

# A third of all food goes to waste. Here's how regulation might be used to stop the rot

02 MAY 2019

Globally, one-third of all food produced ends up in the bin. That is 1.3 billion tonnes of food every year that goes uneaten.

Dealing with this growing mountain of food waste – which will only get bigger as our global population rises from 7 to 10 billion by 2050 – is a no-brainer.

## One step forward, two steps back

Food is wasted in a number of ways: at home, in supermarkets, during transportation or the manufacturing process, and in the fields where it originates. Better refrigeration, storage and packaging technology has helped to reduced wastage all along the supply chain.

But it is in developing measures designed to protect people from potential health hazards and making sure companies are not liable should somebody get sick, that has seen food waste continue to increase.

## No EU-wide policy on food waste

European Union nations produce around 89 million tonnes of food waste every year. As part of the European Parliament's 2017 Circular Economy Package, EU nations agreed that food waste should be cut by 50% by 2030. To get there, it recommends recycling 70% of food waste, a figure which it aims to anchor in legislation. Although



such a target would not be legally binding at a Member State level, it marks an important step in the right direction.

One potential sticking point is that there is no official, overarching definition of 'food waste' – something that is proving to be a real challenge for regulators.

In the absence of EU-wide policy on the issue, it is falling on European countries to develop national policies and regulation. of the industry, it is far from straightforward.



### Food labelling causes confusion

Letting people know how much 'life' is left in a food product has been a useful, if confusing, way to address waste at the supermarket and at home.

The Best Before Date (BBD) acts as a guarantee by the manufacturer that a product will retain its characteristics in full, up to the point in time specified, if stored properly. But it is a mechanism that has been abused by companies that make the timeframe unnecessarily short so as to leave a lasting impression on customers.

The BBD is not to be interpreted as a point at which a product becomes a potential health hazard. That is where the Use By Date (UBD) comes into play. This is usually found on perishable goods, like raw meat and fish, which might indeed pose a health risk if stored beyond the date indicated.

However, a number of food manufacturers increased their use of the UBD over the BBD to avoid possible liability claims.

The European Commission has been tasked with reviewing whether current wordings in products are working, and to suggest a more consumer-friendly alternative if necessary. Widening the range of products for which the BBD may be omitted, such as sugar or salt, has also been proposed.

### The misconceptions around BBD

A common misconception, not only among consumers but also among retailers, is that food products cannot be sold once the BBD has passed. For the most part, this is not true.

Yes, it is illegal to sell food with an elapsed UBD (which is a food safety measure). But there are no legal obstacles in place for selling food products beyond the BBD, as long as the consumer is made aware of the fact that the BBD has already passed.

## A fear that charity will backfire

Another way to avoid food waste is by donating it to charity. However, donations cause liability issues, with the company whose name is on a product held legally responsible should damages arise. This is one reason why many businesses are reluctant to donate unused food, fearing their act of kindness might backfire.

However, lawmakers might be able to force the hand of business. In France, a law passed in 2016 prohibits retailers from disposing of unsold – but edible – food. Instead, they must donate leftovers to charities and food banks.

## Food discounting could face regulation

There are already many regulations in place to address food waste. In some cases, labelling regulations designed to boost the quality of information for consumers, are having an adverse effect, increasing the waste of edible foods that cannot be labelled according to the legal requirements. This is the case in Poland, for example, where mixed meat cut-offs are popular, but difficult-to-control.

There has been widespread debate about the negative impact '3 for 2' discount offers are having – and regulatory measures may be introduced in the future to deal with this.

## It is time for action

Food waste is a problem for many reasons, not least because agriculture is a huge contributor to climate change. In fact, if food production were a country, it would be the third largest emitter of CO<sub>2</sub> in the world, after the US and China.

It remains to be seen whether regulatory or non-regulatory approaches will be most effective in curbing food waste. However, one thing remains clear: action is required by all players along the supply chain, from agriculture to manufacturing, and retail to consumption.

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