



Corporate Europe Observatory, June 2010

A red light for consumer information

The food industry's €1-billion campaign to block health warnings on food

Summary

Next week MEPs are due to vote on new legislation on food labelling – determining what nutritional information should be displayed on the packaging of items such as snacks, soft drinks and ready-meals. The vote has been the subject of a major lobby campaign by the food industry, opposed to mandatory information on food packaging. The Confederation of the food and drink industries of the EU (CIAA) has spent €1 billion opposing proposals for front-of-pack 'traffic light' labels – which have a green symbol for healthy options and a red symbol for sugary, fatty and salty foods – in favour of a system based on guideline daily amounts (GDAs), which shows how many calories a 'portion' contains as a percentage of an adult's daily needs.

Health and consumer campaigners argue that such labels are less effective because they are single-coloured, so less visible, rely on an arbitrary notion of a portion, and only reflect adult needs, which are not relevant for children – often the target market for snacks and sweets. They favour the traffic-light label which is much easier to understand for a larger audience and the most socially disadvantaged. But their voices were completely outnumbered by industry's campaign, which included TV adverts, lunch debates with MEPs, and tons of detailed 'voting recommendations' sent to MEPs.

Industry also commissioned two studies to look at consumer perceptions of labels from the European Food Information Council (EUFIC), a think tank which is funded by the food industry. The studies failed to examine consumer responses to labels using traffic lights, only examining industry's preferred GDA approach.

An independent study in Australia found that people who used traffic light labelling were five times more likely to be able to identify healthier food products than those who saw the single coloured counterpart promoted by industry.

In March, the European Parliament's Environment committee rejected the traffic-light system by 32 to 30 votes and that Committee's report is due to be discussed and adopted by MEPs next week in Strasbourg.

Next week, MEPs are due to vote on new legislation governing food labelling. The issue has provoked much debate – and a major lobbying campaign, with industry pitted against health and consumer organisations on just how much information consumers should be given.

Food labelling is a huge issue for food multinationals – it affects how their products are perceived by the customer, how well they sell. Mandatory labelling could put consumers off the products they sell.

There is a lot wrong with processed foods – too much sugar, salt, additives, and unhealthy fats, all packaged in resource-intensive plastic and foil. And there are strong health arguments in favour of raising consumer awareness of what is in the food they buy.

But it was mainly a desire to “cut red tape” and simplify existing legislation that led the Commission to launch a consultation in 2006 on changes to the laws governing food labelling. Currently, about 85% of the products contain nutrition information on the back of pack – listing either the ‘big 4’ (calories, protein, carbohydrates, fat) or the ‘big 8’ (big 4 plus sugar, saturated fat, fibre and sodium).¹

The new rules proposed by the Commission in January 2008 would have made this information mandatory – and would have specified the size and position of the text (front or back of pack). Industry responded swiftly, launching an intense lobbying campaign to persuade MEPs on the Parliament’s Environment, Public Health and Food Safety (ENVI) Committee to water down the proposals. The full Parliament is expected to vote on these in June 2010.

Public health groups and the food industry have been battling over this issue for over two years in what has been one of the biggest lobbying efforts in recent years. Dutch socialist MEP Kartika Liotard, shadow rapporteur² for the European Parliament on this dossier, has compared the volume of lobbying deployed by industry with the historical peaks that happened during REACH and the CO₂ emission directive for cars.

Who says what?

The confederation of the food and drink industries of the EU (CIAA) first called on the Commission to delay new rules so that the industry could come up with its own voluntary scheme.³ The food industry favours voluntary approaches and complains that the proposals, especially any mandatory country of origin labelling, would be ‘unworkable’.⁴

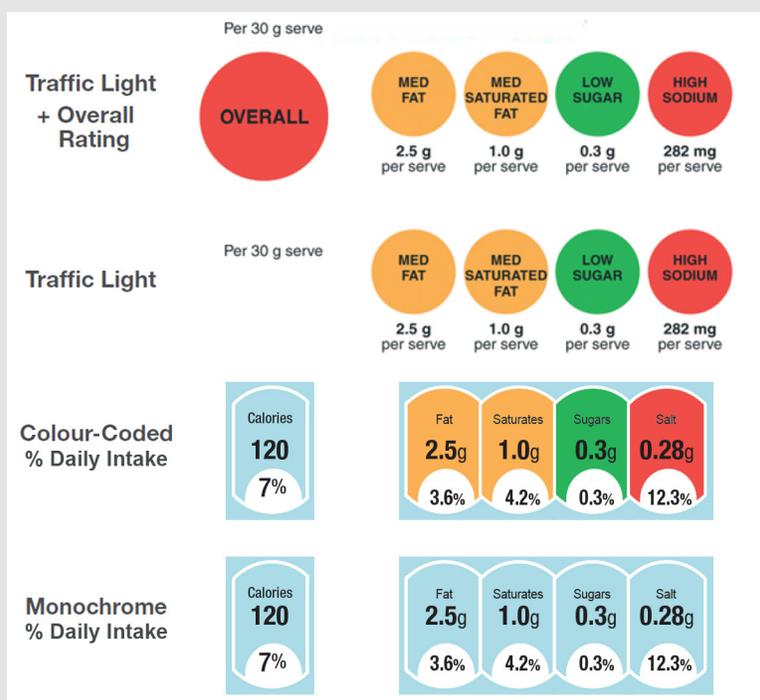
CIAA and industry generally favour voluntary approaches like the ‘guideline daily amounts’ (GDAs) which show how many calories, sugar, fat and salt a ‘portion’ contains as a percentage of an adult’s daily needs. This however gives much less of a direct warning against consuming too much, than the so-called ‘traffic-light’ system with red, amber and green labels on products.⁵

The European consumers’ organisation (BEUC) and the European Public Health Alliance (EPHA), favour the traffic light mandatory colour coding. BEUC says research has proven that consumers find colour coding the easiest way to make informed choices on what food to buy.⁶



The industry's voluntary, single-coloured GDA scheme on a pack of nuts and a Mars bar in Belgium, June 2010. On the nuts packet, pink-coloured GDAs for energy, sugar, fat, saturated fat and salt appear on a pink background in the bottom-right corner on the front of pack. These GDAs are expressed per portion of 25 grams. But who really knows what a portion of 25 grams represents? On the Mars bar, no nutritional label at all appears on the front of the wrapping. Nutritional information cannot thus be seen at-a-glance.

Why ambitious and easy-to-read nutrition labels are important



In the European Union, more than a quarter of men (27%) and more than a third of women (38%) are overweight or obese. Around 5 million children are obese, a figure which is rising by 300,000 annually. Of the seven main risk factors for early death, six relate to diet and lifestyle (blood pressure, cholesterol, overweight, insufficient fruit and vegetables, inactivity, and alcohol abuse).

Well-conceived and easy-to-read nutrition labels help consumers to compare the nutritional values of similar food products at-a-glance and to make healthier food choices, which can save healthcare costs and human lives. In Australia and New Zealand, it has been estimated that up to 460 lives could be saved each year with the introduction of mandatory nutrition labelling.⁷

A recent study has shown that people who used traffic light labelling were five times more likely to be able to identify healthier food products than those who saw the GDA system promoted by industry. They were also able to compare different food products and make judgements about them at a glance with traffic light labelling, not with GDAs pushed by industry. Also those people who were the most socially disadvantaged (in terms of income and education) were six times less likely to be able to use the percentage daily intake system than the most advantaged.⁸

Phase one: providing 'expert' advice to the Commission

In February 2006, DG Health and Consumer Protection (SANCO) sent a background paper on food labelling, competitiveness and 'better regulation' to the Member States

and a number of expert groups, and started a public consultation. It drew the attention of a large number of lobby groups, from the Finnish Beer Union to GlaxoSmithKline, Kraft Foods and the Weight Watchers.⁹

The background paper concluded that: “For the industry, labelling is a powerful tool which, when used effectively and responsibly, not only ensures operators pass on essential information, but also enables them to highlight the benefits of their products when compared to those of their competitors. (...) However, (...) many find using labels difficult as they contain too much information, much of which is not understood, is confusing and is poorly presented.”¹⁰

This background paper was put up for consultation, but was also sent to four expert groups¹¹ – bodies set up by the Commission to provide expert advice, some of which are heavily dominated by industry. The Advisory Group on the Food Chain and Animal and Plant Health (AGFCAPH) for example – one of the groups consulted – has 36 members, 24 from industry groups.¹²

In meetings of this advisory group, the food industry lobbies clearly put forward their views. EuroCommerce, representing a wide range of retail businesses including Tesco and Carrefour, argued for example that country of origin “is not key information and normally it should only be provided on a voluntary basis”. The Confederation of the food and drink industries in the EU (CIAA) stressed that “too much information on a label is useless”.¹³

The Commission’s proposal – some early victories for the food lobby

Under the Commission proposal finally put on the table in January 2008, food manufacturers would be required to display details about energy, fat, saturated fat, carbohydrates, sugar and salt in letters at least three millimetres high on the front of packs.

However, there was no mention in the proposal of a traffic light system, which had been discussed during the consultation process. Country of origin labelling was also not included in the Commission’s proposal. It explained that judging from the consultation responses, “origin labelling is a problematic area”. The proposed solution was that country of origin labelling should remain voluntary, “unless failure to give such information might mislead the consumer, in which case it becomes mandatory.”¹⁴

Finally, the food and drinks industry lobby would have been relieved to see that alcoholic drinks were excluded from the legislation. Only flavoured alcoholic beverages, the so-called ‘alcopops’ designed for young teenagers, will fall into the scope of the new legislation.

Lobbying the European Parliament: industry: 10 – NGOs: 1

Renate Sommer, the German conservative MEP who has led on this dossier for the European Parliament, appeared to sympathise with industry. She re-drafted the Commission’s text so that only the number of calories had to appear on the front of the pack. She opposed making any scheme mandatory, specifying the size of the text, and plainly rejected traffic-light labels.¹⁵ Indeed, she completely endorsed the industry line, accepting that “consumers would be overwhelmed with information”; “the minimum font-

size requirement would create bulkier packaging, more waste, and potentially larger portions”¹⁶; and that there was “a severe lack of scientific background”¹⁷ to the food labelling debate.

During that period, the corridors of the European Parliament swarmed with food industry lobbyists. And the mailboxes of key members of the ENVI committee were swamped with lobbyists’ amendment proposals. Within an hour of it being announced that MEP Kartika Liotard was designated shadow rapporteur (for the European United Left/Nordic Green Left group), some 50 e-mails had arrived in her mailbox from food industry lobbyists. So far, the debate has taken 18 months, and there have been ‘peak periods’ where she received 150 e-mails per day from industry lobbyists.

The ratio of e-mails sent by lobbyists from industry compared to civil society was no less than 100 to 1, according to Liotard. The Dutch MEP has only noticed three groups trying to lobby her for consumer rights: BEUC, Food Watch and the Dutch Consumers Union. During key ENVI committee meetings, the room was so full of lobbyists with brown (permanent access) and white (one-day access) badges that there were no seats left for MEP assistants, Liotard recalled.

Aidan O’Sullivan, assistant to ENVI Committee member Nessa Childers MEP (S&D, Ireland), told Corporate Europe Observatory that they had been flabbergasted by the amount of lobbying on the food labelling dossier, including lobbyists just knocking on their door to talk or stopping them on the way out of committee meetings. According to O’Sullivan, the balance between industry and civil society lobbyists on the food safety dossier is 10-1.

Swedish MEP Carl Schlyter, who was the Green’s shadow rapporteur on the food labelling dossier, said it was clear that MEPs had opposed the traffic light scheme as a result of industry lobbying.¹⁸

“In the earlier discussions people were much more open-minded,” he said. “But they have been exposed to so much industry pressure that it shifted focus.” He added: “The problem with lobbying is that it sets people’s mindsets to solve problems that are industry-related and not consumer-related, whereas the whole package is regarding food information for consumers.”

The food industry’s €1 billion campaign for GDAs

CIAA is one of the largest industry lobbies in Brussels. The food and drink industry is the third most important economic sector in the EU after agriculture (COPA-COGECA) and the chemical industry (CEFIC). Although it has 10 lobbyists with access badges to the European Parliament,¹⁹ CIAA has not registered in the Commission’s lobby register.

Fearing strict food labelling legislation, CIAA prepared its own voluntary labelling scheme a few years ago, along with campaign plans to raise awareness of its Guideline Daily Amounts (GDAs) scheme among customers and policy-makers. In 2008, small logos with nutritional information started to flourish on many products’ packaging and wrapping across the EU. The scheme includes the amount of calories on the front or on the side of packaging and information about sugar, fat, saturates and sodium most often on the back.

This is a typical lobbying strategy: occupy the ground first to show their commitment towards the Commission, and shape the debate from this position. In 2008 the PR and lobby consultancy giant Fleishman-Hillard was hired by CIAA to launch an EU-wide communication and lobbying campaign. The size of the contract has not been disclosed but could be up to €671,000, according to Fleishman-Hillard's entry in the EC Register of interest representatives.²⁰ The CIAA estimates that the food industry has already spent €1 billion promoting GDAs, including national campaigns.²¹ A cost which is of course passed on to the consumer.

Industry-sponsored studies to mislead policy-makers

To gain credibility for GDAs, CIAA needed its voluntary scheme to be validated by a third party. So it asked the European Food Information Council (EUFIC) to conduct scientific studies. But EUFIC is not really an independent third party: it is a food industry sponsored think tank led by the former EU lobbyist-in-chief for snack company Mars (see box).

What's behind EUFIC?

The European Food Information Council (EUFIC) is a think tank set up in 1995 by the food industry. It was launched to enhance the public's understanding of nutrition by providing "credible, science-based information on the nutritional quality and safety of foods".²² The organisation's Scientific Advisory Board must ensure that the information is "representative, factually correct and truthful". EUFIC's current members (which also fund the organisation) are: Barilla, Cargill, Coca-Cola HBC, Coca-Cola, DSM Nutritional Products Europe Ltd., Ferrero, Danone, Kraft Foods, Mars (formerly Masterfoods), McCormick Foods, McDonald's, Nestlé, Novozymes, PepsiCo, Pfizer, Procter & Gamble, Südzucker, Unilever, and Yakult.²³

Several funders and Scientific Advisory Board members of EUFIC have been involved in controversies which seem to contradict EUFIC's mission.²⁴ In 2007 for instance, together with Coca-Cola, Nestlé launched Enviga, a tea drink which they claimed burned more calories than it provided, and hence had the effect of "negative calories" resulting in weight loss.²⁵ In February 2009, the joint-venture partners agreed to pay \$650,000 in a settlement with 27 US states which had sued them over those claims.²⁶ In 2002, Nestlé labelled powdered milk with false dates of production in Colombia²⁷ and Mars financed research to demonstrate that eating chocolate is good for health.²⁸ In 2007, Pfizer was condemned for bribery and illegal marketing by the US Department of Justice.²⁹

EUFIC is chaired by Josephine Wills, a vet who worked for the snack company Mars for 18 years, where she was the EU lobbyist-in-chief for all products. In 2000, she promoted a new chocolate-making process to the press, which the company claimed could help to reduce heart disease – but these claims carefully ignored the fact that Mars' products are also high in fat and high in sugar – both of which contribute to heart disease.³⁰ Wills was appointed to director general of EUFIC in January 2006,³¹ just a few weeks before the Commission published its background paper on food labelling.

John Lupien, the former chairman of the EUFIC Scientific Advisory Board³² was

involved in an science funding scandal at the UN Food and Agriculture Organisation (FAO) that cost him his position. In 2004, a BBC investigation revealed that a key FAO consultation into how much sugar people should be eating had been secretly funded by the sugar industry. The funding was accepted and industry was allowed to influence the choice of experts and the wording of the report. In a statement, the FAO said the consultation was not illegal but “did contravene common sense norms of transparency and the avoidance of perceived conflict of interest.”³³ The funding deal was agreed with John Lupien, the then FAO’s Director of the Food and Nutrition Division, who seemingly left the UN agency just a few days after the BBC report was aired.³⁴

Ronald Walker – also a former member of EUFIC’s Scientific Advisory Board³⁵ – was a consultant for a company that sold the artificial sweetener aspartame, has held official positions with associations sponsored by aspartame manufacturers and marketers³⁶ and has co-authored a review for the European Commission claiming that aspartame was safe.³⁷ None of his links with the aspartame industry were disclosed in the aspartame review nor on EUFIC’s website.

Despite this track record, the Commission decided to entrust €2,858,471 to EUFIC in 2008³⁸ to coordinate the FLABEL study, a 3-year programme (2008-2011) aiming “to establish the role of and identify what can be achieved when communicating nutrition information to consumers via food packaging labels”.³⁹ The FLABEL Stakeholders Advisory Board is led by CIAA and EuroCommerce.⁴⁰

Financially, EUFIC is as opaque as its sister organisation CIAA and has not registered in the Commission’s lobby register. Only Barilla⁴¹ and Novozymes⁴² mention they are members of EUFIC in their lobbying expenditure declarations.

Consumer preferences for front-of-pack calories labelling

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Abstract

Objective: In light of the emerging obesity epidemic, front-of-pack labelling may be an important tool to assist consumers in making healthier choices. However, there is little prior research on how this information should be expressed in absolute terms or relative to recommended daily intake, whether it should be expressed in per serving or per 100 g and whether the information should be further brought alive for consumers in terms of what the extra calorie intake implies in relation to activity levels. The present study aimed at providing more insight into consumers’ appreciation of front-of-pack labelling of caloric content of food products and their specific preferences

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Conflict of interest declaration: There are no conflicts of interest.

This study on people’s perceptions of GDAs was funded by EUFIC – but the industry funding behind EUFIC was not disclosed.

In 2007, a EUFIC-sponsored study on “Consumer preferences for front-of-pack calories labelling” was published in the science journal Public Health Nutrition.⁴³ The funding of the study by EUFIC was disclosed, but the fact that EUFIC was funded by the food and drink industry was not (see picture). Although the author who “initiated and designed the study” was a EUFIC employee, no conflict of interest was declared.

In December 2008, EUFIC published the preliminary results of another study on people’s perceptions of CIAA’s front-of-pack GDAs nutrition labels conducted in six European countries.⁴⁴ Its conclusions came as no surprise and were widely advertised by CIAA: “Consumers understand GDA food labels and are able to make correct product health inferences using them.”⁴⁵ Robert Madelin, then Director General of DG SANCO, welcomed the research. “Its results will help decision makers to understand what remain highly complex issues”, he said.

Exactly as the tobacco industry had before, the food industry used sponsored-science to influence policy makers. Technically the studies may have been carried out properly, but their design was biased from the start. For instance, all these studies focussed on CIAA’s front-of-pack calories labelling and none compared it with other labelling options, like the traffic light system.

Yet, such a study exists, funded by a consortium of public health bodies and public interest organisations in Australia. It found that people who were confronted with traffic-light labelling were five times more likely to be able to identify healthier food products than shoppers who saw the GDA system promoted by industry.⁴⁶

Lobbying tactics: promotions and a ‘prize draw’

To push for CIAA’s preferred GDA system, Fleishman-Hillard set up a “GDA Information Stand” inside the European Parliament for three days in November 2009. It even organised a “prize draw” to sweeten MEPs with products from their members. “Print out the questionnaire⁴⁷ via the link below, complete and return it to the GDA Stand, and you will be entered into a prize draw to win a hamper of GDA labelled food products”, said the campaign material targeting MEPs.⁴⁸

In Greece, CIAA national member SEVT, which represents 85% of the local food industry sector, managed to get the GDAs promoted by the Greek government, which paid for a video clip and TV campaign promoting GDAs.⁴⁹ Dubbed “Know what’s going inside you at a glance”, the video clip was aired in November 2009.

Two weeks before the vote on the ‘Sommer report’ in the ENVI Committee, CIAA and Fleishman-Hillard organised a “Bite size Lunch Debate” on 2 March 2010 at the Renaissance Hotel in Brussels’ EU quarter.⁵⁰ It was a good opportunity to lobby DG SANCO Director General Robert Madelin, who was the ‘guest star’ of the event.

Committee members were also bombarded with e-mails from industry lobbyists ahead of the vote. Corporate Europe Observatory has obtained a sample of these ‘voting recommendations’, which are published online.⁵¹

On 16 March, the ENVI committee voted on over 800 amendments, many of which came directly from industry. MEPs changed some elements of what nutritional information should be displayed and how.

Food manufacturers should be obliged to display the calorie count of food and drink products on the front of packs but are also required to show other nutritional information – fat, saturated fat, carbohydrates, sugar, salt, proteins, fibre and artificial trans fats. But MEPs rejected plans for colour-coded traffic-light warnings by 32 to 30 votes.⁵² The vote was tight and the issue could well reappear in the plenary session mid-June.

The committee also voted against regulating the size of the text providing nutritional information. Rapporteur Renate Sommer dismissed the measure as “bureaucratic lunacy”. Instead, the Commission should draft ‘guidance’ on how to make labels legible.

Contrary to the Commission’s proposal, MEPs voted for all foods – including processed foods – to be labelled with their country of origin. Sommer, said this was “anti-European” and protectionist, but the demand was in the end supported, much to the concern of the food industry. Food conglomerates like Unilever claimed that this would “create major problems for companies that purchase our raw materials based on quality, seasonal availability and price”. But Glenis Willmott, a British Socialist MEP who is behind the country-of-origin proposal pointed out that this rule already applies to beef, and that products could also be labelled as being of ‘unspecified origin’.⁵³

All in all, the food industry concluded that the draft law would “overload” consumers with information that would just lead to confusion and more importantly, a “severe burden for manufacturers”.

But of course the lobbying did not stop there. Ahead of the plenary vote in June, lobby groups and companies have sent detailed voting recommendations to MEPs. The German company Storck, for example, which produces Merci chocolates, sent a letter recommending MEPs reject the traffic light labelling system, and provided detailed voting instructions. This letter was published by MEP Sven Giegold on his website.⁵⁴

A vote for consumer awareness or ignorance?

When MEPs vote next week, their decision will have an important impact not just on what consumers are entitled to know about the food they buy – but also on public health. In making their decision, it might be relevant to consider why industry has invested so much in this vote – and why industry has such a vested interest in keeping consumers in the dark.

The question is now whether the Parliament will obey industry’s wishes, or whether it opts for a clearer signal on unhealthy foods. If MEPs hold onto the country of origin labelling, this could give a positive impulse to locally produced food. After that, it might be time to think of other information people might want to know about the food they buy, such as carbon miles, pesticide use or where the ingredients were produced.

An interview with Carl Schlyter MEP, the Green Party’s shadow rapporteur on the food labelling dossier, and a sample of ‘voting recommendations’ sent by lobby groups to members of the ENVI committee are available online at:

www.corporateeurope.org/lobbycracy/content/2010/06/red-light-consumer-information

Notes and references

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- ⁴ ["Industry bashes Commission proposals on food labelling"](#), EurActiv.com, 31 January 2008.
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- ⁵² [“MEPs back a visible calorie count on food packs”](#), European Voice, 16 March 2010.
- ⁵³ [“Critics of food labelling warn of protectionism”](#), European Voice, 15 April 2010.
- ⁵⁴ [“Die Fa. Storck schickt mir eine Abstimmungsliste”](#), Sven-Giegold.de, 1 June 2010.