

## **EDITORIAL:**

In an earlier editorial<sup>1</sup> we mentioned that the European Parliament was in the process of drawing up a set of regulations designed to ban misleading and barely comprehensible nutrition and health claims made by food manufacturers on behalf of their products. The new regulation, EU No. 124/2006, concerning foodstuffs was published in January 2007.

The necessity for Community regulation in this area is explained in the preamble:

“An increasing number of foods labelled and advertised in the Community bear nutrition and health claims. In order to ensure a high level of protection for consumers and to facilitate their choice, products put on the market must be safe and adequately labelled.”

Reference is also made to Directive 2000/13/EU dated 3 March, 2000 that contains general regulations concerning labelling. This directive includes a general prohibition against the use of information that would mislead the consumer as well as claims attributing medicinal qualities to food products. The new regulation supplements the general principles outlined in Directive 2000/13/EU and establishes a set of specific rules governing the use of nutrition and health claims advanced for food products.

These new regulatory texts, chiefly aimed at producers, do, in no uncertain terms, genuinely represent an important step forward towards the regulation of food labelling along with increased consumer protection. This protection, however, can only work if the nutrition and health claims of food products are clearly understood by the consumer. This latter aspect is well worth closer examination which is what the new regulation attempts to do, in that it uses the theoretical profile of a typical consumer as defined by the European Court of Justice: “An ordinarily informed, reasonably aware and advised average consumer while taking into account social, cultural and linguistic factors.” Our knowledge of this average consumer is, however, inadequate. We simply do not know what his or her preferences, priorities or reactions might be.

Some light can be cast on this area thanks to the results of recent research. According to a BEUC<sup>2</sup> survey, 70 per cent of Europeans want a balanced diet and improved eating habits<sup>3</sup>. The majority, however, let themselves be guided solely by the commercial claims on the packaging. The health and nutrition claims are read

---

<sup>1</sup> LSP & Professional Communication, Vol. 6, No.1 April 2006

<sup>2</sup> BEUC: Bureau Européen des Unions de Consommateurs (The European Consumers' Organisation). [www.beuc.org](http://www.beuc.org)

<sup>3</sup> Ghacham, Didier: "Allégation santé. Méfiance." 20/04/06. UFC-Que Choisir.

only by a small percentage of consumer and, even then, only superficially due to the total opacity of the text.

Another survey carried out by the INC<sup>4</sup> and CREDOC<sup>5</sup> shows that while French consumers are very aware of and trusting towards labels and other indicators of quality, there is growing bewilderment vis-à-vis the proliferation of new brands and logos. The survey also reveals that 48 per cent of the interviewees thought that they were poorly informed about food quality and that, besides, for the French consumer, quality is primarily a matter of taste<sup>6</sup>.

Should one conclude from these results that 50 to 70 per cent of European consumers do not conform to the profile drawn up by the European Court of Justice, and that, consequently, they are neither aware, nor advised? This is hardly the case.

The explanation for this lies in the fact that, various factors connected to consumer behaviour when making choices, are not explicitly mentioned in the profile. They are hinted at in the phrase “while taking into account social, cultural and linguistic factors.” It is then up to national authorities and courts to determine what the average consumer’s reaction might be in a given case. We still know all too little about these factors,

We do know, for instance, that, on average, a consumer will use twelve seconds in choosing a food item from the supermarket shelf, we know nothing, however, about the semiotic decoding mechanisms that are applied to the overall communicative potential of linguistic and non-linguistic signs on the packaging.

These behaviour patterns are the subject of research for an inter-disciplinary research group at the Copenhagen Business School as discussed at the end of the editorial of April 2006 mentioned above. The group at CBS intend to conduct research in close co-operation with food producers, representatives of national authorities and colleagues abroad. The project entitled “FairSpeakFOOD 1”<sup>7</sup> is subsidised by the Committee for the Food and Health Program of the Danish Ministry of Science, Technology and Development and is expected to run for an initial period of four years.

The Editorial Board

---

<sup>4</sup> INC: Institut National de la Consommation (French National Consumers Institute) [www.conso.net](http://www.conso.net)

<sup>5</sup> CREDOC: Centre de Recherche pour l'étude et l'Observation des Conditions de vie (French Research Centre for the Study and Monitoring of Living Standards). [www.credoc.fr](http://www.credoc.fr)

<sup>6</sup> Info Conso, N° 4, Juillet 2005 published by le Centre Technique Régional de la Consommation de Basse-Normandie (CTRC)

<sup>7</sup> The FairSpeak Project Group website: [www.fairspeak.org](http://www.fairspeak.org)