

Draft FoodDrinkEurope

Guidance on Food Information to Consumers:

Chapter on ‘Legibility’

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IN SHORT...

- Mandatory food information must:
 - Easily visible, clearly legible and indelible (where appropriate)
 - Be displayed in a minimum font size of 1.2mm

- For small packs/containers with the largest surface below 80 cm², the font size must be at least 0.9mm.

- Member States may adopt national measures on the presentation of non-prepacked foods.

- The European Commission must establish rules for legibility.

- The name of the food, the net quantity and, where applicable, the actual alcoholic strength by volume must be provided together in the same “field of vision”. The European Commission may extend this requirement to other mandatory particulars. Exemptions are:
 - *Glass bottles intended for reuse which are indelibly marked and which therefore bear no label, ring or collar;*
 - *Packaging or containers with a largest surface of less than 10 cm².*

- The following cases may bear fewer mandatory labelling:
 - *Glass bottles intended for reuse which are indelibly marked and which therefore bear no label, ring or collar;*
 - *Packaging or containers with a largest surface of less than 10 cm²;*
 - *Alcoholic beverages (above 1.2% alcohol);*
 - *Several foods which are exempted from mandatory nutrition labelling (Annex V).*

Article-by-Article

The following articles are relevant for legibility:

- **Article 2.2(m): Definition of “legibility”**
- **Article 13: Presentation of mandatory particulars**
- **Article 16: Omission of certain mandatory particulars**
- **Annex IV: Definition of X-height**

Article 2: Definition of “legibility”

'legibility' means the physical appearance of information, by means of which the information is visually accessible to the general population and which is determined by various elements, inter alia, font size, letter spacing, spacing between lines, stroke width, type colour, typeface, width- height ratio of the letters, the surface of the material and significant contrast between the print and the background;

The above definition of “legibility” considers legibility not to be solely confined to the font size, but also to include other elements such as spacing, type colour, typeface, and contrast.

Article 13: Presentation of mandatory particulars

This article is the main article dealing with legibility. It is structured as follows:

- **13.1: General principles of presenting mandatory food information**
- **13.2: Minimum font size for the mandatory particulars**
- **13.3: Minimum font size for the mandatory particulars for small packs**
- **13.4: European Commission implementing measures on legibility**
- **13.5: Positioning of certain mandatory particulars**
- **13.6: Exemptions to the positioning of certain mandatory particulars**

13.1: General principles of presenting mandatory food information

Without prejudice to the national measures adopted under Article 44(2), mandatory food information shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material.

Mandatory food information must be provided in a conspicuous place in such a way to be:

- Easily visible
- Clearly legible
- Indelible (where appropriate)

These 'principles' are in line with previous EU labelling legislation (Directive 2000/13/EC), which will be repealed in December 2014.

Furthermore, mandatory food information must not be:

- Hidden
- Obscured
- **Detracted from/interrupted by any other written or pictorial elements or any other intervening material.**

The above text in bold has been added to the text originating from the previous EU labelling legislation (Directive 2000/13/EC).

QUESTION FOR MEMBERS:

1. What is your interpretation of "detracted from"?
2. What is the impact of the inclusion of the word "any" and "or any other intervening material"?

It is FoodDrinkEurope's interpretation that

According to Art. 44(2) of the Regulation, Member States may adopt national measures concerning the means through which the mandatory information related to *non-prepacked food* is to be made available and, where appropriate, their form of expression and presentation. Such national measures would in that case precede over the general 'principles' in this article.

Please note that this article deals with legibility for *mandatory* food information. Article 37 of the Regulation indicates that when *voluntary* food information is provided, it should not be displayed to the detriment of the space available for mandatory food information.

13.2: Minimum font size for the mandatory particulars

Without prejudice to specific Union provisions applicable to particular foods, when appearing on the package or on the label attached thereto, the mandatory particulars listed in Article 9(1) shall be printed on the package or on the label in such a way as to ensure clear legibility, in characters using a font size where the x-height, as defined in Annex IV, is equal to or greater than 1,2 mm.

For the *mandatory* food information to be provided on the package or on the label attached to the package:

- Clear legibility must be ensured (see definition of "legibility")
- A *minimum* font size of 1.2 mm must be applied (see "Annex IV")

The mandatory particulars listed in Article 9(1) are¹:

¹ Please note that there are exemptions for non-prepacked foods (Article 44) and some pre-packed foods (Article 16, Annex V) as regards the mandatory particulars.

- a) *the name of the food;*
- b) *the list of ingredients;*
- c) *any ingredient or processing aid listed in Annex II or derived from a substance or product listed in Annex II causing allergies or intolerances used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form;*
- d) *the quantity of certain ingredients or categories of ingredients;*
- e) *the net quantity of the food;*
- f) *the date of minimum durability or the 'use by' date;*
- g) *any special storage conditions and/or conditions of use;*
- h) *the name or business name and address of the food business operator referred to in Article 8(1);*
- i) *the country of origin or place of provenance where provided for in Article 26;*
- j) *instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions;*
- k) *with respect to beverages containing more than 1,2 % by volume of alcohol, the actual alcoholic strength by volume;*
- l) *a nutrition declaration.*

13.3: Minimum font size for the mandatory particulars for small packs

In case of packaging or containers the largest surface of which has an area of less than 80 cm², the x-height of the font size referred to in paragraph 2 shall be equal to or greater than 0,9 mm.

For small packs/containers with the largest surface below 80 cm², the *minimum* font size referred to in Art. 13.2 must be 0.9mm.

The "largest surface" has been used in the previous EU labelling Directive 2000/13/EC.

QUESTION FOR MEMBERS:

3. What is your interpretation of "largest surface", in view of the current use in Directive 2000/13/EC (Art. 13.4)?

It is FoodDrinkEurope's interpretation that the "largest surface" means

13.4: European Commission implementing measures on legibility

For the purpose of achieving the objectives of this Regulation, the Commission shall, by means of delegated acts in accordance with Article 51, establish rules for legibility.

For the same purpose as referred to in the first subparagraph, the Commission may, by means of delegated acts in accordance with Article 51, extend the requirements under paragraph 5 of this Article to additional mandatory particulars for specific types or categories of foods.

The European Commission must establish rules for legibility.

In addition, the European Commission may extend the mandatory particulars that must appear in the same field of vision (see Art. 13.5).

13.5: Positioning of certain mandatory particulars

The particulars listed in points (a); (e) and (k); of Article 9(1) shall appear in the same field of vision.

The following mandatory particulars should be provided together in the same “field of vision”:

- The name of the food;
- The net quantity of the food;
- With respect to beverages containing more than 1,2 % by volume of alcohol, the actual alcoholic strength by volume;

A definition of “field of vision” is provided in Article 2.2(k):

‘field of vision’ means all the surfaces of a package that can be read from a single viewing point;

Normally, the same “field of vision” would be the back-of-pack, but could also be the side of the pack.

13.6: Exemptions to the positioning of certain mandatory particulars

Paragraph 5 of this Article shall not apply in the cases specified in Article 16(1) and (2).

The following cases are exempted from the requirement to position certain mandatory particulars in the same field of vision:

- *Glass bottles intended for reuse which are indelibly marked and which therefore bear no label, ring or collar;*
- *Packaging or containers with a largest surface of less than 10 cm².*

The above two cases have specific rules set out in Article 16.1 and 16.2, respectively.

Article 16: Omission of certain mandatory particulars

This article specifies certain specific rules or exemptions from certain mandatory labelling. It is structured as follows:

- **16.1: Specific rules for glass bottles**
- **16.2: Specific rules for small packs with the largest surface of less than 10 cm²**
- **16.3: Exemptions from mandatory nutrition declaration**

- 16.4: Specific rules for alcoholic beverages

16.1: Specific rules for glass bottles

In the case of glass bottles intended for reuse which are indelibly marked and which therefore bear no label, ring or collar only the particulars listed in points (a), (c), (e), (k), (f) and (l) of Article 9(1) shall be mandatory.

Glass bottles intended for reuse which are indelibly marked and which therefore bear no label, ring or collar, can bear fewer particulars. The following particulars must be provided:

- *the name of the food;*
- *any ingredient or processing aid listed in Annex II or derived from a substance or product listed in Annex II causing allergies or intolerances used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form;*
- *the net quantity of the food;*
- *with respect to beverages containing more than 1,2 % by volume of alcohol, the actual alcoholic strength by volume;*
- *the date of minimum durability or the 'use by' date; and*
- *a nutrition declaration.*

16.2: Specific rules for small packs with the largest surface of less than 10 cm²

In the case of packaging or containers the largest surface of which has an area of less than 10 cm² only the particulars listed in points (a), (c), (e) and (f) of Article 9(1) shall be mandatory on the package or on the label. The particulars referred to in point (b) of Article 9(1) shall be provided through other means or shall be made available at the request of the consumer.

Small packs/containers with the largest surface of less than 10 cm² can bear fewer particulars. The following particulars must be provided:

- *the name of the food;*
- *any ingredient or processing aid listed in Annex II or derived from a substance or product listed in Annex II causing allergies or intolerances used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form;*
- *the net quantity of the food;*
- *the date of minimum durability or the 'use by' date.*

For these small packs/containers, the list of ingredients must be provided through other means (e.g. leaflets, website) or must be made available when consumers ask for it (e.g. hotline).

16.3: Exemptions from mandatory nutrition declaration

Without prejudice to other Union provisions requiring a mandatory nutrition declaration, the declaration referred to in point (l) of Article 9(1) shall not be mandatory for the foods listed in Annex V.

The foods listed in Annex V are exempted from mandatory nutrition declaration.

In the case that other EU legislation prescribes mandatory nutrition declaration (e.g. for specific foods), this takes precedence.

16.4: Specific rules for alcoholic beverages

Without prejudice to other Union provisions requiring a list of ingredients or a mandatory nutrition declaration, the particulars referred to in points (b) and (l) of Article 9(1) shall not be mandatory for beverages containing more than 1,2 % by volume of alcohol.

By 13 December 2014, the Commission shall produce a report concerning the application of Article 18 and Article 30(1) to the products referred to in this paragraph, and addressing whether alcoholic beverages should in future be covered, in particular, by the requirement to provide the information on the energy value, and the reasons justifying possible exemptions, taking into account the need to ensure coherence with other relevant Union policies. In this context, the Commission shall consider the need to propose a definition of 'alcopops'.

The Commission shall accompany that report by a legislative proposal, if appropriate, determining the rules for a list of ingredients or a mandatory nutrition declaration for those products.

Beverages containing more than 1.2% alcohol can bear fewer particulars as they are exempted from bearing a list of ingredients and a nutrition declaration. On a voluntary basis, food business operators may include a list of ingredients and/or nutrition declaration for these beverages.

The European Commission must produce a report concerning the list of ingredients (Article 18) and mandatory nutrition declaration (Article 30.1) for alcoholic beverages (over 1.2% alcohol).


This report centers around the provision of information on the energy value for alcoholic beverages, including possible exemptions. Furthermore, the Commission must consider the need to propose a definition for 'alcopops'.

The Commission must accompany the report with a legislative proposal (if appropriate) determining the rules for alcoholic beverages regarding:

- a list of ingredients;
- a mandatory nutrition declaration.

Annex IV: Definition of the X-height

x-HEIGHT



Legend

1	Ascender line
2	Cap line
3	Mean line
4	Baseline
5	Descender line
6	x-height
7	Font size

The X-height is provided in line 6. In general, this should be minimally 1.2 mm (see above articles).