



## Confectionery formula and label compliance for the EU market

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A Leatherhead Food  
Research white paper

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# Confectionery formula and label compliance for the EU market

Confectionery formulation and labelling has come very much to the fore with the advent of the ‘obesity crisis’, leading to demands for better labelling and a reduction in the sugar content of products. In this white paper, Oliver Leedam, looks at some of the new requirements from the EU, to help address rising obesity levels.

Rising levels of obesity are affecting many countries worldwide. The World Health Organization estimates that in the WHO/European Region over 50% of people are overweight or obese and over 20% are obese.<sup>1</sup> Obesity is a serious public health issue as it significantly increases the risk of chronic diseases such as cardiovascular disease, type-2 diabetes, hypertension, coronary heart disease and certain cancers; it can also be linked to mental health issues. Not only does it put a considerable strain on healthcare and social resources, it also carries significant costs to economies.

In May 2007, the European Commission published its ‘Strategy for Europe on nutrition, overweight and obesity related health issues’ to address growing levels of obesity. Aiming to reduce ill health due to unhealthy lifestyles and imbalanced diets, the strategy has a number of initiatives, including better informing consumers, making healthy options available and engaging with the private sector.

The European Commission is largely leaving member states to implement the strategy as they see fit, although it is monitoring progress centrally from Brussels.

## Reformulation

In the UK, the government has implemented a number of initiatives to help reverse the obesity trend. Most recently in England, it launched its childhood obesity action plan, which aims to reduce childhood obesity significantly by supporting healthier choices. Public Health England (PHE) has been given responsibility for the programme and has set a target of a 20% reduction in sugar within the food products that contribute the most sugar to children’s intakes (based on a 2015 baseline) by 2020. Confectionery is one of the nine categories initially being targeted in the plan.

PHE is looking to achieve the 20% sugar reduction target by:

- Reformulating products to lower the levels of sugar present

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<sup>1</sup> World Health Organization (2013) Infographic – Over 50% of people are overweight or obese. Accessed: <http://www.euro.who.int/en/health-topics/noncommunicable-diseases/obesity/data-and-statistics/infographic-over-50-of-people-are-overweight-or-obese-download>

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- Reducing the number of calories in, and/or portion size of, products that are likely to be consumed by an individual at one time
  - Shifting consumer purchasing towards lower/no added sugar products<sup>2</sup>

### **Informing the consumer:**

In Europe, the main change has been the introduction of the Food Information to Consumers Regulations 1169/2011 (FICR). Having come into force in December 2014, FICR covers a number of important points to help keep consumers better informed. These include:

- Ingredients list
- Nutrition labelling
- Durability indication

Most people will have noticed changes to the ingredients list and the nutrition labelling.

### ***Ingredients list***

The main change to the ingredients list applies to allergens. The new requirements state that the specific names of allergens must be highlighted where they are used in the ingredients list, by the use of bold font, a different colour or any other differentiator. As no alternative method is given for the indication of allergens the use of a 'contains' box is no longer permitted. Whilst the use of a 'may contain' statement remains permissible in the regulations, it is currently expected not to be used unless a risk assessment has been carried out and a serious risk identified.

### ***Nutrition labelling***

Significant changes apply here too, with a new mandatory requirement for nutrition labelling.

This has also changed from the previous two options, to only one format now being available: the mandatory declaration of the energy value; and the amounts of fat, saturates, carbohydrate, sugars, protein and salt. Other supplementary values may be found in paragraph 2 of Article 30 (page 21).

Another change to the nutrition labelling regulations is that they now allow for a limited number of facts to be repeated on the pack. Paragraph 3 Article 30 allows for the repetition of the energy value; or the energy value together with the amounts of fat, saturates, sugars, and salt. It is worthwhile noting here that these are the only values that can be repeated, the opportunity to do so is what allows for front-of-pack (FOP) nutrition labelling. Different formats of FOP labelling are being adopted across Europe, the most recognised of which is the UK's voluntary front-of-pack traffic light system. Sweden uses a Keyhole label, France a Nutri-Score system and the Dutch a Choices logo, all in a bid to help consumers make healthier food choices.

### ***Durability indication***

An interesting point to note here is the removal of the durability indication from the field of vision requirements, so it can now be printed anywhere on the package. As long as the date is printed with an indication of whether it is "best before" or "use by", no signposting is necessary. Otherwise, manufacturers must

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<sup>2</sup> Public Health England (2017) Sugar Reduction: Achieving the 20% - A technical report outlining progress to date, guidelines for industry, 2015 baseline levels in key foods and next steps. Accessed: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/604336/Sugar\\_reduction\\_achieving\\_the\\_20\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604336/Sugar_reduction_achieving_the_20_.pdf)

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indicate where the date can be found on the pack and what it represents.

### **Complex issue**

The causes of obesity are wide-ranging and complex. There is no simple solution. And any answer needs commitment from individuals, societies and governments.

The food & drink industry is committed to playing a positive role to help reverse the rising levels of obesity. A number of leading confectionery manufacturers have already launched reduced sugar variants of their products and/or reduced portion sizes in order to meet sugar reduction targets.

However, evolving existing products to contain less sugar or fewer calories is not simple. Not only does sugar contribute to the taste of a product, it also plays a role in shelf life and impacts texture and colour. Manufacturers need to consider the interactions between ingredients in a recipe to understand how sugar reduction will affect the finished product.

Manufacturers also need to ensure that any ingredients involved in the reformulation are approved for use in the countries in which the product is being sold. For example, the sweetener monk fruit is permitted to be used in foodstuffs in the USA, but it has not yet been approved in Europe. Further, if a company wants to make a reduced sugar claim, it needs to ensure that it is following the relevant guidelines as there may be restrictions on what is claimed.

Only time will tell if the initiatives being launched across Europe have had the desired effect and are helping to reverse the obesity trend.

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### **How Leatherhead can help**

If you are unsure of the regulation around reformulation or labelling requirements, our department of over 30 regulatory advisors is ready to help. We cover all major international markets and have extensive experience undertaking label checks. We also offer consultancy, can provide training on food legislation, give advice on additives, flavourings and ingredients, as well as undertake label and formulation checks.

### **About the author**

Oliver Leedam is a Regulatory Consultant at Leatherhead Food Research. With over 20 years' experience in the food industry, Oliver has extensive expertise providing regulatory support and training to both regulators and industry. He has worked across a variety of industries including soft drinks, food additives, ready meals, meat products and breakfast cereals. A career highlight has been providing training on the European Commissions' Better Training Safer Food courses across Europe, where Oliver was one of the specialist trainers on nutrition & health claims. Oliver covers English, Irish, American and European food legislation at Leatherhead Food Research.

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## About Leatherhead Food Research

Leatherhead Food Research provides expertise and support to the global food and drinks sector with practical solutions that cover all stages of a product's life cycle from consumer insight, ingredient innovation and sensory testing to food safety consultancy and global regulatory advice. Leatherhead operates a membership programme which represents a who's who of the global food and drinks industry. Supporting all members and clients, large or small, Leatherhead provides consultancy and advice, as well as training, market news, published reports and bespoke projects. Alongside member support and project work, our world-renowned experts deliver cutting-edge research in areas that drive long-term commercial benefit for the food and drinks industry. Leatherhead Food Research is a trading name of Leatherhead Research Ltd, a Science Group (AIM:SAG) company.

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Originally founded by Professor Gordon Edge as Scientific Generics in 1986, Science Group was one of the founding companies to form the globally recognised Cambridge, UK high technology and engineering cluster. Today Science Group continues to have its headquarters in Cambridge, UK with additional offices in London, Epsom, Boston, Houston, San Mateo and Dubai.

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