

## Client Alert

### New EU Food Labeling Rules Effective December 13, 2014

December 19, 2014

The European Union's revised regulation on food labeling for consumers, [Regulation \(EU\) No. 1169/2011](#), harmonizes and introduces new rules, ensuring that consumers receive clearer, more comprehensive and accurate information about food content. Key labeling requirements of the Regulation went into effect on December 13, 2014, though stock placed on the market or labeled before that date may be marketed until they are exhausted. Revised nutrition labeling requirements go into effect on December 13, 2016.

On October 25, 2011, the EU Parliament and Council adopted the Regulation, harmonizing food labeling rules in Europe and further developing EU food law. The previous rules, primarily Directives [2000/13/EC](#) (food labeling, presentation, and advertisement) and [90/496/EEC](#) (nutrition labeling), established certain common EU end-results and objectives of food labeling law but left the Member States free to determine in their national legislation the best means to achieve the end results and objectives. The new rules now consolidate into a single legislative instrument the obligations and update them by introducing new requirements.

Important provisions and updates contained in the Regulation are:

- **Consolidation of the mandatory food information list:** Article 9 consolidates and amends the information that must be included on the labels for prepacked foods, those foods that are put in a package before being offered for sale, where the contents cannot be altered without opening or changing the packaging. Some of the new requirements are:
  - listing nanomaterials present in the foods and to mark them with the word "nano";
  - indicating "a nutrition declaration" in the main text of the label for certain (mostly prepacked, processed) foods; and
  - indicating and highlighting allergens listed in Annex II that are contained in food or used during manufacturing or preparation.
- **Clarification of food labeling responsibilities:** Article 8 defines the responsibilities regarding food labeling for the different food business operators in the supply chain. The provision clarifies that the food business operator responsible for the food information in the label is the operator "under whose name the food is marketed or, if that operator is established in the Union, the importer into the Union market."
- **Requirements to improve the legibility of labeling:** Article 13 sets forth specific requirements for the font size and placement for categories of information that must be included on food labels.
- **Labeling requirements for distance-selling of prepacked foods:** The Regulation expressly requires the same labeling obligations for online, distance-selling of prepacked foods as apply to a brick and mortar store. Consumers must have access to that information before purchase, without incurring any cost.

- **Origin labeling for unprocessed meat:** Origin labeling is already required in the EU for specific unprocessed foodstuffs, including unprocessed beef and beef products following the bovine spongiform encephalopathy crisis ([Regulation 1760/2000](#)), honey, fruit and vegetables, fish, and olive oil. The Regulation extends mandatory origin labeling for unprocessed swine, sheep, goat and poultry meat. Specific terms for the origin labeling of these unprocessed meats have been defined by the European Commission in [Implementing Regulation \(EU\) 1337/2013](#).
- **Mandatory indication of allergens in non-prepacked foods sold by mass caterers:** Mass caterers (restaurants, canteens, schools, hospitals and catering enterprises) must indicate the presence of allergenic substances listed in Annex II in the non-prepacked food they sell.
- **Nutrition declaration:** The revised nutrition declaration must include the energy value of the food as well as the amounts of fat, saturates, carbohydrate, sugars, protein and salt it contains. Other nutrients in the food, such as mono-unsaturates, polyunsaturates, polyols, starch, fiber and vitamins or minerals listed in Annex XIII, may be disclosed but is not mandatory. So as to not confuse consumers, both mandatory and voluntary nutrition information must be presented in a clear format in the same field of vision of the package.

The Regulation has introduced noteworthy changes to EU food law and has received a fair amount of criticism. For instance, the obligation to provide information on allergens for non-prepacked foods has been strongly contested by mass caterers, most notably small restaurants and cafés, as being unnecessarily restrictive of their activities. In order to answer to the criticism, the Commission has launched a [public consultation](#) to gather stakeholders' views on its recently issued informal [Guidelines](#) relating to allergen disclosures required by the Regulation. The deadline for submitting comments is January 4, 2015.

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