11.2.2011

NOTICE TO MEMBERS

Subject: Petition 0879/2010 by Sven Kröger (German), on indicating the presence of alcohol in foodstuffs

1. Summary of petition

The petitioner urges that, where foodstuffs contain alcohol, this should be clearly marked on their packaging. He is concerned not so much with alcohol in products which are generally known to contain alcohol, such as liqueur chocolates, but with ‘hidden’ alcohol. He considers it is inadequate simply to mention alcohol in the list of ingredients. He maintains that the number of alcoholics is still rising and that the measure he advocates would ensure that, in particular, children and recovering alcoholics do not come into contact with alcohol unawares.

2. Admissibility

Declared admissible on 16 November 2010. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 11 February 2011.

The petitioner observes that many foodstuffs present on the market, as e.g. sweets, contain hidden alcohol. These products are likely to be consumed by "dry" alcoholics but also by children.

Therefore the petitioner considers that information about the presence of alcohol in pre-packaged foods should appear in a more visible field of the label than the list of ingredients. It is further suggested that such indication should become also mandatory for non pre-packaged foods. In this regard it is mentioned that, in the food sector, sales staff is not always sufficiently qualified to inform consumers about the composition and characteristics of sold products.
products.

The Commission's comments on the petition

The European Union provides already for rules governing the food information provided on the label. With regard to the mandatory information, the scope of harmonisation is defined in Article 3(1) of Directive 2000/13/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, which lists all the particulars that shall appear on the labelling of foodstuffs. In particular, Article 3(1)(2) of this Directive provides that the list of ingredients shall be compulsory on the label of foods. This provision should ensure that the consumer receives the necessary and appropriate information as to the characteristics and composition of the foodstuff.

It is for food business operators to ensure that information about ingredients is present and sufficiently precise to avoid creating confusion in the mind of consumers or misleading them. And it is for the national enforcement authorities to ascertain the compliance with this obligation.

In relation to the labelling of non prepacked foods, Article 14 of Directive 2000/13/EC provides that "where foodstuffs are offered for sale to the ultimate consumer or to mass caterers without prepackaging, or where foodstuffs are packaged on the sales premises at the consumer's request or prepackaged for direct sale, the Member States shall adopt detailed rules concerning the manner in which the particulars specified in Article 3 and Article 4(2) are to be shown. They may decide not to require the provision of all or some of these particulars, provided that the purchaser still receives sufficient information." Therefore, it is up to the German authorities to decide whether the list of ingredients, which would include the information about the presence of alcohol, should be provided for those foods and in which manner.

Conclusion

The existing EU rules in the field of labelling, when correctly enforced by the Member States, are sufficient to ensure that consumers receive correct and complete information about the presence of alcohol in foods.

Finally, the Commission would like to stress that several Member States develop actively actions related to reducing of harmful and hazardous alcohol consumption. In this regard, some initiatives consist in encouraging the industry to provide, on a voluntary basis, with additional information related to the alcohol content.

1 OJ L 109, 6.5.2000, p. 29–42