



FOOD LABELLING - EU FOOD INFORMATION REGULATION ORIGIN LABELLING FOR PRIMARY FOOD INGREDIENTS

New rules for food labelling EU FIR | European Union Implementing Regulation (EU) 2018/775

The new implementing regulation (EU) 2018/775 on the labelling of primary ingredients of other origins has been in force in Europe since 01.04.2020. The regulation thus contains details on the application of Art. 23 para. 3 EU FIR (Food Information Regulation; Regulation (EU) 1169/2011).

The EU FIR regulates the labelling of food with consumer information in the member states of the EU. Mandatory information on food includes allergens, nutritional values, place of origin or country of origin. Manufacturers and online retailers are affected by the new labelling regulation.

Indications of origin of primary ingredients in food - legal background

The indication of the origin of the primary ingredient is regulated in Art. 26 EU FIR. According to the EU FIR, the indication of the country of origin is obligatory under Art. 26 para. 2 in the following cases:

(a) where failure to indicate this might mislead the consumer as to the true country of origin or place of provenance of the food, in particular if the information accompanying the food or the label as a whole would otherwise imply that the food has a different country of origin or place of provenance;

(b) for meat falling within the Combined Nomenclature ('CN') codes listed in Annex XI. The application of this point shall be subject to the adoption of implementing acts referred to in paragraph 8.

The information obligations in the case of indication of the country of origin of the food, but this differs from that of the primary ingredient, are laid down in Art. 26 Art. 3 EU FIR. The implementing Regulation (EU) 2018/775 regulates the application of this provision. The following information must be provided since 01.04.2020:

(3) Where the country of origin or the place of provenance of a food is given and where it is not the same as that of its primary ingredient:

- 1. (a) the country of origin or place of provenance of the primary ingredient in question shall also be given;*
- 2. (b) the country of origin or place of provenance of the primary ingredient shall be indicated as being different to that of the food.*

In short, if the country of origin or place of provenance is indicated for a food, but the primary ingredient does not originate from that country or place, the country of origin or place of provenance for the primary ingredient must be labelled separately.

To which food products does the Implementing Regulation apply?

The Implementing Regulation applies to all food supplements as well as to pre-packaged foodstuffs which are labelled on the packaging with the country of origin or place of provenance, whether mandatory or voluntary.

If the packaging is labelled with the origin of an ingredient, such as 'tomato sauce made from Italian tomatoes' or 'yoghurt with German strawberries', there is no obligation to indicate the origin of the primary ingredient. Whereas, the Regulation does apply to designations such as „Italian tomato sauce“ or „German strawberry yoghurt“.

Which indications are regarded as indications of source for foodstuffs?

To be considered as an indication of the country of origin

- Statements
- Pictograms, like national flags
- Symbols

Not to be considered an indication of origin:

- protected indications of origin
- registered trademarks with indications of origin
- Terms that indicate an indication of origin but refer to the recipe/type of product
- Common names used in trade which refer to the product type only as an indication

Examples of descriptive designations for the recipe/type:

- *Asian vegetable pan*
- *Mexican style chili con carne*
- *à la napoletana*

Examples of customary designations as an indication of product design:

- *Wiener Schnitzel*
- *Tiroler Käsespätzle*
- *Leipziger Allerlei*
- *Königsberger Klopse*
- *Schwarzwälder Kirschtorte*

What is the primary ingredient?

The term primary ingredient is defined in Article 2(2)(q) EU FIR.

The primary ingredient is that ingredient or those ingredients of a foodstuff which constitute more than 50% of the foodstuff or which consumers usually associate with the name of the foodstuff and for which a quantitative indication is required in most cases.

Does a food have more than one primary ingredient?

In principle, several ingredients can also be primary ingredients of a food. In the case of a fruit yoghurt, for example, both the yoghurt and the fruit ingredient are considered to be primary ingredients of the product.

*Example: „German strawberry yoghurt“ (yoghurt comes from Germany, strawberries come from Spain)
Indication of origin for strawberries is required*

How is the different origin marked?

Art. 2 of Implementing Regulation (EU) 2018/775 regulates how the different country of origin of the primary ingredient must be labelled. The different country of origin must be indicated

(a) with reference to one of the following geographical areas:

- 'EU', 'non-EU' or 'EU and non-EU'; or
- Region, or any other geographical area either within several Member States or within third countries, if defined
- as such under public international law or well understood by normally informed average consumers; or
- FAO Fishing area, or sea or freshwater body if defined as such under international law or well understood by normally informed average consumers; or
- Member State(s) or third country(ies); or
- Region, or any other geographical area within a Member State or within a third country, which is well understood by normally informed average consumers; or
- The country of origin or place of provenance in accordance with specific Union provisions applicable for the primary ingredient(s) as such;

Example: „Italian tomato sauce“

Ingredients: Tomato pulp 71%, Tomato Marrow Concentrate 14%, Onions, Sunflower Oil, Basil 2%, Sugar, Salt, Natural Flavouring.

Country of origin of tomato pulp: Germany

(b) or by means of a statement as follows:

- '(name of the primary ingredient) do/does not originate from (the country of origin or the place of provenance of the food)' or any similar wording likely to have the same meaning for the consumer. .

Example: „Italian tomato sauce“

Ingredients: Tomato pulp 71%, tomato pulp concentrate 14%, onions, sunflower oil, basil 2%, sugar, salt, natural flavour.

Tomato pulp is not from Italy

Manufacturers are basically free to choose the marking within the scope of the listed possibilities. However, the principle applies: the indication of places of origin and countries of origin must be complete or the next higher geographical level must be indicated.

Examples:

Alternative primary ingredient: tomato pulp, „tomato pulp originates from Spain, Germany and Argentina“.

Alternative: „EU and non-EU tomato pulp“.

Several Member States may be indicated with „and“, „or“ may not be used. Combinations of the form of indication such as „Spain and non-EU“ are not permitted. Only „EU and non-EU“ is permitted.

What are the specifications regarding the layout for the origin marking of primary ingredients?

Layout requirements for the origin labelling of primary ingredients are laid down in Art. 3 of Regulation (EU) 2018/775. According to this article, the labelling must always appear in the same field of vision as the indication of origin of the food and in a font size of at least 1.2 mm. The origin of the primary ingredient must account for at least 75% of the font size of the food origin.

What is the purpose of the new labelling requirement for primary ingredients in the case of a difference in origin?

Indications of origin are often an indication of product quality for consumers. The new labelling requirement creates more transparency for consumers and avoids misleading information.

Since when has Implementing Regulation (EU) 2018/775 been valid?

The Implementing Regulation has been in force since 1 April 2020, and food products placed on the market or labelled before the deadline can be sold until stocks are exhausted without observing the new requirements.

What are the consequences of non-compliance with the new regulation?

Violation or non-compliance with the regulation may result in fines and warnable competition infringements.

How can the new regulation be implemented?

The company b+b Automations- und Steuerungstechnik GmbH offers various solutions for the implementation of the marking requirements. Our contact persons are at your disposal to find the best economical marking solution for your requirements and general conditions. We would be pleased to advise you:

- > Semi-automatic and fully automatic labelling systems
- > Serialization and aggregation systems
- > Serialization software
- > Label printing and dispensing systems
- > Label design and automation software
- > Label printer
- > Consumables