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| <b>MINUTES</b>   | <b>Ref: LLWG/24/059</b> |
| <b>Meeting date: 6 June 2024</b>                             |                         |
| <b>Group Meeting: Minutes Labelling &amp; Legislation WG</b> |                         |
| <b>Location: Teams</b>                                       |                         |

#### ATTENDEES

|                       |                 |
|-----------------------|-----------------|
| Lorraine Eve          | Tesco           |
| Jillian Hardwick      | Sainsbury's     |
| Sakshi Sharma         | Nando's         |
| Lesley Fairhurst      | Nando's         |
| Sarah Wood            | ALDI            |
| Mathew Willis         | Morrisons       |
| Aaron Fawcett         | Co-op           |
| Roger Preissner       | Co-op           |
| Helen Allan           | Dominos         |
| Geraldine Roberts     | Iceland         |
| John Counihan         | Musgrave        |
| Steven Carroll        | TK Maxx         |
| Jared Winder          | WH Smith        |
| Jean Marshall         | Waitrose        |
| Caitlin Dilkes        | Booths          |
| Brodie TuckerWhittall | Fortnum & Mason |
| Grace Sargent         | Fortnum & Mason |
| Alexandra Howard      | Krispy Kreme    |
| Rachel E. Vickers     | Starbucks       |
| Harleen Dev           | Starbucks       |
| Vicky Forster         | Greggs          |

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|---------------------------|----------|
| Lindsay Middleton         | Greggs   |
| Julie Johnson             | Greggs   |
| Ann Burrell               | Boots    |
| Christina Corbett         | Lidl     |
| Simon Maguire             | Asda     |
| Chris Newbold             | Ocado    |
| Gill McGee                | Lakeland |
| Marina Persoglio          | Costa    |
| Rhythm Sharma             | SPAR     |
| Andrea Martinez-Inchausti | BRC      |

## 1. ELECTION IMPLICATIONS

Since the group's last meeting the election had been called for 4 July. From that point and until the election we entered a period of Purdah in which the Government must to stop all policy development and all stakeholder engagement. Parliamentary activity is all stopped. After the election the winning party has a few weeks to form the Government. The State Opening of Parliament and The King's Speech has been scheduled for 17 July 2024.

What does it mean for some of the pieces of legislation of interest:

- Not for EU labelling – the current government argued that the commitment to this policy in the Command paper issued when the Windsor Framework was signed off with the Commission, this policy had to be pursued. A new Government does not have to honour that Command paper and therefore can choose not to pursue this. The brands, supported by FDF will be actively trying to persuade the new Government to drop it.

The group discussed the fact that all the rules applicable to the movement of goods from GB to NI will continue to apply, including those coming into force on 1 October, irrespective of GB labelling.

- Country of origin / method of production – This issue was at a very early stage. The summary of responses to the consultation and the Government response had not been published. A new Government will mean, officials will need to persuade new Ministers these policies are worth pursuing, but even if they agree, it will take time and further consultation.
- Advertising secondary legislation – The Health & Care Bill 2023 introduced the 9pm watershed for HFSS food advertising on TV and a ban on paid for online advertising. These provisions come into effect on 1 October 2025. However, we do not yet have secondary legislation listing the food categories it applies to and the exemptions.

We will be writing to the new Government urging them to prioritise laying this secondary legislation.

- Recyclability labelling – Another piece of legislation which is likely to be picked up by the new Government, however the timeline for application of the provisions may be affected depending on when the law is laid.
- Folic acid – This government intended to lay the SI before the summer recess. This is highly unlikely to happen. It is more likely to be laid in the autumn. It is unlikely whether they will keep the original date of entry into force of 1 October 2-24, or whether they will push it to 1 April 2025.

## 2. FOLIC ACID

As previously discussed, we wrote to FSA about a risk statement on the COT opinion on allergenicity of folic acid. All relevant Government departments, DEFRA, DHSC and FSA, had agreed not to elaborate beyond – ‘the risk is deemed to be tolerable as adverse reactions are likely to be very rare and moderate in nature’. They will not produce anything else. Members felt this statement does not help.

In their note FSA also mentioned the expectation industry will be prioritising the implementation of the policy with certain products. They made reference to prioritisation based on shelf life. All members agreed that dictating some form of prioritisation would not be possible. Most affected products will be looked at within the 2 year transitional period and this change will be incorporated then. Requiring changes before this would be very costly and will defeat the purpose of having a transitional period. It is unclear why DEFRA/FSA are talking about prioritising products when they are saying the risk is tolerable.

The group discussed how folic acid will not be declared in any loose food, or any generic term, like ‘breadcrumbs’ which do not require an ingredient list beyond allergenic ingredients.

BRC will discuss this with DEFRA and set up a meeting with them and members to further discuss. This is likely to be after the election.

## 3. ECO LABEL

Member shared they were finding the progress of this work by IGD difficult to follow. Little was being shared by colleagues who were in different IGD group. This made it difficult to know where the business was. Some members question the push for the tool to be developed when the data to underpin this label is not available.

There was concern that IGD was setting itself up as what the Sol Association did years ago. They will manage the data and functioning of the label and change for it.

There was also concern about the CMA opinion that a statement would be required on the label if generic data is used.

IGD is organising the next meeting to share the latest findings and progress in July. A fate has not yet been established.

#### 4. BREAKFAST DIRECTIVES

FSA in Northern Ireland is seeking comments on the implementation of the amendments to these Directives. BRC will draft these comments and share with members for feedback.

Most of the products covered by these amendments are not covered by SPS, so the 'not for EU' statement is not required on them, but it would be important for GB compliant products to be allowed into NI through the green lane, even if to do this they need the statement to be used to differentiate them from products moved to NI from EU or produced in NI.

The group also were interested in understanding if DEFRA intended to implement any of these changes, specially the fruit juice one. A member though that juices lawfully sold in Northern Ireland under the new provisions should be able to be sold in GB under internal market rules.

#### 5. AOB

##### QUID OF MEAT PRODUCTS

A member has received a challenge from Trading Standards about how they QUID meat in compound products. TSO is of the opinion that in an Indian ready meal rather than stating in the Ingredients List 'Marinated Chicken (18%) (Chicken Breast, Water, Low Fat Yoghurt (**Milk**)...)' they would need to either:

- a) state 'Marinated Chicken (Chicken Breast (15%), Water, Low Fat Yoghurt (**Milk**)...)'  
or
- b) list the 'Chicken Breast (15%)' totally separate to the marinade.

By inference this would also be the case for an All-Day Breakfast Sandwich, where, instead of separately stating 'Pork Sausage (14%) (Pork, Water, Rusk...)' and 'Smoked Bacon (8%) (Pork Belly, Salt, Antioxidant...)' they would need to QUID the Pork content of the Pork Sausage and the Pork Belly content of the Smoked Bacon.

They believe that it is not clear that either interpretation is correct. They have also noticed that there is a lack of consistency demonstrated on the market, both between retailers and also within the products of individual retailers.

It was clear from the discussion on this point that members apply the provisions of QUID in meat products differently. Some member agreed with the way in which the company who raised the issue had been applying the provisions, others felt it was not right.

Some felt that what and how is QUIDed will depend on product name.

## FISH NAMES

Members were asked to consult with the fish experts about the proposed fish names for Black Cod and for Stone Bass. DEFRA is trying to set up a CMO meeting in July.

## GLUTEN-FREE

The group briefly discussed the use of the statement 'free from gluten' instead of the legally defined 'gluten-free'. Some members explained that the 'Free-from' statement is part of the branding under which all 'free-from' foods are sold, but gluten-free is also on the label.

A member argued that it would be difficult for an enforcement officer to prove the consumer has been misled. A Tribunal is unlikely to see it as an offence. A member explained a trading standards challenge led them to have to change their labels.

## PDOs

[Regulation 2024/1143](#) came into force May 2024. Article 27 highlights the requirements around using protected named products as ingredients in processed foods, including the requirement to notify the consortia if we intend to identify the ingredient in the product name.

The group agreed that technically GB is not subject to the same rules, unless DEFRA decides to adopt them. However, the group was concerned about trade issues, e.g. the Italian consortia refusing to supply products.

Most products are produced in the UK with these Italian ingredients, the Consortia may not want what is being sold in other countries. Some members felt they would not want to go through the process of submitting an application to the consortia, wait up to 4 months and receive an approval or not. This process is also likely to have a cost.

It was agreed BRC will ask DEFRA to get a letter ready explaining that the UK is not subject to these provisions.

## MEETING

It was agreed the next meeting, currently scheduled for 4 July will be moved to 11 July.