MINUTES	Ref: LLWG/24/050
Meeting date: 2 May 2024	
Group Meeting: Minutes Labelling & Legislation WG	
Location: Teams	

ATTENDEES

Lorraine Eve	Tesco
Alison Lord	Tesco
Ash Stretton	M&S
Sarah Wood	ALDI
Mathew Willis	Morrisons
Aaron Fawcett	Co-op
Aaron Wells	LEON
Geraldine Roberts	Iceland
Olivia Stevens	McDonalds
Emily-Jayne Wooding	McDonalds
Olasemo Abisola	McDonalds
Jean Marshall	Waitrose
Caitlin Dilkes	Booths
Brodie TuckerWhittall	Fortnum & Mason
Alexandra Howard	Krispy Kreme
Katie Hipwell	Starbucks
Vicky Forster	Greggs
Ann Burrell	Boots
Jane Lopez	YUM
Janny Cheung	YUM
Christina Corbett	Lidl

Owen Evans	Amazon
Derya Kasan Ozdemir	Amazon
Simon Maguire	Asda
Chris Newbold	Ocado
Gill McGee	Lakeland
Brigid McKevith	Costa
Lizzie Rix	Itsu
Laurel Gilbert	DEFRA
Andrea Martinez-Inchausti	BRC

1. BREAKFAST DIRECTIVES

Laurel Gilbert from DEFRA joined the group to discuss the amendments to the European breakfast Directives.

The first reading compromised text had been voted through by The European Parliament on 10 April and had been endorse by the Agriculture and Fisheries Council on 29 April. The next steps are for the text to be published in the official journal.

https://www.europarl.europa.eu/doceo/document/TA-9-2024-0193_EN.pdf

The law will come into force on the day of publication and compliance will be required within 2 years of that date.

The amendment covers changes to honey, fruit juices, jams and marmalades and dehydrated preserved milk.

Main changes:

Honey:

- Country or countries of origin should be indicated on the label together with the percentage of each origin, in the case of blends, with a tolerance of 5 %.
- The Commission to develop harmonised methods of analysis to verify honey authenticity / lack of adulteration.

Juices:

- Fruit nectars containing neither added sugars nor sweeteners may bear the nutrition claim 'with no added sugars' accompanied by the indication 'contains naturally occurring sugars'.
- Introduction of new categories - reduced sugar fruit juice, concentrated reduced sugar fruit juice, and reduced sugar fruit juice from concentrate

Jams:

- the term 'citrus marmalade' should be used across the Union for the product until now defined as 'marmalade'
- The quantity of pulp and/or purée used for the manufacture of 1 000 g of finished product increases from 350g to 450 g for jams and from 450g to 500g for extra jam.

Evaporated milk:

- treatment to reduce the level of lactose in milk products to be authorised.

Over the next few months DEFRA will be discussing the changes with stakeholders and making a decision on whether any of these changes should be considered within GB legislation. Compositional provisions are devolved and each Government will need to make a decision.

The group asked whether all the provisions will apply in Northern Ireland, since some of them are labelling related and the Windsor Framework specifically carves out labelling provisions. DEFRA was not clear on this point.

They were also asked about the Commission changing the conditions of entry into the community for honey. All establishments will be required to be authorised. They were asked about the process to achieve this authorisation. Laurel agreed to confer with a colleague and get back to us on this point.

They were also asked about harmonising analytical methods for detecting sugar addiction to honey. This is believed to be part of the work the Commission is doing to come up with methods to prove authenticity.

A member explained that a project called Harmhoney is underway managed by the commission and supported by JRC. Both DEFRA and LGC are involved.

2. SMOKE FLAVOURINGS

At the Standing Committee on Novel Food and Toxicological Safety of the Food Chain on Wednesday 24th April, Member States endorsed a proposal from the Commission to not renew the authorisation of 8 smoke flavourings for food, specifically SF-001, SF-002, SF-003, SF-004, SF-005, SF-006, SF-008 and SF-009.

Following extensive discussions with Member States and stakeholders, the Regulation sets out different phase-out periods to give time for producers and operators to adapt to the new rules:

- When used to replace traditional smoking (e.g fish, cheese, ham) the phase-out period is 5 years (1 July 2029).
- For uses where the smoke flavouring is added for extra flavour (e.g. soups, crisps, sauces), the phase-out period will be 2 years (1 July 2026).

FSA is considering what action they will be taking in the UK.

The timescale of July 2026 will be hugely problematic because there are no clear alternatives to these smoke flavourings. FSA should be doing some work to watch out for all the alternatives which are coming onto the market. Many are likely to be novel. Members are being contacted by companies offering all sorts of alternatives.

3. UPF

FSA is preparing a website addressing some of the misconceptions on the functionality and rigorous approval processes which additives need to undergo. They are hoping to launch this website by the end of May.

The website will not come up or even discuss the definition, or lack of, of ultra processed foods, but it will hopefully be a good resource to reference journalists to.

Members felt it was important for the website to state that before additives are removed from foods, consideration should be given to the function they are performing, e.g. inhibiting microbial growth.

4. BABY GUIDANCE

The group was made aware of the guidance DHSC is producing covering foods aimed at children under 36 months. The main aim of the guidance is to cover some compositional restrictions, such as setting caps for sugar and salt, however in the latest draft version they included some labelling changes. Our feedback was that the proposals were very unclear. They covered:

- Ensure honest labelling – product names must be aligned with the primary ingredient and not with the flavour profile of the food
- Restrict the use of implied claims
- Include clear feeding instructions on front of pack. For pouches state 'eat with a spoon/do not suck'
- Products high in sugar should state they are not suitable for consumption between meals.

DHSC is hoping to get the final document published in May. They are suggesting proposed changes are made in 2 years. These are voluntary guidance.

5. FAIRER LABELLING CONSULTATION

The draft BRC response has been sent out for comments

6. NOT FOR EU

Discussions on the implementation of these provisions are taking place at a very senior Ministerial level.

DEFRA has in confidence shared they are looking at a 12 month implementation period.

However it is unclear whether this will be from a date of entry into force, e.g. entry into force on 1 October 2024 and changes required by 1 October 2025, or whether it will be a year from the date of application of each group in NIRMS, e.g. 1 October 2025 for groups 1 and 2 and 1 July 2026 for group 3. They language they use is also unclear because they although they talk about a transitional period they also reference pragmatism, so it could be that the dates of compliance at set at 1 October 2024 and 1 July 2025 but a year of pragmatic enforcement is given.

DEFRA has been working on labelling guidance which are expected to be published on the week commencing 6 May. The list of products covered in phase 2 and their CN codes are also expected to be published that week.

Work on the list of products on phase 3 is commencing in mid-May and is expected to be published 6 weeks after – end of June / beginning of July.

7. AOB

Folic acid – Although discussions have continued with flour millers and other industry reps, not much progress has been made. The issue of a risk statement was raised with FSA's CEO recently and she had a very positive response. She felt they could certainly support industry on implementation issues.

CBD – An opinion has been published. It is not a final approval, but the product moves to the next stage of the process. *The FSA and FSS concluded based on the advice of the ACNFP, that the applicant had provided sufficient information to assure the novel food, CBD isolate, was safe under the proposed conditions of use. The anticipated intake levels and the proposed use in foods and food supplements was not considered to be nutritionally disadvantageous*.

Safety Assessment: Cannabidiol (CBD) isolate as a novel food for use in a range of food categories including food supplements