



The Consumer Voice in Europe

# Informed food choices for healthier consumers

BEUC position on nutrition

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## Summary

Food is an essential part of life. Our eating habits are affected by many different aspects of our daily lives beyond meeting simple nutritional needs. The way people eat is influenced by many factors, some out of their control such as agriculture, trade and food prices, and others directly related to their personal behaviours, cultural habits and/or social life.

If there is no single EU diet there is one common denominator in the EU: people tend to consume too much added sugar, salt and saturated fat while consumption of fruit and vegetables remains low.

This is partly linked to traditional ways of eating gradually disappearing as people prepare their own food less frequently and eat industrial food products more often. At the same time, diet-related diseases are on the rise and the number of overweight and obese people is on the increase across the EU.

For many years, public health interventions focused on consumer responsibility. It was thought that if consumers were able to watch their diet we would reverse the trend. Yet non-communicable diseases (NCDs), such as heart disease, diabetes and cancer, have become the first killer worldwide and obesity now surpasses malnourishment as the world's leading food and nutrition problem.

Over the past twenty years, research on how our food environment impacts our food choices has grown. It was particularly emphasised that our food environment makes it too difficult for consumers to choose healthy foods, especially when food marketing drives unhealthy choices, and all too easy to choose low nutrient and calorific foods.

In 2006, BEUC welcomed the adoption of the EU strategy on nutrition, overweight and obesity as well as the setting of the EU platform where industry and NGOs sit together to discuss the best ways to promote healthy lifestyles. Since then many key policy initiatives have been launched at EU level, such as the EU framework for salt. Yet many promises did not translate into change.

Therefore, we consider the following actions necessary to make sure our food environment is one which encourages healthy decisions:

- **Clear front of pack nutrition labelling:**

Front-of-pack (hereafter FOP) nutrition labelling is preferred by a large majority of consumers as information is provided where they are more likely to see it. Consumer research<sup>1</sup> also found that consumers want FOP labelling to help them assess the nutritional quality of food. A colour-coded scheme is one useful tool to help consumers identify products containing high levels of sugar, salt, fat and saturated fat. This particularly applies to ready meals and processed foods that often contain unexpected high levels of salt, sugar and fat.

- **Health claims that consumers can trust:**

If labelling is to assist consumers into making healthier choices it must be truthful. Yet some products can appear healthier than they actually are. In the

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<sup>1</sup> Etiquetage nutritionnel – Clair et complet s'il vous plait, Test Achats, October/November 2012.

absence of nutrient profiles which allow only products with a minimum healthy profile to make health claims, food manufacturers can add vitamins and minerals to food that is high in calories and sugar (such as cakes and biscuits) and claim they have health benefits. Nutrient profiles are a critical part of the Health Claims Regulation and should be speedily set by the European Commission.

- **Improving labelling of food eaten outside home:**

It is critical to assist consumers in making healthier choices and providing calorie information on menu will help them assess the energy content of food eaten outside.

- **Reformulation to reduce fat, sugar and salt levels:**

Consumer organisations' research<sup>2</sup> found that many similar products contain diverging amounts of salt and sugar, which means there is still room for improvement. In parallel reformulation should aim to improve the nutritional quality of food meaning the '*less sugar and salt*' message should be accompanied by a '*more fruits, vegetables, healthy proteins and whole grains*' message. At the same time harmonised and realistic portions should be set by regulators who should also develop food standards for public institutions such as schools and hospitals.

- **Responsible food marketing:**

Food marketing often contradicts government recommendations as foods high in fat, sugar and salt are still marketed to children. Current controls have failed to reduce children's exposure - the first recommendation set out by the World Health Organisation (WHO) on the marketing of foods and non-alcoholic beverages to children<sup>3</sup>.

Self-regulation, by the EU Pledge for example, did not bring the expected results and governments need to take a greater lead in this area. First, it is urgent to broaden the scope of the EU Pledge so that it covers new media and family programmes. Resetting the age definition of a child from 12 to 16, and eventually promoting healthy environments at schools are two other priority actions. Generally speaking our food environment should foster healthy choices. For instance supermarkets should have responsible in-store promotions and product positioning which encourages consumers to shift towards a healthier diet.

- **A more coordinated EU policy agenda:**

It is critical to have coordinated EU policies so that nutrition, agriculture, trade and environmental policies are aligned.

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<sup>2</sup> Observatoire du sel, FRC, <[www.frc.ch/sel](http://www.frc.ch/sel)>  
Observatoire des graisses, FRC, <[www.frc.ch/graisses](http://www.frc.ch/graisses)>  
Céréales pour enfants, FRC, [www.frc.ch/enquetes/trop-sucrees-les-cereales](http://www.frc.ch/enquetes/trop-sucrees-les-cereales)>  
Goûters pour enfants, FRC, <[www.frc.ch/articles/feu-rouge-sur-les-en-cas/](http://www.frc.ch/articles/feu-rouge-sur-les-en-cas/)>

<sup>3</sup> 'Set of recommendations on the marketing of foods and non-alcoholic beverages to children', World Health Organisation, 2010.

## Introduction

The right to food is the right of every individual. Yet food systems are not only expected to provide the right quantity of food, but also quality food. Nutritional properties of food are critical to satisfy the dietary needs of the population and make sure they live an active and healthy life. Over the last century there has been a growing understanding of the correlation between food and health and how dietary changes can improve populations' health.

Food is now well-recognised as one of the preventable risk factors underlying most non-communicable diseases (NCDs) alongside alcohol consumption, tobacco use and sedentary lifestyle<sup>4</sup>. NCDs, which encompass cardiovascular diseases, hypertension, diabetes, cancer and many more are the first killer worldwide. As such '*lifestyle diseases*' currently kill more people worldwide than infectious diseases. If NCDs affect all population groups they are most commonly found in disadvantaged groups.

Increased body weight has been clearly identified as a common risk factor for all NCDs and obesity is known to be a particular risk factor for numerous health problems including hypertension, high cholesterol, diabetes, cardiovascular diseases, respiratory problems (asthma), musculoskeletal diseases (arthritis) and some forms of cancer. It is also strongly associated with increased risk of mental disorders, underachievement in school and lower self-esteem. Obesity is in the spotlight as its prevalence has tripled in many countries of the WHO European region since the 1980s.

In the WHO European region it is now estimated that over 50% of people are overweight or obese<sup>5</sup>. Its steady rise is witnessed among both adults and children as 1 in 3 11-years-old and 52% of the adult population are overweight or obese.

Childhood obesity is of particular concern and it is vital to prevent children from becoming overweight or obese to avoid the associated lifelong health risks. Prevention is key as even if excess childhood weight is lost, adults who were obese children retain an increased risk of cardiovascular problems.

**Poor nutrition habits increase the risk of obesity, cardiovascular disease, diabetes and cancer.**

If NCDs affect the population's health, then it also directly impacts the economy. In the EU, 70%-80% of healthcare costs are currently spent on chronic diseases.

At the same time, food consumption studies across the EU all point to the same conclusion: consumers eat too much salt, added sugar and saturated fat while they have difficulties hitting recommended fruit and vegetables intake targets. In European countries, in 2009-2010, only approximately one third of girls and one quarter of boys aged 15 years ate at least one piece of fruit daily<sup>6</sup>.

<sup>4</sup> Reflection process on chronic diseases – Interim Report, [http://ec.europa.eu/health/major\\_chronic\\_diseases/docs/reflection\\_process\\_cd\\_en.pdf](http://ec.europa.eu/health/major_chronic_diseases/docs/reflection_process_cd_en.pdf)

<sup>5</sup> [http://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0011/256295/infographic-people-overweight-obese-Eng.pdf?ua=1](http://www.euro.who.int/__data/assets/pdf_file/0011/256295/infographic-people-overweight-obese-Eng.pdf?ua=1)

<sup>6</sup> *Health at a Glance Europe 2012*, OECD, 2012.

This consumption pattern is linked to the growing consumption of processed food which are of little nutritional value, but highly calorific. The vast majority of processed foods are overloaded with added sugar, salt and saturated fat while they contain few vegetables and fruit.

For many years governments have set up policies to encourage and advise consumers on healthy eating habits. In the 1970s public health interventions mainly focused on individual behaviours. Yet it was quickly concluded that educational programs alone fail to significantly impact on health. Therefore, new policies aimed to understand and shape social, economic and environmental circumstances were launched in the 1980s<sup>7</sup>.

**Europeans eat too much salt, added sugar and saturated fat. Consumption of fruits and vegetables remains low.**

Eating is not only an individual choice and it is influenced by many external factors including environment, social relations, availability and price. For instance, obesity has been directly linked to the availability of energy dense food. There are multiple factors in our daily environment which encourage consumption of calorie-laden, nutritionally inadequate foods.

Unhealthy food is available, both in terms of price and accessibility, while many consumers have difficulties finding healthy and fresh items near their work place or their home. In the end the unhealthy choices become the easier choices. In times of economic crisis it is of the utmost importance to make the healthiest option the affordable one, not the most expensive. Price remains a primary criterion when shopping and consumers should not be discouraged from buying healthy food because of high prices.

Optimistically if behavioral and environmental factors are part of the problem it means reshaping our environment to one which supports healthful decisions can help consumers shift towards a healthier diet and reduce the incidence of NCDs.

In the EU nutrition information on food labels is acknowledged as an essential component of a comprehensive public health strategy to help consumers make healthier diets. The 2006 European Charter on Counteracting Obesity marked a turning point in EU institutions and member states' acceptance of what WHO calls the '*biggest unrecognized public health problem in the world*'. The charter also acknowledged that the obesity epidemic roots lie in social, economic and environmental determinants of people's lifestyles. With more and more children overweight and obese the EU also committed to halt the worrying rise in childhood obesity. An EU Action Plan on Childhood Obesity, which encourages Member States to improve food labels by using '*healthy*' logos such as colour-coded schemes, was adopted in 2014. BEUC closely follows discussions held at international level to address the obesity and non-communicable diseases epidemic and we were one of the signatories of the 2013 Vienna Declaration on Nutrition and NCDs which called for reliable consumer information and for healthy options to be accessible, affordable and attractive<sup>8</sup>.

<sup>7</sup> *Health literacy as a public health goal: a challenge for contemporary health education and communication strategies into the 21<sup>st</sup> century*, Don Nutbeam, Health Promotion Journal, 2006.

<sup>8</sup> *Vienna Declaration on Nutrition and Noncommunicable Diseases in the Context of Health 2020*, World Health Organization Regional Office for Europe, 5 July 2013.

**Our food environment influences what we eat. Making healthy food available and affordable is key.**

Making the healthier choices the easier choice requires a combination of several policies aimed to inform, educate and protect consumers. Providing truthful information on packaging is one key aspect. The WHO listed nutrition labelling as an important means of meeting consumers' requirements for *'accurate, standardised and comprehensible information on the content of food items in order to make healthy choices'* while the OECD views nutrition labelling as *'a main tool for preventing increasing rates of obesity and unhealthy diets'*<sup>9</sup>.

If labels are a way to better inform consumers, then they should not be misleading, meaning they should reflect the true nature of the product. In addition, labels should be easy to understand by all consumers, even the less educated.

However providing all the information necessary for consumers to make healthier food choices would be vain if the products available on shelves are of little nutritional value. Therefore it is necessary to push for more reformulation efforts as similar products can contain twice the amount of salt, saturated fat or sugar. Increasing the nutritional value of processed food should not only be pursued by addition of vitamins and minerals, but by increasing the amount of fruit, vegetables, lean meat, healthy fat and whole grains. Fresh food products should also become available in nearby shops and better placed in supermarkets.

Restricting marketing to kids is also critical. Unscrupulous marketing techniques, which have become highly evolved alongside the development of the internet, promote highly calorific foods of low nutritional value. To this end, more government leadership and less over-reliance on voluntary industry initiatives are needed. The WHO found that countries who implemented a whole-of-government approach managed to contain the obesity epidemic.

This is also in line with consumers' expectations - a Which? survey found that reducing the fat, sugar and salt levels in foods and consistent labelling are two of the top issues people think the government should be tackling in order to make it easier to eat healthily<sup>10</sup>.

**Government leadership in food regulation is key to ensure all companies' policies are aligned.**

Public bodies, not food companies, should be the ones determining the content of health promotion policies. Government intervention is particularly expected in a time where economic crises impact families' budget for food and health care. Keeping health high on the political agenda is necessary while long-term rather than short-term solution should be favoured. As the health status of the population affects all sectors and can damage to the economy it is necessary to implement the *'health in all policies'* approach<sup>11</sup> and address nutrition issues within a wider range of policies including agriculture, environment and trade.

<sup>9</sup> WHO 2004 *Global Strategy on Diet, Physical Activity and Health*, WHO, 2004.

<sup>10</sup> *Sandwiches unwrapped*, Which?, 2012.

<sup>11</sup> *Health in all policies - Prospects and potentials*, Timo Stahl, Matthias Wismar, Eeva Ollila, Eero Lahtinen & Kimmo Leppo, 2006, <[http://ec.europa.eu/health/archive/ph\\_information/documents/health\\_in\\_all\\_policies.pdf](http://ec.europa.eu/health/archive/ph_information/documents/health_in_all_policies.pdf)>

## 1. Labelling

### 1.1 Front of pack and color-coded schemes

Over the years, many initiatives have been launched by governments or the food industry to improve labels. It includes the UK multiple traffic lights system recommended by the UK government and voluntarily used by food businesses on the front-of-pack as well as 'healthy' logos such as the keyhole system or MyChoice.

Yet the use of different schemes by different companies, with different levels of information means that it can be difficult for consumers to assess the nutritional value of many food products. Information can be missing or incomplete, difficult to understand at a glance or sometimes simply unreadable.

To help consumers improve their diets it is critical to provide them with accurate and easy-to-read nutritional information. A positive move was the introduction of mandatory and harmonised nutritional information on all pre-packed food and drink products in the EU. As stipulated in the EU Food Information Regulation (FIR) N°1169/2011, by December 2016 food and drink companies will have to display a nutrition table with the following elements per 100g or 100ml:

- Energy (kJ/kcal)
- Fat
  - Saturates
- Carbohydrate
  - Sugars
- Protein
- Salt

**By end of 2016, all foods and drinks will display the same nutritional info. Member States can still set additional schemes.**

In addition Article 35 of the FIR allows for additional forms of expression as part of national schemes beyond the basic requirements. It means that Member States can recommend the use of additional forms of presentation, provided that they fulfil the requirements laid down in article 35(1). Additional forms of expression must be validated by scientific consumer research, be objective, non-discriminatory and must not create obstacles to the free movement of goods.

BEUC members' research shows that consumers prefer Front of Pack labelling (FOP), as it is a time-saver. As the information is provided where they are more likely to see it, this actually helps them make more informed food choices. As such we regret that the EU Food Information Regulation<sup>12</sup> will only require food businesses to display nutritional info on the back of pack. This is a missed opportunity to improve consumer information while food companies are in any case obliged to redesign packages to comply with the new rules.

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<sup>12</sup> Regulation (EU) N° 1169/2011 of the European Parliament and of the Council.



**Reading nutrition labels should not be a full-time job. At-a-glance information help consumers decrypt labels.**

Consumer organisations' surveys<sup>13</sup> also revealed that most consumers say FOP labelling should be modelled in a way to raise awareness about the nutritional profile of food. One strategy is to display the amounts of sugar, salt and saturated fat, which are known to be consumed in excess and are public health priorities across Europe. This applies particularly to processed foods which are consumed ever more frequently and are often loaded with these particular nutrients while being of low nutritional value.

The European Commission itself identified products high in sugar, salt and saturated fat as major contributing factors to the widespread, diet-related chronic disease epidemic affecting the EU.

Yet it is not always obvious to consumers that certain products can contain high levels of salt or sugar. For instance consumers might not expect that a supposedly healthy drinkable yoghurt contains significant amounts of sugar, sometimes more than a fizzy drink<sup>14</sup>.

Taste buds are not always reliable to determine if a product is high in salt or sugar, especially since people get accustomed to sweeter and saltier tastes. This is particularly true for bread which is a major contributor to the total salt intake of the population and can be saltier than typically salted goods such as peanuts and crisps.

Research from the Consumer Association of Ireland (CAI) showed that two slices of bread can have more salt than a packet of peanuts or crisps<sup>15</sup>. A recent Irish survey confirmed that bread still packs a salty punch as a single slice of bread was found to contain more salt than a packet of crisps<sup>16</sup>. As the practice to remove one of the above mentioned nutrients and label products as 'low in X' while adding substantial amounts of sugar, salt and/or fat as substitutes is still commonplace, it is critical to provide consumers with complete, and not partial information, which should cover all the above mentioned nutrients. It is particularly important to reach out those consumers with low awareness levels of nutrition as they are high level consumers of processed and low nutritional food.

**Did you know one slice of bread can contain more salt than a pack of crisps?**

Therefore a consumer-friendly FOP nutrition labelling system should provide at-a-glance and easy-to-understand information about salt, sugar and saturated fat levels. BEUC believes colour-coded schemes are the most appropriate tool to fulfil this goal.

Research confirmed that such schemes empower consumers as they help them to correctly identify if a product contains high, medium or low levels of sugar, salt and

<sup>13</sup> *Etiquetage nutritionnel – Clair et complet s'il vous plait*, Test Achats, October/November 2012.

<sup>14</sup> *Sucres ajouté*, Test-Achats, Test Santé, April/May 2012.

<sup>15</sup> *Salt in Bread*, Consumer Association of Ireland (CAI), 2012.

<sup>16</sup> *Salt in food*, The Irish Independent, 2014.

<<http://www.independent.ie/lifestyle/health/one-slice-of-bread-can-have-more-salt-than-bag-of-crisps-30100497.html>>



saturated fat. Consumer research that overall people have difficulties determining if the food is high in salt, sugar or fat without traffic lights labelling, one of the most commonly used colour-coded schemes<sup>17</sup>.

More specifically a quiz launched by the Slovenian Consumer Organisation (ZPS) found that without traffic lights, only 35% of people correctly answer the questions on sugar, salt, fat and saturated fat contents. In contrast, when traffic lights were used 85% of respondents gave the right answer. Our Dutch member, Consumentenbond, found roughly the same results: without traffic lights 43% gave the right answer, while with traffic lights 90% of respondents correctly identified products high in salt, added sugar and unhealthy fat<sup>18</sup>.

Consumer research confirmed that consumers want colour-coded schemes. When asked what scheme they would like to see on products, a vast majority of consumers opted for traffic lights with comprehensive and universal colours<sup>19</sup>.

A Which? survey found that as well as performance the traffic light labelling scheme was preferred over the % GDA scheme (Guideline Daily Amounts) in isolation and that when asked which format was easiest to understand 69 per cent of people surveyed said traffic light labelling, compared to 23 per cent who said GDAs<sup>20</sup>.

**Colour-coded schemes help consumers identify products high in nutrients like sugar. They can be useful to compare similar products.**

Consumers had difficulties assessing what the percentages represent, while the addition of colour-coded schemes provides simple information which does not require numerical skills. Currently, % GDAs or 'references intakes' as they have been renamed under the new rules can also be misleading as some businesses provide only partial information. For example, a famous biscuit brand in Italy provided limited information depending on the biscuits profile and omitted to mention saturated fat in products where it was present in high quantities<sup>21</sup>.

Such practices will not be authorised once the EU Food information Regulation comes into force. Consumers also said they would favour schemes which have been developed by independent research bodies and not by the food industry itself.

In addition to informing consumers about the level of sugar, salt or saturated fat of a product, a colour coded scheme has the great advantage of allowing consumers to compare similar products - meaning consumers can actually act upon the information they are provided with.

Allowing comparison is critical as similar products can contain different amounts of salt, sugar and saturated fat. Which? research showed people can eat over three times the fat and saturated fat as well as double the amount of salt depending on which chicken sandwich

**Depending on the chicken sandwich brand you go for, you can ingest twice as much salt.**

<sup>17</sup> *Ampel-Kennzeichnung bei Lebensmitteln hilft Verbrauchern - Ergebnisse eines Online-Quiz zur Nährwertkennzeichnung*, VZBV, June 2013.

<sup>18</sup> <http://www.consumentenbond.nl/actueel/nieuws/nieuwsoverzicht-2013/Kleurcodering-verdubbelt-inzicht-in-vet-zout-en-suikergehalte/>

<sup>19</sup> *Etiquetage nutritionnel - Clair et complet s'il vous plait*, Test Achats, October/November 2012.

<sup>20</sup> *Front of pack nutrition labelling, Which ?*, August 2012.

<sup>21</sup> *Impara a leggere*, Altroconsumo, October 2012.

brand they choose<sup>22</sup>. The Swiss Consumer Organisation (FRC) also found that one tomato sauce contained 11 times the amount of salt contained in another brand.

Traffic lights can incentivise the food industry to reformulate products and help governments identify best practices to eventually ask certain businesses how they efficiently reduced sugar, salt or saturated fat content and extend good practices.

Traffic lights are also better than healthy logos which do not provide consumers with valuable information on the nutritional composition of food products. Healthy logos only promote a 'good' product but are not helpful in comparing similar ones. In addition these schemes incentivise the industry to reformulate only certain products<sup>23</sup>.

It is important to highlight that as colours are attributed to nutrients and not the whole product, traffic lights do not discriminate against certain products in particular but merely inform consumers as to the amounts of key nutrients such as sugar, salt and saturated fat. For instance, under a traffic lights scheme a sorbet would get a red for sugar whilst a vanilla ice cream would get an amber. At the same time the ice cream would get a red for fat while the sorbet would get a green. While seeing that on average sorbets contain less calories than ice cream people would also understand that sorbet remains a product high in sugar and that they should take into account this information to balance their whole diet.

**Colours do not discriminate certain foods but simply highlight key nutrients.**

The UK Department of Health's information on the use of colour coding aims to make clear that people should not stop eating food with red labels<sup>24</sup>. Rather they should reduce consumption levels or frequency. Colour-coded schemes, which have been in use in the UK since 2006, never created any trade barrier for the Internal Market. They have even been endorsed by major food businesses such as Pepsico, Mars, Coca-Cola, Nestlé, McCain and Kraft Foods who operate worldwide and appear on branded and own-brand products.

BEUC believes that the information should be accessible to consumers when shopping. This means that traffic lights should appear on front-of-pack. If the younger generation of consumers could find it useful to read that information on their smart phones, it is critical that all consumers get access to this information, even those who cannot afford smart phones or who have difficulties using new technologies. However it is companies' responsibility to use traffic lights where relevant to avoid misleading consumers. For instance, traffic lights may be particularly relevant on multi-ingredient ready-meals meant to be consumed as one portion – such as lasagne.

<sup>22</sup> *Sandwiches unwrapped*, Which? 2012.

<sup>23</sup> *El DNI nutricional*, OCU, October/November 2012

<sup>24</sup> UK Department of Health NHS Choices:

<http://www.nhs.uk/Livewell/Goodfood/Pages/food-labelling.aspx#Nut>

## **1.2 Health and nutrition claims**

The main objective of the Health and Nutrition Claims Regulation<sup>25</sup> is to ensure consumers are not faced with misleading, scientifically unfounded or exaggerated health claims. BEUC welcomed the independent assessment of the evidence to substantiate claims and the development of a list of authorised and non-authorised health claims, as well as clear definitions for nutrition claims.

We believe this is a major step forward in providing truthful information to the final consumer. However, we are concerned about the way the Regulation is implemented at national level and the tactics being used by the industry to circumvent the Regulation.

In addition, the failure to implement the requirements of the Regulation relating to the development of nutrient profiles to prevent products that are high in fat, sugar or salt from claiming to be healthier choices still means that many products have the potential to mislead consumers.

In terms of implementation concerns BEUC member research shows that many non-authorised claims still appear on products<sup>26 27 28</sup> but also on the internet. A major issue is the lack of resources allocated to competent authorities at national level and advertising watchdogs to track down the presence of unauthorised claims. This means non-authorised claims remain on the market and consumers continue to be misled about the benefits of the food they buy.

**Unauthorised claims can still be found on products. It is companies' responsibility to remove them.**

In addition non-authorised health claims are still appearing on food products as certain Member States granted extra deadlines to the industry to comply with the new rules. As such products with non-authorised claims are allowed to remain on the shelves until stocks are exhausted. Moreover companies have until January 2022 to remove trademarks and brand names that suggest health and/or nutritional benefits.

**Many companies who had to remove claims now add vitamins and minerals to keep mentioning health benefits.**

BEUC is also particularly concerned about the tactics used by the industry to circumvent the Regulation. Several companies have chosen to add vitamins and minerals to their products to continue to use the claims they had to remove from their products after receiving a negative opinion from EFSA. Several BEUC members, such as UFC Que-Choisir and Consumentenbond, recently flagged the example of a company who added vitamins to its product to continue to use health claims relating to the good functioning of the immune system.

<sup>25</sup> Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods.

<sup>26</sup> *Cambiar la ley para que nada cambie*, OCU, December 2013/January 2014, N°387.

<sup>27</sup> *Apagar falsas promesas*, DECO, December 2013/January 2014.

<sup>28</sup> Names that suggest health benefits (eg. 'Antiox') or symbols/pictures that refer to past claims, now unauthorised (eg. heart shapes biscuits on FOP).

Another tactic of avoiding the EU Regulation is to register the product as a medical device or as a '*foods for special medical purposes*' which can claim that they are '*for the dietary management of disease X*'.

The European Commission should also be vigilant about the use of '*generic descriptors*' status (e.g. '*digestive biscuit*' or '*cough drops*'). Wordings such as '*antioxidants*' and '*probiotics*', which clearly indicate a health benefit (anti-oxidant; pro-biotics), should not benefit from this status.

BEUC is also concerned that botanical claims, which are health claims made on plant and herbal substances, are still on hold. As a result consumers are exposed to claims that have not been scientifically validated. BEUC firmly believes that in order to provide truthful information to consumers all claims appearing on products must be backed by scientific evidence, without exemption. As such we consider that botanicals should not benefit from a special treatment e.g. '*traditional use*' and should be assessed by EFSA with the same methodology used for health claims.

Eventually, and as required by the EU Health and Nutrition Regulation, a system of nutrient profiles should be established. Member States themselves recently called on the European Commission to set nutrient profiles<sup>29</sup>. Nutrient profiles help determine whether a product can bear a nutrition or health claim, depending on its nutritional profile. As such a product high in salt, sugar, fat and saturated fat would not be authorised to bear a claim since it would provide a false healthy halo to a low nutrient food.

**We need  
'healthy' /  
'unhealthy'  
categories.  
Without them,  
chocolate bars  
can bear health  
benefits.**

Yet in the absence of nutrient profiles unhealthy food products can end up bearing claims. This is already happening as in Austria our member Konsument found that health claims for calcium and multivitamins were appearing on the FOP of biscuits filled with sugar, salt and fat<sup>30</sup>.

If EU legislation was fully implemented such products would not be allowed to claim health or nutrition benefits. The setting of nutrient profiles would also help combat the practice to label products as '*low in X*' while adding substantial amounts of sugar, salt or fat. If even if nutrition claims can fail one criterion (i.e. a low-fat yoghurt can carry a claim even if it is high in sugar) the label would clearly have to state '*high X content*' (e.g. '*high in sugar*' in the aforementioned example). Consequently BEUC urges the European Commission to set a timeline for the development of robust nutrient profiles.

<sup>29</sup> Council conclusions on nutrition and physical activity, Council of the European Union, June 2014.

<sup>30</sup> Nestlé Nesquik Ca & Multivitamine - Bloß eine Süßigkeit, Konsument, August 2013, <<http://www.konsument.at/cs/Satellite?pagename=Konsument/MagazinArtikel/Detail&cid=318886751517>>

In addition, we believe maximum levels per categories of food should be set. Without maximum levels every company is free to add the amount they want and obviously those who enable them to use claims. As a result consumers might get extra supplementation of vitamins via their diet, which can have detrimental effects on their health. BEUC also repeatedly called for an assessment of the relevance of claims when European consumers do not have a deficiency in the vitamin or mineral.

### **1.3 Menu labelling – Information about the energy content of foods eaten in chain restaurants**

In the EU eating out is no longer an occasional indulgence and consumers spend a fair share of their food money on foods made outside the home. At the same time there is little awareness of the energy content of food consumed outside the home.

**Without menu labelling in restaurants consumers underestimate calories.**

The vast majority of consumers underestimate the calorie content of food and do not accurately identify the most calorific product when asked to compare two alternatives. Even experienced nutrition professionals underestimate the number of calories in fast-food meals. This is particularly concerning knowing that food portions outside the home are often 'supersized'.

The quality of the food is also affected as people eating out tend to consume more calories and fat, fewer vegetables, fruits and fibre<sup>31</sup>. In the end, people have much less control over the portion and the content of foods prepared outside the home and it is necessary to empower them.

Consumers deserve to be fully informed of the number of calories they ingest when eating outside the home. A survey carried out by the Food Safety Authority of Ireland (FSAI) found 96% of consumers declare they want to know the energy content of such food. We believe providing this information is critical to improve consumers' information and give them the opportunity to shift towards lower calorific options.

Providing energy information to people is one tool to help consumers avoid excess body weight, even by only modest changes in behaviour<sup>32</sup>. In addition it will incentivise food businesses to reformulate products and advertise items with lower energy content.

In the USA, where menu labelling is mandatory for chain restaurants (defined as those with 20 outlets nationally), many fast food chains have developed new food items to meet a specific calorific threshold and some committed to change recipes to add more fruits and vegetables to their menu options.

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<sup>31</sup> *Menu Labeling in Chain Restaurants – Opportunities for Public Policy*, Rudd Center Food Policy, 2008.

<sup>32</sup> *Calories on menus in Ireland – Report on a national consultation*, FSAI, June 2012.

A study performed in the US found that in order to affect customers' purchasing behaviours, nutritional information must be visibly displayed e.g. on a menu board<sup>33</sup> so that it can be considered by the consumer before placing an order, not afterwards. The information should be readable, meaning the font sizes should be similar to the one used for the name of the product, it should be as clear and easy to read as the price of the item.

Many restaurants associations argue that they already provide this information via their websites or on posters. Yet this means the information is not readily accessible when consumers place orders. In addition when nutritional information is available in the restaurant, not at the point of sale but rather on trays or on posters, it can be limited to the less calorific items or to the smallest portion sizes.

Menu labelling policies have been passed at federal level in the US after a national public opinion poll showed that up to 83% of Americans favour menu labelling. BEUC believes the EU should enact similar legislation. Food businesses with more than 20 locations should be required to display the energy content of the food they sell, in particular those standard menu items sold across the entire European Union.

**Voluntary initiatives mean only a few players provide the info. We need binding laws.**

In the UK, fast food operators, including Burger King, Kentucky Fried Chicken, McDonalds, Pizza Hut and Starbucks already provide this information under the government's Responsibility Deal. Therefore this best practice is not a burdensome move, especially as the industry already displays such information on the internet.

However many voluntary initiatives have so far failed to bring about the expected results, as seen in Denmark and Ireland where restaurant associations refused to move forward on a voluntary basis. In addition if the UK experience is overall a positive one some major fast food, cafe and restaurant chains have not joined in.

BEUC believes consumers should be provided with information on energy values wherever they choose to eat, preferably expressed only in calories as this is the information consumers understand best, to make informed choices and be able to compare different options both within and between restaurants. Only legally binding legislation can meet this objective.

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<sup>33</sup> *Assessing Nutrition Information at Chain Restaurants: New Data*, Rudd Center Food Policy, 2008.



## 1.4 Clarification of marketing concepts

Labelling can only be considered a reliable source if the information is not misleading. Yet claims such as '*natural*' confuse consumers and refer to concepts without any formal meaning in EU law.

**Words like '*natural*' or '*whole grains*' convey a glowing halo. Too often they do not live up to their promises.**

Consequently, we invite the European Commission to better define this concept and limit its use. Consumer organisations found that many unhealthy products filled with sugar, salt and unhealthy fat claim to be '*natural*' on the sole ground that they contain no artificial colouring. In addition, concepts such as '*whole grains*' increasingly used by the industry should be better defined by EU law. BEUC members found that products claiming to be made from '*whole grains*' mostly contained white flour and bran<sup>34</sup>.

If we are serious about helping people to shift toward a healthier diet, one in which whole grains play a substantial role, consumers should be able to trust labels.

## 1.5 Alcohol labelling

Consumers have the right to know what they are drinking. At present consumers can have complete information about what is in a bottle of milk or fruit juice, but not a bottle of whisky or beer. This is unacceptable - BEUC cannot see the reasons why alcoholic beverages should be treated differently from other beverages and exempted from the information requirements foreseen in the Food Information Regulation (EU) No 1169/2011.

Providing consumers with adequate information enables them to make informed choices. In particular, providing consumers with nutritional information such as energy content allows consumers to better monitor their diet and maintain healthiness. This principle applies to all foodstuffs, including alcoholic beverages.

**Consumers can know how many calories and what ingredients are in a bottle of milk but nothing about a bottle of beer.**

The full list of ingredients - including additives and preservatives - and displaying nutritional information should be mandatory for all alcoholic beverages in order to help consumers make informed choices about what and how much to drink.

The health risks of drinking alcohol (e.g. increased risk of liver disease) are widely known by the general public but the role that alcohol plays in nutrition and obesity is often overlooked.

Alcoholic drinks are made by fermenting and distilling natural starch and sugar. Therefore they are high in sugar and contain a considerable level of calories<sup>35</sup>. For instance our Belgian member Test-Achats found that a small porto (75ml) contained 8,1 grams of sugar, so as much as some flavoured milk drinks, while

<sup>34</sup> "*Integrale*" di nome, ma non negli ingredient, Altroconsumo, October 2013.

<sup>35</sup> Test-Santé n.108, May 2012.



alcopops could contain up to 21grams of sugar, almost the same as sugary drinks. High volume intake can significantly contribute to weight gain and obesity. Studies conducted in the UK indicated that alcohol accounts for nearly 10% of the calorie intake amongst adults who drink<sup>36</sup>.

**Did you know a pint of beer is as calorie-loaded as a chocolate bar?**

Yet, few consumers know that one gram of alcohol contains seven calories, a large glass of red wine (13% alcohol) has 170 calories and an average half litre of beer (5% alcohol) has about 220 calories – comparable to a chocolate bar.

Displaying accurate nutritional information on the bottle is essential to make sure consumers can make informed choices about the amount of alcohol they want to consume. Moreover, there are significant differences in the nutrient profiles as well as in the percentage of alcohol by volume (ABV) and non-alcohol ingredients among the different types of alcoholic beverages and also among different brands of the same product. Therefore, providing the list of ingredients and the nutritional information can facilitate comparison and choice between alcoholic drinks. Studies on wine back labels show that the label is considered an important source of information when making purchases<sup>37</sup>.

In some countries like USA, Brazil, Canada, China, India, Mexico, New Zealand, Russia, Switzerland it is mandatory to provide the list of ingredients in alcoholic beverages while European consumers still do not have access to this information despite Europe being the region with the highest consumption of alcohol per capita in the world, some of countries having particularly high consumption rates<sup>38</sup>.

**Alcoholic should be aligned with other drinks and display ingredients and nutritional information.**

## 2. Reformulation

### 2.1 *Less: specific examples*

#### **2.1.1. Salt**

In the EU the average salt intake is almost twice the maximum level set by scientific bodies including the WHO. The latest recommendations are that adults should consume no more than 6 grams of salt per day. EU consumers eat between 8 and 12 grams of salt daily<sup>39</sup>.

Yet salt intake has a direct impact on health. There is a direct dose-response relationship between salt and blood pressure. As such, high salt intake leads to high blood pressure which contributes to stroke and heart attack. At the same time heart disease is the primary cause of death worldwide.

<sup>36</sup> Bates B, Alison Lennox, "Obesity and Alcohol: an overview", National Obesity Observatory, NHS, 2012.

<sup>37</sup> Mueller s. et al. (2010) "Message in a bottle: the relative influence of wine back label information on wine choice. Journal of Food Quality and Preference, Vol.21.

<sup>38</sup> Global status report on alcohol and health, World Health Organization, 2014.

<sup>39</sup> Busch J et al. (2010). Salt reduction and the consumer perspective. New Food 2/10:36-39.

**Food industry action is critical because 80% of the salt we ingest comes from processed foods.**

Interestingly 80% of the salt in our diet comes from processed food<sup>40</sup>. In past years food businesses committed reductions of salt in food products via voluntary pledges after national governments encouraged them to take action and make sure levels are reduced as much as possible. Salt reduction programs, even when the amount of salt only slightly decreases, have great health benefits. For instance the UK Responsibility Deals indicates that reducing salt intake by only 1 gram will save 4,147 preventable deaths<sup>41</sup>.

If it is true that salt has been reduced in many food there is still room for improvement as confirmed by BEUC member tests which clearly pinpoint the diverging amounts of salt in similar products.

A UFC Que-Choisir test on 200 baguettes found that one baguette contained 1.09g of salt per 100g while another contained 2.02g, so almost twice the amount<sup>42</sup>.

In Switzerland, the consumer organisation FRC found a tomato sauce can contain up to eleven times the amount of salt of another tomato sauce<sup>43</sup>.

UFC Que Choisir also compared two menus featuring similar products from different brands. One menu led to a daily salt intake of 6.44g while the second one brought 13.09g of salt. The argument that food businesses have reached the maximum possible level of reformulation is therefore highly dubious.

**If you were to choose between two identical 3-meal menus - one containing 6 grams of salt and the other 13 - which one would you pick?**

Surprisingly, BEUC member tests also showed that salt levels even increased in some products. UFC found that salt levels increased by more than 20% between 2007 and 2013 in some biscuits, biscottes, sandwiches and frozen French fries. The Spanish Consumer Organisation OCU found that though salt levels in bread decreased between 2002 and 2006, they increased by 11% between 2006 and 2013.

## **2.1.2. Sugar**

Sugar intake has been in the spotlight in recent years as research<sup>44</sup> has shown that in many parts of the world, including Europe, adults but also children consume too much, especially added sugars<sup>45</sup>.

Added sugars are of particular concern as they do not have beneficial nutritional properties, compared to fruit and vegetables which contain sugars but also vitamins, minerals and fibres. In addition many foods and beverages which are

<sup>40</sup> *Salt in bread*, Consumer Association of Ireland (CAI), 2012.

<sup>41</sup> <https://responsibilitydeal.dh.gov.uk/pledges/pledge/?pl=9>

<sup>42</sup> *Salt in bread*, UFC Que-Choisir, N°512, November 2013.

<sup>43</sup> *Observatoire du Sel - Sel: la main lourde partout*, FRC, November 2012.

<sup>44</sup> *Added sugar in the diet*, Harvard School of Public Health, 2014.

<sup>45</sup> *Scientific Opinion on Dietary Reference Values for carbohydrates and dietary fibre*, EFSA Journal, European Food Safety Authority, 2010.

major sources of added sugars have lower micronutrient densities compared to foods and beverages which contain naturally occurring sugars<sup>46</sup>.

Increasingly sugars are added to food, both salted and sweet, sometimes at very high levels in certain products. It is possible now for a consumer to reach in just a single portion of a certain food or beverage the maximum recommended daily dose of 50 grams. However sugar can also be found in small amounts in products where they would normally not be found (eg. salted goods).

The WHO is currently considering reviewing its recommendations on added sugar intakes and may lower the maximum recommended daily intake of added sugars from 50g to 25g, a move we firmly support.

BEUC members' test results confirmed that sugars are added to a lot of food products, sometimes at very high levels. For instance, a famous chocolate drink marketed to children was found to comprise 77% of sugars<sup>47</sup>. Other breakfast foods can contain alarming amounts of sugars. The consumer organisation Which? found that almost half of all breakfast cereals tested contained more than 25g of sugars per 100g of product<sup>48</sup>. Similar tests carried out in Switzerland and Slovakia showed that more than half of breakfast cereals tested contained more than 30g of sugars per 100g.

In Denmark, one product was found to contain 45g of sugars per 100g meaning almost half the total product was made of sugars<sup>49,50,51</sup>. This is particularly worrying knowing that most of these breakfast cereals are aimed at children.

Sugars are also found where least expected - commonly found in salted goods such as meat, fish sticks, pickles, soups, pasta sauces and salad sauces<sup>52</sup>. Consequently, consumers can end up eating high amounts of sugars, mostly added to improve taste and texture, thereby easily reaching and even exceeding the maximum recommended daily intake.

**Feeling like starting the day with a sugar kick? Some breakfast cereals are made of 45% sugar.**

## **2.2 Less: targets needed**

BEUC believes setting clear targets per category will give the industry clear lines of conduct and will help assess progress.

The first area of action should be products which contribute significantly to salt, added sugar and saturated fat intakes. While we acknowledge that sugar and saturates replacement might be more difficult than for salt, we still consider it critical to set clear EU reduction targets and make sure of correct implementation at national level. The EU framework for salt is a good example of an EU initiative (though we believe that the target was not ambitious enough).

<sup>46</sup> *Dietary Reference Intakes for Energy, Carbohydrate, Fiber, Fat, Fatty Acids, Cholesterol, Protein, and Amino Acids (Macronutrients)*, Institute of Medicine Report (IOM), 2005.

<sup>47</sup> *Added sugar: to consume in moderation*, Test-Achats, Test Santé, April/May 2012.

<sup>48</sup> *What's in your bowl? The most popular breakfast cereals compared*, Which?, February 2012.

<sup>49</sup> *Comparatif Céréales pour enfants – Plein feux sur le taux de sucre*, FRC Mieux Choisir, February 2013.

<sup>50</sup> *Zita za zajtrk – vecina bi lahko pristala na polici med sladkarijami*, ZPS, February 2013.

<sup>51</sup> *Morgenmad til børn fyldt med sukker*, Forbrugerradet, January 2013.

<sup>52</sup> *Added sugar: to consume in moderation*, Test-Achats, Test Santé, April/May 2012.

The targets should enable gradual reductions so that consumers do not reject products or add salt or sugar to products to compensate.

**Setting reduction targets for salt-rich products - such as bread - is key to protect consumers' health.**

If we acknowledge that some companies have reduced salt, added sugar and saturated fat levels in food products, in accordance to commitments made through the EU platform, this is patchy across member states as it depends on companies' willingness to reformulate and on how pro-active governments are.

In addition many companies refer to general intentions to reduce unhealthy fat, sugar or calorie in food, but without context this kind of information is meaningless and, at worst, misleading. It makes it very difficult to assess real achievements.

In contrast, reduction targets will help assess progress across the board and see which businesses perform best. In addition BEUC believes more government control is needed as targets set on a voluntary basis are not reached by all operators<sup>53</sup>. Therefore, targets should be determined by national authorities and controls should be performed to check for compliance.

### ***2.3 More: less is not the only answer***

If we need to reduce levels of added sugar, salt and saturated fat in food we also need to help consumers increase their consumption of fruit, vegetables and healthy proteins.

Consequently, reformulation should be seen as a golden opportunity for businesses to develop healthier recipes. In addition food businesses must commit to reformulate their whole range of products and not merely develop a 'low in X' range or reduce some nutrients in the less popular products and develop new products filled with sugar, salt and unhealthy fat.

Replacing fat with sugar or sugar by fat remains commonplace and cannot be considered the right way to reformulate. Food businesses should instead seek to improve the nutritional values of products, by adding fruits and vegetables, heart-friendly oils, lean meats and whole grains to their recipes. There is currently a misplaced abundance of calories in the wrong place and replacing unhealthy nutrients with those who show health benefits should be the way forward. Therefore companies should invest more in terms of money and jobs to improve the quality of the goods they offer.

**Reformulating is not only about cutting sugar, salt and saturated fat but also including more fruits, vegetables, healthy proteins & fat.**

In addition food businesses should not limit their reformulation efforts to a few items in their catalogue. In France, UFC Que-Choisir found that a famous brand selling biscottes developed a 'low in salt' category while the salt level of conventional products increased by 20% between 2007 and 2013.

<sup>53</sup> *What's in your bowl? – The most popular breakfast cereals compared*, Which?, 2012.

Furthermore, it is unacceptable for the industry to claim that they commit to reduce sugar content in food, for instance breakfast cereals, while developing new items filled with added sugar and unhealthy fats then heavily marketed to children.

## **2.4 Portion sizes**

At present food companies can set their own serving sizes on food labels. Yet many portion sizes are unrepresentative of what people actually eat. For instance, the industry defines a portion of breakfast cereals as 30 grams. Yet this is unrealistic as people usually consume around 60 grams.

In the end unrealistic portions can disguise unhealthy levels of nutrients and mislead consumers into thinking that they eat very limited amounts of salt, sugar or saturated fat. Research shows that consumers favour portion size as a factor only when the portion is obvious (e.g. one biscuit, one yoghurt). In addition when foods are sold as a single entity (eg. a ready-meal or a pizza) the FOP nutrition information should refer to the whole product and not half of it. As portion sizes can be different within the same category of products it also makes comparison among brands very difficult and limits possibilities to make an informed choice. BEUC urges the Commission to develop guidance on portion sizes to make sure the information provided to consumers is trustworthy and enables them to make healthful choices.

**40 gr cereals, 1 handful of peanuts, 20cl juice... Package portions are industry-defined. They have to be accurate and obvious.**

In parallel, the food industry committed to reduce portion sizes and provide different ranges of portions. BEUC believes reducing portion sizes in pre-packed food is a worthy strategy for helping consumers reduce their intake of food high in fat, sugar and salt although it should be reminded that unhealthy food should remain a limited and occasional treat. If repackaging food into smaller containers can suggest smaller consumption norms it should not be used as an excuse to stop reformulation efforts.

In addition when a product is sold in a smaller portion, the price should follow the same pattern. Yet on several occasions consumer organisations witnessed portions going down when prices go up. For example, in Italy Altroconsumo found prices increasing by 41%, 50% and even 360% for products sold in smaller sizes<sup>54</sup>. This practice is totally unacceptable. If we are to encourage consumers to eat smaller portions they should not have to pay a higher price.

Portions of food eaten outside the home are increasing and as a consequence so are Europeans' waist lines. While it is well known that people tend to overeat when eating out and indulge in food high in fat, sugar and salt, restaurants and fast food outlets keep developing new items with extra slice of cheese or double the amount of meat and/or bread. Some menus provide almost the total amount of the recommended daily intake for calories. Some fast food restaurants also propose free refill for sugary drinks<sup>55</sup>.

**The healthy choice should be the affordable one, not the other way around.**

<sup>54</sup> *Minidosi, il formato piccolo non conviene*, Altroconsumo, July 2013.

<sup>55</sup> *Política en los restaurants*, OCU, 2013.

If we are to reverse the obesity epidemic, fast food chains and restaurants should review their portion sizes, develop healthier recipes and ban free unlimited refilling of unhealthy products such as sugar sweetened beverages. Price incentives should reflect that trend and healthy options should be the best value ones. As stated previously, menu labelling is one tool that can enable consumers to make healthful decisions when eating out.

## ***2.5 Food standards in public institutions***

Hospitals, nurseries, care homes and public institutions like schools and kindergartens should create an environment where nutritious and healthy food is promoted. Patients need to get the whole benefits of a healthy diet, while children should eat a diet that helps them become healthy adults.

A first step would be to set standards for food sold and served in such places. Specifically, this means menus should include several portions of fruit and vegetables, whole grains instead of refined grains as well as healthy proteins while levels of salt, sugar and saturated fat should be limited.

In addition, the food should always be transferred to a plate or bowl to make portion estimation easier and healthy food should be served first in buffet lines as external cues such as the visual or aromatic prominence of the food can make it appetizing. EU food standards for school canteens should be a high priority. School meals should meet a number of minimum requirements and targets, for instance a certain % of food offered being fruit and vegetables.

In addition, junk food, such as sugary drinks, snacks and sweets should be banned from school canteens. As this is sometimes the only meal kids receive during the school day, it is critical to make it as nourishing and healthy as possible. In addition, setting standards of portions of fruit and vegetables encourages kids to eat a more varied diet and try new food.

Comparable standards have been approved in the US after a federal law was passed proving that basic agreements can be reached among different players as the fifty states have different food traditions and cultures. As such, we encourage the European Commission to provide guidance on harmonised standards in schools to make sure all children across Europe are provided with a healthy lunch. This can inspire countries who have not implemented food standards for schools yet.

Vending machines, which are stocked with calorie-dense low-nutrient food, should be subjected to strict rules at the very least and at best banned – as is the case in Cyprus, Denmark, France, Malta and Slovakia. If they are to remain in schools and hospitals they should contain a high percentage of healthy options, such as fresh fruit, nuts, and snacks made of whole grain, as is currently the case in Austria, the Netherlands, Portugal, the UK and the US<sup>56</sup>. Schools should also install drinking fountains to supply refrigerated water for pupils.

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<sup>56</sup> *Mapping of National School Food Policies across the EU28 plus Norway and Switzerland*. JRC Science and Policy Reports, Joint Research Centre, 2014.



### 3. Marketing to kids

**The World Health Organisation clearly links marketing of foods high in sugar, salt, etc. with childhood obesity.**

Marketing of food high in fat, sugar and/or salt plays a role in the obesity problem we are witnessing and does so by negatively influencing children's food choices.

The WHO itself recognises that marketing to children of products high in fat, salt or sugar (hereafter HFSS food) has largely contributed to the major growth in European child obesity levels (especially among lower socioeconomic groups) and to the development of diet-related, non-communicable diseases<sup>57</sup>.

At the same time, heavy marketing techniques get more and more out of balance with the innate characteristics of children who do not distinguish persuasive intent. It eventually spurs unhealthy behaviours as our expectations of how food should taste are formed very early in life. Robust restrictions on marketing of unhealthy foods to children should be implemented urgently.

The 2007 Audiovisual Media service Directive was a big step forward as it encouraged governments and the Commission to develop codes of conduct regarding inappropriate advertising of food and drinks high in sugar, fat and salt in children's programmes. In addition many food companies committed to reduce marketing of unhealthy food via voluntary pledges. While industry pledges, and particularly the EU pledge, have brought greater protection there are still several loopholes.

Firstly, not all food companies signed up to the EU pledge. Secondly, some bypassed their own rules. For instance in theory companies agreed to remove toys from kids menus, yet this practice is still widespread. More importantly each company can set its own rules, especially when it comes to determining which food can and cannot be advertised to children. BEUC members found that if food companies were to put children's meals together 80% of the plate would be filled with processed food high in sugar, salt and unhealthy fat (fast food and snacks)<sup>58</sup>.<sup>59</sup> By comparison, fruit and vegetables would account for 0.2% of the total plate<sup>60</sup>.

BEUC firmly believes governmental leadership is needed to make sure children grow up in an environment free from intensive junk food marketing. Thus it is necessary to revise the EU pledge by broadening the scope of media covered to include social media and online computer games, changing the age definition of a child from 12 to 16 while also establishing independent criteria for food types submitted to marketing restrictions. In parallel it is of the utmost importance to promote healthy school environments as children's environment should be one that promotes healthy food and healthier eating behaviours.

**To protect children from aggressive marketing, voluntary agreements are good, but stricter rules are better.**

<sup>57</sup> 'The marketing of food and beverage products high in fat, sugar and salt to children is recognized in Europe as an important element in the etiology of child obesity and in the development of diet-related noncommunicable' Marketing of foods high in fat, salt and sugar to children: update 2012-2013, WHO Europe, 2013.

<sup>58</sup> *Snack sotto esame*, Altroconsumo, N°274, October 2013.

<sup>59</sup> *Feu rouge sur les encas*, FRC, September 2013.

<sup>60</sup> *Malbouffe sur plateau télé*, FRC, N°50, July/August 2012.



## **3.1 EU Pledge**

### **3.1.1 Broaden coverage scope**

The EU pledge currently covers TV, online and advertising in schools. A first loophole is that family programmes, which have large adult and children audiences, are not covered. The WHO reported that if children's exposure to advertising for HFFS food during children's programmes dwindled, there has been an overall increase in advertising for such foods during other times of day<sup>61</sup>. This way food companies still reach out to children via advertising or sponsorship of family entertainment shows - mostly broadcasted between 6pm and 10.30pm. Consequently BEUC believes restrictions should apply to TV programmes where a significant proportion of the audience is made up of children, independently of the number of grown-ups who watch TV at the same time.

The link between TV watching and poor diet has been established in the last fifty years. But television is not the only problem as TV watching has now been replaced by 'screen watching' (TV but also computers, tablets, smart phones) and food marketing today encompasses a myriad of new techniques which did not exist a few years ago when the EU pledge was agreed. As such the latter does not cover other forms of digital media such as online and viral marketing, which escape parents control and are less costly to develop. This is particularly relevant knowing that in the EU in 2012 the online advertising sector grew by more than 11.5 percent.

**Reaching children through viral marketing and social media escapes parent control and is cheaper.**

One particular concern is the development of so-called 'advergames' (i.e. branded computer games with products inside or companies branded characters) which are developed on branded youth-targeted entertainment websites. Advergaming is an elaborated marketing tool which creates a personal and interactive connection with children.

Early research shows that it may be more potent than actual advertising because the child drives the story. Social media such as Youtube, Twitter and Facebook, are other creative vehicles for food companies to advertise their products and brand names. In the end the real driver in screen watching is the amount of attention to it as opposed to just being in the background. These less traditional forms of marketing enable food companies to advertise their products almost everywhere young people spend their time and to catch their full attention.

In addition, companies still reach children by using celebrities and cartoon characters, rewards in the form of toys, product placement and sponsorship of sporting events. All these practices are well known to build brand loyalty. Practices which go beyond advertising, but still promote unhealthy products such as putting a can of soda on a table of a celebrity, should also be better controlled.

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<sup>61</sup> *Junk food still marketed to children as companies bypass rules*, The Guardian, 2013.

### 3.1.2 Criteria to define unhealthy food

**Food companies choose whether a food should not be marketed to kids. But public authorities are best placed to do so.**

BEUC welcomes the ambition of the EU pledge signatories to move forward and define common criteria for the types of food which should be subjected to marketing restrictions. Until now every food company sets its own private criteria to determine if a food should not be marketed to children while we believe government leadership should prevail. Indeed public authorities remain the best placed to determine which food should not be marketed to kids. This is also the

conclusion reached by WHO in its Declaration on Nutrition and Noncommunicable Diseases in the context of health 2020 adopted in July 2013<sup>62</sup>. Countries like Norway have already moved forward by implementing nutrient profiles and a list of products that food businesses have to relate to in their marketing practices.

BEUC encourages all member states to draw on governments' experience in this area (e.g. France, the UK and Ireland's nutrient profiles models) to determine transparent and independent criteria that are easy to use and monitor.

### 3.1.3 Better definition of 'children'

We believe marketing restrictions should apply to children up to the age of at least 16, as defined by the UK broadcasting regulator Ofcom. The definition currently favoured by industry to define a child as up to 12 years is inadequate. 16 is a more relevant age and would reduce the impact food marketing has on the eating habits of pre-adolescents, which are known to be the highest consumers of added sugars of all generation groups<sup>63</sup>.

## 3.2 Healthy environments

BEUC believes children should be given every chance to grow up in an environment which helps them become healthy adults. In practice, this means that kids should be protected from junk food marketing in schools while junk food should be removed from supermarkets' check-outs.

The EU pledge agreed on the rule '*no advertisement and no sponsorship*', which we believe is appropriate. When food industry bodies commit to fund education campaigns, branded name and branded products should not be visible. BEUC believes the rule should be correctly applied. It was still recently flagged up that some food companies promote their name during school education programmes, which is unacceptable.

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<sup>62</sup> WHO Declaration of Vienna, 2013, <<http://www.euro.who.int/en/media-centre/events/events/2013/07/vienna-conference-on-nutrition-and-noncommunicable-diseases/documentation/vienna-declaration-on-nutrition-and-noncommunicable-diseases-in-the-context-of-health-2020>>

<sup>63</sup> *Sugar reduction, responding to the challenge*, Public Health England, 2014.

**In 89% of Swiss supermarkets visited, candies, biscuits and the likes were physically accessible to kids.**

Another urging move would be to remove sweets and sugary snacks at check out as most supermarkets check out are filled in junks. Research from the Swiss Consumer Organization FRC found that all supermarkets visited sold unhealthy products such as candies, biscuits and in 89% of cases it was physically accessible to kids<sup>64</sup>. In supermarkets products high in sugar marketed to children such as yoghurts and breakfast cereals, are often placed within reach and sight of children. Obviously most candies, chocolate and biscuits at check-out are specifically marketed to children. Having such products at check-out exacerbates 'pester power' - the ability of children to influence parents decisions and make them buy items they might otherwise not.

Yet we should give parents every chance to feed their children a healthy diet by making sure the retailing environment encourages healthy behaviour. Consequently we call on the European Commission to ensure all retailers commit to promoting products responsibly in-store by removing junk food from checkouts and supermarkets develop responsible products placement policies.

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<sup>64</sup> *Sucrieries aux caisses, une enquête de terrain de la FRC*, FRC, May 2013.

## Conclusion

Helping consumers make healthier choices can only be achieved if we understand how our food environment influences dietary habits. Our surroundings influence what we eat, and in turn what we eat influences our health and determines our risk of gaining too much weight. Yet overweight in itself is a risk factor for the development of most non-communicable diseases such as cardiovascular diseases, diabetes and cancer.

The availability of unhealthy food, which is recognised by the WHO as a risk factor underlying the worldwide epidemic of non-communicable diseases, alongside difficulties to identify and find healthy food are two major issues which need to be addressed. We need a food environment which fosters, supports and promotes healthy eating by assisting consumers in making healthful decisions.

To do so, governmental leadership is needed in three main areas:

- **Improved labelling:**

**Food labels should give shoppers a quick snapshot of the food's key nutrients:** Front-of-pack colour-coded schemes are an essential tool for simple and informed consumer choices as they help consumers compare similar products which can contain unexpected amounts of sugar, salt or saturated fat. This particularly applies to ready-meals, sandwiches and processed foods.

BEUC acknowledges that traffic lights is not the only option to help consumers shift towards a healthy diet, but they are one way to help see at-a-glance if a product contains nutrients known to be consumed in excess and incorporated at high levels in processed foods. The scheme provides factual information about the amount of fat, saturated fat, sugar and salt without any intention of discriminating between specific products.

BEUC believes traffic lights should be endorsed by EU Member States, especially following the European Commission's call to develop signposting on labels to help combat the childhood obesity epidemic.

**Truthful labels to help consumers make healthier choices:**

In the absence of nutrient profiles, health and nutrition claims can appear on unhealthy products while such messages should be restricted to products with a minimum healthy profile. BEUC is also concerned about the implementation of the list of authorised and unauthorised claims and that botanicals are still on hold. BEUC believes botanical claims should not benefit from special treatment and should be assessed by EFSA with the same methodology used for health claims.

**Menu labelling should be mandatory across the EU for restaurants with more than 20 locations:** Consumers have a right to know the calorie content of such food, especially since most of them are energy-dense and low-nutrient food. As most companies already provide this information on the internet this will not be a burdensome move for businesses.

- **Reformulation:**

**Greater reformulation efforts can still be achieved:** Member tests show similar products can contain totally diverging amounts of sugar and salt, meaning more efforts are needed. At the same time, food and drink businesses should reformulate products to incorporate more healthy foods such as fruits, vegetables, lean meat, fish and whole grain.

**EU targets for products which contribute greatly to salt, sugar and saturate intakes are needed:** Clear and ambitious targets should be set across the key categories of foods which contribute most to the diet, taking into account consumer acceptability.

**Realistic portion sizes should be set:** BEUC urges the European Commission to provide guidance on realistic portion sizes in order for consumers to not be misled into thinking they eat low amounts of sugar, salt and fat.

**Reformulating meals served in public institutions such as schools and hospitals should be a top priority:** Standards should be set by national authorities with minimum requirements for fruits, vegetables and other healthy nutrients. Vending machines, often loaded with unhealthy snacks, should eventually be banned from such places or at the very least contain a certain percentage of healthy products. The EU could provide guidance in this area.

- **Stronger restrictions on marketing to children:**

**Broaden the scope of the EU Pledge:** Regarding TV, there has been a shift as product placement has moved from children's programmes to family shows, for which children represent a fair share of the audience. Moreover it is critical to cover new marketing techniques such as social media and branded computer games on websites (i.e. advergames).

**Better definitions:** Strict criteria should apply when it comes to define what can or cannot be advertised. BEUC welcomes the ambition of the food industry to establish common criteria and we believe the latest should be based upon government-approved criteria. The EU Pledge should also better define what age legally constitutes a '*child*'. Marketing restrictions should apply for children aged up to 16 years, not 12.

**School environments should be free from junk food marketing:** The EU rule '*no advertisement and no sponsorship*' should be correctly applied and supermarket check-out aisles should be free from junk food.

END