

Group Briefing

December 2016

Food, Glorious Food and the New Labelling Regulations

All food business operators should be aware of recent important changes to food labelling regulations which apply throughout the EU. This update examines these key developments.

1. NUTRITION LABELLING OF PRE-PACKED FOOD

On 13 December 2016, rules regarding mandatory nutrition labelling of foodstuffs will come into effect throughout the EU. The new rules mean that a mandatory nutrition declaration must be included on the packaging of almost all pre-packed foodstuffs.

These rules are contained in Regulation (EU) No 1169/2011 on the provision of food information to consumers and are in addition to the labelling duties imposed by other sections of this Regulation, which we reported on in 2014 and 2015.

WHAT DO YOU NEED TO DO?

Under the new rules, a mandatory 'nutrition declaration' must be included on the packaging of almost all pre-packed foodstuffs.

The declaration must show the amount of energy (kj/kcal), fat, carbohydrates, sugars, protein and salt per 100g/ml of

the product. The declaration may also include information on the amount of monounsaturates, polyunsaturates, polyols, starch, fibre, and/or any of the vitamins/minerals listed in the Regulation. This list is exhaustive, and the declaration may not contain information on nutrients other than those listed. Information on other nutrients, such as Omega 3s, may be stated separately on the packaging.

HOW MUST THE INFORMATION BE DISPLAYED?

The information must be presented in the same field of vision of the consumer. This means that the information in the declaration must appear on the surface of the product that can be read from a single viewpoint. Where appropriate, the information must appear in a specific order, which is listed in the Regulation.

Where space on the packaging permits, the information must be presented as a table. If this is not possible, the information must be displayed in a linear format.

The information contained in the declaration may be presented in other additional formats on the packaging (for example, graphical

representation), provided that certain conditions are fulfilled.

WHAT HAPPENS IF YOU DON'T COMPLY?

Non-compliance with the new rules is an offence, and possible penalties include fines and/or imprisonment of up to €500,000/3 years or both.

2. 'GLUTEN-FREE' AND 'VERY LOW GLUTEN' FOOD

On 20 July 2016, new EU rules regarding the provision of information to consumers on the absence or reduced presence of gluten in food came into effect in Ireland.

WHAT DO YOU NEED TO DO?

Under the new rules, food can only be described as 'gluten-free' where the food, as sold to the final consumer, contains no more than 20 mg/kg of gluten. The term 'very low gluten' can be used for food specifically processed to reduce gluten, and which contains no more than 100 mg/kg of gluten. These phrases may be accompanied by descriptions such as "suitable for people intolerant to gluten" or "suitable for coeliacs".

The above rules apply to pre-packed and non-pre-packed foods, such as that sold in restaurants. The new EU requirements also clarify how food business operators can inform gluten-intolerant consumers of the difference between foods that are naturally free of gluten and products that are specially formulated for them. The phrases “specifically formulated for coeliacs” or “specifically formulated for people intolerant to gluten” can only be used if the food is specifically produced, prepared or processed to reduce its gluten content or to substitute the gluten-containing ingredients with other ingredients naturally free from gluten.

WHAT HAPPENS IF YOU DON'T COMPLY?

It is an offence for food business operators not to comply with the new rules. Potential penalties include, on summary conviction, fines of up to €5,000 or imprisonment of up to 6 months or, on indictment, a fine of up to €500,000 and/or a prison sentence of up to three years. In addition, a convicted individual or company will also bear the costs incurred by the Irish competent authority, the Food Safety Authority of Ireland (FSAI), in investigating, detecting and prosecuting the offence.

3. FOODS FOR SPECIAL GROUPS

On 20 July 2016, Regulation 609/2013 concerning foods intended for special groups came into effect. This regulation revises the previous rules on marketing of foodstuffs intended for infants and young children, foods for special medical purposes, and foods intended as a total meal replacement for weight control. The new rules should simplify the regulatory approach to these foods.

KEY CONTACTS

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