



HEALTH WARNINGS AND LABELLING Consumer rights

PHP on Drink Driving, Binge drinking and
Health warnings and labelling for Alcoholic Beverages

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Outline

- Preface: basic consumer rights
- Consumer information – principles
- General Labelling Requirements
- Labelling of foodstuffs
- Labelling of Alcoholic Beverages
- Consumer attitudes to labelling
- Consumer perceptions of risks – health warnings
- Expectations on labelling of consumers' representatives ?

Preface (outline): basic consumer rights

- Actual basic act : EU Consumer Policy Strategy 2002-2006
- Historical context
- Three objectives
- Universal consumer rights
- Consumer Information (and education)

Preface ⁽¹⁾ : basic consumer rights

Actual basic reference : ACT of 2002

- Communication from the Commission of 7 May 2002 to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions:

"Consumer Policy Strategy 2000-2006"

[COM (2002) 208 final - Official Journal C137/2 of 08.06.2002]

+ Related acts

Preface ⁽²⁾ : basic consumer rights

Historical Context ⁽¹⁾

- **The Treaty of Rome (1957)** did not provide for a consumer policy (Treaty of Maastricht - 1992, Amsterdam - 1997, Agenda 2000, Nice - 2001, discussion on the EU Constitution - 2004)
- **Paris Summit (1972)** : first call for political action
- **The Single Act**, (Single market) that entered into force on 1 July **1987**, introduced the notion of the consumer in the Treaty:
Article 100a entitles the Commission to propose measures designed to **protect consumers**, based on a "**high level of protection**" (not precisely defined)

Preface ⁽³⁾ : basic consumer rights

Historical Context ⁽²⁾

- In 1973 **DG Sanco** (DGXXIV) was created + the **European Consumer Consultative Group (ECCG)** was installed
- Several **Action Plans** were developed: 1975, resolution of the Council; 1981; 1985, new impulse...
 - e.g. legislation in the field of cosmetics safety, food labelling, misleading advertising, doorstep selling
- **Single act to complete the single market (1992):**
 - consumer confidence became important: representation, information, safety, transactions...: legislation on toy safety, general product safety, cross border payments, unfair contract terms, distance selling, time shares
- **The first consumer policy strategy 2002-2006**
- On **6 April 2005** the Commission adopted a **Health and Consumer protection Strategy and** a proposal for a Decision of the European Parliament and Council **establishing a Programme of Community action in the field of Health and Consumer protection 2007-2013**

Preface ⁽⁴⁾ : basic consumer rights

Objectives of the consumer policy strategy

1. establishing a high common level of consumer protection
2. the effective enforcement of consumer protection rules
3. the involvement of consumer organisations in EU policies

Preface ⁽⁵⁾ : basic consumer rights – Universal consumer rights ⁽¹⁾

- The European consumer policy is based on the fundamental rights of the consumer (former US President John F. Kennedy's declaration of four basic consumer rights + first EU action plan 1975)
 1. the right to protection of safety and health
 2. the right to be informed (+ education)
 3. the right to choose (economic rights)
 4. the right to be heard (representation)
 5. the right to redress (EU)

Preface ⁽⁶⁾ : basic consumer rights

Universal consumer rights ⁽²⁾

- The consumer movement has in recent years added more rights:
 5. the right to satisfaction of basic needs
 6. the right to education
 7. the right to a healthy environment

Preface ⁽⁷⁾ : basic consumer rights

Consumer protection ⁽¹⁾ General EU initiatives

- DG sanco Website :

http://www.europa.eu.int/comm/dgs/health_consumer/index_en.htm

- Green number : 00 800 6 7 8 9 10 11

- Offices in all 25 EU Member States

http://europa.eu.int/comm/represent_en.htm

- The network of European Consumer Centres (CEC)

<http://europa.eu.int/comm/consumers/map.htm>

Preface ⁽⁷⁾ : basic consumer rights

Consumer protection ⁽²⁾ General EU initiatives

- The network of national Clearing House of the European Extra-judicial Network (EEJ-Net)
http://europa.eu.int/comm/consumers/redress/out_of_court/eej_net/acce_just14_en.htm
- Fact sheets about your rights in the European Union available on the Commission's "Dialogue with Citizens" website
<http://europa.eu.int/citizensrights/>
- European Consumer Diary
- Health & Consumer Voice, Monthly Newsletter on Food Safety, Health and Consumer Policy

Preface ⁽⁸⁾ : basic consumer rights

Future basic reference : HCP P of 2005

- On 6 April 2005 the Commission adopted a Health and Consumer protection Strategy and a proposal for a Decision of the European Parliament and Council establishing a Programme of Community action in the field of Health and Consumer protection 2007-2013

[COM (2005) 115 final - Brussels, 6.4.2005, 2005/0042 (COD) (not published in OJ)]

Preface ⁽⁹⁾ : basic consumer rights

Future basic reference : HCP P of 2005

- Health and consumer protection policies share common objectives relating to
 - protection against risks and threats
 - improving decision-making of citizens about their health and consumer interests
 - integrating health and consumer protection interests in all Community policies
- One of the strands of actions is to ensure that consumers, through better information, are able to make informed, environmentally and socially responsible choices

Consumers' right to information (1)

Principles

- The consumer should be able to make his choices in full knowledge of the facts : detailed labelling of products and services is considered the most appropriate by the EC since it creates fewest obstacles to free trade. E.g.
 - He must be able to compare prices easily : clear indication of the selling **price** and **quantity** (weight or volume of certain prepackaged products)
 - In some cases the EU rules explicitly specify **the use of languages**. Information that is difficult to understand or read. Failure to understand the labelling of certain foodstuffs may have serious health consequences in the case of persons with allergies or diabetes. Similarly, an incomplete translation of operating instructions can make the use of electrical appliances dangerous.

Foodstuffs labelling and nutrition labelling must be provided in a language "easy to understand" by the buyer. In some cases the question of languages is not mentioned at all (e.g. misleading advertising...), or it is left up to Member States to impose language requirements (e.g. toy safety, cosmetic products).

Consumers' right to information (2)

Principles

- The consumer needs proper information on the exact nature and characteristics of products and services

For some categories of products or items horizontal directives exist

- For all foodstuffs a list is drawn up of all information of the product that should in principle be included in the labelling
- For dangerous products the labelling must indicate: the name of the substance; the origin of the substance (name and address of the manufacturer, distributor or importer); the danger symbol and indication of danger involved in the use of the substance; a reference to the special risks arising from such dangers. This information must be presented in a specific way (symbols, standard phrases...)
- Rules for misleading and comparative advertising are stipulated
- EC ecolabel, conformity marks...

For certain products vertical directives exist : cocoa and chocolate products, textiles, cosmetics...

Consumers' right to information (3)

General labelling requirements

- The consumer needs proper information on the exact nature and characteristics of products and services
- “The prime consideration for any rules on the labelling of foodstuffs should be the need to inform and protect the consumer”.

It's explicitly stipulated for foodstuffs that this information must be :

- easy to understand
- marked in a conspicuous place
- easily visible, clearly legible and indelible
- not in any way hidden, obscured or interrupted by other written or pictorial matter
- some elements appear in the same field of vision (name, expiry date, coordinates producer, with respect to beverages containing more than 1,2 % by volume of alcohol, the actual alcoholic strength by volume)...

Consumers' right to information (4)

General labelling requirements

- The labelling and methods used may not mislead the purchaser:
 - as to the characteristics of the foodstuff (in particular, as to its nature, identity, properties, composition, quantity, durability, origin or provenance, method of manufacture or production)
 - by attributing to the foodstuff effects or properties it does not possess
 - by suggesting that the foodstuff possesses special characteristics when in fact all similar foodstuffs possess such characteristics

To be effective, this prohibition should also apply to the presentation and advertising of foodstuffs

- See also Council Directive 84/450/EEC of 10 September 1984 on the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading and comparative advertising.

The aim is to control misleading advertising in the interests of consumers, competitors and the general public. In order to determine whether advertising is misleading in nature, the following factors are taken into account: the characteristics of the goods or services; the price; the conditions governing the supply of the goods or the provision of services; the nature, qualities and rights of the advertiser

Labelling of foodstuffs ⁽¹⁾

- Directive 2000/13/EC of the EU Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer
[Official Journal L 109 of 6.05.2001]
- Proposal for a Regulation of the European Parliament and of the Council of 16 July 2003 on nutrition and health claims made on foods
[COM/2003/0424 final - Not published in the Official Journal].

Labelling of foodstuffs (2)

- Directive 2000/13/EC of the EU Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer

[Official Journal L 109 of 6.05.2001]

Modified by the following acts:

- Directive 2001/101/EC [Official Journal L 130 of 28.11.2001] concerning fresh meat
- Directive 2002/67/EC [Official Journal L 191 of 19.07.2002] for foodstuffs containing caffeine or quinine
- **Directive 2003/89/EC** [Official Journal L308 of 25.11.2003] on allergies (applicable since 25.11.2004)

applicable since 15.03.2003

Labelling of foodstuffs (3) Directive 2000/13/EC

- General requirements: the labelling, presentation and advertising of foodstuffs must not
 - mislead the consumer as to the foodstuff's characteristics or effects;
 - attribute to a foodstuff properties for the prevention, treatment or cure of a human illness. (except for natural mineral waters and foodstuffs intended for special diets, which are covered by specific Community provisions)
- Compulsory labelling particulars: the labelling of foodstuffs must contain a list of about 10 elements

Labelling of foodstuffs (4) Remarks

- The legislation does not fully cover the overall policy objective “**right to be informed**” due to the high number of cases of (partial) non application of the Directive
- The presence of some **unclear, subjective rules** in Directive 2000/13 is regarded negatively:
 - It contains both objective requirements : “they shall be indelible”; “they shall not be hidden” etc”
 - and indications that are open to subjective interpretations : they must be easy to understand; they must be easily visible and legible.
See also some vague formulations like regarding indication of origin: the label must contain “particulars about the place of origin or provenance where failure to give such particulars might mislead the consumer...”

Labelling of Alcoholic Beverages (1) Legal acts

Directive 2000/13/EC of 2000 on the labelling, presentation and advertising of foodstuffs:

- With respect to beverages containing more than 1,2 % by volume of alcohol, besides the name...: the actual alcoholic strength by volume + the ingredients
- *In this case, the Council, acting on a proposal from the Commission, shall, before 22 December 1982, determine the rules for labelling ingredients*

Labelling of Alcoholic Beverages (2)

...the Commission, shall, before 22 December 1982, determine the rules for labelling ingredients

- On 10 February **1997** the EC presented a **proposal** for a EP and Council Directive amending Directive 79/112/EEC - Now Directive 2000/13/EC - relating to the labelling, presentation and advertising of foodstuffs : it concerned the rules for labelling the ingredients of beverages containing more than 1.2% alcohol by volume.
[COM(97) 20 final - Official Journal C 106 of 4.04.1997].
- Codecision procedure (COD/1997/27)
On 25 February **1999**, EP approved at first reading this proposal including some amendments concerning : the labelling rules for beverages with more than 1.2% alcohol by volume, the list of drinks included in that category, indication of the ingredients of "alcopops" or "pre-mix" drinks...
On 1 July 1999, the EC modified its position in order to integrate the amendments made by the EP concerning... the deadline for adoption of the conditions of labelling ingredients, references for flavoured drinks and...
Awaiting the common position of the Council.

Labelling of Alcoholic Beverages (3)

Remarks (1)

- Alcoholic beverages are not required to carry all label information summarizing the basic characteristics of the product (date of durability, ingredients (?), ...)
- No obligation to mention any health warning on the packaging of foodstuffs (except for allergens)

Labelling of Alcoholic Beverages (4)

Nutrition and health claims

- Proposal for a Regulation of the EP and of the Council of 16 July 2003 on nutrition and health claims made on foods

[COM/2003/0424 final - Not published in the Official Journal]

... It is appropriate to envisage the prohibition of nutrition and health claims on alcoholic beverages

and to envisage that appropriate decisions are taken, for other foods or food categories for which current dietary advice would not normally promote their consumption

Consumer reactions to labelling (1) Surveys

- To reassess the food labelling legislation **DG-sanco** undertook several evaluations including consumers' surveys the last few years (next to stakeholder opinions...)
- Different **consumers' organisations** conducted together EU researches on consumers' perceptions of labels (within the frame of EU Consumer Policy)
- Some **Food (safety) Agencies** did national studies
- **CRIOC** realises each year a Belgian Consumer Behaviour Monitoring and specific national surveys

Consumer reactions to labelling (2)

- 1 in 2 consumers report to read the food labels during food purchase even when the label is not a very important element in their choices
- The different languages, the codes, the size of the characters, or the lack in information makes reading not obvious
- Nearly 1 in 5 consumers does not trust labels and does not believe that they give exact information

Consumer reactions to labelling (1) Some examples

- On-product pictures or claims are much bigger than e.g. the nutritional label or the list of ingredients and attract the attention
- Labels (on quality, environmental effects,) are seldom recognised and correctly interpreted; additional verbal explanation is preferred
- Pictograms are rarely understood
- Terminology is very often too difficult
- It's hard to trace essential information

Consumer reactions to labelling (3) Limits

- 1 in 3 consumers has problems with reading and understanding the food label
- Important remarks
 - The label is not the only way to ‘inform’ consumers : packaging, booklets or leaflets, websites, education, reviews of consumer organisations, health promotion, media...
 - There isn’t always a clear distinction between product information and the promotion of a product (advertising, product placement, sponsorship...)

What about warnings? (1)

- A perceived risk has the potential to influence people's intent to seek out warning information and to comply with warnings

So risk perceptions highly influence the effectiveness of warnings

- With respect to some non-food products (dangerous products, cleansing agents...) safety marks are considered important and at that moment consulted – but they must be at least easily visual, detectable and comprehensible

What about warnings? (2)

- Risk-perception is not only linked to knowledge but to awareness as well

Components in risk-perception:

- The consumer's evaluation of his familiarity with the product; the hazardousness of the product; the likelihood of being injured; the severity of potential injury...
- The perception of his capability to control these hazards : E.g. voluntary exposure by use of a car; does he believe that he needs to take precautions...

What about warnings? (3)

- The format of the warnings is important:
 - Place on the package, size of characters, colours...
 - Verbal or/and picture (icon, symbol...)
 - “Beer brewed carefully, to be consumed with care”
Belgian code of conduct for advertising
 - Terminology

What about warnings? (4)

- Not only the format is important
- Difficult interpretation of :
“to be consumed with care”?

Message has to be precise,
practical, realistic...

What about warnings? (5)

- The credibility influenced by the communication source : e.g. “government warning” (concerning health/safety risks scientific experts and consumer organisations are most trusted)
- The compelling character, the style in terms of positive or negative power (benefits/rewards, harms/punishments...): don't / do

What about warnings? (6)

- Warning effectiveness in terms of information-processing flow (attention, comprehension/memory, attitudes/beliefs) is necessary but not sufficient for behavioural effectiveness (in terms of behavioural intentions and actual behaviour)

What about warnings? (6)

- Personal and interactive communication is more effective than the impersonal communication via on-product warnings, that can easily be ignored
- Other channels, methods, general information and education, social training... is necessary

What about warnings? (6)

- Warning effectiveness in terms of information-processing flow (attention, comprehension/memory, attitudes/beliefs) is necessary but not sufficient for behavioural effectiveness (in terms of behavioural intentions and actual behaviour)
- One case : tobacco

Health warnings on tobacco (1)

- The evidence indicates that the health warnings on tobacco influence smoking behaviour
 - Studies show that smokers have been more motivated to stop or to reduce smoking
 - The warnings have been particularly effective among 15-24 year olds.
- They make cigarette packs less attractive

Health warnings on tobacco (2)

- A **Dutch** study indicated that some adults smoked less and were more motivated to quit as a result of the warnings. Among 13-18 year olds the effect was strong: 28% said that they smoked less because of the warnings.

Another Dutch study found that the inclusion of **the quit line number** increased calls to the service, in particular from lower income groups that are usually less active.

- A **Belgian** study found that bigger, clearer warnings motivated smokers to stop smoking and made cigarette packs less attractive to youngsters.
- Of **Polish** male smokers, 3% said they had quit because of the large health warnings, 16% had tried quitting, and 14% claimed to understand health effects of smoking better.
- In **Malta**, the demand for smoking cessation enquiries increased threefold following the introduction of the warnings.

Health warnings on tobacco (3)

- The Belgian situation showed that the effects of shocking campaigns on smoking behaviour are limited.
“Warnings are mostly a help for those who want to quit.”
- When consumers have no intention to stop, the warnings don't frighten them. In Belgium 8% of the smokers reported smoking less due to the warnings.

Health warnings on tobacco (4)

- **Colour images**

Decision 2003/641/EC¹¹ establishes rules for the use of photographs or other illustrations as health warnings and conditions under which they may be used.

(the Commission created a library of images in May 2005).

- According to a **EuroBarometer** survey in the autumn of 2002, 38% of the citizens believe that the addition of colour images to cigarette packages would be useful in persuading people either not to smoke, to smoke less, or to quit.

This is also what the Member States in general believe. The majority of the MS intends to study the use of the images. The EC encourages the MS to use the new pictorial warnings.

Health warnings on tobacco (5)

- According to a **Belgian survey** in 2004 (CRIOC), 13% of the smokers said that the addition of colour images to cigarette packages would make them stop smoking, 23% smoke less, and 64% would not be influenced.
(age and formation level is of influence)

Remember the difference between intentions and actual behaviour

Health warnings on tobacco (6)

- Canada was in 2001 the first country to use colour images to cigarette and studied the effectiveness in 2002 among smokers:
 - 44% reported that the images improved their motivation to quit
 - 38% reported that they played a role in their motivation in trying to quit
 - 58% would make them think more about de consequences of smoking on their health
 - 21% decided one or more times, after being attempted to smoke a cigarette, not to do this due to the images
 - 58% was influenced to smoke less at home (inside)

Limits of health warnings

- Warnings in a social, cultural and economical context
- To be compelling (positive) and practical
- Is only one element in the health promotion
- To be assessed (research studies on consumers perception)

A policy on alcohol for Europe

Packaging and labelling

- What's the consumers reaction about the proposal concerning packaging and labelling policy that take into account the following principles ???
 - Alcohol product packaging and labelling should not promote an alcoholic product by any means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics or health effects, including any term, descriptor, trademark, figurative or any other sign that directly or indirectly creates the impression that a particular alcoholic product is more attractive or healthier than another alcoholic product;
 - Alcohol product packaging and labelling should not promote an alcoholic product by any means, including any term, descriptor, trademark, figurative or any other sign that directly or indirectly appeals to minors;
 - Each unit package of alcoholic products should carry warnings determined by ministries of health, describing the harmful effects of alcohol when driving or operating machinery, and during pregnancy or other appropriate messages determined by ministries of health; and
 - Each unit packet and package of alcoholic products and any outside packaging and labelling of such products should, in addition to health warnings, contain information on its alcohol concentration (% by volume), alcohol content (grams of alcohol), calorific value and ingredients that might lead to allergies.

Source www.eurocare.org

CRIOC – OIVO

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