

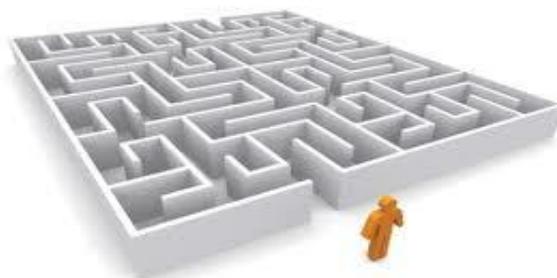
Round up: Provision Of Food Information To Consumers (FICR) Briefing Day. Wednesday 27th November, 2013

You will have to bear with me. As a newcomer to FDIN seminars and coming from a background in structural packaging design and implementation I was asked at relatively short notice to stand in for Tim Nicol to cover his 'Round Ups' column. 'It's alright Richard', Tim said, 'they won't bite, and it's a packaging topic'. Yes, quite. Well, yes, it is a packaging topic but one very much on the periphery of what I normally get involved in day-to-day. Anyway, always keen to learn something new and meet people who don't bite, I said OK. Also, being a seminar scribe virgin, please treat me and my (sometimes uneducated) views gently.

The briefing day on the up-coming Provision Of Food Information To Consumers (FIC) rules and regulations, was chaired by Professor Nino Binns PhD, Consultant in nutrition & regulatory affairs who you will all know.

As Nino started off by saying, the main objective of the Briefing Day was to remind everyone of the requirements and deadlines and bring people up to date with the uncertainties and ambiguities through a series of topical reviews and 'deep dives'. To continue the analogy from your writer's perspective, the day was about the exploration of the array of underwater reefs that are the new labelling regulations, to look at the topography of a whole series of areas from allergens to nutritional labelling, clarifying the muddy waters of country of origin labelling to discovering the sinister denizens of the deep residing in the legal issues cave. As an adjunct to the main presentation material, this round up is much more the view from on-high as maybe it would be from snorkelling over these colourful reefs with just the occasional 'duck-dive'.

Nino's introduction set the scene with an overview of the maze that are the EU regulations and how to



navigate those waters (to mix a metaphor) emphasising the importance of distinguishing between regulations and guidelines.

Nino then introduced Oliver Hamilton of the Food Labelling Team in Defra's Food Policy Unit to share his knowledge on Country of Origin labelling, who very helpfully described the administrative landscape and how the 3 agencies responsible (DEFRA, FSA and DOH) meet monthly to discuss the issues relating to food information, food safety information and nutritional labelling. I am sure there are good reasons why there is this apparent complexity. It was reassuring to hear that regarding FICR, Defra's stance is not to inhibit business and keep as many processes voluntary wherever. Recent high profile issues such as horse meat in products (while not specifically a COO issue) means that there is currently a high level of public interest in all matters relating to food. Oliver discussed how the regulation affects all fresh, chilled and frozen meat across the categories

(eg swine, poultry, sheep and goats)

by December next year, but starting to transition now. In other words, not long! Defra is expecting at least declaration of member



state the animal was reared in as well as

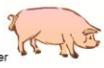
slaughtered in as being mandatory whilst more specific geographical information eg metaphorically waving a national flag will be voluntary.

As Oliver had to leave shortly after his presentation he was allowing questions as we progressed. One interesting one was on the issue of pre-prepared meals and complications of describing Country of Origin eg did 'Chinese Meal for one' or even 'French Fries' require declaration of COO? (for meal styles, the answer is 'no', or 'non')



What the Commission is doing 

- Implementing Acts by 13th December 2013:
 - Sufficient Declaration of Origin
 - Specific Member State or non-EU country
 - EU or non-EU
 - A smaller administrative area
 - Defining Origin
 - Where the animal was born
 - Where the animal was reared
 - Where the animal was slaughtered
 - Customs origin – fattening prior to slaughter



Next up was Simon Flanagan, Senior Consultant Food safety and Allergens, RSSL giving a talk called 'May contain and free from'; navigating allergen label claims. This, unsurprisingly, turns out to be a complex area with far reaching consequences up and down the food chain and through different categories. In terms of mandatory definitions on labelling of 'may contain' statements and 'free from' claims, the new regulations are setting the bar much higher. Simon introduced a little heard of toolkit called VITAL 2.0 as a good way of standardising risk assessment. VITAL 2.0 tables action levels for allergenicity (a word used by Simon but one that my spell checker

Risks of Over-labelling

Experts warn of 'crying wolf' over nut allergies
Supermarkets and manufacturers' over-cautious' approach mean many consumers do not believe warnings

From *Business*
The *Financial Times* website (aig101010)



refuses to accept) for an extensive range of common allergens from peanuts (not as bad as you might think) through mustard to egg (probably worse than you'd think). It was also interesting to hear how the over-cautious approach shown by some manufacturers and retailers mean that consumers do not believe or ignore warnings (this bag of peanuts may contain nuts), and in a



recent survey of 500 pre-packed foods, they found 52 ways of saying the same 'may contain' theme, from the utilitarian 'I may contain celery' to the wacky 'This baby is good for everyone!'

Nino then introduced James Egan, Business unit director of Sun Branding Solutions, a Brand life cycle management consultancy involved with Best Practice to manage change. Simply, the number of pack launches (whether driven by regulatory changes or not) is escalating and the rate of change is also increasing relentlessly as everybody scrabbles to achieve a competitive edge. Not un-naturally James was keen to show us how various packaging launch software can help make the process more efficient and I sensed a few heads in the room being nodded in agreement. Looking to the future and the increasing contest between FIR requirements (amount of mandatory information, label area and

minimum font size), and the drive for structural packaging reduction (cost savings, material weight reductions, landfill quotas, smaller carbon footprints to name but a few), the pressure is clearly on.

What does the future hold?

FIR

- Mandatory Information
- Font size
- Available surface by largest surface



Vs

Pkg Reduction

- Packaging cost savings
- Packaging weight reductions
- Carbon reductions
- Landfill restrictions
- Distribution costs
- Aesthetics
- Customer perception

Interactive Packaging

- 62% of Westerners have a Smartphone
- 40% of online shoppers have used a mobile device to shop



Traditional methods of squeezing in extra printable area for carrying information (eg reverse printing, expandable labels) are at odds with the drive to reduce packaging materials and processes, QR codes are already passé (and require re-origination in their own right), so the answer will be to look for more effective ways of creating virtual space via Pixel Recognition Technology.



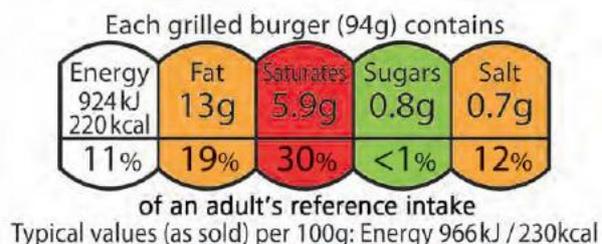
How far this can be taken is a moot point; not everybody has or will have Smartphones and those that do may not always take them shopping. There will also be a limit to how much marketing information and branding manufacturers will want to take off the physical pack. However, the message was clear; food

regulation changes of this size and complexity only come round once in a generation so there is a massive opportunity to improve packaging implementation processes (and possibly physical packaging formats)

Next up was Helen Gillen, Food Law, Labelling and Enforcement Manager at the Food and Drink Federation with a talk entitled Nutritional Labelling – Clarification at last. Helen told us how the mandatory requirements had very much a pre-packed foods focus (some exceptions eg herbs and spices, tea and coffee). She clearly showed how the new regulations will rationalise the format of the tables for mandatory and supplementary nutrients declarations (per 100g or 100ml – now mandatory) as well as how the tables will work for mandatory information plus portion (eg ½ a pizza) and the new 'Reference Index' (was GDA).

Nutrient Reference Values for vitamins and minerals were also covered along with voluntary repetition of information (what is and isn't allowed front of pack), and additional forms of expression eg colour coded graphic 'tablets' showing typical values per portion.

Typical values	Per 100g	Half a pizza	%RI per half pizza
Energy	1205 kJ 290 kcal	1865kJ 445 kcal	22%
Fat	11.8g	18.3g	26%
Saturates	5.4g	8.3g	42%
Carbohydrate	29.4g	45.5g	18%
Sugars	3.8g	5.9g	7%
Protein	14.2g	21.9g	44%
Salt	1.9g	2.9g	48%



Clarification indeed.

Helen was followed by Brian Kelly, a food Lawyer at Covington & Burling. His presentation was called 'Mind the gap' and endeavoured to identify various hidden pitfalls in food labelling, the main thrust being to ensure compliance and avoid nasty things like criminal sanctions (eg fines, imprisonment) or civil remedies (eg damages). Apparently there are about 150 prosecution cases a year. This got the audience's attention. Brian's presentation was also brought to life by occasional references to past and current case studies some of which were extremely serious: an allergen product liability case study relating to labelling and involving the death of a marathon runner was one, and another related to the negligence of a food contractor at a Sikh wedding where the groom died from anaphylactic shock. This cost the contractor £415,000 in compensation. Fraud was another area discussed where top of mind for the public recently has been the horsemeat scandal, and another case study related to a UK food company who made their own brand pesto to sell over the internet and direct to retailers. They claimed the ingredients were fresh (they were frozen), and locally sourced (some of them were from Israel!). Additionally, the so called Italian cheese was from Latvia and the Virgin Olive oil wasn't, well, virgin. Additionally there was a case study of a trader fraudulently trading non-organic produce as organic, (to Fortnum and Mason amongst others) and was also prosecuted for forgery because he had forged the Organic accreditation documentation. Trading standards are also cracking down on spurious health claims, as these have now to be capable of substantiation. Two examples of poor claims were 'wholesome' for bread, and 'easy to digest' for wine(!). The message was clear; you have to be very careful over the interpretation of Food information Regulations



The last presentation before lunch was Flavourings, Colourings and Additives labelling issues by Joy Hardinge. A lot of content to digest in 20 minutes. Flavourings started fairly straightforwardly. Basically if it's used it has to be listed in the ingredients (except for Smoke flavourings if the flavouring doesn't impart a smoky flavour). However, there were complications ahead: we had a discussion on the vagaries of the word 'natural' and its use and when/how various natural flavourings can be described. This was followed by references to other minefields such as Carry Over of Additives and their functionality, followed by reverse carry over. The third area tackled was colourings were unlike flavourings there is no definition of a natural colour. To demonstrate how complicated Colourings are, a guidance document was drafted in 2008 and has taken all of 5 years (to-date) to compile and agree. Its up to revision version 10 now but is expected to be agreed shortly. We are apparently not supposed to hold our breath however.



After lunch Sam Waterfall, a director at The Healthy Marketing Team took the rostrum with a talk called 'Refreshing your Positioning to Make the most of the New Rules and Regulations' with the subtitle 'Don't Forget The Consumer'. The main objective was show how make the best of a costly label change. His initial and continued references to consumers always as 'her', did draw a couple of comments from the audience, but Sam insisted such generalisation was correct as did we know that '80% of people that buy tyres are women?' Well, that's alright then isn't it? (and no, we didn't know that!). Anyway to set the scene on communicating health benefits we were treated to an amusing Vox Pop – cue lady in street admitting to not really understanding or caring about health claims, then introduced The FourFactors® which is an interesting methodology to deconstruct what consumers are thinking at POP. The four are Need, Acceptance, Understanding and Trust, and can be used to develop the optimum communication strategy. We were treated to some interesting films of commercials to illustrate various points including a charismatic bean cartoon from Singapore successfully advertising a brand of soya and a 'soft alert' featuring mother and baby animals to advertise yoghurt also stood out. Awww..



Janice Harland PhD, Consultant at Harland Hall Associates was next with a talk entitled Nutritional Health claims – More or Less? We started off by learning how the general principles on flexibility of wording for health claims worked with excellent examples of what was good (eg objective focus on efficacy) and what did not (eg 'strengthening' of claims). We were then taken through the guidelines for specific and non-specific health claims. Interestingly there are a total of 259 permitted health claims in the Union register, only 4 of which are proprietary. Again, Janice gave some very clear examples of how specific claims can be shown next to a general benefit description and how generic health claims should be used.

This juice drink is rich in **antioxidant vitamin C** giving you a super boost of goodness to support your **everyday well being** as part of a balanced diet and a healthy lifestyle.

Benefits of antioxidant vitamin C
 Antioxidant vitamin C can help to reduce the cell damage caused by free radicals in the body. Increasing evidence suggests that antioxidant vitamin C can help contribute to healthy skin, healthy vascular system and also a healthy immune system.

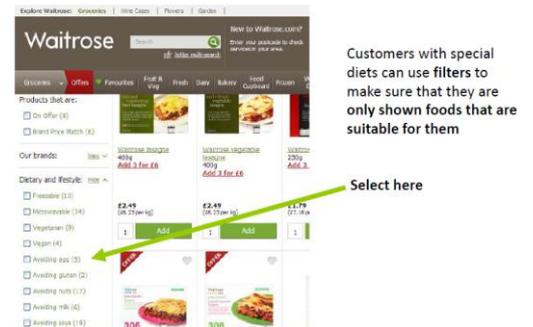
- General benefit next to specific claim
- No use of word "normal", but includes contribute
- Benefit clearly linked to vitamin C

So to answer her initial question of 'more or less?', the answer is to expect more interest in generic claims, more focus on statistics and compliance, and more use of nutritional claims. There was a final word on Nutritional Profiles which was basically that nothing is really happening and probably won't at least until the end of the Italian Presidency next year (again, don't hold your breath)

The final presentation of the day saw Moira Howie, Nutrition Manager at Waitrose give a perspective from the retailers' point of view ('Coming to a store near you soon:'). Clearly Waitrose wants to keep people shopping (and so do the customers, who really have no time to read labels continuously). On-line they offer a range of dietary lists of products free from allergens suitable for those who need to avoid specific allergens eg gluten, milk, soya to those seeking guidance on general lifestyle issue eg suitable for diabetics or vegetarians.

Its interesting to note that FIR affects on-line information as well as on pack but clearly with on-line, additional help such as filters and shopping list creation can be used and a quick response is easy, (on pack not so) and the challenge is how to translate this into store. They are moving to a fresh new look on back of pack and more consistent look on Front of Pack in an effort for improved clarity and ease of understanding. Customer communication is expanding across all media from Waitrose weekend and Kitchen magazines, recipe cards (which will reflect FIR), apps and even the Waitrose TV Channel.

Product Information and Filters



After the formal presentations there was a brief Q&A by the speakers with a variety of very specific and general questions ranging from classification of 'of which' ingredients, through identification of colourings, B to B allergen labelling to 'loose sold' issues including pick'n'mix (which is going to be challenging!). The day was rounded off with a presentation of a Magnum of champagne to a delegate whose name had been picked out of a hat. This had been in no way a bribe to those in the audience to stay until the end (as most had done). Nice touch. As a final note, and as a newcomer to FDIN seminars, from my perspective I would like to say that I thought that the day was excellently structured with good audience participation and integration exercises, well scheduled and with good content. For a seminar on a fairly labyrinthine subject matter it was actually quite refreshing!



Richard Harbutt

Design Fruition Ltd

+44 (0) 7771 763 684

richardh@design-fruition.com



getting new brand ideas to market

www.designfruition.co.uk