
Consumers, Health, Agriculture and Food Executive Agency

CHAFEA

Consumers Unit

Request for Service SANTE/2020/E1/066 under Framework Contract CHAFEA/2019/CP/01 to provide services for

Consumer research study to identify new ways of expressing date marking that meet consumers' information needs whilst minimising food waste

Consultation on date marking policy options of the EU Platform on Food Losses and Food Waste and of the Working Group on Food Information to Consumers Regulation

30 November 2021

Submitted by Open Evidence, London School of Economics, Brainsigns and BDI



1. Introduction

On 30 November 2021 from 14:00 to 17:30, the Commission held an online targeted consultation, with members of the EU Platform on Food Losses and Food Waste and of the Working Group on Food Information to Consumers Regulation, related to the revision of EU date marking rules and this consumer research. The aim was to exchange with participants on the date marking policy options developed so far to help inform the next phases of this work. Comments received allowed further refining of these options before proceeding with fieldwork to test the effectiveness of the selected policy options in avoiding food waste linked to date marking. The meeting was chaired by a representative of the Directorate-General for Health and Food Safety.

The following document reports on the meeting and feedback received during and following this consultation. Annex 1 provides the list of Member States and organisations that participated in that meeting.

Those who participated in the consultation meeting were provided with a Working Document prior to the meeting as preparation for the consultation meeting. In this document a short summary of the consumer research being conducted in relation to date marking was presented, including a selection of the most significant policy options established by the contractor based on the insights collected from the research activities performed (including a literature review, stakeholder interviews, and several focus groups).

During the consultation meeting, following an introduction from the Chair, the contractor presented the on-going consumer research and the proposed date marking policy options. Participants to the consultation were then asked to provide their views on each of the date marking policy options designed, which included text-based options, graphical options, and combinations of the two.

At the end of the consultation, participants were also forwarded a short questionnaire in which they could expand on their views on the policy options and provide specific comments and suggestions. In addition, the questionnaire asked the stakeholders' approval to test the policy options in the subsequent phases of the study. They were given one week to provide this feedback. As of December 7th, 2021, 45 answers to the questionnaire have been received. A few other contributions have been collected in a format differing from the intended questionnaire form (e.g. position statement letters). All the feedback received is synthesized and presented in this document.

2. Feedback on suggested policy options

The following main chapter of the report integrates all the comments and suggestions received during the meeting and through the questionnaire, which are organised in three sub-sections as follows:

1. Text-based options (**section 2.1**)
2. Graphical options (**section 2.2**)
3. Combination of graphical options with text (**section 2.3**)

The three sub-sections are then divided into further sub-sections, which report the specific feedback for each of the sub-options presented in each category. In this second set of sub-sections, the structure is the same across the whole document and the following information is presented:

- **Image (or text) of the label**
- **Overall analysis:** Here we summarize all the relevant comments that emerged during the consultation activities.

- **Stakeholders' preferences:** Here we include a table that reports the amount (total number and percentage) of participants that agreed or disagreed to test the policy options in the next phases of the study, as per the replies received in the questionnaire. Several participants expressed no preference (neutral option).

After presenting all the information mentioned above for each policy sub-option, we present our final conclusions for each category of policy options (text-based, graphical, and combination of the two).

2.1. Option 1: Text-based options

2.1.1. 'Best before' dates

The following five 'best before' date options were introduced.

- 1. Best before 01 Jan 2022**
- 2. Best quality before 01 Jan 2022**
- 3. Best before 01 Jan 2022. Usually good after**
- 4. Best before 01 Jan 2022. Often good after**
- 5. Best before 01 Jan 2022. Then check look, smell, taste**

Overall, most participants agreed to test the first option ("Best before 01 Jan 2022") given that consumers are familiar with it, and many argued that it effectively conveyed information on the food's state.

Opinions on the second option ("Best quality before 01 Jan 2022") were somewhat mixed. While some argued that it was a better option than the existing one ("Best before 01 Jan 2022"), others said that it could be confusing. For instance, one Member State expert argued against testing it further given that nutritional value and other specific properties of the product are also affected beyond this date, and not only quality. Furthermore, another national expert said that different consumer groups might understand "quality" in different ways and thus may understand the label differently. It was further argued that consumers might be confused and not understand whether the term 'quality refers to organoleptic quality or microbiological quality.

The ambiguity of the terms "usually" and "often" in options 3 and 4 was criticised by several respondents. Furthermore, Stop Wasting Food (Stop Spild Af Mad) argued that date markings should use as few words as possible, and not be confusing. Therefore, she did not agree with further testing options 3 ("Best before 01 Jan 2022. Usually good after."), 4 ("Best before 01 Jan 2022. Often good after.") and 5 ("Best before 01 Jan 2022. Then check look, smell, taste."). In the case of the latter, she argued that this phrase was too long. A Member State expert added that messages such as options 3 and 4 might not be relevant for all types of food. Exceeding the 'Best before' date can also have safety implications; therefore, it could be difficult to provide a general indication regarding consumption after this date without considering the specificities of each product. It was suggested that such additional messages to remain voluntary and be left to the responsibility of FBOs in accordance with Regulation (EC) No 178/2002.

Option 5 received generally positive reviews, with the main criticism focusing on the excessive length of the text, which might confuse consumers or require excessive effort to be read and understood, and therefore be ignored. One suggestion to obviate this issue came from a national food agency, which expressed the lack of clarity of the term 'check'. The term can be seen as superfluous and removing it might be a way to reduce the length of the message.

In addition, several participants to the consultation reported positive results when testing options 4 and 5, as it has been done in Norway and Spain. Several other participants suggested the possibility of making, through legislation, the two options a voluntary wording to add to the existing label.

Stakeholder's preferences

Option number	Agree to test	Disagree to test	n.a.
1	34 (75%)	6 (13%)	5 (11%)
2	24 (53%)	17 (37%)	4 (9%)
3	17 (37%)	20 (44%)	8 (18%)
4	19 (42%)	19 (42%)	7 (16%)
5	28 (62%)	11 (24%)	6 (13%)

2.1.2. 'Use by' dates

Two 'use by' date options were presented.

1. Use by 01 Jan 2022
2. Do not consume after 01 Jan 2022

In general, high acceptance of these dates, and no comments on translation issues. Main issues highlighted were on the negative framing of the message, and an alternative option proposed was 'consume until, then dispose of'.

Stakeholder's preferences

Option number	Agree to test	Disagree to test	n.a.
1	38 (84%)	5 (11%)	2 (4%)
2	31 (68%)	7 (16%)	7 (16%)

2.1.3. Overall feedback on text-based options

The need for clarity in text-based options was reiterated throughout the consultation and in the feedback received.

Participants to the consultation expressed a **desire to focus more on the visual options**, rather than the textual ones. In fact, the discussion highlighted the difficulties often faced by consumers when finding and reading a textual date. Generally speaking, participants to the consultation agreed that **improving just the wording on the label might not be enough as it would not benefit the visibility and relevance of the label** on the product. A participant also argued that visual based options **are more ambitious and that text-based options would most likely allow for a continuation of current practices** of displaying dates that are hard to find and/or difficult to read.

2.2. Option 2: Graphical options

2.2.1. Sub-option A: Colours and shapes

Figure 1 Graphical options – Sub-option A



Overall, these options were considered as inadequate to carry on for the next phases of the study. The use of colours as the main differentiating clue was considered a potential additional burden for industry and FBOs that recommended relying on options that could work in black and white as well as in colour. The burden would arise from the increased cost in printing-coloured labels, and the increased difficulty in printing dates inside shapes. In addition, participants to the consultation highlighted the fact that just adding shape/colour, without modifying the message, might not be enough to actually increase understanding, and could even have the adverse effect of increasing confusion for the consumer. However, it emerged that green and blue were considered better colour alternatives for “best before” dates, as orange may be too negative and could be considered as a warning, altering the meaning of the message that a ‘best before’ date would carry. As regards the “use by” dates, the triangle was seen as more effective at signalling alertness to consumers. According to the feedback received, it might be interesting to test these options using the alternative text messages presented in the sections above.

Stakeholder's preferences

Option number	Agree to test	Disagree to test	n.a.
1	13 (29%)	29 (64%)	3 (6%)
2	17 (38%)	24 (53%)	4 (9%)
3	12 (26%)	28 (62%)	5 (11%)
4	15 (33%)	25 (55%)	5 (11%)
5	13 (29%)	27 (60%)	5 (11%)

2.2.2. Sub-option B: Symbols

Figure 2 Graphical options – Sub-option B



Overall, these options received slightly more positive votes in the questionnaire, so it might be beneficial to test them in the next phases of the study. The only option without a majority of positive votes was option 2, that will be discarded. The main reason behind this relies on the fact that the colour blue does not have a universal meaning and might work in some countries and not in others. Colours like red, green, and yellow could be more effective due to their universality in meaning (traffic light colours). However, we need to consider what was highlighted in the previous set of policy options, that is that the colour orange might not be the right choice to express a 'best before' date. Some participants to the consultation highlighted that the thumb up might not be appropriate, as it could give the impression that the product is always edible, something that is not always true. If we decide to carry on options 1 and 2 to the next phases of the study, it might be useful to change the colour to a more understandable green (following the traffic light paradigm). Options 3 and 4 were generally more accepted, however several stakeholders suggested that options 3 and 4 may induce fear on consumers, which may discourage them from purchasing the product overall. A re-designing of these policy options was thus suggested. A participant mentioned that the red hand could be perceived negatively in some Member States, while another participant highlighted that the palm of the hand might result offensive in certain countries, like Greece or Cyprus. However, a participant from Cyprus reminded that the palm at end is perceived as offensive only when the fingers are open, and not close together as in the designs proposed.

Stakeholder's preferences

Option number	Agree to test	Disagree to test	n.a.
1	21 (46%)	19 (42%)	5 (11%)
2	19 (42%)	22 (48%)	4 (9%)
3	24 (53%)	16 (35%)	5 (11%)
4	23 (51%)	20 (44%)	2 (4%)

2.2.3. Overall feedback on graphical options

Views on graphical options were mixed. While many thought that **graphical elements would help consumers (as long as clarity of the graphics was ensured)**, others argued against testing such options on grounds of **production costs for FBOs** and also on confusion to consumers, who may not be familiar with the graphics introduced and thus not understand them and may also be

confused by the different colours and shapes. Multiple respondents highlighted that, **without changing the wording/message of the text in the label, just the addition of a shape/colour might not be enough to increase understanding**. Some respondents argued that as packages have an increasing number of graphics, symbols, colours and logos, these **graphical options may just add to the confusion**. Multiple FBO representatives declared themselves being in favour of the addition of visual alternatives provided that their use would be only on a **voluntary basis**.

The necessity to select **universal symbols and colours** to design the alternative graphical options was stressed by several participants throughout the consultation.

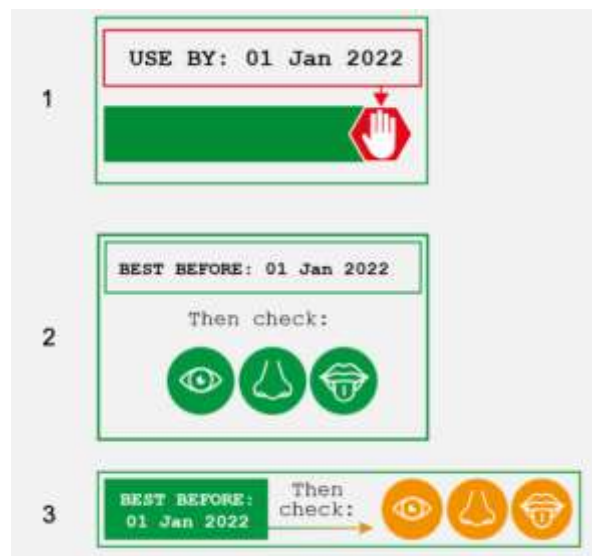
The consultation discussion also highlighted that the additional **space requirements for these options on the label could become problematic in countries in which labels are required to present information in more than one language** (e.g. in Belgium).

In addition, an **issue for colour blind people** was flagged. Indeed, options 1 and 3 as shown in Figure 1 are both identical, providing no sufficient differentiation between the two. One participant proposed that any symbol option should include both a different colour and a different shape.

2.3. Option 3: Combination of graphical options with text

2.3.1. Sub-option A

Figure 3 Combination of graphical options with text – Sub-option A



Overall, the majority of the stakeholders considered these options as possibly valid and were in favour of testing them in the next phases of the study. The most often raised issue of these sub-options is that they might be too complex, and several people deemed them as unclear and difficult to understand for consumers. Again, several issues raised for previous options are again relevant here. For example, the hand can evoke a sense of excessive danger to the consumers and might turn out to be misleading. Multiple representatives of FBOs reinforced the additional burden that complex-coloured labels would impose in the production of packaging. In addition, the amount of space required by labels like the ones proposed here may not always be available, and the size of the label can be reduced for several products, thus decreasing readability and therefore understanding.

Stakeholder's preferences

Option number	Agree to test	Disagree to test	n.a.
1	25 (55%)	16 (35%)	4 (9%)
2	28 (62%)	12 (26%)	5 (11%)
3	28 (62%)	13 (28%)	4 (9%)

2.3.2. Sub-option B

Figure 4 Combination of graphical options with text – Sub-option B



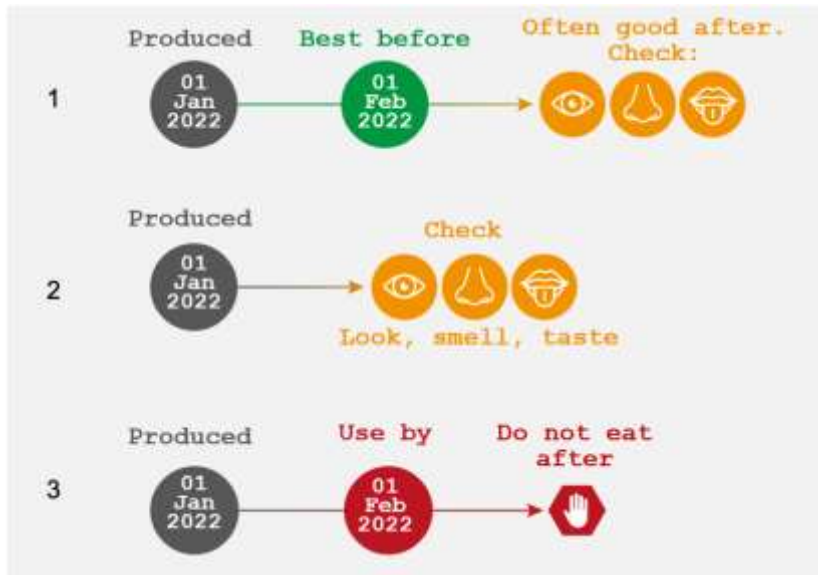
All three options presented here received a similar amount of positive and negative votes in the questionnaire, without a clear majority emerging. One of the main issues to consider here is the risk of cognitive overload. The number of messages and symbols introduced in these options might be overwhelming for the consumers who might overlook all of the additional information and only read the date, cancelling the possible positive effects of the additional information provided. The feedback received in fact suggested that these sub-options are too crowded with graphical elements. This could also diminish the overall clarity of the information. One solution proposed in order to avoid over-crowding the label was to include additional information (such as the eyes, nose and mouth icons) in communication materials that accompany the food product (e.g. in-store communication, QR code on the label etc.). The bin symbol was often criticized by the participants in the consultation. This is based on the fact that it could be confused with recycling instructions and also could imply that wasting food is an option. Again, the large number of symbols and logos might be problematic when the packaging is already small and could result in unreadable information on the label.

Stakeholder's preferences

Option number	Agree to test	Disagree to test	n.a.
1	21 (47%)	21 (47%)	3 (6%)
2	21 (47%)	20 (44%)	4 (9%)
3	21 (47%)	21 (47%)	3 (6%)

2.3.3. Sub-option C

Figure 5 Combination of graphical options with text – Sub-option C



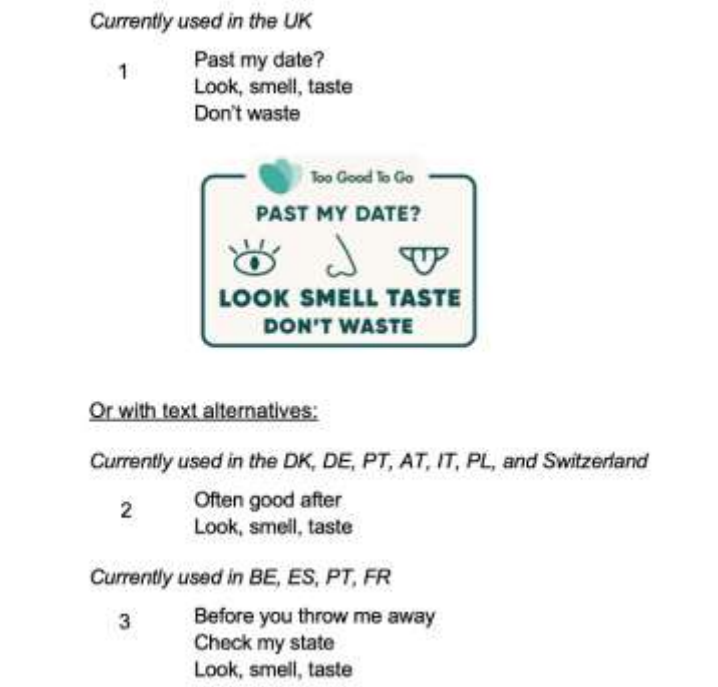
Overall, these options were the least appreciated, and therefore should be excluded from the next phases of the study. In a similar manner to sub-option B, some of the feedback suggested that this sub-option is crowded with graphical elements, which weakens its clarity. This was well reflected by the replies to the questionnaire, where the majority of the participants suggested not to test these options in the next phases of the study. In fact, several people, both during the meeting and in the written feedback, suggested that the production date provides no relevant information to consumers, and that it might just confuse them. It was also argued that removing this element would reduce space requirement on packages, which would be positive from the perspective of implementation, or for example, it was suggested merging the three sense pictograms into one to further reduce the space requirements and to act as a “best before” pictogram to be used for all products.

Stakeholder's preferences

Option number	Agree to test	Disagree to test	n.a.
1	19 (42%)	25 (56%)	1 (2%)
2	7 (16%)	34 (76%)	4 (9%)
3	16 (36%)	25 (56%)	4 (9%)

2.3.4. Sub-option D

Figure 6 Combination of graphical options with text - Sub-option D



Overall, the majority of the stakeholders consulted agree that this could be an effective label and suggest keeping it for the subsequent phases of the study. Of the three textual alternatives presented, the original one was the most appreciated to accompany the graphics of the label. Some participants were worried about the use of the company logo in this sub-option. Several responses to the questionnaire expressed their dislike of the fact that this was product placement and, as such, hidden advertising for the company Too Good To Go. Thereby, they suggested that, if this were to be tested, the company's name and logo should be removed.

Stakeholder's preferences

Option number	Agree to test	Disagree to test	n.a.
1	35 (78%)	9 (20%)	1 (2%)

2.3.5. Overall feedback on the combination of graphical options with text

Overall, options combining graphical elements with text were well received by the stakeholders involved in the consultation. The main criticism came from representatives of FBOs that highlighted the **additional burden imposed by the increased complexity of the label**. Similarly to the graphic options (option 2), also for option 3, it emerged that the use of colours **could result in increased costs**. Moreover, representatives of FBOs highlighted that there are **technical constraints preventing the date marking from being printed next to or within a graphic element** (e.g. a shape).

The **increased complexity of the label must be considered**, as it might result in being detrimental for consumer understanding. The **risk of information overload** is high, and this could result in consumers ignoring all the additional information on the label when reading the label without focusing on it. Recent research carried out in the country highlighted that **consumer prefer simple and clean labels** and would not welcome complex labels with multiple graphical elements.

Another crucial issue to keep in mind when evaluating these options is the **increased space needs**. This can be detrimental for products where the packaging is already small, as decreasing

notably the size of these policy options could significantly decrease their readability, and therefore effectiveness. In addition, it was highlighted that **in multi-lingual countries, such as e.g. Belgium, additional text components are very difficult to implement**, and designs like the ones proposed in the sections above could become too big when multiple languages are involved.

3. Conclusions

Overall, the majority of the alternative date labels that were presented to the stakeholders were viewed as potentially valid alternatives, if translated appropriately, although mixed comments and suggestions were shared in the consultation meeting. The alternative labels that were considered the potentially least valid were the ones including the production date (text and graphical, sub-option B), and therefore will be excluded from the next steps of the study.

Textual options were generally well received. All the 'use by' options were voted positively to test in the next phases of the study. Of the 'best before' options, only 'best before [date], usually good after' received a majority of negative votes and will be excluded from the study. As it emerged in previous phases of the study, the translation of the label in non-English speaking countries is often a cause of additional confusion. This was greatly reinforced during the consultation, and several suggestions regarding translations were received. It will be crucial to revise all translations accordingly, before starting the next activities of the project.

Concerning graphical options, the first set (sub-option A: colours and shapes) recorded slightly more negative votes and will be excluded from the study as well. The second set of graphical options (sub-option B: Symbols) recorded slightly more positive votes, however, due to limitations concerning a universal application of a colourful graphic on food labels, the thumb up symbol for 'Best before' dates will be tested in black and white. This treatment will be applied to all the graphical options introduced, as representatives from FBOs highlighted potential increases in printing costs for coloured labels. All the alternative labels that we will test in the next phases will be tested in black and white only.

Concerning options combining text and graphical elements, aside from the already mentioned options including the production date that will be discarded, all the alternative labels received a majority of positive votes. Surprisingly, all the options included under sub-option B received an almost identical amount of positive and negative votes. Due to the lack of a clear majority we propose to keep them for the next phases of the study.

When presented with the already existing label utilised by the company Too Good To Go, the vast majority of the participants voted it positively to keep it for the next phases of the study. None of the alternative text presented was preferred to the original. The major general comment to keep in mind is that most of the stakeholders suggested removing the company logo from the label when testing it, to avoid turning the subsequent phases in marketing exercises. However, this option is not an alternative for date marking, but just complementary information presented on an additional label. Due to this fact, as well as due to the limited number of options that we will be able to test in the next phase (to avoid questionnaire length issues), it was decided not to include this option in subsequent phases of the study.

Annex 1

List of participants

COUNTRY	CODE	ORGANISATION
ÖSTERREICH (Austria)	AT	Federal Ministry of Social Affairs, Health, Care and Consumer Protection
ÖSTERREICH (Austria)	AT	Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology
BELGIQUE/BELGIË (Belgium)	BE	Federal public service Health, Food Chain Safety and Environment
BELGIQUE/BELGIË (Belgium)	BE	FPS Economy
БЪЛГАРИЯ (Bulgaria)	BG	BULGARIAN FOOD SAFETY AGENCY
БЪЛГАРИЯ (Bulgaria)	BG	Ministry of Agriculture, Food and Forestry
БЪЛГАРИЯ (Bulgaria)	BG	Permanent representation
БЪЛГАРИЯ (Bulgaria)	BG	Ministry of Economy
ΚΥΠΡΟΣ (Cyprus)	CY	Environmental Health Services, Ministry of Health
ČESKO (Czechia)	CZ	Ministry of Agriculture
DEUTSCHLAND (Germany)	DE	Federal Ministry for Food and Agriculture
DEUTSCHLAND (Germany)	DE	Ministerium für Umwelt, Landwirtschaft, Natur- und Verbraucherschutz NRW
DENMARK	DK	Danish Veterinary and Food Administration
EESTI (Estonia)	EE	Ministry of Rural Affairs
ΕΛΛΑΔΑ (Greece)	EL	Greek Perm Rep to the EU
ΕΛΛΑΔΑ (Greece)	EL	HELLENIC FOOD AUTHORITY
ESPAÑA (Spain)	ES	Ministry of Agriculture, Fisheries and Food
ESPAÑA (Spain)	ES	AESAN- Ministry of Consumer
ESPAÑA (Spain)	ES	Consejero de Consumo y Seguridad Alimentaria - REPRESENTACIÓN PERMANENTE DE ESPAÑA ANTE LA UNIÓN EUROPEA

ESPAÑA (Spain)	ES	Subdirectorato General of Coordination, Quality and Cooperation in Consumer Affairs-Directorate General of Consumer Affairs
SUOMI/FINLAND (Finland)	FI	Ministry of Agriculture and Forestry
FRANCE (France)	FR	DGAL
FRANCE (France)	FR	DGCCRF
FRANCE (France)	FR	ministry of environment
HRVATSKA (Croatia)	HR	Ministry of Agriculture
MAGYARORSZÁG (Hungary)	HU	Ministry of Agriculture
MAGYARORSZÁG (Hungary)	HU	NEBIH
ÉIRE/IRELAND (Ireland)	IE	Department of Environment Communications and Climate
ÉIRE/IRELAND (Ireland)	IE	Department of Environment, Climate and Communications
ÉIRE/IRELAND (Ireland)	IE	EPA
ÉIRE/IRELAND (Ireland)	IE	Department of Agriculture, Food & the Marine
ÉIRE/IRELAND (Ireland)	IE	Department of Health
ÉIRE/IRELAND (Ireland)	IE	Food Safety Authority of Ireland
ITALIA (Italy)	IT	Ministero della Salute – DGISAN – Ufficio 5
ITALIA (Italy)	IT	Ministero delle politiche agricole alimentari e forestali (MIPAAF)
ITALIA (Italy)	IT	Ministero dello Sviluppo Economico (MISE)
ITALIA (Italy)	IT	Ministry of health- Dgisan- Office 5
LIETUVA (Lithuania)	LT	Ministry of Agriculture
LIETUVA (Lithuania)	LT	State Food and Veterinary Service
LIETUVA (Lithuania)	LT	Center for Health Education and Diseases Prevention
LIETUVA (Lithuania)	LT	Ministry of Health
LIETUVA (Lithuania)	LT	Ministry of Environment

LUXEMBOURG (Luxembourg)	LU	Ministère des Affaires étrangères et européennes
LUXEMBOURG (Luxembourg)	LU	Ministry of Health - Department of Food Safety
LUXEMBOURG (Luxembourg)	LU	Ministry of Health
LATVIJA (Latvia)	LV	Ministry of Agriculture
MALTA	MT	Malta Competition and Consumer Affairs Authority (MCCAA) - Technical Regulations Division, Regulatory Affairs Directorate
NEDERLAND (Netherlands)	NL	Ministry of Agriculture Nature and Food Quality
NEDERLAND (Netherlands)	NL	Ministry of Health
NOREG/NORGE (Norway)	NO	Norwegian Ministry of Agriculture and Food
NOREG/NORGE (Norway)	NO	Mattilsynet- Norwegian Food Safety Authority
NOREG/NORGE (Norway)	NO	The Norwegian Food Safety Authority
POLSKA (Poland)	PL	Chief Sanitary Inspectorate
POLSKA (Poland)	PL	Ministry of Agriculture and Rural Development
PORTUGAL (Portugal)	PT	DGAV
PORTUGAL (Portugal)	PT	Gabinete de Planeamento, Políticas e Administração Geral (GPP)/National Commission for Fight Food Waste (CNCDA)
PORTUGAL (Portugal)	PT	GPP-Gabinete de Planeamento, Políticas e Administração Geral
ROMÂNIA (Romania)	RO	ANSVSA
ROMÂNIA (Romania)	RO	RPRO
SVERIGE (Sweden)	SE	Swedish Food Agency
SLOVENIJA (Slovenia)	SI	MAFF
SLOVENIJA (Slovenia)	SI	THE ADMINISTRATION OF THE REPUBLIC OF SLOVENIA FOR FOOD SAFETY, VETERINARY SECTOR AND PLANT PROTECTION
SLOVENSKO (Slovakia)	SK	Ministry of Agriculture and Rural Development of the Slovak Republic
		FAO
		FAO Regional office Europe

		DG ENV
		DG GROW
		DG MARE
		DG RTD
		DG ESTAT
		JRC JOINT RESEARCH CENTRE
		AIBI Aisbl
		BEUC
		Copa-Cogeca
		EDA - European Dairy Association
		EUROCOMMERCE
		European Food Banks Federation
		FoodDrinkEurope
		FoodServiceEurope
		FoodWIN
		Freshfel Europe
		FruitVegetablesEUROPE (EUCOFEL)
		Independent Retail Europe
		SMEunited
		Too Good To Go
		The Danish Consumer Council Forbrugerrådet Tænk
		BOROUME

		AECOC
		BEUC/OCU
		Les Restaurants du Coeur
		FoodCloud
		Wageningen University & Research
		Matvett consortium
		BEUC/DECO Proteste
		BEUC/ZPS
		WRAP
		Zero Waste Scotland