



House of Commons
Environment, Food and Rural
Affairs Committee

Food information: Government Response to the Committee's Report

First Special Report of Session
2005–2006

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Environment, Food and Rural Affairs Committee

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The current staff of the Committee are Matthew Hamlyn (Clerk), Fiona McLean (Second Clerk), Jonathan Little and Dr Antonia James (Committee Specialists), Marek Kubala (Inquiry Manager), Andy Boyd and Alison Mara (Committee Assistants) and Anne Woolhouse (Secretary).

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FIRST SPECIAL REPORT

The Environment, Food and Rural Affairs Committee reported to the House on *Food information* in its Seventh Report of Session 2004–2005, published on 30 March 2005 as HC 469. The Government's response to the report was received on 6 July 2005.

The Government has chosen not to comment on recommendations 1, 4, 7, 17–19, 21, 24 and 30.

Government response

Introduction

The Government welcomes this report of the Environment, Food and Rural Affairs Committee on *Food information*. This response to the Committee's recommendations is submitted on behalf of the Government by the Food Standards Agency, since most of the recommendations made to the Government fall within the Agency's responsibility.

Responsibility for food information policy within Government

Recommendation 2

We recommend that the Government explicitly task one government department with lead responsibility for co-ordinating food information policy across both central and local government, and for representing the position of the UK Government at EU level. We consider that Defra would be the most suitable department to assume this role. (Paragraph 31)

The Government recognises the importance of effective co-ordination, but does not consider that this means there needs to be a single lead Department. In particular, the 'Choosing Health' White Paper makes significant progress in the co-ordination of Government policy on nutrition and health including, amongst other things, food information policy. The White Paper Delivery Plan and Choosing a Better Diet: a food and health action plan published on 9 March 2005 sets out how White Paper commitments on food information will be delivered in a co-ordinated fashion and identifies which Government department leads. As indicated in the Delivery Plan, cross-departmental governance arrangements are to be established to co-ordinate delivery of work, including food information policy.

We also recommend that Defra assume joint responsibility for achieving the Public Service Agreement target of “halting the year-on-year rise in obesity among children under 11 by 2010 in the context of a broader strategy to tackle obesity in the population as a whole”, alongside those departments already responsible for achieving the target (the DoH, the DfES and the DCMS). (Paragraph 31)

The Government believes that lead responsibility should remain with DH, DfES and DCMS, but recognises that many Government Departments will need to contribute. In Defra’s case, as industry sponsor, it proactively encourages industry to play a full and constructive role with regards to government policy objectives, including obesity. It will also be one of a number of participants in cross-departmental governance arrangements to be set up under the ‘Choosing Health’ Delivery Plan to deliver key nutrition and health goals, including obesity.

Recommendation 3

We recommend that the Government investigate whether it is indeed the case that local authorities are being deterred from taking prosecutions for breaches of food law, particularly food labelling law, and, if so, that it establish the reasons why. The Government must ensure that local authorities are sufficiently well-resourced to be able to take prosecutions against food manufacturers and retailers, whose legal budgets are of a size that does not prevent them from fully using the law to defend their interests. (Paragraph 32)

The Government recognises the importance of consistent and proportionate enforcement of food law and has established a fighting fund to support Local Authority (LA) prosecutions in this area. However, the Food Standards Agency will work with the Local Authorities Co-ordinators of Regulatory Services (LACORS) to investigate whether LAs are being deterred from appropriate enforcement action, particularly in relation to prosecutions under food labelling law.

Prosecutions are just one of a range of actions available to LAs to deal with infringements of food law. LAs also subscribe to the principles of the “Enforcement Concordat” which states that, before formal enforcement action is taken, LAs will give businesses the opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required.

Food safety and hygiene

Recommendation 5

We welcome recent legislation improving allergen labelling requirements. However, the new legislation applies only to allergens which have been deliberately added to food: labelling of foods which may inadvertently contain allergens remains unregulated. We recommend that the Government move quickly to consider how this legislation can be supplemented to regulate the defensive use of allergen

warnings, so that consumers with food allergies are provided with clear and helpful allergen information. The Government should also ensure that proper channels of communication are in place between the food industry and medical scientists to allow for the effective flow of information about the latest scientific findings on allergies. (Paragraph 52)

The Government agrees that the overuse of defensive labelling restricts consumer choice unnecessarily and can undermine valid warnings. The Food Standards Agency has made a commitment in its Strategic Plan 2005–10 to developing authoritative Best Practice Guidance on the appropriate and proportionate use of such labelling by 2006. This is being taken forward in discussion with all relevant stakeholders, including food manufacturers, retailers, enforcers, consumer support groups and clinical experts, and will include a full public consultation during 2005.

The Government considers that the development of voluntary Best Practice Guidance is more appropriate than a statutory approach in this situation. The presence of allergenic contaminants, unlike chemical contaminants, cannot at present be regulated using risk assessment systems. This is because, as noted by the European Food Safety Authority¹ in March 2004, there is significant variability in sensitivity to particular food allergens between individuals, and also on different occasions in the same individual. In addition, for ethical reasons, highly sensitive individuals cannot be tested to establish thresholds for triggering allergic reactions. Thus, the information needed to determine the highest amount of allergen that would not cause an adverse effect currently cannot be determined.

The Food Standards Agency funds a significant programme of research in the area of food allergy and intolerance, the findings from which are made public. The information obtained from this research and that conducted by others world-wide, underpins the Government policy on food allergens and is also used in negotiations on any new EU legislation in this area. This ensures that the labelling required of food manufacturers reflects current scientific knowledge.

Recommendation 6

We recommend that the Government undertake a speedy investigation into the events which resulted in the illegal dye, Sudan 1, making its way into the UK food chain. We are particularly concerned that the Government should establish the length of time for which the adulteration of chilli powder is likely to have gone undetected and why UK authorities did not detect this adulteration in a product used so extensively in UK food processing. The Government and the FSA should also carry out work to determine the best way of communicating with the public about questions relating to the degree of risk actually associated with issues like Sudan 1. (Paragraph 53)

¹ www.efsa.eu.int/science/nda/nda_opinions/catindex_en.html

The FSA announced on 12 May that it will convene a high level Task Group, with representatives from the consumer, enforcement and industry stakeholder communities, to consider ways of strengthening controls in the food chain to reduce the likelihood of future contamination events occurring. It will also commission an independent, external review of the Sudan 1 incident. Several Local Authorities are, with the Food Standards Agency's assistance, carrying out investigations, which may lead to prosecution of certain companies involved in this incident. In order not to prejudice the outcome of these investigations the external review of the incident involving Sudan 1 in Worcester sauce has been deferred until these investigations, and any possible resulting legal action, have been completed.

The Government agrees with the Committee that it is important to undertake work to determine the best way of communicating with the public and other stakeholders on food risk. The Food Standards Agency already undertakes and participates in a range of such activity itself, with OGDs and with others, including industry, and will continue to do this so that approaches can be continuously refined and lessons learnt for the future.

Food labelling: prepacked foods

Recommendation 8

We consider that provision of information about the nutrient content of food should be mandatory on all prepacked foods. For such provision to be mandatory, legislative change at EU level will be required. We therefore welcome the Government's recent undertaking to press vigorously for legislative change within the EU on this matter, and we urge the Government to make this a high priority matter for the UK's forthcoming presidency of the EU. (Paragraph 79)

The Government welcomes the Committee's recognition of its decision to press the EU Commission to introduce mandatory nutrition labelling in a format that is easy for consumers to use.

We consider that such mandatory nutrition information should be extensive and should therefore state values for the following nutrients: energy (expressed in both calories and kilojoules), protein, carbohydrate, including what proportion of the carbohydrate is sugars, fat, including what proportion of the fat is saturated fat, fibre, salt and sodium. (Paragraph 79)

The Government agrees that amounts of energy, sugars, fat including saturated fats, and salt should be stated on all prepackaged foods to help consumers make informed choices about the foods they buy.

Recommendation 9

We consider that nutrition information should, in so far as practicable, be presented in a standard, tabular format, to assist consumers in identifying the information easily and in making comparisons between products. Exemptions from the requirements to use a standard format may be necessary in the case of small packs, although we would then expect nutrition information to be given in a linear format where practicable. Information should be given in plain English, with common names rather than (or in addition to) scientific names. (Paragraph 80)

The European Commission has produced a discussion paper indicating that a proposal expected next year is likely to include mandatory nutrition labelling on all pre-packaged foods, salt declarations instead of sodium, and modifications to the permitted formats for nutrition labelling to make them more useful to consumers. The UK will draw on the results of consumer research in deciding which format to support.

Recommendation 10

We have recommended that values for both salt and sodium should be stated. We consider this is the best means of addressing the current confusion amongst consumers about the relationship between the two. We commend the Government for the action it has taken to date to have food manufacturers and processors cut the level of salt in processed food. As a supplement to this action, we recommend that the Government carry out a specific, targeted programme of public education to inform consumers of the health implications associated with sodium intake. (Paragraph 81)

The Government recognises that consumers find salt levels more helpful than sodium, and is pressing the EU Commission to require salt levels to be declared on the nutritional labelling panel.

The Government welcomes the Committee's recognition of the work it is undertaking to encourage food manufacturers and retailers to reduce the level of salt in processed foods.

The Government has had positive feedback from the evaluation of the first phase of the Food Standards Agency's campaign to raise public awareness of salt as a health issue which was undertaken in 2004. The Agency is planning to launch the second phase in September 2005.

Recommendation 11

Although important, mandatory provision of information about the nutrient content of food will be of limited use to the consumer without the provision of more general nutrition information. Such general information needs to enable consumers to establish the relevance of nutrient values to their own individual circumstances.

We consider that it is primarily the role of the Food Standards Agency to formulate and promulgate this information, but we also consider that the food manufacturing and retail industry has a role to play in promulgation. In terms of labelling requirements, we consider that the inclusion on labels of guideline daily amounts for energy consumption should be mandatory, and we recommend that the Government push for the requisite legislative change at EU level. In respect of other key nutrients—fat, sugars, and salt—we consider that the inclusion on labels of guideline daily amounts should be the rule, rather than the exception. (Paragraph 82)

The Government agrees that consumers need access to clear nutrition advice to enable them to make informed food choices and that the food industry and Government should work together to disseminate consistent healthy eating messages. The Food Standards Agency produces a range of resources aimed at specific population groups including ones specifically addressing issues of salt, fat and sugar. It has recently launched a consumer friendly web site (www.eatwell.gov.uk) that provides a wide range of information for consumers on food related topics to promote achievement of a balanced diet.

The Clear Labelling Guidelines produced by the Food Standards Agency recognise that the guideline daily amounts (GDAs), including for energy, developed by the Institute of Grocery Distribution, can provide consumers with helpful supplementary nutritional labelling information and recommends their use on food packaging. Two ways of presenting GDA information on the front of packs have been included amongst the signposting options currently being tested with consumers.

Recommendation 12

We are strongly supportive of the introduction of a UK-wide system of front-of-label nutrition signposting, to assist consumers in making healthier choices ‘at a glance’. The traffic light system has much to commend it but, whatever signposting system the Government decides to adopt, the determining factor should be clarity, rather than comprehensiveness, although any system should, of course, be as scientifically sound as is practicable. (Paragraph 99)

The Government agrees that any voluntary UK-wide signposting scheme must be clear and easily understood by the consumer, have a sound evidence base and build on ongoing work by the food industry. The consumer-focused research being carried out by the Food Standards Agency is central to this work and will be the basis for the development of an appropriate signposting scheme. The Choosing Health White Paper includes a commitment to introducing a system in early 2006.

Recommendation 13

More broadly, because any signposting system will necessarily oversimplify the very complex information about what constitutes a healthy diet for each individual, in the context of his or her lifestyle, it is crucial that any UK-wide system be implemented in the context of a wider education campaign providing consumers with more detailed information about nutrition and healthy diets. For such a campaign to be effective, the Government and the food industry will need to work co-operatively in disseminating consistent messages. (Paragraph 100)

The Government agrees that any voluntary UK-wide signposting system needs to enable consumers to make practical use of dietary advice in a way which fits their individual circumstances. The Choosing Health White Paper includes a commitment to discuss with the food industry how it might contribute to funding national campaigns to promote healthy eating, and to encourage industry involvement in campaigns to reach people when they are making choices.

Recommendation 14

Speedy action by the Government is required on the introduction of a nutrition signposting system. We would hope that the industry will, in consultation with the FSA and government, initially introduce such a scheme on a voluntary basis, as a mandatory system would take some time to be put in place because of the need for legislative change at EU level to achieve this. However, even if such a voluntary scheme were to be achieved, we consider that a mandatory scheme, applying at EU level, would still be necessary. We therefore recommend that the Government pursue legislative change at EU level to ensure that such a comprehensive and mandatory scheme of nutrition signposting is introduced. (Paragraph 101)

The Government has made a commitment to develop and introduce a voluntary UK-wide signposting scheme by early 2006 and welcomes the Committee's endorsement of this approach. The Food Standards Agency is currently undertaking consumer research into a range of options and will base its recommendations on the evidence obtained. The Government's aim is for there to be a clear straightforward system in common use. If a voluntary approach is not successful then the Government will consider pursuing legislative options at EU level.

Recommendation 15

We commend the initiatives being used by some of the major supermarkets in introducing their own nutrition signposting schemes. We trust that the Government will endeavour to work with these retailers to learn from their experiences in piloting nutrition signposting schemes, prior to finalising its own signposting scheme. (Paragraph 102)

The Food Standards Agency has engaged with food manufacturers and retailers who have developed their own signposting schemes and sought their advice and input into the development of a UK-wide, Government-sponsored, signposting system. It has undertaken extensive consultative activities to provide an opportunity for all stakeholders to contribute their views and experience in this area.

Recommendation 16

However, in order to be successful, we consider that any nutrition signposting system needs to be introduced across the board, so that consumers can draw meaningful comparisons between products. We trust that, once the Government has announced its preferred system of nutrition signposting, the major retailers will endeavour to comply with that system as soon as possible, to avoid consumer confusion. (Paragraph 103)

Once the research to identify the most appropriate signposting option has been completed, the Food Standards Agency will undertake a consultation on the proposed signposting format, and implementation arrangements. The Government agrees that it would be beneficial for consumers if the retailers and manufacturers were to work with Government to ensure adoption of the agreed, practicable signposting scheme across the UK.

Recommendation 20

Currently, manufacturers of alcoholic drinks are exempt from listing their ingredients on the label, although ingredients may be stated on a voluntary basis. We recommend that the Government report to us on whether any action is currently being taken at EU level to require compulsory labelling of ingredients on alcoholic drinks and, if not, whether it has any plans to raise the matter at EU level itself. (Paragraph 116)

The Government supports ingredient labelling which is both clear and meaningful to the consumer. In February 2005 the Government wrote to the Commission urging them to include ingredient listing on alcoholic drinks in their forthcoming proposals for the review of EC food labelling legislation. The Commission has indicated that it is favourably disposed to making proposals in this area.

Food labelling: non-prepacked foods

Recommendation 22

We recognise that it may not be feasible to provide the same range of nutritional information at point of sale to purchasers of non-prepacked foods as to those of prepacked food. Nevertheless, we believe that the Government should be working to ensure that clear and meaningful nutrition information is provided to the extent that it is feasible to do so on all foods purchased by consumers, including food

purchased in the eating out sector and other food sold loose or prepacked for direct sale. The Government should work at the EU level to achieve policy change on these matters. In the interim, the Government should take action to encourage increased voluntary provision of nutrition and other information. (Paragraph 131)

The signpost labelling system which is being developed by the Food Standards Agency is expected to apply to pre-packaged food in the first instance. However, once the scheme has been introduced, the Agency will consider what needs to be done to address consumer's nutritional information needs in relation to non-prepacked foods, including in the food service sector. The Government will also press for the provision of meaningful nutritional information in respect of non-prepacked foods to be considered at the EU level as part of the review of EU food labelling, which is due to start later this year.

Recommendation 23

We consider that those who sell or otherwise provide food in the eating out sector must take responsibility for providing healthy choices to their customers, and for highlighting those choices as healthy. We recommend that the Government work with the eating out sector to develop a 'green light only' nutrition signposting system to highlight healthy food choices. The Government should devise appropriate nutritional standards to underpin this model. (Paragraph 134)

The Government agrees that the catering and service sector should provide healthy food choices to their customers and information to help them to be able to identify these options. How this might best be achieved is an issue which the Food Standards Agency will consider with stakeholders once the UK-wide signposting scheme for pre-packaged foods has been agreed and implemented effectively.

Recommendation 25

We recommend that where it is feasible to do so, the level of nutrition information which we have recommended be required in respect of prepacked food should apply equally to food sold loose and food sold prepacked for direct sale in supermarkets and other food shops. We consider that it would be desirable for the same information about nutrient content to be provided, in the same standard, tabular format that we recommend above, although we do recognise that there may be some situations where it is not practical or necessary to provide as full a range of information as is provided on pre-packed products. Again, this should assist consumers in identifying the information easily and in making comparisons between products. Likewise, any nutrition signposting system which may be adopted in respect of prepacked foods should also apply to food prepacked for direct sale. (Paragraph 137)

Once work on the signpost labelling system has been completed, the Food Standards Agency will consider what needs to be done to address consumers' nutritional information needs in relation to non-prepacked foods, including in the food service sector.

Recommendation 26

We received virtually no evidence relating to catering services in institutions such as hospitals and schools. Nevertheless, we do not see any reason why the same principles should not apply to such institutions, and we recommend that the Government report to us on what work it is currently undertaking towards achieving such an outcome. (Paragraph 138)

The Government agrees with the Committee that principles of good nutrition should apply across major institutions. The *Choosing Health* White Paper commits the Government to developing guidance on good practice in public sector food procurement and nutritional standards for all foods provided by the NHS, schools, the Prison Service and the Ministry of Defence. There is a key objective in the Public Sector Food Procurement Initiative to increase the consumption of healthier options, with advice given on its web site, including a link to the “Choosing a Better Diet: a food and health action plan” with steps for delivering the White Paper. Specific commitments, including significantly increased funding, have already been made in relation to school meals.

Verifying food information: food assurance schemes

Recommendations 27 and 28

It is not at all clear that food assurance schemes are currently providing useful and meaningful information to consumers, and the proliferation of such schemes adds to the confusion. Few consumers are in a position to inquire into the veracity or reliability of the schemes' claims. Furthermore, even where schemes are sound, they may certify nothing more than that required minimum standards have been met—something consumers should be able to take for granted without the need for assurance by an external, private body. We believe that most consumers are likely to assume that the fact that a food carries an assurance scheme mark means that it has exceeded legal requirements in some respect. (Paragraph 155)

We recommend that the Government should ensure the central registration of food assurance schemes. All schemes should have to be registered and approved by an identified body. The FSA would be an obvious candidate for the task. The purpose of such schemes should be to certify that the product carrying the mark has either been:

- **produced or manufactured in a way which exceeds minimum legal standards—for example, in respect of the environment or animal welfare—or**

- has a ‘special characteristic’, such as meeting organic or vegan/vegetarian production requirements.

The registration body would have to satisfy itself that the operators of the schemes had appropriate verification systems in place to ensure that producers taking part in a scheme were fully meeting its requirements. We further recommend that the Government, in consultation with stakeholders, consider ways in which this kind of registration could limit the numbers of schemes in operation, and introduce some common elements in labelling, in order to make it easier for consumers to understand the schemes. (Paragraph 156)

The Committee’s recommendation would potentially cover a wide range of diverse certification and branding schemes. The Government believes that there would be practical difficulties in seeking to define and register such schemes, and is not convinced that such an approach, with its attendant bureaucracy, is either desirable or necessary.

The Government notes the Committee’s views on the proliferation of schemes and understands the Committee’s concerns. However it believes that it would be wrong to erect barriers to the introduction of schemes that seek to address the specific concerns of different groups of consumers by providing assurance that food has been produced in a particular way. The Government nevertheless welcomes initiatives that seek to help consumers, such as the introduction of the single Red Tractor logo to signify food produced in accordance with the standards laid down in the main farm assurance schemes.

The Government agrees that claims made by schemes must be valid and accurate. But it believes that the existing regulatory and voluntary controls on claims, labelling and advertising are sufficient to ensure this is the case.

The Food Standards Agency produced Guidance on Food Assurance Schemes in August 2003 to promote best practice and the provision of clear information to consumers on the objectives and advantages of the schemes. This Guidance resulted from an earlier review of food assurance schemes and the Agency will conduct a further review in 2006 to assess the extent that assurance schemes have adopted this Guidance. The need for any further action to be taken to protect the interests of consumers, including registration and approval, will be reviewed in the light of the outcome of this survey.

Other sources of food information

Recommendation 29

In order to improve consumers’ knowledge and understanding of nutrition and diet, a broader education campaign about these matters is required, driven forward by both the Government and the food industry, working in partnership with each other. Consumers are often faced with a range of contradictory messages about nutrition and diet, from a wide range of sources. Consequently, if consumers are ever to trust

messages about diet and food, such messages must be presented in a coherent and authoritative manner. A consistent approach between industry-run consumer awareness programmes and Government-funded consumer education must be adopted, with a shared aim of delivering clear and consistent messages to consumers. (Paragraph 170)

The Government fully agrees with the Committee's views on the need for government and industry to deliver clear and consistent consumer messages on nutrition and diet. The White Paper *Choosing Health* envisages development of a series of campaigns jointly funded by government and industry and commits the Government to developing an obesity awareness campaign in conjunction with a range of stakeholders including the food industry, to present clear and consistent messages on healthy eating and physical activity. The Food Standards Agency is already working with retailers and NGOs in particular to develop plans to deliver the second phase of the Agency's salt campaign in 2005. If successful, this approach could be seen as a model for more general campaigns on healthy eating.

Recommendation 31

We consider that implementation of our earlier recommendation, that the Government explicitly task one government department with lead responsibility for co-ordinating food information policy across both central and local government, would assist enormously in achieving this consistent approach between the Government and the food industry. The industry should be able to rely on a definitive position on food information policy, issuing from a single source. The Government needs to provide the industry with a single agenda with a clear list of priorities that both the Government and industry can work towards achieving. (Paragraph 172)

See response to recommendation 2.

Food Standards Agency
6 July 2005