore felt that accurate country-of-origin labelling is extremely important, particularly as consumers are becoming more aware of globalisation and the impacts it has. As such, many members felt that such clear and accurate labelling should be a legal requirement in order to provide consumer choice and confidence, particularly in the context of the growing demand for locally produced food.</p> <p>I trust you will take the above into full consideration when reviewing the guidance on clear food labeling in Wales.</p>	<p>consideration in relation to new Regulation.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted. Comments on origin labelling to be added to origin labelling consultation running concurrently.</p>
<p>Hybu Cig Cymru Meat Promotion (Wales)</p>	<p>In relation to the draft guidance, we comment as follows:</p> <p>The ongoing review of food labelling at Community level is expected to lead to changes in the regulatory regime. We believe that the principle of clear food labelling should be adhered to within the revision.</p> <p>We commend the enclosure of required information within defined borders.</p> <p>We recommend extending the guidance by adding comments on the value and importance to consumers of clear presentation, with guidance that the principles underlying clear labelling apply also to the presentation of food.</p> <p>In relation to the Summary: Analysis & Evidence, it seems to us that implementation will frequently exceed minimum EU requirements, contrary to the draft indication, since to us</p>	<p>Noted and passed on to colleagues for consideration in relation to new Regulation</p> <p>Noted.</p> <p>The Guidance contains best practice advice.</p>

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	<p>implementation implies implementation of best practices which in various cases do go beyond such minima.</p> <p>We hope that these comments are useful in your deliberations, and would appreciate being kept informed of any further developments in this area, including being kept up-to-date with the state of the Community review.</p>	
RNIB	<p>Would it be useful to make the link between sight loss and medical need for information on labels? Ie many people with sight loss have diabetes and there is probably a link between glaucoma and high blood pressure (bit more complicated).</p> <p>It sounds like a bit of an advert - but is it useful to refer people to RNIB's See it Right guidelines if they want more info or stats etc?</p> <p>http://www.rnib.org.uk/xpedio/groups/public/documents/publicwebsite/public_seeitright.hcsp</p> <p>Is it relevant to make any recommendations about providing tactile info? The Co-op has braille on some of its own brands which we generally get good feedback about.</p> <p>Would it be useful to include information about the number of older and/or visually impaired customers and how this figures is likely to increase?</p>	<p>Amendments made to include these points.</p> <p>The Agency considers this would be too specialised for this advice.</p>
LACORS	<p>Paragraph 11. With regard to the 4th bullet point and addressing the specific needs of visually impaired consumers the guidance could go further to achieve this by, for example, having the care line number in Braille or larger print rather than just in the same field of vision.</p>	<p>Amendment made.</p>
BHF	<p>The British Heart Foundation (BHF) is the nation's heart charity. Heart disease is the UK's biggest killer and accounts for over 200,000 deaths every year¹. Preventing heart disease by tackling the risk factors which cause it is central to our strategy.</p> <p>Poor diets can contribute significantly to the onset of heart disease - with diets that are high in fat, salt and sugar and</p>	<p>Noted.</p>

¹ www.heartstats.org

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	<p>low in fruit and vegetables accounting for 30% of all coronary heart disease deaths.</p> <p>There are a number of major risk factors associated with the onset of heart disease which can be minimised if people follow a healthy diet – including obesity, high cholesterol and high blood pressure. Foods which are high in saturated fat contribute to two of these risk factors - saturated fat can raise levels of bad cholesterol in the body, which in turn can cause a condition called atherosclerosis (when fatty material builds up on the walls of the coronary arteries); it can also, alongside over-consumption of sugary foods, contribute to weight gain or obesity. A third risk factor, high blood pressure, can be caused by an excessive consumption of salt.</p> <p>The British Heart Foundation believes that clear labels on all foods can empower consumers to make the healthier food choices necessary to help prevent heart disease, and this is why we have played a leading role in the debate on food labelling.</p>	
Nutrition Society	<p>The Nutrition Society is broadly supportive of Option 2 and welcomes this update to include the most current best practice advice. The document is clear, easy to comply with, and clearly distinguishes between voluntary guidance and legislation. However, as the EC is in the process of reviewing all food labelling, the Society is concerned that implementing an updated version of the guidance prior to the completion of the review will result in additional cost as the document will need to be further updated within a short period of time.</p>	<p>Welcome support. Agency is committed to reviewing the Guidance and will review it again after new legislation comes into force.</p>
Asda	<p>Asda Stores Limited supports the principle that labelling should be as clear and legible as possible. In most respects the guidance is helpful in developing a framework for design of labels and packaging that meet customer expectations, suggestions such as the proposed format for allergen labelling and durability marking could indeed help provide clarity and consistency.</p> <p>It is inevitable that a response to a consultation of this nature will focus on the areas of concern and notwithstanding the aforementioned support for the principle behind the guidance there are pragmatic issues that should be given careful consideration if the guidance is to have significant influence. I have briefly outlined three of these below.</p>	<p>Welcome support.</p>
HFMA	<p>General</p> <p>The guidance is currently tailored towards the labelling of 'ordinary' foods. We would consider mention of the issues surrounding clear labelling for food supplements a useful addition to the proposed text, as food supplements often have limited packaging space in which to include all the required labelling information. For products presented in small pots and without a carton where space is particularly limited, it is not always possible to follow the recommended best practice guidance as currently described, especially that regarding the grouping of information on a single face within defined borders.</p>	<p>The guidance is best practice advice and is voluntary.</p>

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	Partnership noted that it omits to mention the field of vision requirements (Section 39 of the Food Labelling Regulations). <u>Paragraph 14 – Food Labelling Regulations</u> This paragraph refers to the requirements of the Food Labelling Regulations and directly quotes from it. The Partnership feels that the paragraph number should replicate exactly the legislation i.e. (bA) for the third paragraph, or this may cause confusion.	Amended.
WSTA (Wine and Spirit Trade Association)	<u>Section 14:</u> List of ingredients is generally not applicable to wines and spirits under official definitions	Noted. Guidance already makes this point.
LACORS	Paragraph 14. Check references (a) – (h) match order in 1996 Regulations as amended.	Amended.
Nutrition Society	There is no mention of products that are exempt from certain pieces of legislation, for example products below a certain size.	The Annex has details of legislation.

Best Practice – Essential Information (para 17-22)

Respondent	Comment	Response
TSSE	<u>Paragraph 18 & 19</u> The Partnership felt that the Guidance in this paragraph was clear and easy to understand. However, Paragraph 19 refers to displaying Customer care line information (or other information about how to contact the manufacturer, packer or seller). Although there is clarification in paragraph 2.1 in the Relevant legislation which states that the Name & Address of the manufacturer, packer, or seller (within the EC) statutory information, the Partnership did not feel that the main guidance was clear enough on this point. The Partnership also notes that the Packaged Goods Regulations also require the name and address of the Importer and clarification needs to be given in the guidance on this point also. <u>Paragraph 20 - Grouping of information</u> This paragraph refers to 'instructions for use' as an item that may be required by other legislation. This is covered by the Food Labelling Regulations and also is previously referred to, as Group B information.	Noted. Amended. Amended.

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	<p>The Grouping information appears to assume all packs are base on rectangles. It does not give any guidance relating to cylindrical packs. It is on these products where there are often problems because information disappears around the curvature of the pack.</p>	<p>Noted. The advice given using the framework of ‘field of vision’ addresses this point..</p>
FDF	<p>Paragraph 17: We do not think that it would be practical or helpful to put all key legal information in defined boxes on pack. The ingredients and nutrition information might, however, more readily be placed within into defined borders. The focus should be on clarity and colour contrast rather than prescriptive guidance that may not be appropriate, practical or beneficial on all packs shapes and sizes.</p> <p>Paragraphs 18 & 19: This advice conflicts with the “Field of Vision” requirements in Regulation 39 of The Food Labelling Regulations 1996 (FLR). Neither are paragraphs 18 and 19 consistent in respect of QUID or customer careline information. Best practice advice on cross referencing the two groups of information is a statement of the ideal. Such cross references are unnecessary and inappropriate on normal sized product packs.</p> <p>Regarding the reference to QUID, the wording needs to be aligned with the relevant legislation and should end with the words: “..... placed in or next to either the name of the food or the list of ingredients”.</p> <p>This is all unhelpfully confusing and should be reviewed.</p> <p>Paragraph 22, Figure 2: It should be recognised that the package shapes shown here are amongst the least likely to occur in practice and that the idealised layout is not practically achievable in most cases.</p> <p><u>Print size and clarity, format, contrast and quality</u></p> <p>Paragraph 23: “An absolute minimum....may be used” reads more like instruction than guidance. It is not the language of best practice. “Is recommended where space is available” would be more appropriate. It is not always possible to use 8 point font size e.g. for nutrition information where space is limited. Again the focus should be on clarity and colour contrast rather than prescriptive guidance.</p> <p>We suggest that any recommendation regarding minimum font size should be directed at ingredients lists and information relevant to food safety.</p>	<p>Noted.</p> <p>Amendment made to bring into line with wording in regulation and legal requirement moved to footnote.</p> <p>Note. These are generalised diagrams.</p> <p>Amendment made to language. It is best practice advice.</p> <p>Noted.</p>
TESCO	<p>Para 17 – We do not agree that grouping together this information or requiring it to be in the same field of vision in any way makes the label easier for customers to use. This is an artificial restriction on artwork design which would hinder creating a</p>	<p>It is helpful to read information on storage</p>

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	<p>good layout.</p> <p>Para 19 – Some information in group A is required by the customer in store (e.g. weight) whilst some is required at the home (e.g. storage). So there is no rationale for requiring these to be grouped together.</p>	<p>while shopping as well as when at home.</p> <p>Noted.</p>
WSTA (Wine and Spirit Trade Association)	<p><u>Section 20:</u> The recommendations for minimum font size should stay as recommendations and not be made mandatory. Wine labels especially are limited in size and currently have a lot of mandatory information and there is increased pressure for the industry to add information such as health warning statements and sensible drinking messages. There is a lot of information for such a small space.</p>	<p>Noted. The recommendations for minimum font size in the guidance are best practice advice. Comments to be considered separately to this consultation, in relation to EU Regulation on labelling.</p>
EETSA	<p>Paragraph 18 makes reference to “date mark” – we feel this should be replaced by “appropriate minimum durability indication”.</p> <p>The list given in paragraph 18 makes no reference to allergen labelling?</p> <p>We do not understand the reference to Para 21 in Para 19.</p>	<p>Noted.</p> <p>Amendments made to add allergen labelling references.</p> <p>Amendment made 21 should have read 17</p>
NFU	<p>The best practice suggestions are very prescriptive and detailed. Some legal requirements are mixed up with best practice section e.g. in para 19.</p> <p>What is the difference between the list in para 14 (provisions of the Food Labelling Regulations 1996) and in para 18 (essential information)?</p> <p>The order of the paragraphs does not help the reader i.e. para 19 refers back to para 18 and then forward to para 21.</p> <p>The NFU raised the issue of identification marks being misleading if they are used by consumers as an indication of origin (para 22) in our response to the recent consultation on country of origin labelling guidance (12/11/07). We do not believe a recommendation to “not give them too much prominence solves this problem”.</p>	<p>Noted. It’s made clear which are legal requirements.</p> <p>Noted.</p> <p>Para 21 should read para 17 – amendment made.</p> <p>Noted.</p>
Which?	Name of the food	

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	<p>It would be useful to include specific advice about clarity of the name of the food. The name of the food can often be difficult to see and read, particularly in relation to the fancy or brand name. The guidance should therefore provide advice on the importance of ensuring that the name of the food is sufficiently prominent and ideally next to the fancy name and provided in the same size font.</p> <p>Front and back of pack</p> <p>We appreciate that it is difficult to make generalisations given the range of shapes and sizes of food packaging that is in use. However, in most cases, information provided on the label can be divided into back and front of pack information. We think that it would be useful to provide further clarity on what should ideally be provided on the front, and what should be on the back. The grouping of information in Figure 1 appears to be divided on this basis, however, it would be useful if this could be made clearer.</p>	<p>Amended.</p> <p>Noted. Not all packs have a front and back. The Guidance is intended to be general and deal with many pack shapes.</p>
Premier Foods	<p>Paragraph 19 : Allergen Information</p> <p>It would be better to state " - - - should be in close proximity to the - - - " rather than " - - -same field of vision - - "</p>	<p>Noted.</p>
BRC	<p>Part 2. The note included under this section would be better placed at the beginning of the guidance.</p> <p>Paragraph 18. It is misleading to suggest that providing information on 'customer care lines' is a legal requirement.</p> <p>Paragraph 19. As stated before, we feel that these requirements to group certain information are unnecessarily restrictive. The paragraph mentioning where QUID declaration can be given should be part of the legal requirement section and not best practice.</p> <p>Figure 2. The types of packs illustrated are only used for a small number of products. The use of sleeves is increasing, especially with the drive towards packaging reduction. In fact, many of the ideal scenarios portrayed in the guidance will provide tension and conflict with packaging reduction.</p>	<p>Noted. Paragraph moved to footnote.</p> <p>Noted. The illustrations are intended to act as a general guide that could be adapted for other pack types.</p> <p>Noted. The advice on font size is best practice advice. Amendment made to wording.</p>
Scottish Food Advisory Committee (SCOTLAND)	<p>Paragraphs 17-22 quite confusing to read, due to cross referencing between paragraphs. However the information itself is reasonable.</p>	<p>Amendment made.</p>
RNIB	<p>18. Customer care line - we would suggest that this was made prominent and in a larger print size. We would also recommend that one company uses the same phone number, if possible, for all products. That would meant that people might find the number on another, bigger, product that had a bigger label and therefore print size.</p> <p>22. Agree - especially if it's tactile it might be mistaken for braille or other tactile markings.</p> <p>(ii) Ideally the labelling would not be staggered - ie if it starts in the same place on a vertical line people will locate it more</p>	<p>Amendment made.</p> <p>Amendment made.</p>

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	easily.	
LACORS	<p>Paragraph 17. The references to “defined borders” and “single face of pack” suggest that all packs are based on regular shapes such as rectangles. Many containers however are of irregular or cylindrical shape and so may need to be addressed specifically in the guidance.</p> <p>Paragraph 18. In the list of bullet points a further bullet should be added as follows:</p> <ul style="list-style-type: none"> • Name and address of the manufacturer, packer or seller (within the EC) <p>Paragraph 20. Contains a reference to “instructions for use” as an item that may be required by other legislation, however, this is specifically covered by the FLR 1996 and referred to as Group B information previously in paragraph 19.</p>	<p>Advice not changed. Advice is general in application.</p> <p>Amendment made.</p> <p>Amendment made.</p>
Nutrition Society	<p>Figure 1, on page 7, separates the essential information into two groups, Group A and Group B. The Society suggests that a sentence be added that where a product has a clear front side or more prominent side, the information in Group A be included on that dimension.</p> <p>Consideration needs to be given to the packaging material and how it is presented, for example if it is a folder around a product, all the information should still be legible.</p>	<p>A recommendation has been added for the name of the food.</p> <p>Noted.</p>
Asda	<p>There is a strong emphasis on field of vision requirements for a large number of key pieces of information within the draft guidance. Meeting existing statutory field of vision requirements can already be a challenge, to widen this to require groups of seven or five pieces of information to be shown together would cause increased problems. We would question whether the idea of creating an extended ‘field of vision’ rule has been thought through, especially as it may result in smaller font sizes.</p> <p>We are concerned that you treat information outside the key lists (Para. 18 and 43) mentioned in the guidance as unimportant. The provision of information on pack that gives customers further information about that specific product or range and helps them to identify the product on shelf can be just as important as the statutory information. This can include photography and branding information. Your guidance should recognise the value of this other detail on packaging. Photography is particularly useful for those with impaired vision.</p>	<p>The guidance is voluntary best practice advice.</p> <p>Noted.</p>

Best Practice - Print size and clarity, format, contrast and quality (para 23-37)

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Respondent	Comment	Response
TSSE	<p><u>Paragraph 37 – Print Quality</u> This information in the best practice table refers to the “Printers Quality Assurance Standards” as a practice which is best avoided. The text, however, states that the Printer Quality Assurance Standards are important.</p> <p>The Partnership suggests that this issue may be best dealt with away from the table and the rigid headings.</p>	Amended
TESCO	<p>It is our view that properly laid out information in 6pt (i.e. with good spacing, clear headings & icons, separated and distinct), is easier for customers to use than information in 8pt without those good layout tools – even though both require the same amount of label space. This point is illustrated in the graphic below.</p> <div style="display: flex; justify-content: space-around;"> <div style="width: 45%;"> <p align="center">6pt</p> <hr/> <p> Allergy advice</p> <ul style="list-style-type: none"> • Contains sesame seeds, milk, wheat, gluten, egg, fish, shellfish, soya, sulphites, mustard, celery, celeriac. <hr/> <p> Caution</p> <ul style="list-style-type: none"> • This product contains raw meat. • This product will contain bones. <hr/> <p> Suitable for vegetarians</p> <hr/> <p>Ingredients Main Ingredients in Bold, Each Starts with a Capital Letter (Put Constituent Ingredients and Percentages in Brackets – These are NOT Bold), End with a Full Stop.</p> <hr/> </div> <div style="width: 45%;"> <p align="center">8.6pt</p> <p>Allergy advice</p> <ul style="list-style-type: none"> • Contains sesame seeds, milk, wheat, gluten, egg, fish, shellfish, soya, sulphites, mustard, celery, celeriac. <p>Caution</p> <ul style="list-style-type: none"> • This product contains raw meat. • This product will contain bones. <p>Suitable for vegetarians</p> <p>Ingredients Main Ingredients in Bold, Each Starts with a Capital Letter (Put Constituent Ingredients and Percentages in Brackets – These are NOT Bold), End with a Full Stop.</p> </div> </div> <p>Tesco have many labels which will not accommodate all compulsory legal information at 8pt. To follow this guidance we would have to increase pack size or add additional labels. This will create considerable amounts of unnecessary waste and additional expense. For example to apply an extra back label to the 145 million sandwiches sold through Tesco each year would create 72,500kg of additional packaging waste and would cost an extra £1.15 million (plus an additional one-off outlay of £3.12 million for additional labelling equipment).</p>	<p>Others have commented that 6pt is hard to read.</p> <p>Noted.</p>

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	<p>Small fonts (i.e. below 6pt) are only used by Tesco where unavoidable due to the physical limitations of the pack. Nevertheless there are a considerable number of products that fall into this category. In our experience font sizes of 6pt have been perfectly acceptable for food labelling purposes</p> <p>Para 23 – As pointed out earlier we cannot deliver 8pt across the whole Tesco product range. The importance of layout is not stressed.</p> <p>Para 26 – The ‘o’ height stated equates to 8.6pt for Tesco font frutiger, this would even harder to achieve. Frutiger has been chosen by Tesco as it short ascenders and descenders which means that lines of text can be spaced more clearly.</p>	Noted.
BSDA	Provided that a suitable font and contrast are used, a minimum 8 point is not necessary for all mandatory information. 6 point is legible.	Noted. Others have commented that 6pt is hard to read.
EETSA	Para 23 covers the size of lettering on food labelling. This paragraph makes no reference to quantity indication size requirements required by Packaged Goods legislation.	Amendment made.
Yorkshire and Humber Trading Standards Group	<p>Paragraph 25 – A note that point 6 is a very small font that most will have difficulty reading.</p> <p>Paragraph 31 – We would like to see uppercase letters and italics moved to “Best Avoided” rather than “To be used with care”.</p> <p>Paragraph 34 – In addition to red/green combinations we are aware that yellow/white is not a good combination.</p> <p>In figure 4 arial is promoted as an ideal font however paragraph 30 (page 9) advises that numbers can be easily misread in arial. This could be seen as contradictory and cause confusion.</p>	<p>This view agrees with the view of LACORS.</p> <p>Italics has been moved.</p> <p>Amendment made.</p> <p>Arial is a font that is clear for letters but not for numbers.</p>
BRC	<p>Paragraph 23. We feel strongly that the wording ‘an absolute minimum of 8 point may be used’ is unacceptable as the guidance should not ‘require’ something that the legislation does not. As pointed out before, many of our member labels will not comply with a font size of 8 points, but they will nevertheless be clear and legible. The guidance should be more balanced and emphasise the importance of other factors to achieve clarity and legibility.</p> <p>Suggesting the use of 5 different font sizes is confusing and difficult to apply. Furthermore it can result in an unattractive and unbalanced pack. On small packs the decision as to font size to be used, must take into account the pack as a whole.</p>	<p>Noted. The intention is to provide advice that can be used for several sizes and types of pack.</p> <p>Noted.</p>

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	<p>Table, paragraph 31. Bold type is listed as to be used with care; however bold type can be an important tool in enabling important information and headings to be more prominent. Likewise, uppercase letters are a problem when used in whole paragraphs, but have an important role to play in headings.</p> <p>Table, paragraph 36. It must be noted that some gloss finishes are acceptable. They are necessary to protect the packaging from scuffing which could actually remove the printed information.</p> <p>Figure 4. We believe this example of illegible information is exaggerated. The information given in Arial may be clearer than in the ornate font; but the latter is not unclear.</p> <p>Figure 5. In some retailers experience white text on a dark background can work well, even at 8 point.</p> <p>Paragraph 37. The information about Quality standards is under the heading “Best avoided”. It would be better to put this as block text, as neither sections of the text really work with the allotted headings.</p>	<p>Noted.</p> <p>Noted.</p> <p>Amendment made.</p> <p>Noted. The hierarchical list refers to a list of items of label information rather than a list of ways of achieving clarity.</p> <p>Noted.</p>
<p>Hybu Cig Cymru Meat Promotion (Wales)</p>	<p>We believe information relating to allergens should also be given priority in paragraph 24 because of the safety issue.</p>	<p>Para 24 amended.</p>
<p>RNIB</p>	<p>23. We would like to see a larger print size than 8 point as we believe that a significant number of people are not able to read 8 point eve with corrective glasses or contact lenses particularly when at the retailer. Similar to 18 - we recommend that the phone number is prominent and therefore bigger.</p> <p>29. - I wasn't quite sure what was meant by this - but I'm not a designer!</p> <p>31. We don't agree with some of your classification.</p> <p>Recommended We think "open" arial type formats should be recommended and as large a font as possible. We also think bold is a good way of adding emphasis as long as print quality is retained.</p> <p>Avoided However ornate fonts, shadowing and italics should be in best avoided.</p> <p>With care We agree that underlining, hyphens and colour text and background (as long as with good contrast) can be used with care.</p>	<p>The advice promotes a size that is as large as possible.</p> <p>Paragraph has been reworded.</p>

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	<p>32. As well as dark on dark can we add light on light.</p> <p>36. We would like metallic or shiny surfaces (when they've got text on them or very near them) to be best avoided.</p>	<p>Amendments made to take on board these points.</p>
Scottish FA Committee	<p>32. Light colours on light background should be listed in best avoided.</p> <p>36. If Braille can be used to indicate high levels of fat and salt, the advice to avoid rough surfaces should be removed.</p>	<p>Amendment made. Noted.</p>
LACORS	<p>Paragraph 25. Suggest that the majority of consumers will have difficulty in reading information displayed using point 6 font size which is very small.</p> <p>Paragraph 26. As the font size can give rise to different character heights it may be better to state the minimum height by reference to character height in millimetres.</p> <p>Paragraph 30 (figure 4) In figure 4 arial is promoted as an ideal font, however, paragraph 30 advises that numbers can be easily misread in arial and so this could be seen as being inconsistent and confusing.</p> <p>Paragraph 31. LACORS would suggest that “Upper case letters” and “Italics” should be moved from the “To be used with care” category to the “Best Avoided” category.</p> <p>Paragraph 34. LACORS suggests that “yellow/white combinations” are added to the “Best Avoided” category.</p>	<p>Noted that LACORS considers 6 point very small.</p> <p>The Guidance gives a reference value for the size of a letter ‘o’.</p> <p>Italics has been moved.</p> <p>Amendment made.</p>
Nutrition Society	<p>The Society welcomes the inclusion of guidance on the use of fonts and factors affecting printing of packaging. In the best practice advice table of page 10, the Society requests that light on light be added to the ‘best avoid’ column under point 32 (contrast).</p>	<p>Taken on board.</p>
Asda	<p>While it is acknowledged that print size is an important aspect of clarity, the reality is that the point sizes referred to in the guidance cannot be achieved in many circumstances. There are many pressures on space on labels, including legal requirements to keep packaging to a minimum, which work against your advice. We would question whether including advice stating a minimum 8 point text size is wise. It is possible that this could bring the whole document into disrepute. A focus on the overall clarity of labelling with guidance on type size, rather than setting a minimum, would be more pragmatic.</p>	<p>The guidance is voluntary best practice advice.</p>

Best Practice - Prioritisation, layout and consistency (para 38-42)

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Respondent	Comment	Response
FDF	<p><u>Prioritisation, layout and consistency</u></p> <p>Paragraph 40: Whilst it is ideal to minimise the number of languages on a label, there is a business and environmental impact of so doing if the end result is a multiplicity of product packs which increases complexity and cost and the prospects of increasing waste as packaging has to be updated. The FSA guidance would read better if it reflected these realities and counselled using the minimum languages possible whilst recognising that, in reality, several languages are needed for certain products and markets so that other aspects of clarity need to be taken thoroughly into account.</p>	Noted. Guidance calls for all aspects of clarity to be taken into account and advice on number of languages is voluntary.
TESCO	Para 40 – Restricting multilingual labelling will be damaging for UK businesses.	The label illustration makes good use of the top of the pot. Other information could be provided on the sides.
BRC	<p>Paragraph 39. This guidance seems to suggest putting font size on the top of the proposed hierarchical-list. As stated before we do not believe this is always the right approach.</p> <p>Paragraph 40. Changing from a multilingual label to several monolingual labels will be extremely costly.</p> <p>Paragraph 41. The use of a symbol may improve clarity, they should, however, be used with caution as they can take a large amount of space on pack and rely on the customer understanding the symbol.</p>	<p>Noted.</p> <p>Noted.</p>
RNIB	<p>38. This is really important and we'd like this highlighted or put in the introduction.</p> <p>39. This again wasn't very clear to me but may well be for your audience</p> <p>40. I just wanted to flag up that this example uses the word "ingredient" twice. As a title and then after the country.</p> <p>41. We do need to make sure that these are clear icons or symbols that would be known to most people. Letters are familiar to people so they often manage to make out a word because they're expecting only a limited selection or combination of words to be there. If people aren't expecting a symbol they may well not be able to work it out.</p> <p>42. We get a lot of feedback about consistency - from layout of information to where products are within a store. If it's not where someone expects they may well have to search the whole product with a reading aid.</p>	<p>Noted.</p> <p>Reworded.</p> <p>Noted.</p> <p>Noted.</p> <p>Consistency is advised.</p>

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Best Practice - Increasing the printable area on pack (para 43)

Respondent	Comment	Response
TSSE	<p><u>Paragraph 43 Figure 7 – Increasing the printable area on pack</u> As with many of the other figure examples, the Partnership felt that this example should be contrasted with a bad example. In addition, the Weights and Measures Quantity Marking & Units of Measurement and Packaged Goods, Regulations require a minimum height for the characters used in a Quantity declaration of 150g of 3mm. The 150g declaration appears to only be 2mm. The Partnership felt that the example should be amended to reflect this.</p>	Amended height of weight declaration.
FDF	<p><u>Increasing the Printable area on pack</u> Paragraph 43, Figure 7: This is emphatically NOT “good use” of space. Given the scope for sometimes deliberate brand confusion, the figure does not represent a commercially acceptable format to ensure consumers have adequate opportunity for product recognition. Both the branding and product name should be given greater prominence which, in this case, could be done with no loss of legibility of the other information, given appropriate label design. FSA’s own consumer research has in the past identified the high importance of product branding, and this is particularly so for repeat purchases. The design itself is in any case of questionable value, with headings in boxes and text outside them. A newcomer to food labelling seeking guidance here would not find constructive help.</p>	Noted. Format amended.
Nutrition Society	Point 43 suggests ‘increasing the label size’. This statement could be misinterpreted, to prevent this the Society suggests that this should be stated alongside a caveat that the Agency does not encourage that the amount of packaging used be increased to create additional space.	Noted.
TESCO	Para 43 – Figure 7 is not a legal label, the address and health mark are missing. In addition FSA guidance would also recommend that the label carry country of origin and nutrition.	Noted. We consider that it may not be easy to understand. The recommended format may also be helpful for people with learning difficulties.
Premier foods	Paragraph 43: Illustration of Blueberry Yoghurt lid	

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	<p>The weight declaration does not comply with the requirements of The Weights and Measures Act (1985). The figures should be at least 3mm high. Whilst there is a reference to this regulation and the type size requirements in Annexe 1, Reference 2: 2.1 General Requirements, it may be helpful (particularly for smaller enterprises) if reference could be made in Part 1 of the guidance (Complying with Legislation) to the requirement for most foods to be marked with a statement of quantity and the minimum height requirement of the figures.</p> <p>Premier Foods believes this illustration does not represent a commercially realistic format to enable consumers to recognise the product. Both the branding and product name should be given greater prominence, which can be achieved without loss of legibility of the essential information.</p>	Noted. Amendments made.
Yorkshire and Humber Trading Standards Group	Paragraph 43 – refers to using the “inside label space for information that does not govern choice”. It should be made clearer that this must not include the legal required particulars.	Amendment made.
BRC	<p>Paragraph 43. Double sided printing can be expensive.</p> <p>Figure 7. We suggest the example given provides all the mandatory labelling requirement, not only some of it. The legislation does not require providing the temperate at which the product needs to be kept. Reference to the fact that the products needs to be kept refrigerated is sufficient. The weight and the e mark are not the correct legal size. We also feel that the arrangement between the headings of the different sections would be confusing for consumers.</p> <p>Furthermore, the space allocated in the example for the use by date is too small, making it impossible to print such information. Positioning the durability date often requires signposting, i.e. the use of “For Best Before Date see end of pack”. One reason for this is the use of films where the packaging lines move very fast. A large region of packaging needs to be identified for the durability mark. Such a region may be completely clear of design or a paler colour, so there is sufficient contrast to enable the durability code to be read easily.</p>	<p>Noted. The aim of the illustration is to show good use of space. Other information would appear on the side of the pack. Amendment made.</p> <p>Noted. It is our understanding that confusion may occur. The recommended format may also be helpful for people with learning difficulties.</p>
Scottish Food Advisory Committee (SCOTLAND)	<p>Page 13</p> <ul style="list-style-type: none"> 43. If the inside of the label is to be used consumers should be clearly directed to it. 	Noted.
Hybu Cig Cymru Meat Promotion (Wales)	We are not convinced that Figure 7 is best practice. We think that separating the category of information (e.g. 'Storage') from the information itself ('Keep refrigerated ...') with a line is confusing, especially since there is a sequence of eight such lines in a small area, with boxes surrounding only the food name and the categories.	Figure 7 amended.

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RNIB	Supermarkets are often well lit - but local shops aren't necessarily. Many people with sight loss shop at local shops because they can't drive and can't carry very heavy shopping. Also some people find florescent lights or bright lights as difficult as dull lighting.	Amended.
LACORS	Paragraph 43 (Figure 7) The guidance should be clarified to indicate that the use of the inside label space does not apply to statutory labelling requirements. It would also be helpful in addition to the good example if a bad example could be provided.	Amendment made. Noted.
Nutrition Society	Point 12 of the Partial RIA quotes evidence that 71% of products gave 'undue emphasis to features such as brand information'. The Society did not feel that the guidance dealt with this issue and would suggest more best practice advice on this area should be included in the guidance.	The guidance encourages prioritisation of information.

Best Practice - Format of date marking (para 44)

Respondent	Comment	Response
FDF	<u>Format of Date Marking</u> Paragraph 44: The first sentence exceeds the legal requirement. Regulations 20 and 21 of FLR define what day/month/year combinations may be used.	Noted. It is best practice advice.
TESCO	Para 44 – Spelling out months is not appropriate on a multilingual label. The idea that date coding in the form dd/mm/yy should be avoided because it is some way not easy to understand is nonsense.	Amendment made.
BSDA	The labelling regulations require dates to be printed in the order day/month/year and therefore 01/07/09 has only one interpretation. We do appreciate that some consumers may not be aware of the regulations	Noted. As consumers may not be aware they may have different interpretation. The recommended format may also be helpful for people with learning difficulties.
EETSA	The guidance states that the durability indication in the format 01/07/09 could be mistaken for 7th January, the group does not agree this would be the case.	Noted.
BRC	Paragraph 44. Whilst it is accepted that the ideal format is shown in Figure 8(i), it is the case that the format of the date is determined by the coding machines available to the manufacturer. In the UK we would not expect there to be	Amendment made.

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	confusion of the type illustrated by Figure 8 (iii).	
RNIB	44 We would recommend that the month or abbreviation of the month were in sentence text rather than capitals. There isn't actually that much difference between MAR and MAY but there is more between Mar and May or JUN and JUL but again with Jun or Jul. However we very much agree the use of words is better than numbers.	Amendment made.

Best Practice - Allergen information (para 45-50)

Respondent	Comment	Response
FDF	<u>Allergen Information</u> Paragraphs 45-47: This section belongs in Part 1 as it is guidance on compliance with legislation.	Amendment made.
EETSA	The "Allergy Information" section is particularly unclear as to what is mandatory and what best practice is.	Amendment made.
Premier Foods	Paragraph 45 : Allergen Information Update status as additional allergens requirements now in place. Also, better clarification between the law eg naming the allergen in simple terms in the ingredients list, and voluntary "Contains" boxes would aid understanding.	Amended. Amended.
BRC	Paragraph 45. Since the guidance will be published after the end of 2007, we would just make the list of allergens 14 and delete the explanation regarding the addition of two more allergens in 2007. Paragraph 49. While the majority of allergens will be declared in the allergy box as they are declared in the ingredient list, this is not always the case for gluten containing cereals. These will be declared by the specific cereal in the ingredients list; however 'gluten' will frequently appear in the allergy box.	Noted. Noted.
HFMA	Page 14, paragraph 47 Previous guidance included an IGD list of examples of recommended ingredient names. Inclusion of a similar list of examples would be useful.	Legislation on allergens must be followed.

Best Practice - Format of nutrition labelling (51-53)

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Respondent	Comment	Response
TSSE	<p><u>Paragraph 51 – Format of Nutrition labelling</u> The Partnership agree with the amount of salt being declared on the label, however, they are concerned that it should be declared in accordance with the nutritional labelling requirements of the Food Labelling Regulations, or adverse comments will be received from the public analyst on this point.</p> <p>The Partnership, also noted that a comment about price stickers would be beneficial, particularly price reduction stickers. The Partnership’s experience shows that such stickers can obscure information including the date, which may be the main reason for the item being reduced and, therefore, crucial information for a potential consumer.</p>	<p>Amendment made.</p> <p>Amended.</p>
FDF	<p><u>Format of nutrition labelling</u></p> <p>Paragraph 51: The advice offered in this paragraph is not appropriate for guidance on clear labelling. Indeed, giving the extra information for a Group 2 declaration might even militate against it.</p> <p>In terms of the drafting as presented, it should say "Although the law only requires nutrition labelling when a nutrition or health claim is made". Also, it should be made clear whether the reference to “salt” is to actual salt or salt equivalent, as “salt equivalent”, based on sodium, will potentially give a higher figure than actual salt.</p> <p>Paragraph 52: The IGD guidance is going out of date as more GDA information is given within tabulated nutrition information.</p> <p>Paragraph 53, Figure 11: On front of pack signpost labelling, FDF supports use of monochrome GDA icons.</p>	<p>Noted.</p> <p>Amendment made to include ‘or health’</p> <p>Noted.</p>
TESCO	<p>Para 51 – This states that the amount of salt should be given in the nutrition table but the example in figure 10 does not do this.</p>	
NFU	<p>The NFU welcomes the explicit endorsement of the IGD advice on back of pack nutrition information. However, we would like to see the FSA guidance also refer businesses to the IGD advice on GDAs, rather than only providing information on the traffic light concept for signposting.</p>	<p>Noted.</p>
Which?	<p>Format of nutrition labelling</p> <p>We are concerned that the advice about provision of front of pack nutrition sign-posting is a bit vague. While the provision of this information is voluntary, the FSA has invested in a great deal of research to determine which format works best for consumers. The guidance should therefore make it clearer that the FSA’s advice is to provide its</p>	<p>Amendment made.</p>

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	multiple traffic light (MTL) scheme on front of pack.	
Premier Foods	<p>Paragraph 51: ‘It is recommended that the amount of salt is also provided’ In the interests of clarity it may be better to state whether this means actual salt, or “salt equivalent” (ie Sodium x 2.5). Salt equivalent will generally give a higher figure because many foods contain significant levels of Sodium that are not derived from salt.</p> <p>Paragraph 53: Front of pack signpost labelling. In common with most other food manufacturers, Premier Foods supports the use of monochrome GDA icons. It would not appear to be appropriate for FSA to promote their preferred route for Front of Pack information within their own Guidance, particularly when there is an alternative scheme based on monochrome GDAs well established in the marketplace and when FSA themselves have commissioned research work with consumers to define the preferred presentation style.</p>	<p>Nutrition – is any change needed to the guidance as a result of this comment? VT to comment.</p> <p>Noted.</p>
BRC	Paragraph 53. We understand that the Agency supports one front of pack scheme; however it should be acknowledged that industry is using different schemes and different formats of the same scheme. We believe the advice on how this information should be given should be more generic.	Noted. It is necessary to know what must appear before designing a good layout. It is not directly related to clarity.
Scottish Food Advisory Committee (SCOTLAND)	For small manufacturers, a reference to explain how to calculate salt equivalent values would be useful.	
RNIB	51 I don't think we have enough evidence yet about the use of traffic lights and wheels etc in labelling products. We know that there are problems with red and green. I think at the moment we would say that for some people it may be very useful and easier to see than small numbers but for others the information is completely inaccessible and the information should be given in a numerical way elsewhere in as clear font as possible.	Comments passed to Nutrition Division.
LACORS	Paragraph 53. For front of pack sign post labelling it is suggested that sodium declaration rather than salt may be more useful for consumers.	Comments passed to Nutrition Division.
BHF	<p>As you might be aware, the BHF has endorsed the MTL model as we believe it is crucial that consumers are assisted with making healthy choices about their diets. We also believe that all manufacturers and retailers should adopt the FSA model so as to put a stop to the proliferation of different models which will cause confusion to consumers.</p> <p>The BHF is supportive of the revised FSA guidance on clear food labelling. However, we would welcome if point 53 regarding the front of pack nutrition signposting would be made mandatory. All manufactures and retailers should be required to use the MTL model to assist consumers in making healthy choices about their diets.</p>	Noted.

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	We appreciate our point above may be outside the brief of this consultation. But at the very least, point 53 should also explicitly name the MTL model and not simply describe it. This would raise the profile of the model, an important consideration given the degree to which sectors of the food industry are promoting their flawed GDA brand.	
Nutrition Society	Figure 10, on page 16, shows the nutritional information per 100g. The Society questions whether the Agency advises that 'per 100g' is the preferable method for providing nutritional information? The Society also suggests that including a salt equivalence value in the figure would be useful, as this value would be easier for the consumer to understand and use in making an informed choice about salt intake. It may be useful to include guidance to manufacturers about how to calculate a salt equivalence value from the amount of sodium.	Noted. Figure now includes salt equivalent.
HFMA	<p>Page 15, paragraph 51 Guidance should clearly reflect the fact that legislation on nutrition and health claims (EC Regulation 1924/2006) requires Group 2 nutrition labelling when a nutrition or health claim is made. If it is recommended that the amount of salt is also provided, how is it envisaged that this is declared? Although not a feature of prescribed nutrition labelling, we would consider that this should be included in the Nutrition Information table in order to allow the consumer to make an informed choice.</p> <p>Further to the above, it should be made clear in the guidance that the format of nutrition labelling for food supplements is different to that required for ordinary foods – full Group 2 prescribed nutrition labelling is not required but information should be provided in accordance with Article 8 of Directive 2002/46/EC. Thus the example given in Figure 10 does not apply to food supplements.</p> <p>Page 16, Paragraph 53, bullet point 4 A web site link to the nutritional criteria developed by the Agency would be useful.</p>	<p>Figure now includes salt equivalent.</p> <p>Noted.</p>

Best Practice - Annex (relevant legislation)

Respondent	Comment	Response
TSSE	<p><u>The Relevant Legislation</u></p> <p><u>Paragraph 2.1 - General requirements</u></p>	

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	<p>The Partnership noted that there is a reference to the DTI, yet no reference to what the initials means. It also notes that the DTI has been replaced.</p> <p>The Partnership also were of the opinion that the Weights and Measures statement is incorrect in respect of the e mark. The ‘e’ mark is not an indication that product has been packed according to the average system. This mark is only required where goods packed according to the average system are intended for export. It is intended to allow free movement in relation to quantity. The ‘e’ mark also is required to be in certain style and again, the Guidance does not mention this.</p> <p><u>The Relevant Legislation – General comments</u></p> <p>The Partnership noted that this section makes no reference to the existence of to other product specific labelling requirements i.e. Cocoa & Chocolate Product (England) Regulations which require the % cocoa fat solids and where appropriate % milk fat solids declarations, or the Jam and Spreadable Products (England) Regulations which require the amount of fruit & sugars to be declared.</p> <p>The positioning of this information can affect the relevance, clarity and legibility.</p> <p>The partnership noted that the guidance does not refer to the prominence of the legal name of the food when compared to the fancy name. It is our view that that the legal name of the food should appear, where possible on the most prominent face of the pack and alongside the fancy name. We have regular complaints about misleading product descriptions, where the consumer has read the front of pack fancy name, but has not noticed in small print on the back of the pack the legal, more descriptive name. Sometimes these names are essentially disclaimers, and as such, in our view, they should follow the principles laid down in case law of being as bold, precise and compelling as the description that is disclaimed.</p>	<p>Amended.</p> <p>Amended.</p> <p>It would make the Guidance too cumbersome to include these. Extra note now added to point out that other product specific legislation exists.</p> <p>Amendment made.</p>
FDF	<p>Annex 1 It is very helpful to have all the legislative references collated in one place. It will be important to keep this Annex up to date.</p>	<p>Noted.</p>
Yorkshire and Humber Trading Standards Group	<p>Section 2.1 (a) – We feel there should be further information regarding declaration with the ‘e’ symbol. Recommended wording below:</p> <p>“Most prepacked food is required to be marked with an indication of net weight or volume. Goods prepacked in constant predetermined quantities between 5g or 5ml and 25kg or 25l are deemed to be packed under the average quantity system. There are minimum requirements for the size of lettering used for quantity marking.”</p> <p>Section 2.4 is titled “Nutritional Labelling”. We feel the more appropriate title for this section is “Claims and Nutritional</p>	<p>Further information has been provided in an amendment made.</p> <p>Amendment made.</p>

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	Labelling” as many of the points made in this section relate to claims and it will make for an easier reference point if this is listed in the title.	
BRC	<p>We believe the section on relevant legislation successfully identifies the pieces of legislation that should be taken into account when creating a label; however a lot of this information is not relevant to creating a clear and legible label.</p> <p>2.5. Origin labelling. It should be noted that specific requirements on origin label are laid down under some vertical legislation.</p> <p>2.6. QUID. Information on QUID is provided in three different places in this document’ it should all be merged together.</p> <p>4.1 Health and nutrition claims. We believe the phrase stating that the list of nutrition claims is accessible via the Commission website should be deleted. All legislation is available through this website.</p> <p>Paragraph 2 states ‘require claims to be in the automated list’. We believe it should say ‘authorised list’.</p> <p>The paragraph stating that ‘If a company wishes to make health claims it should have been submitted to the Agency together with references’ is not correct. This claim could have been submitted to any Member State.</p> <p>Health claims can be used under national rules until the final list of article 13 claims is created. This is estimated to be three years, but no such transitional period is laid down in the legislation.</p> <p>The reference to the UK list in the last paragraph should be changed to ‘EU list’.</p>	<p>Amendment made.</p> <p>Noted.</p> <p>Amendment made.</p> <p>Amendment made.</p> <p>Amendment made.</p> <p>Amendment made.</p> <p>Noted.</p>
Scottish Food Advisory Committee (SCOTLAND)	Annex 1, provision of the relevant legislation is helpful.	Noted.
Hybu Cig Cymru Meat Promotion (Wales)	We suggest that a specific weblink should be given in circumstances where a website is referred to. For example, in Annex 1, 4.1, paragraph 3, the indication that the list is accessible via an extremely complex website would be much more user-friendly if the specific web address were to be provided.	Amendment made.
LACORS	<p>Annex 1. Section 2.1(a) Add new second paragraph as follows:</p> <p>Most prepacked food is required to be marked with an indication of net weight or volume. Goods prepacked in constant predetermined quantities between 5g or 5ml and 25kg or 25cl are deemed to be packed under the average quantity system. There are minimum requirements for the size of lettering used for quantity marking.</p>	Paragraph has been amended.

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	Section 2.4. Suggest that the heading should be amended to read “Claims and Nutritional Labelling.”	
HFMA	<p>Page 20, 2.1 a) Guidance should mention that the Weights and Measures (Miscellaneous Foods) Order 1988 allows certain pre-packed foods, including tablet and capsule foods (food supplements) to be sold by number. These do not fall within the average system of quality control for pre-packed goods.</p> <p>Page 21, 2.1 ‘NB’ References to paragraph numbers and Regulation section are incorrect – should be paragraphs 18 and 19 and Regulation 5 (f).</p> <p>Page 22/23 References to changes in the allergen schedule, exemptions, etc. will require appropriate amendment before publication of the guidance.</p> <p>Page 23, Schedule AA1 Celery is listed twice.</p> <p>Page 35, 3.3 Although the Food Labelling Regulations may still exempt chocolate, the Cocoa and Chocolate Products Regulations 2003 require designated chocolate products to carry a date mark.</p> <p>Page 35, 4.1 The excerpt of Regulation 1924/2006 can be found on page 29 – not page 30.</p> <p>2nd paragraph Claims must be on ‘an authorised list’ – not ‘an automated list’. There is no need for the word ‘more’ in the second sentence – i.e. ‘...requires products to meet certain criteria in order to make claims’.</p> <p>Page 37 This is a repeat of page 17, point 54.</p>	<p>Manufacturers will need to refer to these regulations.</p> <p>Amendment made.</p> <p>Amendment made.</p> <p>Amendment made.</p> <p>Manufacturers will need to refer to these regulations.</p> <p>Amendment made.</p> <p>Amendment made.</p> <p>The intention is that the Annex can be used as a standalone document.</p>

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – REVISION OF FOOD STANDARDS AGENCY GUIDANCE ON CLEAR FOOD LABELLING

SUMMARY OF CHANGES MADE:

Comment	Response
Comments were made by several respondents on the separation of legal requirements and best practice advice	Amendments resulted to separate what is best practice advice and what are legislative requirements.
Other points that were made about the layout and clarity of the Guidance	These have been addressed, and layout and clarity have been improved.
Several points and were made related to legislation on food labelling	These will be noted and passed to colleagues who will take forward for the UK work on the proposed new European legislation on food information.

We welcome views from small business, industry and enforcement authorities, with regards to costs with regards to costs of familiarisation with the revised Guidance in particular.

Summary of responses:

- No views were expressed on the costs of familiarisation with the revised Guidance.
- One Trade Union representing small businesses commented that the Guidance would be used by advisors who would in turn pass information on to small businesses.
- One Trade Union responded that it was estimated that to read the Guidance and locate and understand relevant information and apply it as part of time taken to design new labels it could take up to 1 hour.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – REVISION OF FOOD STANDARDS AGENCY
GUIDANCE ON CLEAR FOOD LABELLING**

Agency comment:

- Very little information was received on the costs of familiarisation in the consultation. The cost estimate made in the Impact Assessment based on a time of 30 minutes for familiarisation has not been altered from the consultation stage, which was based on discussions with industry and enforcement stakeholders.

We welcome views from all stakeholders on the costs and benefits of the proposed revisions.

Summary of responses:

- There was general support for the Guidance from industry, consumer organisations, enforcement authorities and trade unions.
- It was felt that the increased number of examples was useful.
- There was concern expressed by industry about the ability of packs to carry 8 point size font for essential information. The RNIB would like to see a larger print size than 8 point. LACORS and another enforcement consultee expressed concern that 6 point size font would be difficult to read for the majority of consumers as it is very small.
- Some industry consultees commented on costs that would be incurred if the specific best practice recommendations were followed, such as reduction of the number of languages on a pack or making font size larger on a small pack.
- Another industry consultee did not believe that the revised Guidance would incur significant extra costs on their business.
- Industry commented that it is very helpful to have all the legislative references collated in one place. It will be important to keep this Annex up to date.

Agency comment:

- In the final proposed Guidance the minimum size recommended for essential information has not been altered from 8 point size as recommended in 2002, but this is recommended only when other factors that promote clarity are present to a high standard, otherwise a larger size should be used to ensure the labelling is easily legible.
- The best practice Guidance would not require for changes to be made to labels and so these costs would not be incurred unless the manufacturer decided voluntarily to follow the Guidance.

We welcome stakeholder views on the extent to which the policy meets the needs of disabled consumers, particularly visually impaired consumers.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – REVISION OF FOOD STANDARDS AGENCY
GUIDANCE ON CLEAR FOOD LABELLING**

Summary of responses:

- The Guidance was supported by a stress counsellor on the grounds that it would assist clarity which would be of benefit to senior citizens.
- Industry responses supported a lower font size than recommended.
- The RNIB would like to see a larger print size than 8 point as they believe that that a significant number of people are not able to read 8 point even with corrective glasses or contact lenses. An enforcement body commented that 6 point size text is difficult to read. Prior to the consultation, discussions with RNIB revealed that font size is an important factor along with factors such as contrast, type of font and layout that all affect clarity for the visually impaired.

Agency comment:

- While it is recognised that at even at a small font size then clarity will depend on a range of other factors relating to presentation, (for which advice is given in the Guidance), and despite the requests to make the advice on print size less prescriptive by industry the recommendation for a minimum of 8 point for essential information has been retained to take account of the needs of the visually impaired.

We welcome views from any small business that may be affected by the proposed options

Summary of responses:

- There was concern expressed that the Guidance may be long for small businesses to read.

Agency comment:

- It is intended that small businesses will learn about the Guidance through trade associations and advice from enforcement authorities. The Agency will also produce a factsheet on its website on the Guidance to provide a shorter set of advice based on this Guidance which will be more helpful for small businesses.

We welcome views from stakeholders on how the options may affect competition in the food sector.

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – REVISION OF FOOD STANDARDS AGENCY GUIDANCE ON CLEAR FOOD LABELLING

Summary of responses:

- No views were expressed.

Agency comment:

- It is not considered that this voluntary guidance is likely to either directly or indirectly limit the number or range of suppliers to this sector nor will it reduce the incentives for competitive action.

We welcome views from enforcement authorities on how helpful they find this Guidance.

Summary of responses:

- Several enforcement authorities were concerned about the positioning and prominence of the legal name of the food on many products.

Agency comment:

- An additional piece of advice has been added to the Guidance to address this.

We welcome comments from all stakeholders on the sustainability impacts of our Guidance.

Summary of responses:

- There was concern expressed by industry that increasing the size of font could lead to increased packaging which could have a negative environmental effect.

Agency comment:

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – REVISION OF FOOD STANDARDS AGENCY
GUIDANCE ON CLEAR FOOD LABELLING**

- The Agency would not wish for good practice on font size and clarity to be at the expense of increased packaging. Evidence from surveys of food labels indicate that the proportion of the area of the label that is taken up with essential information is relatively small. The Agency is of the view that steps could be taken to increase the area of the pack for essential information without leading to increased packaging.

ACTIONS TO BE IMPLEMENTED:

- Revised Guidance will be published on the Agency website.
- The Guidance will be reviewed again within the period normally set or after the agreement of a new European Food Information Regulation, which has been proposed.

List of Respondents:

England

1. Anaphylaxis Campaign
2. Asda
3. Birmingham Nutrition and Dietetic Society
4. British Heart Foundation
5. British Retail Consortium
6. British Soft Drinks Association
7. East of England Trading Standards Association
8. Food and Drink Federation
9. Foodaware – CFG
10. Gill Ward
11. Health Food Manufacturers Association
12. LACORS
13. NFU
14. Nutrition Society
15. Premier Foods
16. Richard Bruce
17. RNIB
18. TESCO
19. Trading Standards South East
20. West Yorkshire Analytical Services
21. Which?
22. Wine and Spirit Trade Association
23. Yorkshire & Humber Trading Standards Group

Scotland

24. Ayrshire Central Hospital
25. Margaret Anderson
26. Sang (Banff) Ltd
27. Scottish Association of Meat Wholesalers
28. Scottish Beekeepers Association
29. Scottish Food Advisory Committee

Wales

30. British Dietetic Association
31. Farmers' Union of Wales
32. Hybu Cig Cymru Meat Promotion