

Report of the Food Labelling Group

December 2002

Department of Agriculture and Food

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Contents

Foreword		5
Executive Summary		6
Chapter 1		
1.1	Background	10
1.2	Consumer Research	11
1.3	Submissions	12
1.4	Food Safety & Trade	12
Chapter 2	Legislative Framework	
2.1	Labelling Regulations in Force	13
2.2	New Labelling Regulations in the Pipeline	19
2.3	Policy, Enforcement and Compliance	21
Chapter 3	Issues Considered by the Group	
3.1	General Labelling Rules	26
3.2	Labelling Authorities	28
3.3	Consumer Education and Awareness	29
3.4	Origin	30
Chapter 4	Recommendations	
4.1	General Labelling Rules	33
4.2	Policy and Enforcement	33
4.3	Consumer Education and Awareness	34
4.4	Origin	34
Annexes:		
1.	Members of the Food Labelling Group	35
2.	Terms of Reference	36
3.	Submissions	37
4.	Production, Consumption and Trade Statistics	38
5.	Position of Irish Meat Association	39

Foreword

In July 2002, the Minister for Agriculture and Food established an expert group under the chairmanship of Mr Ned Sullivan to examine issues surrounding food labelling in the context of consumer expectations about the food they buy and to come forward with recommendations by the end of the year. The members of the Food Labelling Group are given in Annex 1.

In the wake of a number of food scares which have undermined consumer confidence over the past decade every effort has been made by the authorities at national and EU level to ensure the integrity of the food supply and the health and safety of consumers. On top of these developments in food safety effective labelling information enables consumers to exercise their rights in making choices about the food they buy.

Events this summer concerning certain imported meat products called into question the effectiveness of the legislation and its enforcement. The Minister for Agriculture and Food was determined to safeguard consumers against similar type of occurrences in the future. Feedback from the Department's Consumer Liaison Panel, which was set up by the Minister for Agriculture and Food earlier this year, conveyed the level of concern of consumers at such activity. While this was the event which precipitated the need for prompt action, there have been ongoing concerns amongst consumers about the lack of information about the food they purchase in retail outlets, restaurants, and other catering establishments. Issues relating to ingredients, allergens and the origin of the food are examples.

Difficulties in understanding the information on a label and the way it is presented are also matters of concern. The former brings into focus our education policy on such an important life issue while the latter underlines the responsibilities of industry in its broadest sense. Government has also a responsibility in ensuring that the most efficient and effective policy and control arrangements are in place. The current administrative and enforcement systems have evolved over many years and it is now opportune to examine if these arrangements are in the best interests of food consumers and the industry at large.

It must be emphasised that labelling has important economic and trade implications. The additional costs incurred by labelling changes must be borne by one or more sectors in the food chain, including consumers, through higher food prices, while in the case of the food trade, existing import and export flows may also be affected.

The terms of reference for the Labelling Group which take on board these and many other issues are set out in Annex 2.

Executive Summary

1. Establishment of the Food labelling Group

The Minister for Agriculture and Food established an expert group in July 2002 to examine issues regarding food labelling and to come forward with recommendations by the end of the year. Effective labelling provides consumer with the information to make an informed choice. Events surrounding certain imported food products called into question the effectiveness of the current labelling legislation and its enforcement in protecting consumers and there have also been ongoing concerns amongst consumers about food labelling in general.

The Group held its inaugural meeting on 29 August. The Group examined research carried out by various bodies in relation to consumer requirements regarding food labelling. Specific research conducted by the Food Safety Authority on behalf of the Food Safety Consultative Council found that food safety ranked fourth as a consumer concern after drug abuse, the health service, and the environment. All surveys outlined the importance of food labelling to the consumer with issues such as ingredients in the food and its origin rating highly. The group also sought submissions from the general public. Concerns about allergens and the need for their effective labelling represented the majority of the submissions received.

2. The Regulatory Framework (Chapter 2)

The Group examined the regulatory framework in place in Ireland in relation to food labelling. This examination covered the current legislation governing food labelling and new legislation in the pipeline, the regulatory authorities responsible for its enforcement and the degree of compliance observed. There is a large bank of EU and national regulations in place with four Government Departments (Enterprise, Trade and Employment; Agriculture and Food; Health and Children, Communications, Marine and Natural Resources) and one state agency (the Food Safety Authority) responsible for the policy and/or enforcement of these regulations. The Group also examined the legislative process in the EU and at national level and how a number of other countries organise their regulatory agencies.

3. Discussion of the Issues (Chapter 3)

3.1 *Foods Sold Loose*

The Group considered that the requirement of only giving its name on a food sold loose was unsatisfactory and believed that more detailed information should be provided as for pre-packaged food such as date of minimum durability and any potential allergenic substances present. The Group also agreed that in regard to processed meats sold loose, such as processed chicken, or any foodstuff containing meat, the consumer had a right to have information on the total meat content broken down by the species. The current EU regulations give member states the option of providing this information.

3.2 Allergens

Regarding the labelling of allergenic substances the Group were of the view that the statement 'may contain' on the label was inadequate. The Group welcomed the EU proposal on the labelling of allergens which will require a positive statement to the effect that the product contains a particular ingredient that can cause an allergy. Given the potentially serious consequences of allergenic ingredients, greater awareness of these should be promoted especially at the foodservice sector and the establishment of good operating practices should be promoted. The group recognised the difficulties experienced by consumers in identifying allergens in food at restaurant and catering level.

3.3 Presentation of Labels

The presentation and clarity of labels was considered an important issue by the group. Many labels lacked clarity and were difficult to read contrary to that set down in the EU labelling Directive. The group considered that the most effective and practical way to implement this provision in the Directive was for the food industry to adopt a voluntary code of practice governing the presentation of food products. As primary responsibility rests with the industry the group agreed that the adoption of this code should be an industry led initiative.

3.4 Regulatory Authorities

The Group were of the view that the current labelling enforcement arrangements lacked focus and there was also a lack of coherent analysis on the level of compliance. The fragmented enforcement arrangements in place were not conducive to efficiency and the consensus of the Group was that the consumer would be best served by having dedicated bodies dealing with all labelling enforcement in line with international trends. Equally, the Group considered that the regulatory arrangements were not conducive to the development of a cohesive national policy on labelling and diluted the input of consumers and their impact in this area. The need for a one-stop-shop to deal with consumer complaints was considered essential.

3.5 Consumer Education

Consumer education was identified by the Group as an important element of the labelling process. Enquiries from the general public reflect a lack of communication and understanding about labelling and labelling requirements. The Group stressed the importance of providing information to consumers in a clear and concise format and this would in turn increase consumer confidence in the food being offered. The terminology in food labelling could be quite technical and in the long term this could only be addressed by a national policy on consumer education. This policy should commence at school. The group considered that the food industry itself had a major responsibility to its consumers in explaining what was on a food label.

3.6 Origin

There was full agreement within the Group that consumers had a right to information on the *origin* of the meat they cook in their homes or eat out. The differences within the Group on the issue rested with how *origin* should be defined. The trade representatives, by and large, wanted *origin* defined as *EU/Non-EU* while the consumer representatives wanted it defined as the country. Arising from these differences and the general view that not enough specific research had been done to enable the group to draw firm conclusions on consumers' wishes on this issue it was agreed that further research should be carried out.

There was also full agreement that consumers should not be misled about the true origin of a food. Cutting and repackaging imported rashers, for example, or adding spices to an imported frozen chicken fillet should not confer Irish origin on those products. On the other hand imported products which underwent a substantial transformation in Ireland should be entitled to be labelled as of Irish origin. The problem rested with the definition of 'substantial transformation'.

4. Recommendations (Chapter 4)

The Group made 21 recommendations:

1. Consumers purchasing foods sold loose should be provided with information on use by date, name and ingredients liable to cause allergies. In addition, where processed meat products or foods which contain meat are sold loose, the consumer should receive information on the total meat content broken down by species. This latter provision should also apply to the food service sector.
2. Unprocessed poultry meat sold loose should contain information on the poultry class, the price per weight unit, fresh or frozen, recommended storage temperature, registered number of slaughterhouse and country of origin if imported from a third country.
3. The full list of ingredients liable to cause allergies or intolerances should be provided on pre-packaged food labels and in the food service sector.
4. Misleading or ambiguous nutritional claims, health claims, functional claims, etc, should be prohibited.
5. A voluntary code of practice should be adopted by the food and drinks industry to ensure that all labels are clear and easy to read.
6. The co-ordination and development of policy on food labelling should as far as possible be centralised. A mechanism should be devised to facilitate full consultation between the authorities and all stakeholders in the adoption and implementation of any new legislation in this area.
7. The FSAI should have overall responsibility for the enforcement of the general and related specific labelling legislation.
8. The FSAI should promote a culture of compliance with regard to food labelling legislation in all sectors.
9. Adequate resources should be provided to ensure that legislative requirements are fully implemented.
10. All enforcement officers should be adequately trained in labelling.
11. The FSAI should be a 'one-stop-shop' for dealing with consumer enquiries and complaints.
12. Reports on the enforcement of the food labelling regulations should be published regularly by the FSAI.
13. The transposition of EU legislation into national law should be done as soon as possible after the adoption and publication of such EU legislation.
14. The Department of Education and Science should incorporate a module on food safety/ labelling/consumer issues into the primary and secondary school curricula.
15. Ongoing research into food labelling should be carried out to establish a scientific base for consumers concerns in this area.

EXECUTIVE SUMMARY

16. **safefood**, the Food Safety Promotion Board, should initiate a public awareness campaign about food labelling.
17. The food and drinks industry should play a leading role in educating the consumer about labels.
18. Information on the *origin* of sheepmeat, pigmeat and poultrymeat sold in retail outlets should be declared.
19. Information on the *origin* of the primary meat protein source sold in the food service sector should be provided.
20. Consumer research should be carried out to establish how origin should be defined i.e. by '*country*' or by '*EU/non-EU*', for all meats other than beef sold in retail outlets and for all meats served in the foodservice sector when they are the prime protein source of the meal. Consumer research should be carried out to establish the usefulness/effectiveness of the Beef Labelling Regulations from a consumer perspective.
21. Only where an imported food product undergoes *substantial transformation* in the importing country can the name of the importing country be given as the country of origin on the label or at the point of sale/ consumption. The definition of '*substantial transformation*' needs to be defined within the EU.

Chapter 1

1.1 Background

Food labelling is the key source of information by which the consumer can determine which food to buy by reference to value for money, composition, nutritional content, and in some cases the method by which the foodstuff was produced/processed. It also allows consumers who wish to avoid certain foods, whether for health, ethical or environmental reasons, to make an informed choice. Food Labelling must therefore serve its primary purpose of informing the consumer.

Consumer Protection has been enshrined in the EU under the Treaty of Amsterdam which requires the EU to 'contribute to protecting the health, safety and economic interests of consumers as well as promoting their rights to information, education and to organise themselves in order to safeguard their interests' (Article 153). This is the principle underlying food labelling whereby consumers are provided with accurate and meaningful information, which allows them to make informed choices about the food they buy. Labelling is a key element in building consumer confidence in a food. Unfortunately, consumer confidence in some foods products has been dented by the various food alerts and crises over recent years.

The Beef Labelling Regulations and their role in traceability, introduced in the wake of the 1996 BSE crisis, have done much to restore confidence in beef. The establishment of *Quality Assurance Schemes* which foster best practice in the production and processing of food have done much to meet consumers expectations. The European Commission's White Paper on Food Safety published in January 2000 set out a radical legislative action programme for EU food production covering all links of the food chain from 'farm to fork'. At the core of all these programmes is a traceability system which provides for transparency and assurance. This fundamental principle has been reinforced in the General Principles on Food Law (EU Regulation 178/2002) where all food and its ingredients must be traceable with effect from 1 January 2005. While traceability and labelling have different objectives they complement one another particularly if the information on the label provides for the identity and history of the product to be traced. There is already a considerable bank of EU labelling legislation in place and there are many more proposals being considered which will provide further protection to the consumer. However, there are a range of issues which need to be addressed.

The Consumer Liaison Panel – a panel established by the Minister earlier this year to strengthen the Department's communication with consumers – has highlighted many of these issues. The concern of consumers about the mislabelling of certain meat products on sale within the EU was reiterated by the Panel as was the perception of a fragmented enforcement system. Allied to this, the Minister was aware from his own observations and from research carried out by the Food Safety Authority of Ireland (FSAI) that one of the chief concerns of consumers is safe food and that one means of allaying concerns about food safety is through accurate and informative labelling.

1.2 Consumer Research

Specific research conducted by the FSAI¹ on consumer attitudes found that food safety ranked fourth as a consumer concern after drugs and drug abuse, the health service, and the environment. Food safety was of greater concern than racism and crime within their area.

Food Safety in Context : Consumers rating of various issues		
Base: Adults Aged 15+		
1.	Drugs and Drug abuse:	80 %
2.	The health service:	77 %
3.	The environment:	64 %
4.	The safety of the food you buy and eat:	53 %
5.	Racism:	48 %
6.	Crime in your area:	44 %

Source: FSAI

In relation to food labelling issues the survey found that 84% attached importance to the labelling of the food they buy in supermarkets with price, the freshness of the product and the place of production being the most important issues. The manufacturers name, information on additives, fat content, preservatives and calories also rated highly. Three in ten adults complained that there was not enough information on food labels while 41% of adults felt that the information on the labels was confusing.

Food Safety in Context : opinions of labels on food			
Base: Adults Aged 15+			
Quality of information		Clarity of information	
The right amount	50%	Quite clear	42%
Too little	29%	Quite confusing	33%
Much too little	2%	Very confusing	8%
Much too much	4%	Neither clear nor confusing	6%
A little too much	7%	Very clear	9%
Don't know	7%	Don't know	4%

Source: FSAI

A recent survey conducted by Agri-Aware² provided further indications that consumers wanted more information on the label with origin an important issue. According to the survey some 64% of consumers actually check the origin of a food when making a purchase in a retail store but only 13% sought this information when eating out. A **safe food** survey³ established that about a quarter of all meals are now eaten out with this trend continuing to increase.

¹ FSAI – Food Safety Consumer and Industry Research – July 2002

² Agri aware – The Price, Country of origin, and Traceability of Food – The Irish Consumer's Perspective

³ North-South Ireland Food Consumption Survey – Food Safety Promotion Board 2000

Surveys carried out in other countries also indicate a deficit of information on food labels, particularly relating to ingredients and presentation. With regard to presentation of labels a report⁴ by the Food Standards Agency (FSA) in the UK identified three areas which needed to be addressed: *'finding information, reading it and understanding how to use it'*. In relation to ingredients, the FSA report referred to the proposed EU legislation on allergen contents and suggested that these should always be included on ingredient lists.

1.3 Submissions

The Group sought submissions from the general public to assist it in its consideration of the main issues. Annex 3 contains a list of the people or organisations who made submissions.

Among the issues of most concern was the declaration of allergens, clarity and design of labels, origin, nutritional and health claims. Issues relating to GMO's and the labelling of organic foods were also raised.

With regard to the submissions on allergens there was serious concern expressed about the lack of information on these potentially fatal food substances. The following recommendations were submitted:

- ▲ An obligation to label the most common allergens
- ▲ The use of 'may contain' to be discontinued
- ▲ The identification of ingredients on request in catering establishments
- ▲ The use of generic food terms such as 'vegetable oil' to be banned.
- ▲ The terms 'gluten free', 'wheat free' or 'dairy free' to be declared on labels.

The Labelling Group also sought the views of the representative bodies of the catering sector about the labelling of origin in the foodservice sector. The catering sector could provide information on origin for the main items on the menu, but considered it impracticable, because of the multiplicity of ingredients used, to list origin in respect of each one.

1.4 Food Safety and Trade

Labelling has also a cost factor which must be borne by the consumer or by one or more of the sectors in the food chain. It also has trade implications as shown by the beef labelling regulations which, among other reasons, have contributed to changes in the exports and imports of beef within the EU. Irish consumers display a strong preference for Irish product but these nationalistic tendencies are also mirrored throughout the EU. At global level, the Codex Alimentarius Commission – a multilateral intergovernmental body comprising 165 member countries- draws up food safety standards and attempts to ensure fair practices in the food trade. Under the World Trade Organisation there is the sovereign right of any government to provide the level of health protection it deems appropriate, but to ensure that these rights are not misused for protectionist purposes and do not result in unnecessary barriers to international trade.

⁴ FSA Clear Labelling Task Force 2001 (www.food.gov.uk)

Chapter 2

Legislative Framework

2.1 Labelling Regulations in Force⁵

2.1.1 General Labelling Regulations

The labelling Regulations covering all food sold in Ireland require that the information be given clearly, accurately and in a language understood by the consumer. Current community legislation on the labelling of foodstuffs includes general provisions on the labelling of pre-packaged foodstuffs to be delivered to the consumer and the catering industry as laid down in Council Directive 2000/13/EC of 20 March 2000. This Directive as implemented in Ireland by the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002 (S.I. No.483 of 2002), requires certain specific information to be provided on the labelling of pre-packaged foodstuffs including

- ▲ the legal or customary name of the product (accompanied where necessary by any treatment undergone e.g. smoked, irradiation) ,
- ▲ the list of ingredients (in descending order of weight at time of manufacture)
- ▲ the name or business name and address of the manufacturer, packer or seller of the product established within the EU,
- ▲ the net quantity (in metric or by number),
- ▲ the date of minimum durability/use by date and any special instructions for storage or conditions for use.
- ▲ Origin marking is required in cases where failure to provide such information would be likely to mislead a consumer to a material degree.
- ▲ Alcoholic strength (for beverages with more than 1.2% by volume)
- ▲ Instructions for use when it would be impossible to make appropriate use of the foodstuff in the absence of such instructions
- ▲ The quantity of certain ingredients or categories of ingredients where the ingredient or category of ingredients appears in the name (e.g. strawberry yoghurt) or where special emphasis is given to an ingredient or a category of ingredients in the marketing of a foodstuff (e.g. made with butter)

Sale of loose/over the counter food (when it is packaged on the premises from which it is to be sold) is also governed by the General Labelling Directive (2000/13/EC) but only to the extent that the name of the product must be stated.

The Department of Enterprise, Trade and Employment is the responsible authority for the General Labelling Regulations.

⁵ For further information, see report 'The Labelling of Food in Ireland 2002' published by the Food Safety Authority of Ireland. (www.fsai.ie)

2.1.2 Specific Labelling Regulations

In addition to the rules on general labelling specific labelling rules also apply to the following foodstuffs:

- ▲ minced meat and meat preparations
- ▲ meat products and other products of animal origin
- ▲ Spreadable fats,
- ▲ milk and milk products,
- ▲ Spirit drinks and Wines
- ▲ Olive oil,
- ▲ Natural mineral waters
- ▲ Fishery and aquaculture products
- ▲ Coffee and chicory extracts,
- ▲ Quick frozen foods
- ▲ Foodstuffs intended for particular nutritional uses,
- ▲ Processed cereal based foods and baby foods for infants and young children
- ▲ Infant formulae and follow-on formulae
- ▲ Foods intended for use in energy- restricted diets for weight reduction,
- ▲ dietary foods for special medical purposes
- ▲ foodstuffs treated with ionising irradiation
- ▲ *dehydrated preserved milk
- ▲ *Jams, jellies and marmalades
- ▲ *Cocoa and chocolate products,
- ▲ *Fruit juices,
- ▲ *Honey,
- ▲ *Sugars,

* *these new specific Labelling Directives which will incorporate the rules of the General Labelling Directive (2000/13/EC) will come into effect during 2003.*

The requirements in the labelling regulations governing the above relate to compositional standard, specificity of the product, health marks and other claims. The Department of Agriculture and Food is the responsible authority for these regulations except for *natural mineral waters, foodstuffs intended for particular nutritional uses, processed cereal based foods and baby foods for infants and young children, Infant formulae and follow-on formulae, Foods intended for use in energy- restricted diets for weight reduction, dietary foods for special medical purposes, foodstuffs treated with ionising irradiation* (Department of Health and Children), *fishery and aquaculture products* (Department of the Marine) and *quick frozen foods* which is shared between three Departments (Agriculture and Food, Enterprise and Employment and Health and Children).

2.1.3 Beef Labelling Regulations

The Beef Labelling Regulations apply to fresh chilled and frozen beef sold as beef or mince. If the beef is part of a ready meal or other processed product then it does not have to carry the information described. If the product is sold at a butchers shop and packed on purchase, then the information must be displayed in a written or visible format at the point of sale.

It is mandatory that fresh, chilled and frozen beef sold as cuts or as mince has the following information:

- ▲ A batch number or code, which ensures that the beef can be traced back to the animal or group of animals from which it originated.
- ▲ Details of the slaughterhouse (approval number and country in which it is located).
- ▲ Details of the cutting plant where the beef was processed (approval number and country in which it is located)

and

- ▲ The country of birth of the animal
- ▲ The country or countries where the animal was reared
- ▲ The country where slaughter took place

If the three items above are the same, the label may state simply: Origin: e.g. Ireland

The Department of Agriculture and Food is the responsible authority for the Beef Labelling Regulations.

2.1.4 Labelling Regulations for Eggs

Egg packs (whether large or small) must declare the following information on the outside of the pack in clearly visible and legible type:

- ▲ The name, address and distinguishing number of the packer;
- ▲ The quality and weight grading of the eggs as appropriate. i.e. Grade A, B or C;
- ▲ Grade A eggs must also indicate the size, XL (extra large), L (Large), M (medium) or S (small) and must show the best-before date;
- ▲ Advice to consumers on storage instructions and
- ▲ The number of eggs in the pack.

As from 1 January 2004, there will only be two classes of egg (Class A - fresh eggs – and Class B - intended for food industry use). Class A eggs will have to show the producers designated code and an indication of farming method e.g. free range.

The Department of Agriculture and Food is the responsible authority for the egg marketing regulations.

2.1.5 Labelling Regulations for Poultry Meat

The labelling of unprocessed poultry is governed by Directive 2000/13/EC (the horizontal labelling directive applicable to all foodstuffs) and by Council Regulation 1906/90/EC on the marketing standards for poultrymeat. The latter Regulation has been transposed into national law by the European Communities (Marketing Standards for Poultrymeat) Regulations 2002. Regulation 1906/90/EC deals only with fresh and frozen poultrymeat that has not been treated in any way or had any ingredients added to it.

Prepackaged unprocessed poultry (Labelling information required by Regulation 1906/90/EC)

In addition to the general labelling requirements under Council Directive 2000/13/EC (see paragraph 2.1.1), packaged unprocessed poultry must indicate the following information on the label:

- ▲ class
- ▲ total price and price per weight unit
- ▲ condition (fresh or frozen) and recommended storage temperature

- ▲ registered number of slaughterhouse or cutting plant
- ▲ the country of origin if imported from a third country.

Non-prepackaged unprocessed poultry

The labelling of non-prepackaged unprocessed poultrymeat is subject to Article 14 of Directive 2000/13/EC and Regulation 1906/90/EC. Article 14 empowers Member States to adopt rules on the manner in which information particulars may be shown in the case of non prepackaged food (see 3.2.1 **Foods sold loose**) and it allows governments 'not to require the provision of all or some of these particulars provided that the purchaser still receives sufficient information'. Council Regulation 1906/90/EC extends the application of the aforementioned Article 14 to the following information particulars:

- ▲ the poultry class,
- ▲ price per weight unit,
- ▲ condition (fresh or frozen),
- ▲ recommended storage temperature,
- ▲ registered number of slaughterhouse
- ▲ country of origin if imported from a third country.

It is, therefore, up to each Member State to decide what it wants in regard to all aspects of labelling of non-prepackaged unprocessed poultry, subject to the proviso that the consumer receives sufficient information. These labelling provisions have not been applied in Ireland.

Prepackaged processed poultry

The labelling of processed poultry (i.e. poultry meat that has had ingredients added to it or been cooked or treated in any way) is governed by Directive 2000/13/EC and the information required on the labelling of such products is that set out at paragraph 2.1.1 of this report.

Non-prepackaged processed poultry

Processed poultry sold loose is governed by Article 14 of Directive 2000/13/EC which, as stated above, permits Member States to decide what labelling information need be shown and how it should be displayed subject to the proviso that the consumer still receives sufficient information. The only requirement for foods sold loose specified in Ireland is that the name of the product must be given. (see 3.2.1 **Foods sold loose**)

The labelling regulations governing poultry come under the Department of Enterprise Trade and Employment (Directive 2000/13/EC) and the Department of Agriculture and Food (1906/90/EC)

2.1.6 Labelling of Fruit, Vegetables and Potatoes

Fresh Fruit and Vegetables

Most of the fresh fruit and vegetables marketed in Ireland are subject to EU quality/marketing standards. The standards are intended to ensure that produce offered to the consumer is of acceptable quality and is accurately labelled. The standards only apply to fresh produce.

The following labelling requirements apply:

- (i) **Identification** - the name and address of packer and or dispatcher or officially issued or accepted code mark. However, in the case where a code mark is used the reference 'packer and or dispatcher' has to be indicated in close connection with the code mark.
- (ii) **Nature of produce** indication of type (variety must be indicated in some cases) where the contents of the package are not visible
- (iii) **Origin of produce** - Country of origin and, optionally, district where grown or national, regional or local place name
- (iv) **Commercial specifications** – class, size (if applicable), weight or number of units
- (v) **Official control mark** -(Optional)

Potatoes

Pre-packed ware potatoes sold for human consumption are governed by the labelling requirements of the General Labelling Directive (2000/13/EC) and must additionally show the size range of the potatoes and the variety and a packer/grower number to facilitate trace-back in the event of a plant disease occurring. However, the requirements to show variety or size range and grower/ packer number do not apply to new potatoes.

The labelling legislation applying to fruit, vegetables and potatoes comes under the Department of Agriculture and Food.

2.1.7 Organic Foods

The EU legislation governing organic production includes requirements on labelling of products at the point of sale. Organic products must be fully traceable. A product can only be described as organic if it is produced according to specific minimum standards and which are independently verified by an approved accredited body. An organic product produced according to the EU regulations should bear the indication 'organic' on the labelling, advertising material or commercial documents. Packaged organic food, which must remain closed from the point of packaging to the point of retail sale, must indicate the name and/or code number of the organic certification body. The Community logo may be provided in addition on the label. The provision of the EU organic logo is voluntary but where it is given the technical production rules must be adhered to such as colours, size, background, etc. The provisions of the General Labelling Directive (2000/13/EC) also apply to packaged organic food.

Organic products imported from outside the EU must be produced in conformity to EU standards. The following countries are recognised by the European Commission as having equivalent organic production and inspection rules: Argentina, Australia, Hungary, Israel, Switzerland and the Czech Republic. For 'organic' imports from other third countries, the Department of Agriculture and Food must be satisfied that these products have attained equivalent EU production standards.

The Department of Agriculture and Food is the responsible authority for the labelling legislation governing organic foods.

2.1.8 Novel Foods and GMO's

Novel foods are food and food ingredients that have not been used for human consumption to a significant degree within the Community before May 1997.

Foods that contain 1% or more of measurable DNA or proteins created as a result of genetic modification must be labelled. Ingredients that are obtained from GM crops, but which do not contain novel DNA or

protein do not need to be labelled. As a result, highly refined products such as oils, sugars and starches from genetically modified corn, soya and canola are considered non-GM by EU Standards.

When initially introduced in 1998, EC labelling regulations excluded minor ingredients such as food additives, flavourings and processing aids. Amendments introduced in 2000 require labelling for additives and flavourings in cases where such ingredients are not equivalent with traditional products (i.e., contain novel proteins or DNA as a result of genetic modification).

Exemptions:- Foods obtained from GM crops, but which do not contain novel DNA or proteins (oils, sugars, starches etc. from GM soy, corn, canola)-, unintended presence of GM material up to 1%.

The Regulations governing Novel Foods and foods containing GMO's come under the Department of Health and Children

2.1.9 Fishery Products

Commission Regulation (EC) 2065/2001 which gives effect to Council Regulation (EC) 104/2000 lays down detailed rules on the information which must be provided to consumers about fishery products. There is a minimum amount of information which must be provided on the label for fishery products sold at retail level. In addition, for the purposes of traceability this information must be included on commercial documents for the fishery products throughout the marketing chain, such as during processing, at wholesale level and for use by mass caterers.

In general, for *fresh, frozen and preserved* fish and crustaceans sold at retail level, whether prepackaged or loose over the counter, the following labelling provisions apply:

- ▲ The commercial names of the fish or fish products
- ▲ The production method, whether farmed or caught at sea or in freshwater
- ▲ The catch area or origin

These provisions do not apply to fishery products sold in the foodservice sector but there must be a full traceability system in place right back through the chain.

Catch area or origin

For products caught at sea, the name of the area where they were caught must be indicated e.g North West Atlantic. Products caught in fresh water must give the country of origin while farmed products must give the country of origin in which the product undergoes the final development stage. Where the product is farmed in one or more countries, the Member State in the EU where the final product is sold can decide which country of origin should be indicated.

The Department of Communications, Marine and Natural Resources is the responsible authority for the labelling regulations for fishery and aquaculture products

2.1.10 Other labelling Regulations

Specific provisions are also made for the composition and labelling of **additives, colours, sweeteners and flavourings** used in foodstuffs and for the declaration of nutrients.

These regulations are the responsibility of the Department of Health and Children and are enforced by the Health Boards under service contract to the FSAI

2.2 New Labelling Regulations in the Pipeline

2.2.1 Definition of meat when used as an ingredient.

Under the General Labelling Directive (2000/13/EC, as amended), only the skeletal muscles of mammalian and bird species recognised as fit for human consumption may be described as meat (or the generic name of the species concerned e.g. beef, chicken, etc.) when used as an ingredient in another foodstuff (mechanically recovered meat cannot be described as meat). This 'new' definition applies exclusively to the labelling of products which contain meat as an ingredient. This new definition of meat applies from 1 July 2003.

2.2.2 High Energy Drinks

Under the General Labelling Directive (2000/13/EC, as amended) products containing caffeine in a proportion in excess of 150mg/l, must declare 'High Caffeine content' with an indication of the caffeine content expressed in mg/100ml on the label and in the same field of vision as the name under which the product is sold. This requirement will apply from 1 July 2004.

2.2.3 Food supplements

Under Council Directive EC 2002/46, only certain vitamin and mineral sources may be used in the manufacture of food supplements. The labelling requirements are that these products may be described only as *food supplements* and the labelling, presentation and advertising thereof, must not attribute the property of preventing, treating or curing a human disease or refer to such properties. Trade in products which do not comply with the Directive will be prohibited from 1 August 2005 at the latest.

In addition to the labelling requirements of the General Labelling Directive (2000/13/EC) the following particulars must also be present on the label from the 1 August 2003 at the latest:

- ▲ the names of the categories of nutrients or substances that characterise the product or an indication of the nature of those nutrients or substances;
- ▲ the portion of the product recommended for daily consumption;
- ▲ a warning not to exceed the stated recommended daily dose;
- ▲ a statement to the effect that food supplements should not be used as a substitute for a varied diet;
- ▲ a statement to the effect that the product should be stored out of the reach of young children.

2.2.4 Ingredients

Under the current general labelling Directive (Directive 2000/13/EC), there is a rule referred to the '25% rule' where a compound ingredient which constitutes less than 25% of the finished product does not have to be declared in the list of ingredients. A compound ingredient is made up of other ingredients e.g. jam in a biscuit (Additives are not included).

The EU Commission has proposed an amendment to the Directive which will abolish this '25% rule' and make it compulsory for all ingredients of a compound ingredient in excess of 2% of the finished product to be labelled. Certain exceptions will continue to apply.

2.2.5 Allergens

There is no requirement currently to declare the presence of an ingredient that may cause an allergenic reaction in consumers. An EU proposal to amend Directive 2000/13/EC which is at an advanced stage in the Council and European Parliament will provide for the declaration on the label of pre-packaged food products ingredients, which are likely to cause allergies or intolerances in susceptible consumers. The list of foods (including the products derived from them) which are required to be listed under the new regulation are outlined below:

- ▲ Cereals
- ▲ Crustaceans
- ▲ Eggs
- ▲ Fish
- ▲ Peanuts
- ▲ Soybeans
- ▲ Milk
- ▲ Nuts
- ▲ Celery
- ▲ Mustard
- ▲ Sesame seeds
- ▲ Sulphur dioxide and sulphites greater than 10mg/kg or 10 mg

It is intended that foodstuffs which are marketed under a name that would not in the normal way indicate the presence of any of these substances must include an indication “contains” followed by the ingredient concerned.

2.2.6 Health claims on labels

Many labels make claims about the food they are describing. Some of these claims are regulated by law but some are not. A new Regulation of the European Parliament and of the Council proposes to regulate Nutritional, Functional and Health Claims made on foods. It is envisaged that this Regulation will establish general principles for all claims relating to nutrition, function and health and will also establish scientific parameters under which for example the claim of ‘fat-free’ can be made.

In particular, the use of nutritional, functional and health claims in the labelling presentation and advertising of foods shall only be permitted if the scientifically established beneficial effects as expressed in the claim can be expected to be understood by the average consumer.

2.2.7 Genetically Modified Organisms (GMO's)

In July 2001 the EU Commission introduced two legislative proposals on genetically modified organisms (GMO's). The purpose of the proposals is to introduce strict new rules on the labelling of food products and feed containing genetically modified organisms.

These proposals aim to establish a harmonised community system to trace GMOs, introduce the labelling of GM feed, reinforce the current labelling rules on GM food and establish a streamlined authorisation procedure for GMOs in food and feed and their deliberate release into the environment. Under the proposals, all GM food and feed products will have to be labelled and to be traceable irrespective of whether they contain GMO DNA or protein in the final product. For products produced from GMOs and placed on the market, operators will also be required to have the product labels state either the words ‘This product is produced from GMOs’ or ‘This product contains (ingredient) produced from GMOs’.

2.3 Policy, Enforcement and Compliance

2.3.1 Policy and Enforcement

Four Government Departments (Agriculture and Food, Enterprise, Trade & Employment, Health and Children and Communications, Marine & Natural Resources) have responsibility for the policy and enforcement of the Regulations on food labelling. The Food Safety Authority (FSAI) has overall responsibility for the enforcement of food safety legislation. It is a statutory independent science based agency which was established in 1998 dedicated to protecting public health and consumer interests in the area of food safety and hygiene. The FSAI carries out its remit through service contracts with all the enforcement agencies. With the exception of the Department of Agriculture and Food, food labelling legislation in other Departments and the Office of Director of Consumer Affairs comes under the FSAI for the purposes of enforcement.

The specific labelling regulations enforced by the Department of Agriculture and Food do not come within the scope of the FSAI Act as they relate to compositional standards rather than food safety legislation. However, the specific labelling Directives and the general labelling Directives are not mutually exclusive as far as information on the label is concerned nor in its enforcement. The inspection of the labels for compliance with the specific rules also requires examination of the label for compliance with the general rules at the same time.

The origin of the division of responsibilities between Government Departments for the general and specific food labelling Directives goes back to April 1987 when responsibility for the food industry was transferred from the then Department of Industry and Commerce to the Department of Agriculture. The block of work together with the staff dealing with the food industry and the specific labelling Directives were transferred but the General Food Labelling Directive was retained by the Department of Enterprise Trade and Employment with the Office of Director of Consumer Affairs responsible for enforcement within its overall consumer protection remit. Over the past decade food labelling has taken on a wider food safety dimension and, accordingly, additional structures have evolved. Regulatory structures have also had to be put in place for controlling genetically modified organisms (GMO's). Currently there are three Government Departments and two state agencies involved in GMO regulation - The Department of the Environment, The Department of Agriculture and Food, The Department of Health and Children, The Food Safety Authority and the Environmental Protection Agency.

Regulatory Authorities in Ireland

A breakdown of the regulatory authorities along with the indicative staff resources available for policy and enforcement of the general food safety regulations, including labelling, is given under.

Department	Administrative Staff	Professional/ Technical Staff
Agriculture & Food	64	573***
Health & Children	5	2
Communications, Marine & Natural Resources	12	35
Enterprise, Trade & Employment*	4	–
Office of Director of Consumer Affairs *	4	18
Food Safety Authority of Ireland (FSAI)	26	56
Health Boards**	–	364

* The staff have responsibility for all consumer goods, including food labelling, within the consumer protection remit of the Department of Enterprise, Trade and Employment and the Office of Director of Consumer Affairs.

** Health Boards enforce food labelling regulations which are the responsibility of the Department of Health and Children, The Department of Agriculture and Food (Beef Labelling) and the Department of Enterprise, Trade and Employment.

*** This figure includes laboratory staff but excludes 956 Temporary Veterinary Inspectors employed on a part time basis.

Regulatory Authorities in other Countries

The Group also examined the regulatory system for food labelling in a number of other countries. The general approach to regulation in these countries is towards fewer agencies and many have established food safety agencies to co-ordinate the regulatory activities.

Country	Regulatory Agencies
U.S.A.	The Food Safety Inspection Services (FSIS) of the United States Department of Agriculture (USDA) The Food and Drug Administration (FDA)
U.K.	The Food Standards Agency (FSA) The Department of the Environment, Food and Rural Affairs. Local Authority Co-ordinators of Regulatory Services (LACORS)
Denmark	The Ministry for Food, Agriculture and Fisheries (FAF) The Danish Veterinary & Food Administration (under FAF)
France	The Ministry for Agriculture The Ministry for Health The Ministry for Economy & Finance AFSSA (Food Safety Agency)
New Zealand	The Department of Agriculture and Food The New Zealand Food Safety Authority The Food Standards Australia New Zealand

Australia The Department of Agriculture, Fisheries and Forestry
The Food Standards Australia New Zealand

Canada The Ministry for Agriculture & Agri-Food Canada
The Ministry for Health
The Canadian Food Inspection Agency

2.3.2 Compliance

The Group examined the general level of compliance with the labelling regulations across all the regulatory authorities in Ireland. The information in the table below provides a summary of the level of inspections/samples and the degree of compliance observed.

LABELLING INSPECTIONS FOR 2001

INSPECTION AGENCY	PRODUCT TYPE	NO. OF INSPECTIONS	COMMENTS
Department of Agriculture and Food	Milk and Milk Products	644	Annual inspections are carried out in premises which manufacture milk based products. These inspections incorporate the labelling requirements relating to correct application of the health mark and to products made from raw milk.
	Poultry	965	13 labelling infringements found
	Eggs	1331	37 deficiencies or breaches of the labelling provisions were identified in 2001.
	Wines & Spirit - at wholesale	12	These inspections capture the bulk of wines distributed on the Irish market.
	Fruit & Vegetables and Potatoes: - at wholesale	2249	Under these inspections a total of 9,841 items were examined with 113 labelling infringements detected Under these inspections a total of 51,867 items were examined with 9,240 labelling infringements detected
	- at retail	3489	
Organic foods	1004	Out of 1000 operators, 8 had their approval as organic operators withdrawn.	

Office of Director of Consumer Affairs	All Pre-packaged foodstuffs	285*	There were 252 infringements detected of which 243 were resolved. There were 8 successful prosecutions taken.
Department of Communications Marine & Natural Resources.	Fishery and aquaculture products	See across	1,060 food safety inspections were carried out in 2001, some of which include labelling.
Health Boards	All foods	37,807**	The total number of labelling infringements detected was 480 broken down as follows: Food service sector: 210 Retail sector: 157 Manufacturers (selling mainly at retail level): 63 Distributors and Transporters: 26 Manufacturers and Packers: 23 Primary producers: 1
WHB- Public Analyst Laboratory	Food samples, e.g. confectionary, dairy products, meat products, etc.	18,380 samples analysed for a range of parameters which may include labelling	The laboratory results revealed 17 infringements of the labelling requirements.

* This figure refers to the investigations undertaken by inspectors of the Office of Director of Consumer Affairs for breaches of the food labelling regulations of which 48 arose from complaints from the public. These inspectors have responsibility for checking all consumer goods, including food labelling, within their overall consumer protection remit.

** This figure refers to inspections of food premises by environmental health officers which may include enforcement of food labelling legislation.

The above table shows that a considerable amount of checking for compliance with the food labeling regulations is carried out by the regulatory authorities. It is not possible, however, to determine the overall degree of compliance with all the food labeling regulations and the gravity of the infringements from a consumer's perspective in the absence of more detailed information on the adequacy of the inspections and the inspection system.

2.3.3 The Legislative Process

Legislation on food labelling is developed within a European Union regulatory framework. The four Departments participate in the EU legislative process through meetings of the Council and Commission and other fora. Input into the process by Government and the public is effected at the various stages: through public consultation prior to the Commission adopting a proposal; at meetings of the Council – working groups, Ministerial meetings etc; and at the European Parliament stage. The Council and the European Parliament jointly adopt EU legislation via the co-decision procedure where this legislation impacts on the consumer. The procedure means that in principle the European Parliament and the Council share equal legislative power. If both institutions are in agreement, the proposal is adopted at the first reading. In the event of disagreement, the proposed legal act can only be adopted after successful conciliation between the Council and the European Parliament.

Before a Regulation is adopted there are now in place Oireachtas scrutiny provisions under which draft Directives and Regulations, and Commission Green and White Papers, must be sent to the Oireachtas Joint Committee on European Affairs (JCEA) within four weeks of the date on which the English language version is circulated to Member States. These draft proposals must be accompanied by an information note from the relevant Department outlining the nature of the proposal and an indication of the possible implications for Ireland. On receipt of these documents the JCEA will decide how it wishes to proceed. It is envisaged that this may include discussions with the relevant Minister or officials. The agreed guidelines also provide for a six-monthly review of progress on all current proposals. It is also likely that these new scrutiny procedures will result in further consultation with interested parties.

Implementation by Member States

EU legislation is administered and implemented by the Member States. In Ireland Directives are transposed by the relevant Department into national law through Statutory Instruments made under the European Communities Act (certain Directives require to be implemented through primary legislation). Council/Commission Regulations have immediate and binding effect but it is sometimes necessary to provide for enforcement Regulations under the European Communities Act 1972.

Standing Committee on the Food Chain and Animal Health

In the day to day examination and clarification of legislation and the adoption of implementation rules, the Commission is assisted by the Standing Committee on the Food Chain and Animal Health. This body is composed of representatives of Member States and is chaired by a representative of the Commission. Its mandate covers the entire food supply chain, ranging from animal health issues on the farm to the product that arrives on the consumer's table, thus significantly enhancing its ability to target risks to health wherever they arise in the production of our food. Depending on the subject matter for discussion, Ireland is represented at these meetings by officers from the Departments of Agriculture & Food, Health & Children and the Food Safety Authority of Ireland. In this way and with the exchange of expertise between member states, Ireland influences the application and development of European food legislation.

Chapter 3

Issues Considered by the Group

3.1 General Labelling Rules

3.1.1 Foods sold loose

The general provisions on the labelling of pre-packaged food stuffs to be delivered to the consumer and the catering industry are prescribed in Council Directive 2000/13/EC. A prepackaged foodstuff is defined as a food presented for sale to the consumer and to mass caterers in packaging where the contents cannot be altered without opening or changing the product. Currently the general labelling regulations apply to loose food products only to the extent that the name of the food must be given or displayed. Under Article 14 of Directive 2000/13/EC Member States are free to decide which, if any, of the rules on labelling of pre-packaged foods apply to foods sold loose. The Irish authorities decided that only the rule relating to the name of the food should apply. The view of the Group was that information on the minimum durability and the ingredients likely to cause allergies should also be given on foods sold loose.

In the case of processed meat products or food products which contain meat, sold loose or in the foodservice sector, the Group wished to have information on the total meat content broken down by species available to the consumer. This should apply from the 1st July 2003 at the same time as when the new regulation on the definition of meat under the General Labelling Directive (2000/13/EC) comes into force for prepackaged foods (see par. 2.2.1). The Group also agreed that unprocessed poultrymeat sold loose should be labelled in accordance with Regulation 1906/90 which requires the following to be declared: the poultry class, price per weight unit, fresh or frozen, recommended storage temperature, registered number of slaughterhouse, country of origin (if imported from a third country)

3.1.2 Labelling of allergens

This was one of the major issues discussed by the Group as a significant number of submissions received from the public concerned the labelling of allergens. The majority of submissions requested the introduction of a legal requirement to identify the most common food allergens on labels. The Group recognised the potentially serious health implications arising from the inadequate labelling of products containing allergenic properties. A number of submissions indicated that the statement 'may contain' on the label was inadequate. There was general acceptance that this statement was at best ambiguous and should be amended to 'contains'. Therefore, it was agreed to support the EU proposal on the labelling of allergens which will require a positive statement to the effect that the product contains a particular ingredient that can cause an allergy.

The group expressed the view that given the potential very serious consequences of allergenic ingredients (particularly nut allergies) for some people that greater awareness of these should be promoted especially at the foodservice sector and the establishment of good operating practices should be promoted.

The group recognised the difficulties experienced by consumers in identifying allergens in food at restaurant and catering level. It was the view of the group that a greater level of information should be made available to consumers in this area. **safefood**, the Food Safety Promotion Board, should launch an information campaign on this within their all island food safety remit. The Group also considered whether it might be a worthwhile recommendation to adopt parallel national legislation in advance of finalisation of the EU proposal, but deemed this impracticable and unnecessary given that the EU proposal is at an advanced stage.

3.1.3 Claims made on labels

Misleading claims on labels were considered by the Group to be a matter of serious concern. Some of these misleading or false claims may be summarised as follows:

- ▲ Attributing to the foodstuff effects or properties that it does not possess.
- ▲ Suggesting that the foodstuff possesses special characteristics when in fact all similar foodstuffs possess such characteristics.
- ▲ Suggesting or implying that consumption of a food product significantly reduces a major risk factor in the development of a human disease.

The Group welcomed the EU proposal for a Regulation of the European Parliament and of the Council on Nutrition, Functional and Health claims made on foods. This proposal will harmonise the use of claims at Community level and prohibit the use of any claim on a label unless scientifically proven.

3.1.4 Presentation of labels

A number of issues were highlighted regarding the presentation of labels. These include clarity of labels, type of material used, label design, and the use of barcodes for the visually impaired. The group examined research undertaken in a number of countries on this issue. The British Food Standards Agency established a '*Clear Labelling Task Force*'⁶ in January 2001 to advise on what might be done to improve the clarity of food labelling. The report identified three main difficulties – finding information, reading it and understanding how to use it. The Task force recognised that labels cannot be expected to conform to a 'single ideal format' as they come in various shapes and sizes given the variety of products on the market. In response, they developed the concept of an 'ideal format' which could be used on the labels of most products. A number of helpful recommendations to improve the presentation of labels were highlighted including recommendations on presentation of information, print size and clarity and design.

The Group recognised the difficulties in enacting legislation in this area. It was accepted that any recommendations in this regard could not go beyond the aspiration that all labels should be clear and accurate and presented in a manner easily understood by consumers. The group considered a proposal to submit all labels to a central Authority for approval before use. This approval system is used by the Food Inspection Services (FSIS) of The United States Department of Agriculture for the labelling of meat and poultry products. However, this approach was not favoured as it may dilute the industry's responsibility for labelling. This responsibility is enshrined in the provisions of Regulation (EC) 178/2002 of the European Parliament and of the Council '*laying down the general principles and requirements of food law, establishing the EFSA and laying down procedures in matters of food safety*'. Under this Regulation the food industry bears primary responsibility for all matters relating to food safety.

⁶ Foods Standards Agency '*Clear Labelling Task Force*' (www.food.gov.uk)

Article 16 of Regulation 178/2002/EC states *'that the labelling, advertising and presentations of food or feed, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium, shall not mislead the consumer'*. The group agreed that the most effective and practical way to implement this provision was for the food industry to adopt a voluntary code of practice governing the presentation of food products. As primary responsibility rests with the industry the group agreed that the adoption of this code should be an industry led initiative.

3.2 Labelling Authorities

Under the current arrangements, responsibility for food labelling in Ireland is spread over four Government Departments and the Food Safety Authority. The general view of the Group was that there is insufficient information available on inspections and infringements to draw any firm conclusion regarding compliance from the reports analysed. There was accordingly, considerable scope for more detailed inspection reports with appropriate analysis and follow up. This should be carried out in a co-ordinated manner by the enforcement agencies. Mislabelling practices such as 'bogus product' masquerading as genuine product and the non-declaration of particular ingredients gave rise for concern and the Group considered that these shortcomings could only be addressed through targeted sampling and analysis using risk management techniques and robust enforcement of techniques.

The Group were of the view that the current labelling enforcement arrangements lacked focus and there was also a lack of coherent analysis on the level of compliance. These fragmented enforcement arrangements were not conducive to efficiency and that the consumer would be best served by having dedicated bodies dealing with all labelling enforcement in line with international trends. Equally, the Group considered that these arrangements were not conducive to the development of a cohesive national policy on labelling and diluted the input of consumers and their impact in this area. It was also clear to the Group that many of the enquiries received by the agencies reflected a lack of knowledge on the part of consumers about labelling which the Group believed could be addressed through a centralised body.

Labelling Enforcement

The FSAI Act 1998 permits the FSAI to give advice on labelling and packaging of food (including materials used in packaging). The Act authorises that FSAI to carry out the inspection and analysis of food labelling under a service contract with the relevant Authority. However the Act does not confer a policy role on the FSAI. The Group were of the view that enforcement of labelling legislation, where these are cross referenced to the general labelling regulations, should be brought within the FSAI Act. The FSAI would then have overall responsibility for the enforcement of this labelling legislation under service contracts with all enforcement agencies. This would allow for better synergies to be developed between the agencies, more efficient use of resources, increased inspection and compliance and improved reporting arrangements.

The Group were of the view that the FSAI should publish regular reports on labelling compliance. These reports would be an effective way of highlighting labelling issues with the public and in ensuring that the industry took its responsibilities in this area seriously.

Having one body dealing with complaints from consumers about labelling was also an area highlighted in the discussions. The Group was of the view that the FSAI was best placed to deal with consumer enquiries and complaints about labelling and follow up action. The FSAI would therefore be a *'one stop shop'* for dealing with consumer enquiries/complaints and co-ordinating responses from the other enforcement agencies where applicable.

Policy Development

In the area of policy development the Group was of the view that Ireland should follow the international trend towards centralisation of its food safety and consumer protection activities as outlined in Section 2.3 of this report. This would also fit in with the EU Commission structure where the new Directorate for Health and Consumer Protection had assumed total responsibility for food safety and consumer issues.

The current national arrangements for food labelling had evolved over many years with the last major change occurring in 1987 when the Food Industry Division in the Department of Enterprise Trade and Employment was transferred to the Department of Agriculture and Food. In that period new developments in biotechnology have brought about new labelling requirements for novel foods and genetically modified organisms while new labelling rules for additives, nutritional claims, etc. are also continually evolving. As outlined in Section 2.3 responsibility for these activities are spread over four Departments. The Group was of the view that the co-ordination and development of food labelling policy should as far as possible be centralised in the Department of Agriculture and Food and the Department of Health and Children.

The Group was also conscious of the need for consumers to have an input into policy development and other issues relating to labelling. The Consumer Liaison Panel which was established by the Minister for Agriculture and Food earlier this year served as a good example of how a forum, which would allow for effective interaction between consumers and policy makers, could be developed for this purpose. Equally, the Group saw the importance of all other stakeholders, including producers and industry, having a channel for the input of information on policy and in the enactment of legislation. With regard to the latter the Group saw it as of high importance for legislation to be transposed into Irish law as soon as possible after its adoption in the EU.

3.3 Consumer Education and Awareness

Consumer education was identified by the Group as an important element of the labelling process. Enquiries from the general public reflect a lack of communication and understanding about labelling and labelling requirements. The Group stressed the importance of providing information to consumers in a clear and concise format and this would in turn increase consumer confidence in the food being offered. The terminology in food labelling can be quite technical and in the long term this could only be addressed by a national policy on consumer education. This policy should commence at school ⁷.

The Group studied a research report '*Healthy eating for young people in Europe - A school – based nutrition education guide*'⁸ which outlines the benefits of adopting the 'settings approach' to health promotion. This approach recognises that specific settings such as schools, workplaces and hospitals provide a valuable opportunity to influence people's health through policy measures and education. The group supported the school curriculum as the best option to the education of consumers on food labelling. This option would facilitate the implementation of a consumer education policy in a planned and coordinated fashion.

To this end the group were of the view that a food safety module to include basic information on food labelling should form part of the primary school curriculum and also be followed through at secondary level. The Department of Education and Science should be the lead Department in formulating a national

⁷ FAO/WHO Pan-European Conference on Food Safety and Quality, Budapest, February 2002 (www.fao.org)

⁸ Healthy Eating for Young People in Europe - A school based nutrition education guide. International Planning Committee (IPC) 1999 (www.who.int)

policy on consumer education issues.

Given the volume and complexity of food labelling legislation the group recognised the need to provide information to the general public in an accessible format. The group considered that **safefood**, should be requested to initiate a public awareness campaign on food labelling as part of its food safety remit.

safefood, the Food Safety Promotion Board, is the all-island implementation body established under the Good Friday Agreement. Under its legislative remit, **safefood** promotes awareness and knowledge of food safety issues among the public through public awareness campaigns, conferences and training events; it also provides food safety advice and guidance to consumers including advice on nutritional aspects of various foods.

Finally, the Group considered that the food industry itself had a major responsibility to its consumers in explaining what was on a food label. For many consumers the label is complex and confusing. A label enables the consumer to exercise choice in what food he/she buys but this choice is determined by the information about the food on view. The understanding and awareness of labelling is, accordingly, a most important issue for both the consumer and food supplier from which both mutually benefit.

3.4 Origin

Under the Merchandise Marks Acts 1887, as amended by the Consumer Information Act 1978, origin is defined as *'any description, statement or other indication, direct or indirect ... as to the place or country in which any goods were manufactured, produced, processed, reconditioned, repaired, packed or prepared for sale'*. The Acts also provides for an offence for using false trade descriptions that are misleading to a material degree.

With the exception of a number of primary foodstuffs outlined in Chapter 2 (beef, poultrymeat, fishery products, fresh fruit and vegetables) there is no compulsory requirement to declare origin of the food sold over the counter under EU food law. Information on origin, or indeed any information about the food, does not have to be provided at the service sector. Under the General Labelling Directive (2000/13/EC), however, the place of origin of the foodstuff must be given *'only if its absence might mislead the consumer to a material degree'*.

While there has been a limited amount of research carried out to indicate that the origin of a food product is an important issue with Irish consumers, the Group felt that not enough specific research had been done to enable it to draw firm conclusions on consumers' wishes in this area. The Group were strongly of the view that ongoing consumer research should be carried out on all key consumer issues, including origin, relating to the food supply. In general, it was the view of the Group that the need for consumers to know the origin of a food was directly related to the perceived safety of that food. In this regard meat was rated higher than some other foods. There is also a view that food imports from outside the EU have a competitive cost advantage over domestic food products because of what were considered to be, in the main, less rigorous traceability requirements than in the EU.

The impact on trade arising from indicating the origin of a foodstuff was considered in detail by the Group. While this issue was not specifically asked to be addressed under the terms of reference, the Group was, nevertheless, very conscious of its importance because of the role of the food industry in the Irish economy. As outlined in Annex 4, Ireland is a significant producer, consumer, exporter and importer of food. In 2000, total primary food production amounted to some one million tonnes of meat, five million tonnes of milk and five million tonnes of crops and vegetables. While meat exports amounted to

approximately 730,000 tonnes, imports were of the order of 100,000 tonnes. In 2000, over 80% of the 640,000 tonnes of Irish beef produced was exported with imports amounting to 12,000 tonnes. Over 80% of milk production is exported compared with a small quantity of imports. Imports of potatoes and vegetables amounting to some 450,000 tonnes comprise over half our domestic consumption of these products.

With such a high export and import dependency, the Group was aware of the importance of marketing and promotion by the industry itself and other stakeholders in the development of a market led food industry. In this regard the campaign being carried out by An Bord Bia under *Ireland the Food Island* logo underpinned this strategy by building on the excellent image abroad of Irish food, an approach which chartered the future direction of the food industry.

Origin of meat

There was full agreement within the Group that consumers had a right to information on the *origin* of the meat they cook in their homes or eat out. The differences within the Group on the issue rested with how *origin* should be defined. The trade representatives⁹, by and large, wanted to define *origin* as *EU/Non-EU* while the consumer representatives and the main producer representative wanted it defined as the *country*¹⁰.

Origin of meat in the retail sector

The Group examined the current regulations which apply to the labelling of origin in the meat sector. Under the beef labelling arrangements beef and mince sold in the retail sector must have information on the country of origin displayed at the point of sale. Unprocessed poultry if sold pre-packaged must also display the country of origin if imported from a third country. In regard to sheepmeat, pigmeat and poultrymeat sold in retail outlets the consumer representatives and the main producer representative wanted country of origin declared while the trade representatives favoured a *EU/non-EU* labelling regime for all meats. The trade representatives cited the difficult trading environment and market distortions which have arisen in the EU beef market since the introduction of the beef labelling regulations. They also believed that these regulations were inconsistent with the principles of the single EU market.

Origin of meat in the foodservice sector

There is no requirement currently to label food when sold via the foodservice sector. However food delivered into that sector must be labelled and must be capable of being traced to the point of production. There was general agreement in the Group that information on the origin of the main meat protein source in meals sold in the food service sector such as restaurants, take-aways, pubs, etc. should be available to the consumer. The positions taken in the Group on how origin should be defined in this sector followed along similar lines to that outlined above for the retail sector. The meat industry representatives were very strongly opposed to country of origin labelling in the food service sector because of the likelihood that it would accentuate the already difficult market situation being experienced in a number of EU export markets. The industry favoured *EU/non-EU* labelling for the food service sector while those representing the consumers and most of the producers favoured country of origin labelling for the main meat protein source served in restaurants and other food service establishments.

⁹ See position of the Irish Meat Association on 'origin' labelling in Annex 5

¹⁰ The main producer representative wanted country of origin to be defined as 'EU country' and 'non-EU country' e.g. 'EU Ireland', 'non-EU Brazil'.

A scheme such as the Féile Bia programme operated by an Bord Bia, where businesses are encouraged to voluntarily provide consumers with information on the national, regional or local provenance of foods was also suggested as an option for providing designation of origin in the foodservice sector.

Consumer research

While the Group could not agree on how origin could be defined, there was unanimous agreement that further research was necessary to establish consumers' wishes in this area. This research should determine consumers' concerns about 'origin' and what specific information about it that they wanted on the food they buy in all outlets. It was also agreed that as part of this research that the current beef labelling system should be examined to determine its usefulness and effectiveness in meeting consumers' needs and expectations.

Origin of processed food products

There was also full agreement that consumers should not be misled about the true origin of a food. Cutting and repackaging imported rashers, for example, or adding spices to an imported frozen chicken fillet should not confer Irish origin on those products. On the other hand, imported products which underwent a substantial transformation should be treated differently.

The Group examined the situation where a product whose main ingredients have been sourced outside of Ireland can be described as being a product of Ireland when it is processed within Ireland. This difficulty arises because the general rule of thumb is that origin can be ascribed to the last place where a product has undergone '*substantial transformation*'. '*Substantial transformation*' is a term used in Codex Alimentarius, for which there is no clear legislation nor any definition. Accordingly, consumers could be misled about the true origin of a product or given a false impression that the product originated elsewhere than where its main ingredients were sourced. For example, a meat product processed in Ireland from non-Irish ingredients would under current labelling rules bear an Irish health mark, and could be described as product of Ireland.

The Group agreed that this matter should be taken up with the EU Commission with the objective of adopting legislation which would establish clear rules for defining the origin of products whose ingredients are sourced outside the country in which the product undergoes transformation. The Group also sought to have the requirements in Article 3 of the General Labelling Directive (2000/13/EC) amended in this context. Under this article, the origin of a foodstuff must be given on the package '*only if its absence might mislead the consumer to a material degree*'. The Group agreed that as this requirement about indicating origin was open to misinterpretation and abuse, it should be addressed at EU level.

Legislative changes

Any changes to the labelling regulations which would give rise to the compulsory indication of origin would, however, have to be agreed at EU level and be applicable across all member states of the Community. The designation of origin would have to be justified in the context of consumer confidence/food safety objectives and could not constitute a barrier to trade within the EU and would have to be compatible with the WTO rules. In this matter the Group was cognisant of the precedents already established for labelling beef, poultrymeat and fishery products regarding place of origin. The Group was also aware that any system which would be put in place for designating origin on a food would have to be capable of confirming the veracity of any statement as to its source. It was also agreed that prior to the adoption and implementation of new regulations in this area that there should be full consultation with industry and consumer representatives.

Chapter 4

Recommendations

4.1 General Labelling Rules

- (i) The following labelling information should be provided on foods sold loose: (a) minimum durability, (b) name and (c) ingredients liable to cause allergies¹¹. In addition, in the case of processed meat products or food products with meat as an ingredient, sold loose, the total meat content broken down by species should be provided. This latter provision should also apply to the food service sector.
- (ii) The following labelling information should be provided on unprocessed poultry meat sold loose: the poultry class, price per weight unit, condition (fresh or frozen), recommended storage temperature, registered number of slaughterhouse and country of origin if imported from a third country.
- (iii) The full list of ingredients liable to cause allergies or intolerances should be provided on prepackaged food labels and in the food service sector.
- (iv) Misleading or ambiguous nutritional claims, health claims, functional claims, etc, should be prohibited. The EU proposal for a regulation which will address these issues should be fully supported by the Government.
- (v) All food and drink labels must be clear, accurate and easy to read. A voluntary code of practice should be adopted by the food and drinks industry to ensure that all labels meet these criteria.

4.2 Policy and Enforcement

- (i) The co-ordination and development of policy on food labelling should as far as possible be centralised in the Department of Agriculture and Food and the Department of Health and Children. A mechanism should be devised to facilitate full consultation between the authorities and all stakeholders in the adoption and implementation of any new regulation in this area including the recommendations in this report.
- (ii) The FSAI should have overall responsibility for the enforcement of the general and related specific labelling legislation by way of 'service contracts' with the enforcement agencies. Synergies between the agencies, the avoidance of overlap and the use of risk management techniques should be key factors in ensuring an efficient and effective enforcement strategy.
- (iii) The FSAI should promote a culture of compliance with regard to food labelling legislation in all sectors.
- (iv) Adequate resources should be provided to ensure that legislative requirements regarding the inspection and analysis of food labelling are fully implemented.

¹¹ The amendment to Directive 2000/13/EC relating to allergies awaits adoption by the Council and European Parliament.

- (v) All enforcement officers including laboratory staff should be adequately trained in labelling.
- (vi) There should be a 'one stop shop' to deal with consumer enquiries and complaints regarding food labelling. It is recommended that the FSAI should carry out this role.
- (vii) Reports on the enforcement of the food labelling regulations should be published regularly by the FSAI.
- (viii) The transposition of EU legislation into national law, where necessary for the purpose of enforcement, should be done as soon as possible after the adoption and publication of such EU legislation.

4.3 Consumer Education and Awareness

- (i) As part of its overall education policy, the Department of Education and Science should incorporate a module on food safety/ labelling/consumer issues into the primary and secondary school curricula.
- (ii) Ongoing research into food labelling should be carried out to establish a scientific base for consumers concerns in this area. The Consumer Liaison Panel should examine this issue and draw up an appropriate research strategy.
- (iii) **safefood**, the Food Safety Promotion Board, should, as part of its all island food safety remit, initiate a public awareness campaign about food labelling, allergens etc. and about consumers' legal entitlement to clear accurate labelling. Educational/promotional material and access to website information should be made available to consumers.
- (iv) The responsibilities of the food sector in producing safe food and providing accurate information on the label should be emphasised. The food sector should also play a leading role in educating the consumer about labels.

4.4 Origin

- (i) Information on the origin of fresh, chilled and frozen sheepmeat, pigmeat and poultrymeat sold in retail outlets, prepackaged or otherwise, should be declared.
- (ii) Information on the origin of the primary meat protein source (beef, sheepmeat, pigmeat, poultry meat) sold in the food service sector should be provided to the consumer.
- (iii) Consumer research should be carried out to establish (a) how origin should be defined in respect of fresh, chilled and frozen sheepmeat, pigmeat and poultrymeat sold in retail outlets, (b) how origin should be defined in respect of the primary meat protein source (beef, sheepmeat, pigmeat, poultry meat) sold in the food service sector and (c) the usefulness/effectiveness of the Beef Labelling Regulations from a consumer perspective.
- (iv) Only where an imported food product undergoes substantial transformation in the importing country can the name of the importing country be given as the country of origin on the label or at the point of sale/ consumption. To this effect 'substantial transformation' should be clearly defined and harmonised across all EU member states.

Annex 1

Members of the Food Labelling Group

Name	Representing
Ned Sullivan	Chairman
Jarlath Coleman	Dept. Agriculture & Food
Mary Kearns	Dept. Enterprise, Trade & Employment
John Nolan	Office of Director of Consumer Affairs
Bill Paterson	Tesco Ireland
Gary Kearney	Dept. Health & Children (Food Safety Promotion Board)
Siobhán Mc Evoy	Dept. Health & Children
Ruth Davis	Food Safety Authority of Ireland
Pat Brady	Associated Craft Butchers of Ireland
Fiona Lalor	Irish Business and Employers Association
John Matthews	Irish Business and Employers Association
Richard Donohue	Consumers Association of Ireland
Paula Mee	Consumer Liaison Panel
Marion O'Connell	RGDATA
Gerard Brickley	An Bord Bia
John Smith	Irish Meat Association
Ned Walsh	Irish Farmers Association
Una Gallagher	Irish Creamery Milk Suppliers Association
Martin Varley	Irish Co-operative Organisation Society

Executive Co-ordination/Secretariat: Jarlath Coleman, Kathleen O'Connor, Mary Curley and Mel McDonagh (Department of Agriculture and Food).

Annex 2

Terms of Reference

Background

Information available on food must satisfy the legitimate needs and demands of consumers. In general, consumers want more information on the origin and composition of the food they consume. Information on certain foods or ingredients is of particular concern to consumers who suffer from certain intolerances or allergies. In this context there is a need to review the existing labelling framework.

The guiding principle in food labelling must therefore be to provide information to the consumers that is as complete and relevant as possible for their needs and expectations while at the same time avoiding what can be described as information overload.

Terms of Reference

In the light of the background set out above the following Terms of Reference are set out for the Group:

1. Examine the existing legislative framework on food labelling at National and EU level in the context of consumers expectations
2. Evaluate general compliance with current legislative provisions
3. Identify any possible gaps in legislation
4. In the light of 1, 2 and 3 make appropriate recommendations

Annex 3

Submissions to the Food Labelling Group

Karen Allison
Patricia Beausang
Amina Brady
Chris Breslin Hickey
Dr. C. Brosnan
Dr. J Brosnan
Ray Buckley
Noreen M. Butler
Noreen Buttimer
Joann Cadogan
Julie & Niall Cahir
David Carolan
Angela Cassidy
Philomena & Eugene Cassidy
Kathleen Cassidy
Ruth Charles
Noel Clarke
Susan Clarke
Seamus Cloak
Susan Cole
Sean Connolly
Mariel Cotter
Feena Cray
Niamh Cray
Sinead Cray
Kay Dalton
Mary & Paul Dillon
Fionn Donnelly
Dunboyne Junior Primary
School
Angela Dunne
Fiona Dunne
Teresa K. Dunne
Sean Edmonds
Aileen Egan
Dr. M. Fanning
Karin Farrington
Marcella Finn
Barry S. Finnegan

L. Gallagher
Helen Greensmyth
Lorraine Halford
Seamus M. Halford
Aidan Hanratty
Yvonne Howard Noreen
Howley
Majella Jennings
Maeve Keane
Mary Kelly
Fiona Kenny
Paul Kinsella
Sheila Lenehan
Mary Linehan
Teresa Lowe
Collette Lydon
Michael Maguire
Valerie Maguire
Carmel Murphy
John Murphy
Philomena Murphy
Elaine Murtagh
Niamh McCall
Harry McCauley
Tony McDonnell
Nuala McDowell
Eimear Nally
Jill Nesbitt
Catriona Nolan
Damian Nolan MSc
Maria Nolan
Oliver O'Brien
Owen O'Brien
Padraig O'Gormaille
Helen O'Hagan
Maria O'Loughlin
Dr. Finbarr O'Shea
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Ivan J Perry, MD, PhD
Stella Purcell
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Bronwyn Reilly
Brigid Roche
Mary & Pat Sheerin
Ita Slattery
Mary & John Tynan
Margaret Woods

Brid Banville,
*European Community of Chefs
Catering Management
Association*
Chand & Anneli Kohli,
Irish Anaphylaxis Campaign
Donal O'Meara,
Irish Hotels Federation
Henry O'Neill,
*Restaurants Association of
Ireland*
Sheila Matthews,
*European Catering Association
of Ireland*
Dr. Pat Mulvehill,
*Irish Poultry Processors
Association*

These submissions were in response to a notice published by the Department of Agriculture and Food in the national and regional press in early September. Copies of the submissions are available from the Food Safety Liaison Unit, Department of Agriculture and Food, Agriculture House, Dublin 2, subject to the written permission of the individual/organisation who made the submission.

Annex 4

Production, consumption, exports and imports of meat, animal products, cereals, potatoes and vegetables in 2000

Meat	Produced ¹² In Ireland (Tonnes)	Exported (Tonnes)	Imported (Tonnes)	Human Consumption in Ireland (Tonnes)
Beef	642,000	504,000	12,000	62,000
Sheepmeat	78,000	55,000	2,000	30,000
Pigmeat	237,000	124,000	40,000	144,000
Poultry	123,000	40,000	39,000	123,000
Other meat ¹³	5,000	5,000	5,000	5,000
Total Meat	1,083,000	728,000	101,000	367,000

Animal Products – Milk				
Total Milk ¹⁴ (ex farm)	5,210,000	–	–	–
Drinking Milk	601,000	13,000	5,000	592,000
Cream	22,000	3,000	12,000	10,000
Butter	149,000	120,000	5,000	11,000
Cheese	99,000	99,000	19,000	22,000
Milk Powder	121,000	172,000	7,000	0
Eggs (million)	704	0.98	5.4	708.4

Crops and Vegetables				
Cereals	2,011,000	289,000	847,000	373,000 ¹⁵
Potatoes	472,000	32,000	248,000	573,000
Vegetables	252,000	88,000	204,000	336,000

Source: CSO Supply Balance 2000 – Milk, Meat and Cereals
Eurostat Supply Balance 1997/98 (potatoes); 1998 (Vegetables) – Crops & Vegetables

¹² For meat this includes live imports and exports adjusted to carcase weight equivalent.

¹³ Includes game and other animals and meat preparation of cattle, sheep and pigs where the meat in such preparations cannot be distinguished from edible offal.

¹⁴ Equivalent to 5060 million litres or 1110 million gallons (source: DAF).

¹⁵ Human consumption (364,000 tonnes wheat and 9,000 tonnes oats).

Annex 5

Position of the Irish Meat Association on 'Origin' Labelling

1. *Background*

EU Beef Labelling legislation identifying origin by country was introduced in the context of the two BSE crises in Europe which resulted in a major drop in beef consumption.

Some member states led the way in getting country of origin labelling introduced so that consumers in these countries could readily identify beef of domestic origin.

In the USA beef is labelled as 'USDA approved' or 'USDA not approved'. No distinction is made between beef produced in different parts of the USA and the type of market segmentation witnessed in Europe is avoided.

The impact of the existing EU labelling legislation is particularly severe on the Irish beef industry due to its heavy reliance on export markets. The situation is best summarised as follows:

- ▲ In a number of important EU markets it is extremely difficult to get Irish beef onto the supermarket shelves.
- ▲ Our beef exports to Continental EU markets in Year 2002 will be 100,000 tonnes which is 50,000 tonnes less than in 1999 when compulsory labelling by country of origin did not apply.

2. *Meat Industry Position on Country of Origin Labelling*

- ▲ In the review to be undertaken at EU level in Year 2003 of the beef labelling legislation, currently applicable to the retail trade, the Irish Government should push to have the US system adopted within the EU. This would mean the identification of beef as EU/non EU and would mean a single market throughout the EU in which Irish beef could compete on an equal footing with beef produced in other EU member states.
- ▲ The EU/non EU designation should be applied to all sales at retail level of beef, sheepmeat, pigmeat and poultrymeat.
- ▲ Pending a change in the existing labelling arrangements along the lines referred to above, and to avoid further damage being done to Irish beef and lamb exports, the introduction of origin labelling for product sold to the catering sector should be deferred.
- ▲ It is only in cases where product imported into the EU undergoes substantial transformation that the designation 'EU origin' should be authorised to be shown on the label. To ensure uniformity of application, the definition of substantial transformation should be defined on a harmonised basis throughout the EU.

3. Consumer Research

Consumer research should be carried out to determine consumer expectations in relation to the information that is supplied on the labels of all meats.

The research to be undertaken should not assume that the existing EU beef labelling arrangements based on country of origin are satisfactory. It should seek to address whether labelling of origin based on the formula used in the USA, where beef consumption levels have increased during the past decade, would provide the assurances sought by consumers about origin while at the same time avoiding the segmentation of the EU single market.

Research on consumer expectations is important. Policy formulation on how origin should be defined must go beyond consumer research. It must take economic factors into account, particularly the impact that labelling has on sales of Irish beef on markets outside of Ireland.

