



## A new challenge for online food retailers in Turkey

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# A new challenge for online food retailers in Turkey

At the beginning of 2017, Turkey's Ministry of Food, Agriculture & Livestock published a new regulation, bringing the country's labelling processes in line with the European Union's current approach. Online food retailers must now ensure that mandatory food information (except the date of minimum durability) normally declared on labels is available via their websites. Gokay Sen, Regulatory Consultant, takes a look at some of the changes facing online retailers.

## **The new food labelling regulation**

In line with harmonisation efforts, Turkey continues to implement new legislation to abide by EU law. In January 2017, the Ministry of Food, Agriculture & Livestock published the Turkish Food Codex Regulation on Labelling and Food Information to Consumers (OJ No: 29960) after a relatively long and delayed drafting period.

Although the previous labelling legislation was already largely in line with relevant European legislation, the latest version has been specifically prepared to work in parallel with Regulation (EU) No. 1169/2011 of the European Parliament and of the Council of 25 October 2011, on the provision of food information to consumers.

In the past, food businesses within the EU have faced numerous challenges when complying with the European Food Information to Consumers regulation, such as implementing mandatory nutrition labelling across all their products as well as understanding the new format for allergen labelling. Many of these complications will also be experienced by food businesses in Turkey

as they begin to implement the requirements of the new regulation.

The new regulation mandates that more information, including nutritional information, be provided to consumers at the point of sale before the purchase is concluded. This includes general foodstuffs sold online, an area that traditionally has not had labelling provisions.

## **Online food sales**

New platforms and improved logistics have fuelled the explosive global growth of online food & drink sales. In Turkey, the number of internet users has risen exponentially, so too has the speed at which the internet can be accessed. Taking into account the ease of online shopping, and that many websites and apps have been around for some time, this shopping avenue has been steadily building consumer trust.

Although consumer habits haven't altogether shifted from weekly in-store grocery shopping, online shopping has for some time been the point-of-call for consumers looking to buy food supplements. Indeed it's not a stretch to say

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that Turkey's food supplement market has grown in tandem with rising use of the internet.

However, the growth in the food supplement market has consequently led to an increase in instances of adulteration, mislabelling and misuse of nutrition and health claims. This has resulted in many complaints about the lack of control and enforcement.

Turkish Food Codex Regulation on Labelling and Food Information to Consumers (OJ No: 29960), will help tackle these labelling and advertisement issues, laying down new requirements for information to be provided to consumers before each sale.

### **Food labelling requirements for online sales**

From 31 December 2019, any retailer selling general foodstuffs online, i.e. distance selling, must make available to consumers prior to the purchase being concluded, all mandatory food information normally declared on labels with the exception of best before/use by dates. Information provided must be fully compliant with the regulations, including nutrition and health claims when they are declared in relation to the products. Mandatory information must appear on material supporting the distance selling i.e. on the retailer's website. Businesses can provide this information in other ways, however they must not charge any additional costs for doing so. All mandatory particulars, including best before/use by date, must be available at the moment of delivery.

### **The effects of new measures on the market**

Ostensibly, these provisions are relatively short and may seem straightforward to implement. However, they may bring about

brand new challenges for online retailers who, even though they may not be manufacturing or packaging goods, are considered to be food business operators.

Online retailers are already responsible for supplying traceable food fit for human consumption (not injurious to health) and should have adequate food safety procedures in place to withdraw any unsafe food from the market. In addition to these responsibilities, retailers will now be responsible for ensuring that the labelling, advertising and presentation of food does not mislead consumers and that all information presented on their website complies with the relevant regulation.

Considering some major online platforms are not specialised in selling food products exclusively and may have high numbers of products from various manufacturers/suppliers, the challenge ahead is great. It is imperative that online retailers have a robust system in place to ensure they comply with the new regulations.

Food business operators, including online food retailers, have more than two years to implement and comply with the Turkish Food Codex Regulation on Labelling and Food Information to Consumers (OJ No: 29960). Whilst the regulation comes into force on 31 December 2019, it is advisable that companies start taking action now in order to have time to address any complications that may arise.

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## **How Leatherhead can help**

In an ever changing and fast paced industry, Leatherhead's Regulatory department of over 30 advisors, constantly scans the legislative landscape within all major international markets and reports emerging issues and proposals to members via a weekly global legal highlights e-mail. During the two year grace period, food business operators will need to make sure they have the processes in place to comply fully with the new regulation. Leatherhead's Regulatory Team will be on-hand to deliver expert advice about these changes and how to best go about implementing them.

Leatherhead's Regulatory department covers all major international markets, and is able to help with all questions relating to food legislation. We can also provide training on food supplement legislation and give advice on additives, flavourings and ingredients, as well as undertake label and formulation checks.

## **About the author**

Gokay Sen is a Regulatory Consultant at Leatherhead Food Research, responsible for advising on food legislation in Turkey, the EU and standards prepared by the Codex Alimentarius Commission. He has a Bachelor's degree in Biology from Middle East Technical University, Ankara and postgraduate certificates from Michigan State University and De Montfort University, specialising in International Food Law and Food Marketing Law. Prior to joining Leatherhead Food Research, he worked for Yıldız Holding in Turkey as Regulatory Affairs Officer. He is a native Turkish speaker and speaks fluent English.

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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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## About Science Group plc

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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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