

## **Policy Lab 2 - Orientation Paper: 'Food Environments'**

*Orientation paper by the IPES-Food Secretariat to support the Policy Lab on 'The Food Environment in Europe' on 7 December 2016, co-hosted by IPES-Food and Marc Tarabella MEP at the Committee of the Regions.*

### **Building a 'Common Food Policy' that supports healthy diets**

The round-table meeting on December 7 represents the second in a series of six 'policy labs' that IPES-Food will convene over the 2016-2018 period. These policy labs are the central tenet in the 3-year process of research and reflection being undertaken by IPES-Food to identify the tools needed to develop a 'Common Food Policy'<sup>1</sup> vision for Europe, co-constructing a reform vision for sustainable food systems in Europe by building coalitions of interest and shared visions. Rather than offering a comprehensive plan, IPES-Food offers a platform, and a reflection process, for such a plan to emerge from the inputs of participants in these Policy Labs.

The findings of Policy Lab 1 on the Agriculture-Diets-Health nexus (June 2016) and Policy Lab 2 on the Food Environment (December 2016) will feed into a briefing note to be published by IPES-Food in early 2017. This briefing note will map out what tools and measures are needed in order to support a durable shift towards healthier diets in Europe, as the first installment of a Common Food Policy vision.

### **The EU's current state of (un)health**

Supporting healthier diets is an urgent imperative in Europe and beyond. According to the latest data, more than half of adults in the EU are now either overweight or obese (53%) (WHO, 2015). Obesity rates range from 8% in Romania to 25% in Hungary, Malta and the United Kingdom (ibid.). Further, around one third of children aged 6-9 in the EU were overweight or obese in 2010 (WHO, 2010). This is of particular concern given that 60% of children who are overweight before puberty will likely remain overweight in early adulthood (WHO, 2016). In the EU, it is estimated that obesity is the primary cause of 80% of all type 2 diabetes cases, 35% of heart disease, and 55% of hypertensive diseases in adults (Brandt and Erixon, 2013). Poor diets also contribute to

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<sup>1</sup> The full concept note 'Towards a Common Food Policy for the EU' can be found here: [http://www.ipes-food.org/images/Reports/CFP\\_ConceptNote\\_May2016.pdf](http://www.ipes-food.org/images/Reports/CFP_ConceptNote_May2016.pdf)

cardiovascular diseases, type-2 diabetes and cancers through channels other than obesity (Eurostat, 2008). While type 2 diabetes was previously limited to adults, at least 27,000 children now suffer from this disease in the EU and 400,000 suffer from impaired glucose tolerance (Lobstein and Jackson-Leach, 2006). At the same time, micronutrient deficiencies remain a persistent problem in Europe. An estimated 33 million Europeans are at risk of some type of deficiency, usually as a result of poor diet (Ljungqvist and de Man, 2009; Eggerdorfer, 2014). The most common deficiencies amongst EU populations include low levels of vitamin D, vitamin B, vitamin E, iron, and iodine; these have been associated with developmental difficulties in infants and children, and greater instances of disease and later disability amongst adult and elderly populations (WHO, 2007; Kaganov et al., 2015; Cashman et al., 2016).

These diseases are preventable, and eating habits play a leading role in any prevention strategy. The rise of obesity, NCDs and the persistence of nutritional deficiencies are all linked to the overconsumption of certain foods and the underconsumption of others. More specifically, diet-related diseases have been attributed to a high intake of calorie-rich, nutrient-poor foods, foods high in trans fats, and a low consumption of fruit and vegetables (Birt, 2007; Dixon, 2015). It has been estimated that increasing consumption of fruits and vegetables by 400-600g per day could decrease the incidence of NCDs by up to 18% (Schäfer Elinder et al., 2006). However, some 22 EU Member States are currently below these recommended rates, with poorer households tending to be far below this threshold (EPHA, 2016b). Indeed, the average European diet is deemed too high in processed and red meats, sugar, saturated and trans fats (Birt, 2007; Schäfer Elinder et al., 2006; EPHA, 2016a). Sugar makes up 7-17% of average European energy intake among adults and up to 25% among children (EPHA, 2016b). While the consumption of trans fats is on the decline, certain population groups (e.g. low income groups) may exceed or be at risk of exceeding recommended intake level (Laaninen, 2016). Alongside the decline in consumption of plant proteins since the 1960s (European Parliament, 2014), European meat consumption is twice as high as global averages, and dairy consumption three times higher (Westhoek et al., 2011: 13).

### **Drivers of diets on the supply side: the limits of agricultural policy levers**

The factors driving unhealthy diets are wide-ranging, and so too are the solutions put forward to remedy the problem. Food production patterns have been identified as a key factor in determining what food is available to consumers and at what price, and

therefore in shaping diets: these patterns were discussed during IPES-Food's Policy Lab 1 on the agriculture-diets-health nexus. However, the impact of agricultural policies on diets - and their potential as a lever for sparking a shift to healthier diets – is highly contested. A range of factors mediate the pathway between what is produced and what is ultimately consumed. The way food is processed, distributed and made available to the consumer are crucial factors in determining dietary patterns. In particular, there has been increasing attention to the range of factors influencing consumers and guiding their food choices – in other words, the 'food environment' – and the multiple ways in which this environment could be adapted to support healthier diets.

### **What is the food environment and why does it matter?**

In the past, discussion of improving diets has tended to focus on the individual, with little attention to the context in which people are making their food choices (Garnett et al., 2015). The growing focus on the 'food environment' reflects a shift away from simply blaming the individual for his/her choice. The 'food environment' has been defined in a variety of ways, but tends to include a range of physical and cultural influences on the consumer, operating in the immediate retail setting and beyond. According to the Food Foundation, food environments are the "collective physical, economic, policy and sociocultural surroundings, opportunities and conditions that influence people's food and beverage choices and nutritional status"; *healthy* food environments therefore exist when "the foods, beverages and meals that contribute to a population diet meeting national dietary guidelines are widely available, affordably priced and widely promoted" (Food Foundation, 2016). The food environment has been seen to operate on the *community level* and the *consumer level* (Health Canada, 2013). Price, affordability and taste tend to emerge as the elements of the food environment exercising the strongest pull on consumer choice (Garnett et al., 2015). However, a range of other important factors have been identified, from written information to portion size to the sensory attributes conveyed via the smell, colour and touch of a product (Degeratu et al., 2000). Indeed, food manufacturers and retailers have a wide range of tools at their disposal, ranging from traditional advertising campaigns to product placement in television broadcasts to offering toys and online promotions (Colby et al., 2010), tools that have served to develop brand preferences and even to prime automatic eating behaviours (Harris et al., 2009). Food environments are also shaped by physical realities such as access to grocery stores compared to fast food outlets (Thornton et al., 2009). While many consumers want to know how to adopt healthy and sustainable diets, it is often *difficult* for consumers to

make the healthy choice - and too easy to choose low-nutrient, high-calorie diets (BEUC, 2015). Public policies – in addition to voluntary measures – are often seen to be essential to pave the way for healthier food environments (Vandevijre and Swinburn, 2015; Garnett et al., 2015).

The precise mechanisms through which consumer choices are shaped are the subject of a wide-ranging literature arising from a variety of disciplines, including consumer psychology, behavioural economics and public health. These studies have tended to rely on modelling behavioural responses to changes in a range of variables (e.g. changed aesthetics of a given product, making a specific item harder to access), or have reviewed the impacts of real-life changes in retail practice or public policy in specific locations (Garnett et al., 2015). In many cases the policy interventions in question are very recent and the impacts are still to be measured; tools to assess the efficacy of the diverse policies in this field are seen to be lacking (Vandevijre and Swinburn, 2016). It is therefore difficult to make comprehensive assertions about what truly shapes consumer choice, or to predict uniform responses in reaction to changes in the food environment. However, it is possible to identify a series of trends in the literature, and to identify the key types of interventions being undertaken (by retailers, by governments, at EU level) to alter the food environment.

Table 1 synthesizes the key understandings taking shape around how and to what extent the various elements of the food environment determine consumer choice, and which interventions hold the greatest potential to shift the balance in favour of healthier food environments and healthier diets. Key pieces of EU legislation relating to the food environment are mentioned in Table 1, and are listed in Annex 1. Key legal rulings from the ECJ are listed in Annex 2.

The synthesis is provided for the purposes of supporting the discussion at Policy Lab 2 around the following questions:

- What tools are currently being used (at EU and at member state level, in the retail sector, etc.) to create a healthier food environment where people can make healthier choices, and how could they be improved ?
- What are the key obstacles to the transition to a non-obesogenic environment in Europe, and which governance reforms and alliances could overcome these obstacles?

IPES-Food's first briefing note on a Common Food Policy for the EU will draw on the discussion at Policy Lab 2 as well as covering the literature on the food environment in greater detail.

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**Table 1: Synthesis of the key elements of the food environment**

<b>Element of food environment</b>	<b>How does it influence consumer choice and how could it be addressed to improve diets?</b>	<b>Examples of action taken (at various levels):</b>
Portion/ package size	<p>Perception of 'normal' portion size is a major factor in determining differences in diets and incidence of obesity between countries. Research shows that these perceptions are influenced by product packaging, servings, cookbooks, etc., and affect consumption behavior, sometimes over-riding factors such as taste. People tend to under-estimate calorie content of larger meals and to generally under-estimate their own intake. These perceptions are also embedded in one's social context: people have been found to eat more if those around them are eating big portions. Actions to address portion size (e.g. in food service sector) may therefore have a significant impact on reducing consumption. Some studies show consumers willing to pay the same for reduced portions. Smaller/altered plate or glass sizes can potentially reduce consumption (though data are scarce on strength or duration of impact). However, the challenges include:</p> <ul style="list-style-type: none"> <li>• Substitution by eating more snacks during the day.</li> <li>• Restrictions on product innovation.</li> </ul>	<ul style="list-style-type: none"> <li>• Some voluntary actions in retail sector, e.g. Mars programme to reduce calorie intake per portion by reducing bar weight.</li> <li>• No significant regulations at EU or Member State level mandating smaller portion sizes in food service sector.</li> <li>• EU Directive on prepacked products does not regulate pack size (but stipulates that portion be quantified on food label).</li> </ul>
Product presentation and packaging style	<p>Sensory attributes of products have proven to be strong determinants of consumption. For example, the colour of food brings clear associations (e.g. acceptable colours, healthy colours, colours denoting ecological value) with impacts on consumption. Studies have shown that colour cues can over-ride flavor/texture, and act as shorthand for quality, influencing the choice of which product is bought and how much is consumed, making it less likely that consumers will consult the ingredient list or other information. Interventions suggested to reduce consumption of unhealthy products include requiring plain/opaque packaging, or forbidding the use of specific images.</p>	<ul style="list-style-type: none"> <li>• Precedent for tobacco: packaging restrictions at EU &amp; Member State level.</li> <li>• ECJ ruling (interpreting EU regs. on misleading food info/ nutrition and health claims) against fruit tea depicting fresh fruits on package but not containing natural fruit-based ingredients.</li> </ul>

<p>Product composition</p>	<p>Rising consumption of processed foods with high sugar, salt and fat content has been clearly associated with obesity. Products offering instant gratification and triggering intense reactions have been found to over-ride other responses in consumers, facilitating over-consumption. Altering the composition of these products through voluntary private sector actions or mandated schemes therefore offers a potential avenue for encouraging healthier diets, and is already seen to have delivered some successes. Public image tends to matter to food businesses, making them open to such initiatives. Some challenges have also emerged:</p> <ul style="list-style-type: none"> <li>• Expensive to invest in product reformulation, so that legislative action at EU level may be required to avoid distortions of intra-EU competition.</li> <li>• Private schemes tend to require complementary government action/involvement, e.g. robust monitoring, clearly defined goals, disincentives for non-participation in order to deliver results.</li> <li>• Reduction commitments forthcoming for some ingredients (e.g. salt, saturated fat) but less for others.</li> </ul>	<ul style="list-style-type: none"> <li>• Multiple voluntary schemes to reduce salt and saturated fat content.</li> <li>• National salt reduction targets for 76 categories of food in UK; EU 'Salt Reduction Framework' promoted by DG SANCO (now SANTE) in 2012 to support national plans.</li> <li>• Legal trans fat limits in Denmark, Latvia, Hungary and Austria.</li> <li>• EC recommends legal limit on transfats (2015 Report).</li> <li>• Adding sugars to fruit juices banned by EU directive (2010).</li> </ul>
<p>Product positioning &amp; store layout</p>	<p>The way food retail spaces are organized has been found to influence consumption habits strongly and in various ways. These mechanisms tend to be well known by retailers, while consumers are less aware of how their choices are being guided. The following factors have been identified to help increase consumption of specific products: placement of products near checkout (typically sweets and soft drinks) leading to impulse purchases under time pressure; unlimited volumes, e.g. all-you-can-drink soda fountains; prominent positioning at hand/eye level; changing the order or location of products in a cafeteria (e.g. putting salads first); positioning of items in restaurant menu (e.g. special boxes for healthy options). In addition, the general size of the store and the atmospheric/sensory factors, e.g. music and smell, have been found to increase time spent in the store and total consumption. While these tools have often been used to increase consumption of discretionary (and unhealthy) items, the case has increasingly been made for harnessing these mechanisms in order to <b>nudge consumers towards healthier choices</b>.</p> <p>Nudging strategies are politically attractive and proponents argue that nudging allows people to be subtly guided towards healthier choices without requiring any items to be banned. However, several</p>	<ul style="list-style-type: none"> <li>• Tesco &amp; Lidl ban on sweets at checkout in UK.</li> <li>• Changing the default option in canteens (e.g. rice instead of chips).</li> <li>• Footsteps leading shoppers to healthy food section of store.</li> <li>• Currently no obligations on companies to promote in-store availability of healthier foods.</li> <li>• Legislation unlikely to be required to facilitate nudging approaches.</li> </ul>

	<p>obstacles have been identified:</p> <ul style="list-style-type: none"> <li>• Seen by some as manipulative and ineffective in shifting long-term health norms.</li> <li>• Some voluntary action, but no systematic evidence of what works.</li> </ul>	
<p>Price &amp; fiscal incentives</p>	<p>Price – alongside taste - is often considered to be the primary influence on consumer choice, particularly during an economic downturn. <b>Taxing unhealthy foods/ ingredients</b> has thus emerged as a potential avenue for adjusting prices and sparking consumption shifts. In other cases, using fiscal tools to <b>subsidize healthy foods</b> has been advocated, e.g. via subsidies for fruit and vegetable production, sales tax reductions, or even free distribution schemes. These measures have generally been found to spark at least modest shifts in consumption and some positive knock-on effects, e.g. on household members. Evidence from real-life interventions to tax sugary drinks (e.g. Mexico, France) have shown potentially significant impacts. <b>Minimum prices for unhealthy foods</b> have been advocated as an alternative to taxation, whereby retailers are required to pass the cost onto the consumer in full transparency. In other cases, <b>social support schemes</b> (e.g. using food vouchers) have required their beneficiaries to purchase healthy products. Several challenges and gaps in understanding have been identified in regard to the various approaches:</p> <ul style="list-style-type: none"> <li>• Wealthier households may be unresponsive to price changes.</li> <li>• Price reduction for healthy goods needs to be large to have impact on poorest households; risk of regressive effects of all such taxes.</li> <li>• Uncertainty over substitution behaviours, e.g. money saved on cheaper healthy foods may be used for increased purchase of unhealthy products; people may continue to buy more expensive (taxed) unhealthy foods and make savings by buying less healthy products, or shift to non-taxed but equally unhealthy products;</li> <li>• Retailers may not pass on the cost ('strategy pricing').</li> <li>• Impacts contingent on context in given country, e.g. baseline tax rate, consumer behaviour, general obesity rate, etc.; multiple interventions (e.g. free provision plus education, a mix of tax and subsidies) may be required rather than a single measure.</li> <li>• Not clear whether tying welfare-based purchases to healthy products can spark long-term diet shift.</li> <li>• Little experimentation of or research on minimum pricing beyond limited alcohol pricing initiatives.</li> </ul>	<ul style="list-style-type: none"> <li>• Saturated fat tax introduced in Denmark (but abandoned due to economic concerns).</li> <li>• Taxes on sugar-sweetened beverages in several members states, e.g. Finland, France, Hungary and UK.</li> <li>• EU has limited power to intervene fiscally; within CAP EU School Fruit Scheme (90m euros/year).</li> <li>• Minimum alcohol pricing in Scotland (implemented) and Ireland (announced).</li> <li>• ECJ 2015 judgment left it up to the referring court (Scotland) to decide on minimum alcohol pricing, considering the measure to be trade-distorting but potentially 'proportionate'.</li> <li>• UK government Healthy Start vouchers for low-income families limited to the purchase of milk, fruit and vegetables.</li> </ul>



<p>Access, availability and the urban environment</p>	<p>Ease of access to healthy/unhealthy foods within a given space, institution or community is also seen as a key influence on consumption habits, both in terms of facilitating immediate access and shaping the norms that underpin long-term habits. Associations have been found between obesity and a high concentration of shops/restaurants selling highly processed foods in a given area, although there may also be correlation with low-income ethnic minority groups with generally poor health profiles. Similarly, '<b>food deserts</b>' where fresh healthy food is hard to come by have been identified as a key factor in unhealthy diets. With an increasing share of the population living in medium-sized cities and metropolises, the <b>local urban environment</b> – or 'foodscape' - has been identified as a potentially important factor in shaping diets. Access and availability of food in the <b>school environment</b> has been singled out as particularly important in shaping dietary habits (positively and negatively) and affecting perceptions of what is 'normal'. As a result, there has been increasing interest in interventions to facilitate/prevent access to specific foods within these spaces. Changing zoning rules and mobile vending of healthy foods have been among the solutions advocated for overcoming physical access issues. Questions remain in regard to how to use these tool to create durable change:</p> <ul style="list-style-type: none"> <li>• Risk of nurturing preference for the forbidden items.</li> <li>• The banning of certain foods from certain locations such as schools can be circumvented by sales nearby/smuggling in of product.</li> <li>• May require complementary measures (e.g. educational) in order to be effective.</li> <li>• Active interventions (e.g. banning sales of a specific product) tend to be more successful than those acting less directly on consumers (e.g. new supermarket in 'food desert' not effective alone).</li> </ul>	<ul style="list-style-type: none"> <li>• School vending machines prohibited in France.</li> <li>• Specific foods and drinks banned in Latvian schools.</li> <li>• UK school lunch rules place stringent limits on fried foods, desserts, etc.</li> <li>• Multiple city-level initiatives across Europe to increase access to healthy food.</li> </ul>
<p>Advertising, marketing and branding</p>	<p>Studies have shown that consumers tend to rely on brand attributes to guide their choices. <b>Brand identification</b> plays an important role in consumption habits. Though this generally facilitates increased consumption with reduced attention to general quality or nutritional profile of the product, it also is an opportunity, as incentives may exist for investment in brand reputation in nutritional quality." More broadly, <b>food advertising</b> (on product and through media) has been found to have major impacts on consumption patterns even with low exposure. While the findings of studies may vary, evidence of the impacts on children tends to be strong enough to justify action on precautionary grounds. Evidence suggests that marketing restrictions can shift consumption patterns. However:</p>	<ul style="list-style-type: none"> <li>• Sweden ban on all TV adverts targeting children under 12.</li> <li>• UK ban on children's TV advertisement for high fat, salt, sugar ('HFSS') products.</li> <li>• In France all adverts for processed foods (or foods with added salt, sugar or fat) must carry health messages.</li> </ul>

	<ul style="list-style-type: none"> <li>• The effects tend to vary according to different population groups.</li> <li>• Impacts of food marketing clearer for children than for adults.</li> <li>• Less known about impact of non-traditional marketing channels.</li> <li>• Effects of interventions may be long-term and cumulative, making it hard to measure the impact of single interventions.</li> </ul>	<ul style="list-style-type: none"> <li>• Future EU-level intervention not excluded re marketing in schools; EU Audiovisual Media Services Directive currently under review.</li> </ul>
<p>Product information, labelling and health claims</p>	<p>Consumers are generally provided with considerable information on the products they are purchasing (e.g. ingredient list, nutrition declaration, labels). Labels on pre-packaged foods tends to be an important information source for consumers, but it is consumers with pre-existing health consciousness who tend to seek them out. Generally, nutrition labels are well-understood, but a lack of motivation or attention to those labels may hold people back from taking the information into account in their purchases. Studies have shown that the <b>category</b> a food is claimed or perceived to belong to has a major impact on behaviours (e.g. calling a pasta salad a salad rather than a pasta would lead to lower calorie estimation and increased consumption). Private and national-level schemes have attempted to simplify nutritional information by using <b>traffic lights</b>, smileys and other visual devices. Traffic light schemes, as introduced in the UK, are generally seen to have had a positive impact. Attempts have also been made to regulate and restrict the <b>health and nutrition claims</b> made by the food industry in order to help consumers to manage the information they are provided with and avoid misleading information. Several challenges and drawbacks to these approaches have been identified:</p> <ul style="list-style-type: none"> <li>• General risk of information overload to consumer and problems interpreting the information.</li> <li>• Product information-based approaches tend to focus on groceries while ignoring food service sector.</li> <li>• Traffic light-style schemes raise objections regarding the categorizations of specific products as unhealthy (including products using the 'PDO' and 'PGI' EU quality logos).</li> <li>• Food information not generally the main factor (ranks below price); choices not generally made on rational information basis.</li> <li>• Measures focusing on individual foods/nutrients ignore overall consumption patterns.</li> <li>• Severe restrictions on nutrition and health claims may discourage investment in R&amp;D for the development of healthier products.</li> </ul>	<ul style="list-style-type: none"> <li>• Provision of mandatory information on food labels harmonised at EU level through EU 'Food Information Regulation' (1169/2011).</li> <li>• Commission reporting December 2017 on potential benefits of graphic forms/symbols (e.g. traffic lights).</li> <li>• EU Nutrition and Health Claims Regulation (1924/2006) prohibits some claims while regulating other authorized claims in relation to the nutritional profile of foods.</li> <li>• UK traffic lights scheme; other private traffic light-style schemes put in place by retailers.</li> <li>• 'Keyhole' labelling scheme in Sweden, Denmark and Norway identifies products low in fat, salt and sugar foods and high in fibre/whole grains; to</li> </ul>

		use this label manufacturers must meet specific nutrition criteria for a given food group.
Nutrition education	<p>Education on healthy diets has generally been found to be effective in helping to shape dietary patterns, including in some long-term studies. Studies have found the overall knowledge of EU shoppers on nutrition recommendations to be good but uneven (e.g. high knowledge of the nutritional benefits of fruits and vegetables and dangers of sugar; less knowledge on fat quality, salt/sodium) and dependent on socio-economic status. However, while politically popular and widely applied, several factors hold back to capacity of educational approaches to lead a diet shift:</p> <ul style="list-style-type: none"> <li>• Factors such as habit, taste, cost &amp; convenience tend to rank higher than health/sustainability awareness at purchase.</li> <li>• Consumers face disconnect between abstract values and concrete practice.</li> <li>• Educational approaches tend to reach the already well-informed.</li> <li>• Additional steps likely to be required in combination with education; main impact may be to pave way for hard action (e.g. taxes, restrictions) by creating a baseline awareness that makes these measures acceptable when applied.</li> </ul>	<ul style="list-style-type: none"> <li>• EC 'Tasty Bunch' initiative (2009) targeted improved diets among EU schoolchildren through roadshows, games and educational resources.</li> <li>• 125 ongoing healthy eating campaigns identified by the non-profit European Food Information Council in 2008-2009; more than one in most countries.</li> </ul>

### **Annex 1: The EU regulatory and policy framework on the food environment: key elements**

- Regulation (EU) No 1169/2011 **on the provision of food information to consumers** acknowledges that consumers must have proper access to information to make informed and appropriate food choices. The regulation recognizes that consumer choice can be influenced by health, economic, environmental, social and ethical considerations. Requirements primarily apply to pre-packed foods, and include mandatory labelling of allergen information, consistent nutrition labelling, and labelling guidelines for particular packaging processes (e.g. freezing).
- Regulation (EC) No 1924/2006 **on nutrition and health claims made on foods** offers regulatory advice and best practice suggestions to protect consumers from misleading or false claims in food advertising (e.g. claims to low fat, or foods high in a particular nutrient). It identifies which nutrition and health

claims may be used on specific food products, and emphasizes the necessity for scientific rigor in making claims for food manufacturers and processors.

- EU Directive 2007/45 on **laying down rules on nominal quantities for prepacked products** provides manufacturers with more freedom concerning package size. It abolishes regulations 75/106/EEC and 80/232/EEC regulating the nominal volume and weight of certain food products (e.g. juices, milk, pre-packaged foods, alcoholic beverages). All pre-packaged goods (with the exception of wine and spirits) previously under 75/106 and 80/232 can now be sold in any size. The Directive's stated intent is to give consumers more transparency on retailers' pricing practices by displaying unit pricing information and greater freedom to manufacturers to remain competitive.
- The **EU's Audiovisual Media Services Directive** governs EU-wide coordination of national legislation on all audiovisual media, both traditional TV broadcasts and on-demand services. The AVMSD directive is currently open for review. A new legislative proposal amending the AVMSD (2010/13) has been adopted by the European Commission in May 2016; protecting children and consumers is one of the key goals of the review.
- **Directive 2010/0254 (COD) amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption** bans the addition of sugar in fruit juices, irrespective of their origin.
- The **EC 'Tasty Bunch' Campaign** launched in 2009 aimed to promote healthy eating habits in children as part of the EU's strategy for Europe on Nutrition, Overweight, and Obesity related health issues. The Campaign's objective was to raise health awareness by promoting a balanced diet and healthy lifestyle in primary and secondary schools around the EU. A roadshow visited 180 primary schools across the EU for children to participate in food and health-related games and activities. Teaching and educational resources were also provided to schools, teachers, parents, and children on healthy foods and sporting activities.
- The EU Food Quality package 2010 and related Regulation (EU) 1151/2012 on **quality schemes for agricultural products and foodstuffs** aim to guarantee quality food products to consumers while securing fair prices for farmers. The Food Quality Package offers a comprehensive policy on labelling and certification schemes as they relate to value-added agricultural product

qualities. It provides quality and minimum standards compliance for the production of highly specific products (e.g. PDO and PGIs). It outlines optional quality terms (e.g. 'free-range', 'first-cold pressing') for producers, as well as voluntary best practices and labelling guidelines for PDO and PGI products.

- The EC's 2015 **Circular Economy Strategy** is an integrated approach to waste management, including an action plan to address waste at the production and consumption levels. Its action plan (COM 2015/614 on Closing the Loop – An EU action plan for the Circular Economy) encourages greater recycling and re-use of raw materials, products, and waste. The Strategy sets EU wide recycling targets for municipal and packaging waste, proposes measures to promote the use of by-product across industries, and provides incentives to introduce greener products on commercial markets. A series of Proposed Directives on landfill waste (2015/0274 (COD), 2015/0276 (COD) on packaging waste, and 2015/0275 (COD) on waste (including agri-food waste) have already been adopted.
- **Report from the Commission to the European Parliament and Council regarding trans fats in foods and in the overall diet of the Union population** (COM(2015) 619 final, of 3.12.2015) calls for the mandatory limiting and labeling of transfats in processed foods. In order to protect consumer health, the report also suggests voluntary reductions of transfats by the food industry. As a result, the EC has plans to conduct a full impact assessment of transfats to inform upcoming policy decisions. Currently, only four EU Member States have legal limits on industrially-produced transfats in foods.

## **Annex 2: Key ECJ rulings regarding the food environment**

- The **Teekanne ruling** of the **European Court of Justice** (Case C-195/14) revolved around a fruit tea which does not contain natural ingredients from vanilla or raspberry or flavouring obtained from them, yet whose packaging comprised depictions of raspberries and vanilla flowers. The Court held that where the packaging of a foodstuff gives the impression that a particular ingredient is present in that foodstuff, even though it is not in fact present, such packaging could mislead the purchaser as to the characteristics of the foodstuff in question.

- Questioned by the **Scottish Court of Session** about the **compatibility of the Scottish law introducing minimum prices for alcoholic beverages with EU free movement principles**, in a 2015 judgment the European Court of Justice held that increased excise duties might be considered less restrictive of trade and competition within the EU than the introduction of minimum prices. At the same time, the Court held that it is for the referring court to determine whether alternative measures such as increased taxation are capable of protecting human life and health as effectively. In 2016 the referring court held that minimum pricing of alcohol is an appropriate and proportionate restriction on the free movement of goods since alternative measures, including higher taxes, are not capable of protecting public health equally effectively.

WORKING DOCUMENT

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