

MOVIMENTO DEI CONSUMATORI (Consumer Association in Italy)

From reading the first five paragraphs constituting the introduction to the “discussion paper”, our association feels that the debate initiated by the European Community has not yet succeeded in focusing on consumers’ rights and requirements and that once again there is a lack of decisiveness concerning all the elements likely to help ensure the high level of consumer protection (health and financial interests) which is still nothing more than a statement of commitment by the European Community. Once again the fundamental right to transparent, complete and truthful information seems forced to yield to commercial interests. This means yet another postponement of action to provide consumers with sufficient information to be able to compare and make a free choice in full knowledge of the facts, so as to give them back their key role as market regulators through “informed demand”. Consumers are prevented from re-establishing a balanced position with regard to the other market protagonist, the food industry, which if faced with “informed demand” would be obliged to compete properly through the intrinsic qualities and functions of its products and by presenting transparent offers which can be compared with others.

It was not by chance that in its XXIXth Report on Competition Policy (1999) the European Commission emphasised the need to give priority to consumer interests when defining competition policy, stating that “...the Commission intends to treat consumers not merely as people who benefit as a result of competition policy but also as promoters of competition policy”, adding that “consumers and consumers’ organisations can be of great help in identifying anticompetitive practices”.

Although low-fat cholesterol-free products, low-fat low-sugar products, fibre-rich products, low-fat cheeses, and “light” butter and margarine have been available on the US market for over ten years, the number of obese and overweight people has grown, as has the number of people falling ill as a result of an unbalanced diet. Even if the number of deaths has fallen owing to improved medical treatment and drugs, which nowadays are able to safeguard the health of a larger number of people, the fact is that “invalidity” rates and dependence on the health system and drugs have increased. This constitutes further evidence of the fact that the claims made in respect of products have had only a commercial effect rather than playing an informative and therefore preventive role, as was hoped for by consumer associations and the members of the ad hoc Codex Alimentarius committees.

In full agreement with what is stated in paragraphs 6 and 7 of the discussion paper (general considerations) concerning Directive 2000/13, our association reiterates that:

- it is difficult to classify the nutrition profile of a given product as “acceptable” - let alone “good” or “bad” - when everyone knows that what counts is the consumption of an appropriate quantity and quality, taking account of age, physique, everyday activity, gender and other parameters, including individual metabolism;
- all foods without exception, if described in accordance with the right to information (which must be truthful, clear, precise, complete and comparable), have specific nutritional and functional characteristics;

- claims, even where they are regulated, do not transmit messages which are detailed and clear enough to avoid incorrect or misleading - even dangerous - interpretations and perceptions, as confirmed also by the international working groups now concerned with the subject;
- recitals 6 and 8 to Directive 2000/13 state that the prime consideration should be to inform the consumer to enable him “to make his choice in full knowledge of the facts”;
- all claims and statements, in order to convey awareness, need to be precise, simple and comparable;
- the presentation of statements in a standardised manner will ultimately be conducive to the free movement of goods, as mentioned in recital 8 of the Directive;
- transparency reduces the possibility of introducing misleading elements into the presentation of food products, which also makes it easier to protect consumers’ health and financial interests;
- maintaining and safeguarding consumer health is a priority objective of all Community provisions;
- Community policies and programmes designed to protect citizens’ health give rise to justified and universally acknowledged recommendations encouraging citizens to vary their diets by consuming different foods, possibly on a seasonal basis, which have been handled as little as possible and are generically referred to as the “Mediterranean diet”;
- all foods, if consumed in moderation, in themselves perform preventive functions and thus reduce the risk of illness.

Our association feels that the time has come to make nutrition labelling compulsory, thus obviating the need for any further discussions on nutrition claims, which would then be present on the label, allowing consumers to learn all about the foods they consume daily and think about what to consume in terms of quality and quantity.

We therefore regard it as a priority, given the average consumer’s difficulty in interpreting the statements made on packaging and in labelling, to permanently plug the gaps left by incorrect information. It is also essential to avoid any new legislation which might introduce elements which are not truthful, clear, complete, comparable/measurable, scientifically well-founded and widely accepted.

The label is the most suitable way of transmitting appropriate information on nutritional requirements and the functions of nutrients, and is certainly the most consistent, economical and efficient way of ensuring the widest possible dissemination of information to allow the consumer, in his own good time, to become familiar with the products he uses regularly.

We would therefore like to make two proposals to ensure that information made available to consumers constitutes a real basis for comparing similar products.

- 1) It should be compulsory for half the available space on the packaging which contains the product and presents it to consumers to be used for nutrition information. This information must be simple and comprehensible, taking account of the knowledge consumers will have from basic education.
- 2) Ingredients should be listed together with their effective weights (with tolerances depending on the case).

For the above reasons, we are very much against the use of all the terms considered in the discussion paper, even where reference percentages are established which can be of some help to more attentive consumers, but certainly not to the majority of people, who are distracted by “eye-catchers” carefully distributed over the packaging for the purpose of diverting the attention of hurried consumers from the limited amount of compulsory and useful information, which is normally in smaller print.

Finally, our consumer association suggests the following.

- Legislation should be adopted requiring all printed characters, apart from the brand name, on the packaging or on the label of loose products to be the same size.
- It should be compulsory for 50% of the surface of the packaging to be framed and used for nutrition information in the form of a diagram/histogram containing:
 - a) information on all nutrients presumed to be still present when the use-by date is approaching (tolerances to be established on a scientific basis, assuming proper storage);
 - b) the recommended daily intake of each nutrient (parallel histogram for comparing the content in 100 g of the product with the recommended daily intake);
 - c) the recommended dose/portion/quantity of the product in question to be consumed daily, with reference to the average body weight of 70 kg (with possible variations to take account of weight, height, gender, age or bone structure); (to familiarise consumers with their nutrition needs and the nutritional contributions of products and allow them to take decisions autonomously) - in all cases as part of a varied diet;
 - d) recommendations on storage, preparation and cooking to maintain nutritional values and organoleptic qualities;
 - e) indications (using signs and/or logos, warnings or recommendations) to make moderate use of any product characterised by the excessive presence of a nutrient (e.g. a red, yellow or green spot next to each nutrient - proteins, fats and sugars - and also next to the brand name as a pre-warning).
- There should be a ban on just giving total calories for a product, if this figure is not accompanied by details of the calories contributed by each individual nutrient (a necessary part of consumer education — getting rid of the idea that the important thing is to consume a specific number of calories per day to remain healthy or even lose weight).
- Labelling should be reviewed in respect of the part covering ingredients; these must be listed in decreasing order of weight, also stating the average percentages of each individual component/ingredient (comparability between products, provision of information relating to quality, thus encouraging firms to compete by improving quality rather than their brand image).

Finally, to make it easier to consider other product assessment criteria relating to:

- environmental compatibility (renewable raw materials and energy consumption),
 - social compatibility (forced labour or youth labour),
 - ethical compatibility (civil rights and democratic freedoms),
- there is also the possibility of introducing symbols relating to these particular aspects, which clearly do not refer to physical nutrients, but to intellectual ones.

It is therefore suggested that:

- the unit price always be expressed, without exceptions;
- energy consumption for the product's manufacture (electricity) and distribution (fuel — average consumption per km) be stated;
- the labour component be represented by symbols (free, forced, youth, child);
- the costs referring to the entire life cycle of the product transmitted to society be included in the total pre-sale product cost (indirect pre- and post-consumption costs).

We hope that progress will now be made in terms of regulating everything to do with labelling, presentation, advertising and nutritional composition of foods in a single directive.

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