

**Feedback to the European Commission's Roadmap on the
'Proposal for a revision of Regulation (EU) No 1169/2011 on the provision of
food information to consumers, for what concerns labelling rules on alcoholic
beverages'**

The European Public Health Association strongly objects to options 0 and 1 of the Initial Impact Assessment and, within the narrow scope of the document, supports option 2.

Alcohol consumption is a significant public health concern

Alcohol consumption is associated not only with non-communicable diseases but also injuries and infectious disease. There is a direct relationship between higher levels of alcohol consumption and developing some cancers, liver diseases and cardiovascular diseases; and the level and pattern of drinking has a relationship with ischaemic heart and cerebrovascular diseases.¹ Alcohol is a psychoactive substance which has dependence-producing properties, and the excessive consumption of alcohol ranks among the top risk factors for disease, disability and mortality.² It is a causal factor in more than 200 disease and injury conditions.³

Current ingredient and nutrition labelling on alcohol does not inform consumers

Alcohol commonly contains a variety of ingredients, such as wheat, barley, corn, rye, grapes, hops, histamine, sulphites and brewer's yeast. One gram of alcohol contains seven calories, and together with sugar, heavy intake can significantly contribute to overweight and obesity.⁴

There is increasing evidence that there is a deficit in consumer knowledge and understanding of the nutritional content and ingredients of alcoholic beverages as well as the consequences of alcohol consumption.⁵ Across the EU, consumers are interested in alcohol labelling.⁶

In its 2006 Alcohol Strategy, the EU specifically aimed to 'provide information to consumers so that they can make informed choices' and to inform consumers about 'the impact of harmful

¹ C Parry et al, 'Alcohol consumption and non-communicable diseases: epidemiology and policy implications' (2011) 106(1) *Addiction* 1718.

² S Lim et al, 'A Comparative Risk Assessment of Burden of Disease and Injury Attributable to 67 Risk Factors and Risk Factor Clusters in 21 Regions, 1990–2010: A Systematic Analysis for the Global Burden of Disease Study 2010' (2012) 380 *Lancet* 2224.

³ WHO, 'Statistical Classification of Diseases and Related Health Problems' (10th revision, WHO, 1992).

⁴ S Wannamethee and A Shaper, 'Alcohol, body weight, and weight gain in middle-aged men' (2003) 77 *American Journal of Clinical Nutrition* 1312; SG Wannamethee et al, 'Alcohol intake and 8-year weight gain in women: a prospective study' (2004) 12 *Obesity Research* 1386.

⁵ K Grunert et al, 'Consumer Wants and Use of Ingredient and Nutrition Information for Alcoholic Drinks: Cross-Cultural Study in Six EU Countries' (2018) 63 *Food Quality and Preference* 107.

⁶ GfK Belgium, 'Consumer Insights - Knowledge of Ingredient and Nutrition Information Off-Label Information and Its Use – Report' (GfK Belgium, 2014); A Annunziata et al, 'Do Consumers Want More Nutritional and Health Information on Wine Labels? Insights from the EU and USA' (2016) 8(7) *Nutrients* 416; K Vallance et al, "'We Have a Right to Know": Exploring Consumer Opinions on Content, Design and Acceptability of Enhanced Alcohol Labels' (2018) 53(1) *Alcohol and Alcoholism* 20.

and hazardous alcohol consumption on health'.⁷ This is in line with the long held view the EU that well-informed consumers are empowered to make healthy purchasing and consumption decisions.⁸ As the Commission has plainly acknowledged in its *Report regarding the mandatory labelling of the list of ingredients and the nutrition declaration of alcoholic beverages* in 2017, there are no objective reasons for the exemptions.⁹

Ingredient and nutrition labelling would promote high level of consumer and public health protection and promote the functioning of the internal market

It is extremely concerning indeed that alcoholic beverages containing more than 1.2% by volume of alcohol are exempt from the requirement of displaying a nutrition declaration and ingredients list. Once again, nothing justifies such an exemption on such harmful commodities.

Even when a nutrition declaration is provided on a voluntary basis, it can be limited to an energy-only declaration. This is insufficient. Effectively implemented nutrition and ingredients labelling would inform consumer about the content of alcoholic beverages and contribute to empowering consumers to make healthier alcohol purchasing and consumption decisions.¹⁰ This is particularly important bearing in mind the evidence referred to above regarding, firstly, the deficit of consumer information on alcoholic beverages and the appetite for such information, and secondly, the relationship between alcohol consumption and a wide range of diseases.

Moreover, several Members State have proposed or introduced measures acting on the derogation for ingredients labelling in Regulation (EU) No 1169/2011 on the provision of food information to consumers, as well as measures on nutrition labelling. Bearing in mind that alcoholic beverages are traded extensively within the internal market, there is a compelling rationale for the adoption of an EU-wide harmonised approach to the regulation of nutrition and ingredients labelling of alcoholic beverages to reduce market fragmentation.

On-label information is far more useful to consumers

It is well-established that, to be able to effectively inform consumers, information should be easily available, salient and well-perceived by consumers.¹¹ On-label information is more readily accessible for consumers, particularly within in-store environments. Bearing in mind that consumers do not always search for nutrition and ingredient labelling, on-label information is more likely to be seen and read, which is particularly true for members of lower

⁷ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions an EU strategy to support Member States in reducing alcohol related harm (COM/2006/0625 final), paras 5.3 & 5.4.

⁸ M Friant-Perrot and A Garde, 'From BSE to Obesity – EFSA's Growing Role in the EU's Nutrition Policy' in A Alemanno and S Gabbi, *New Perspectives in EU Food Law – Ten Years of European Food Safety Authority* (Ashgate, 2013).

⁹ Report from the Commission to the European Parliament and the Council regarding the mandatory labelling of the list of ingredients and the nutrition declaration of alcoholic beverages COM(2017) 58 final, 12.

¹⁰ A Annunziata et al, 'Nutritional Information and Health Warnings on Wine Labels: Exploring Consumer Interest and Preferences' (2016) 106 *Appetite* 58; M Bui et al, 'What Am I Drinking? The Effects of Serving Facts Information on Alcohol Beverage Containers' (2008) 42(1) *Journal of Consumer Affairs* 81; O Maynard et al, 'Know your limits: Labelling Interventions to Reduce Alcohol Consumption' (*Alcohol Research UK*, 2018); C Wright et al, 'Beer and Wine Consumers' Perceptions of the Nutritional Value of Alcoholic and Nonalcoholic Beverages' (2008) 73(1) *Journal of Food Science* H8; C Wright et al, 'Beer Consumers' Perceptions of the Health Aspects of Alcoholic Beverages' (2008) 73(1) *Journal of Food Science* H12; Kate Vallance et al, '"We Have a Right to Know": Exploring Consumer Opinions on Content, Design and Acceptability of Enhanced Alcohol Labels' (2018) 53(1) *Alcohol and Alcoholism* 20; E Himmelsbach et al, 'Study on the impact of food information on consumers' decision making' (TNS European Behaviour Studies Consortium, 2014).

¹¹ K Grunert and J Wills, 'A review of European research on consumer response to nutrition information on food labels' (2007) 15 *Journal of Public Health* 385; J Barreiro-Hurlé, 'Does nutrition information on food products lead to healthier food choices?' (2010) 35 *Food Policy* 221.

socioeconomic groups.¹² This has been reflected in EU food law since the EU began regulating food information in the late 1970s. There is no reason to treat alcoholic beverages more leniently than other foods.

Option 2 of the Initial Impact Assessment is the only evidence-based option to meet the EU's objectives of promoting a high level of consumer protection and public health.

The EU should also introduce other effective labelling, including front-of-pack labelling, to help empower consumers

The envisaged measures of back-of-pack nutrition labelling and ingredients labelling are just two forms of labelling to help inform consumers. To empower consumers to make healthier decisions, the EU should also develop proposals for mandatory front-of-pack labelling, mandatory serving size recommendations and per portion nutrition information, guidance on moderate levels of drinking and warnings on the health effects of consuming alcohol.¹³ The Commission's intention in the EU's *Beating Cancer Plan* to make proposals on health warnings on alcohol labels by the end 2023 are supported.¹⁴ Not only does the WHO European Action Plan to Reduce the Harmful Use of Alcohol 2012–2020 calls for 'labelling similar to that used for foodstuffs, including alcohol and calorie content' but also health warning.¹⁵ Moreover, empowerment by information can only be successful if voluntary forms of information and marketing are also regulated.

Over the years, the EU's response to alcohol related harms has been substandard and it is high time that it rectified this failure through the adoption of evidence-based measures intended to limit the appeal, the acceptability and the affordability of alcoholic beverages. It is only then that it can claim that it has indeed complied with the obligation it derives from the EU Treaties and the EU Charter of Fundamental Rights and Freedoms to ensure a high level of public health protection in the development and implementation of all its policies, including its internal market and consumer protection policies.¹⁶

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¹² N Gokani, 'Regulation for Health Inequalities and Non-Communicable Diseases: In Want of (Effective) Behavioural Insights' (2018) 24(6) *European Law Journal* 490.

¹³ J Martin-Moreno et al, 'Enhanced labelling on alcoholic drinks: reviewing the evidence to guide alcohol policy' (2013) 23(6) *European Journal of Public Health* 1082.

¹⁴ Communication From The Commission To The European Parliament And The Council - Europe's Beating Cancer Plan COM(2021) 44 final.

¹⁵ WHO Euro, 'European Action Plan to Reduce the Harmful Use of Alcohol 2012–2020' (WHO, 2012), 27.

¹⁶ O Bartlett and A Garde, 'On the Rocks: A Few Sobering Thoughts on the Growing EU Alcohol Problem' in T Hervey et al (eds), *Research Handbook on EU Health Law and Policy* (Edward Elgar, 2017), ch 15.



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