

# Green Food Claims

An international survey of self-declared green  
claims on selected food products



# Acknowledgments

This report was produced by Consumers International's Office for Developed and Transitional Economies (ODTE), with financial support from the Ministry of Foreign Affairs from the Netherlands.

Consumers International would like to thank its member organisations from the eight countries who took part in this project – in particular the food officers who conducted research in their own countries and advised throughout:

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*This report is produced as a contribution from Consumers International work on Sustainable Consumption:*

*Green Guidance (July 1998)*  
*Green Testing (September 1999)*  
*Green Labels (November 1999)*  
*Green Claims (November 1999)*

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ISBN number: 1-902391-48-9



# Foreword

Ensuring safe food for all is the most critical element of the consumer food agenda. Since its establishment, Consumers International (CI) has worked with its members to achieve that goal, campaigning on a wide range of food issues including food hygiene, biotechnology, baby foods, pesticides and food irradiation.

In January 2002 Consumers International launched a Global Food and Nutrition Programme (GFNP) with support from The Ministry of Foreign Affairs of the Netherlands. This is an integrated programme of activities with the objective of ensuring safe, secure and nutritious food for all. It is implemented through CI's regional offices in Asia, Africa, Latin America and the Office for Developed and Transition Economies. Run over four years the programme comprises four modules:

- Food Security
- Food Safety
- Biotechnology
- Sustainable Food Production and Consumption

These modules look closely at international decision making bodies and global agreements, as well as consumer education and information. Each includes a mix of activities with key components on research, capacity building, public campaigning, consumer education and representation.

# Sustainable food production and consumption

The goal of the Sustainable Food Production and Consumption (SFPAC) module is to ensure that all consumers have access to safe and sustainable food, produced in a socially responsible way, at a fair price.

Sustainable food consumption has been defined by Barber (2001)<sup>1</sup> as 'access and use by all present and future generations of the food necessary for an active, healthy life, through means that are economically, socially and environmentally sustainable. Sustainable food consumption thus implies sustainable agricultural production and distribution.'

The Swedish Institute of Food Sciences (2001)<sup>2</sup> identified three essential challenges to sustainable food production and consumption: food should be safe, ethical, and sustainable. It is fundamental to acknowledge that consumers have legitimate concerns and rights to know how their food is produced, along with any associated environmental, societal and ethical impacts. These aspects give this project its focus and direction.

The main purpose of CI's work on SFPAC is twofold: analyse and promote best sustainable production and consumption patterns; and

build the capacity of consumer organisations to effectively contribute to sustainable food production and consumption policy making, at the national and international level.

CI's member organisations from the Office for Developed and Transition Economies region have observed a proliferation of green and 'eco' claims on different foods in the marketplace. While such claims could play an important role in helping consumers make appropriate choices, this can only be achieved if these claims are valid, trustworthy, and do not mislead consumers to make inappropriate or unfounded choices. Therefore, within the Global Food and Nutrition Programme, Consumers International, in partnership with eight of its member organisations from Europe and North America, carried out this survey of green food claims. The aim of the research was to analyze green food claims found on a range of typical foods in consumers' everyday shopping basket, and to assess whether these claims were valid, independently accredited, and enabled consumers to make more sustainable food choices.

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<sup>1</sup> Barber, J. 2001. 'The Sustainable Production and Consumption of Food: An NGO Perspective'. U.S: Integrative Strategies Forum.

<sup>2</sup> Institute of Food Sciences. 2001. *A Taste of Food 21: Presentation of a Research Programme Involving Sustainable Food Production*. Sweden: Institute of Food Sciences.

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# Abbreviations

CI	Consumers International
CODEX	Codex Alimentarius
DG SANCO	Directorate General for Health and Consumer Protection of the European Commission
EEA	European Economic Area
EFTA	European Free Trade Association
EU	European Union
FDA	Food and Drug Administration (US)
FSA	Food Standards Agency (UK)
FTC	Federal Trade Commission (US)
ISO	International Organization for Standardization
MSC	Marine Stewardship Council
ODTE	Office for Developed and Transition Economies
SFPAC	Sustainable Food Production and Consumption
USDA	United States Department of Agriculture
WTO	World Trade Organization

# Glossary of terms

**Animal Welfare:** this term/approach seeks to prevent food-producing animals from unnecessary suffering in life and during slaughter. It relates to fishing, farming, transport, slaughtering practices and scientific research. Voluntary codes of good animal welfare and humane treatment have been agreed in some countries.

**Bio:** within the EU regulations for organically produced foods<sup>3</sup>, 'bio' is an alternative term for 'organic' in countries where this has been the traditional translation for 'organic'.

**Eggs:** Production methods vary, as do stocking densities and outdoor access. The following terms are defined in regulations in Europe<sup>4</sup> but not in the US<sup>5</sup>.

**Barn Eggs:** produced from hens kept indoors, without outdoor access.

**Battery Cage Eggs:** produced from hens kept in small indoor cages – throughout their lives.

**Cage Free, Free Walking, Free Roaming:** marketing term for both eggs and poultry meat. In the US, the USDA requires that for poultry meat, chickens have the option to go outdoors each day. While the FDA regulates truthful use of all claims on eggs, it has provided no standard for these terms. EU regulations do not permit use of these terms.

**Free Range:** a marketing term where criteria are set for both eggs and poultry meat. EU

regulations<sup>4</sup> require that to use this term, for at least half of the lifetime of chickens, there must be continuous daytime access to open-air runs. In the US, the USDA requires that for poultry meat, chickens have the option to go outdoors each day.

**Green Dot:** The "Green Dot" or Der Grüne Punkt trademark can be used by companies that have signed a licence agreement with Duales System Deutschland AG to use the symbol on packaging. It means that collection and sorting is financed by producers and retailers, but it does not provide information about the environmental characteristics of the packaging. In many places the appropriate collection systems are still in the process of being set up. Further information can be found at: [www.pro-e.org](http://www.pro-e.org). This scheme is structured in accordance with the principles laid down in the EU Packaging Directive 94/62 EC and national laws for EU member states.

**Green Food Claim:** a claim that could encourage consumers to select foods, believing that they were purchasing additional benefits to support sustainable food production and consumption, for which they might pay a price premium.

**Organically Produced Foods:** involves production by less intensive use of land, which may contribute towards the protection of the environment. There are significant restrictions on the use of fertilisers and pesticides that may have detrimental effects on the environment or

<sup>3</sup> COUNCIL REGULATION (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products (OJ L 198,22.7.1991,p.1).

<sup>4</sup> COMMISSION REGULATION (EC) No 2295/2003, detailed rules for implementing Council Regulation (EEC)No 1907/90 on certain marketing standards for eggs (OJ L 340,24.12.2003,p.16).

<sup>5</sup> In the US, the FDA only pursues investigations into fraudulent claims on shell egg labels, after the product has gone to market. Since the FDA provides no definitions for these terms, there is no specific standard to uphold.

result in the presence of residues in agricultural produce. In the EU<sup>3</sup> and the US<sup>6</sup> regulations have been introduced to control the standards for production, accreditation, overseeing of certification and labelling of organically produced foods, and certification by third party verification and inspection systems.

**Recyclable:** ISO 14021 Article 7.7<sup>7</sup> states that this environmental claim shall be accompanied by information on where appropriate recycling facilities are to be found, or, it should be qualified to convey the limited availability of collection facilities. General qualifications such as 'recyclable where facilities exist' are deemed inadequate.

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<sup>6</sup> Organic Food Production Act 1990 (OFPA), OFPA Amended - 7 U.S.C. 6501, National Organic Program – 7 CFR Part 205.

<sup>7</sup> ISO 14021:1999(E) Environmental labels and declarations – Self-declared environmental claims (Type II environmental labelling), ISO Geneva.

# 1 Executive summary

**Consumers are becoming increasingly concerned about how the food that they consume is produced. These concerns often relate to the sustainability of the food and are legitimate consumer concerns across the world.**

Consumer rights stipulate that consumers have the right to choice, to information and to a sound and healthy environment. One way for consumers to exercise their rights and beliefs is by choosing to buy food products that are produced in a more sustainable way. To do this, reliable and truthful information is critical for the consumer to be able make an informed and sustainable choice.

In this report Consumers International and eight member organisations investigate if consumers actually can trust the information displayed on everyday food labels/packaging.

In this survey food products based on a typical 'food basket' were purchased across eight countries. They were assessed against relevant national and international regulations. From this we were able to conclude that internationally agreed standards have not achieved their goals to protect consumers from misleading green claims.

Disappointingly we found a large number of different logos and claims that were vague, meaningless, non-transparent, lacked standards and/or third party verification. Besides being intrinsically misleading, such a proliferation of claims undermines consumer trust and confidence in valid claims thereby stifling progress towards real sustainable food production and consumption.

The green food claims that we found, for the most part, did not help those consumers who wanted to purchase food products produced in a sustainable way. Indeed in some cases it complicated choice, and thus prevented changes in market behaviour that could positively impact on bringing about sustainable development.

To improve this situation and enable consumers to exercise their rights political will and guidance are of crucial importance. Based on our research we recommend the following as a starting point:

**Labels and claims on food should be clear and unambiguous** – where they are not, enforcement action should be undertaken to ensure that they are.

**Misleading and unsubstantiated images should not be used to convey inappropriate messages, particularly about production methods.** Better enforcement of current food labelling regulations is required to ensure compliance with national and international standards and regulations.

**Whether private or public, all food standards for food labels and claims should be developed with stakeholder involvement and respond to the public interest.** In addition, standards should be publicly available, open and accessible so that consumers can be sure of their validity.

Where **explicit claims and statements** are communicated to consumers, these **should be validated by third party verification** to ensure validity and consumer confidence.

**Claims that state or imply that 'legally required standards' are being met are irrelevant for consumers, and should be prohibited.**

**There is a need for the development and adoption of a mandatory, harmonised worldwide standard for catching tuna that does not harm dolphins.**

**Consideration should be given to adopting harmonised international organic logos and labels.** In addition there should be appropriate education and information campaigns to explain the official certification procedures and organic labels and logos. Enforcement action should be taken to ensure that organically produced foods are not undermined by illegally named and labelled products. Research should be conducted with consumers to find a solution to the problem of the proliferation of organic labels and logos. There is a need to define one recognisable official organic logo for international use, alongside national official logos.

**Brand names should not be derived from emotive words and images such as natural, quality, pure, fresh and bio. This should be prohibited by appropriate legislation and standards.**

**The nature of any association, endorsement, or link, with for example, an environmental or farming organisation, be it for fundraising, awareness raising or endorsement of a particular quality or production standard, should be stated explicitly and clearly alongside the logo or claim.**

**Definitions and accurate explanations of terms for sustainable food production and consumption are needed, particularly for consumer education and food labelling.** Terms such as natural, eco, fresh, bio and pure while sometimes being defined at the national level according to the cultural context, also need to be re-examined at the international level.

**Guidelines for interpreting misleading food claims, words and terms should include sustainability issues.** Existing guidelines such as those produced in Denmark should be replicated and adapted to the national needs of individual countries.

**Further research is needed to investigate the extent of language and translation problems of food claims, to agree definitions of terms, and to ensure that consumers are not being misled.** Given the differences in cultural interpretation, guidance should be issued at the national level.

## 2 Background

### 2.1 Context

This report follows on from work carried out by Consumers International and its member organisations on promoting sustainable consumption. In 1996 CI started a major project 'to promote sustainable consumption by improving the ability of consumers organisations to provide environmental information to consumers'. Several reports<sup>8</sup> have subsequently been published: the most recent on Green Claims (1999).

To progress CI's agenda further the first Sustainable Food Production and Consumption (SFPAC) workshop<sup>9</sup> of CI's Office for Developed and Transition Economies (ODTE) was held in Madrid (November 2002). Given the importance of food labelling and its contribution to communicating the 'added value' of sustainable food production, CI member organisations decided to research Green Food Claims. This is important for consumers since they can be misled over the green attributes of foods by vague, non-specific, unsubstantiated or misleading claims.

This project was subsequently planned and co-ordinated by CI's ODTE team with research carried out by eight member organisations. The countries that participated were Austria, The Czech Republic, Denmark, Italy, Norway, Romania, Slovenia, and the USA.

Two project meetings were held. The first was in Copenhagen, Denmark (September 2003) to decide the scope and methodology for the work. The second was held in New York, US (February 2004) to discuss the results and conclusions.

### 2.2 Consumers' concerns about labelling for sustainable food production

CI's members have worked extensively on claims in food labelling. Recently the environmental and ethical attributes of food products have become increasingly important to consumers. Therefore CI member organisations have carried out investigations for their magazines and done policy work on green food claims.

Consumers Union of the United States (CU), in response to the rising number of food claims and the lack of information to explain them, developed a major project on eco-labels to investigate, evaluate, rate and demystify over 100 labelling schemes. Consumers can now check CU's assessments of these labels online<sup>10</sup>.

In Austria, VKI published articles on quality and organic labels in its magazine 'Konsument' (May and June 2004). A huge array of organic certification schemes and quality marks was found, so much that VKI concluded Austrian consumers were becoming confused rather than informed by the proliferation of such labels. Quality labels were difficult for consumers to interpret with confidence: some had third party verification whereas others didn't, some focussed on higher quality, origin and/or animal welfare. Others had little, if any, direct meaning for consumers; for example one gave details of the laboratory used for food analysis, which was meaningless for consumers.

The Romanian Consumers' Association APC carried a survey on food labelling in 2000-

<sup>8</sup> Other reports in the CI series: Green Guidance, July 1998; Green Testing, Sept. 1999; Green labels, 1999; Green claims, 1999.

<sup>9</sup> Sustainable Food Production and Consumption workshop organised by CI's Office for Developed and Transition Economies, Madrid Spain, 25th – 26th November 2002.

<sup>10</sup> CU's Ecolabels website can be found at [www.ecolabels.org](http://www.ecolabels.org)

2001<sup>11</sup>. This identified that only 35% of the foods on sale met the national legal requirements. The other 65% of foods were lacking basic food information, such as the correct ingredient list, name of importer, expiry dates, and other types of incorrect food claims.

In the Nordic countries, surveys of consumers' attitudes to food labelling<sup>12</sup> have highlighted concerns about food production on ethical issues, environmental concerns and animal welfare.

In Norway, a consumer panel was established in 2002 by the Ministry of Agriculture<sup>13</sup>. This panel comprises 63 regular people from 7 different areas in Norway, who neither have vested interests nor expertise in food issues. The aim of this three-year project is to increase knowledge of consumers' views and attitudes about food in order to provide input to the public authorities for development of food policies. Hitherto the main findings show that consumers are increasingly demanding to "know what they are eating", particularly with regard to better information about:

- the origin (country, district, producer) on products such as meat and locally produced foods
- animal welfare and 'ethical' labelling
- slaughter, packaging, and freezing dates
- labelling of the ingredients list in percent (%)
- prepacked meat – what animals, sex, age, breed, part of the animal, etc.

The Consumer Council in Norway has also highlighted concerns about food production in the past. An investigation carried out at the beginning of January 2003, revealed that consumers were being fooled and misled by incorrect food labels on a whole range of issues, including origin labelling and health claims.

Since 2001 the Slovene Consumers' Association has carried out surveys of consumers understanding of food labels alongside surveys of the accuracy of food labelling. In 2001 72% of the foods investigated did not conform to legislative requirements. At that time consumers judged 37% of the samples to be misleading and hard to understand. In 2003 there was an improvement with a reduction to 47% of the samples not conforming to the legislative requirements.

In Italy there is growing interest among consumers about sustainability. In response to this trend, Altroconsumo, the Italian consumers' association has recently started including this aspect in its comparative tests, whenever possible. For example, in February 2004, Altroconsumo published a report about bananas with 'fair trade' and other types of sustainable and/or 'fair' trade type labels and logos, comparing the standards and guarantees behind the different schemes. In September 1998 Altroconsumo published an article about green claims on non-food products, explaining the different symbols (such as the EU eco-label). Self-declarations found on the products were tested to find out if the claims were true.

According to the Consumer Defence Association, consumers in the Czech Republic are increasingly exposed to a range of different food labels and are becoming confused by them. They are unsure which, if any, of these labels can be trusted.

<sup>11</sup> APC Romania, 2001, Food Labelling Survey

<sup>12</sup> TemaNord 2001:573 Food Labelling: Nordic Consumers' Proposals for Improvements. A pan-Nordic Survey of consumer behaviour and attitudes towards food labelling, Nordic Council of Ministers, Copenhagen 2001.

<sup>13</sup> More details about the Food Policy Consumer Panels available from the Consumer Council in Norway <http://forbrukerportal-en.no>

## 3 Aims, methods and scope

### 3.1 Overall aims and methods

**The overall aim of this project was to investigate claims that appeared to mislead about a food's 'green credentials' through self-declared green claims on selected food products. We assessed what image they communicate, the standards and verification behind them, and to what extent self-declared, voluntary green food claims were valid and enabled consumers to make meaningful choices to support sustainable food production systems.**

'high quality of nature' etc. These are vague, non-specific, claims.

- **Explicit claims** – text, logo or pictures, including for example, 'environment friendly', 'sustainable production', 'better for the environment' etc. These are specific, distinct claims.

The guiding principle behind this project was ISO standard 14021:1999(E)<sup>7</sup> and its requirement for the reliability of self-declared environmental claims based on clear, transparent, scientifically sound verification to assure the validity of a claim.

### 3.2 Definition of green food claims

When considering the definition of green food claims we built on CI's previous work and reports<sup>8</sup>. At the first project meeting the following definition of a '*misleading green claim*' was agreed:

*A misleading green claim is a vague or meaningless claim that could encourage consumers to select foods, believing that they were purchasing additional benefits, to support sustainable food production and consumption, for which they might pay a price premium.*

#### Limitations

We acknowledge that there are many food claims promoted in various ways. The following were excluded:

- Healthy eating, nutrition and/or a healthy lifestyle claims.
- Terms such as fresh, natural, pure – except when they are confused about green credentials or production methods.
- Certified organically produced foods – except where the organic status of a food product was in question. For example, where the food gave the impression that it was 'organic' without meeting the legal requirements. Misleading or 'copy-cat' organic products were included.
- Other credible third-party certified green claims (e.g. Biodynamic, Food Alliance, Fair Trade, and others) – except where the status of a food product was in question.
- Genetically modified foods and labels for GM ingredients.

### 3.3 Scope

The research underpinning this report was limited to potentially misleading green claims and images found on food labels at the point of sale.

Various types of green food claims were identified. The examples cited are illustrative, but not exhaustive:

- **Implied claims** – text, logo or pictures, including for example, 'traditional farming',

- Green claims on product literature, TV advertisements, technical bulletins, publicity, telemarketing, the Internet, and electronic media.

### 3.4 Shopping

To represent the different food choices and eating patterns across countries we used a list of basic foods, typical of a family's weekly shopping basket: We also allowed for any food of particular national interest:

- *Bread* all or any pre-packaged type
- *Breakfast cereals* adult, healthy types e.g. muesli
- *Coffee* all or any type
- *Eggs* all or any type
- *Fish* fresh, canned, frozen, any type
- *Fruit juice* 100% fruit juice, not soft drinks, fresh or long-life
- *Meat* fresh meat or chicken, pre-packaged
- *Potatoes, flour, pasta or rice* all or any pre-packaged type
- *Vegetables, fruit* all or any pre-packaged
- *Yoghurt* bio/natural/traditional/green/plain
- *National choice* any food of particular national interest or concern e.g. baby food.

Shopping took place in the participating countries during the autumn and winter of 2003-4. Typical shops where consumers did their regular food shopping were selected in each country. These included hypermarkets, supermarkets, independent shops, farmers markets and health food stores.

Consumers' food choices differ between countries. The foods chosen from each of the categories in the generic shopping list also differed between countries. Therefore a direct comparison between food products is not always possible. Table 1 (see opposite) gives a summary of the foods bought in each country and should not be used for direct comparisons between countries.

### 3.5 Evaluation

The foods bought were scrutinised and the green claims evaluated against the relevant national and international regulations.

Data was collected and compared across countries to check the consistency of interpretation and assessment, taking into account cultural and national differences of interpretation.

At the second project meeting in New York (February 2004) the food samples, green claims and their assessment were reviewed. Crosscutting issues were identified.

**Table 1: Summary of products bought in each country****Country Codes**

Austria : AU

Czech Republic: CR

Denmark: DK

Italy: IT

Norway: NO

Romania: RO

Slovenia: SL

United States of America: US

<b>Food Category</b>	<b>Product</b>	<b>Countries</b>
<b>Pre-packed Bread</b>	Multigrain	NO
	Crisp bread	NO
	Rye bread	NO, IT, DK, AU, RO
	Wheat bread	SL, AU
	Farm bread	AU
	White bread	US
	Cracked bread	CR
	Wholemeal bread	AU
<b>Breakfast Cereals</b>	Cornflakes	NO, CR, RO
	Cereal mix	RO, NO, CR
	Muesli	SL, DK, AU, CR
	Oat flakes	SL, CR
	Popped spelt	DK
	Wheat sprouts	CR
	Flaked rice	RO
<b>Coffee</b>	Ground coffee	NO, IT, DK, CR, AU, RO
	Barley malt	AU, CR
<b>Eggs</b>	Free range eggs	RO, AU, NO, SL, US
	Scratch eggs	DK
	Deep litter eggs	IT, AU
	Organic fresh eggs	DK
<b>Fresh eggs (no specification)</b>		RO, IT, DK
	Cage free, free running, free walking	US

<b>Food Category</b>	<b>Product</b>	<b>Countries</b>
<b>Fish</b>	Trout	NO
	Crab sticks	NO
	Dentex gibbosus fillets	IT
	Canned Tuna	NO, IT, SL, CR, US, RO
	Pollock (frozen fish)	AU
	Frozen Cod (fillets and fishfingers)	AU
	Sardines	RO
	Hake fillets	IT
	Salmon (fresh, frozen and smoked)	DK, AU
	Mussels (frozen)	AU
	Whitefish fillet (frozen)	AU NO
<b>Fruit Juice</b>	Organic Apple Juice	
	Soya	NO
	Guava and Nectar	NO
	Pineapple	SL
	Beet	SL
	Orange	DK, US, RO
	Orange and Nectar	RO
	Nectar	CR
	Syrup	CR
	Apple	AU
<b>Meat</b>	Smoked cured ham	NO
	Chicken (fresh, grilled chicken wings, split breasts)	IT, RO, US, SL
	Pork (chops and escallope)	DK, AU

Food Category	Product	Countries
<b>Potatoes/flour /pasta/rice</b>	Macaroni (semolina, wheat)	RO, IT
	Noodles	NO
	Soya flour	SL
	Cannelloni	NO
	Spaghetti	NO
	Organic fusilli	NO
	Rice noodles	NO
	Rice	NO, IT, CR
	Whole wheat for polenta	IT
	White wheat flour	SL
	Grain kernels	SL
	Potatoes (fresh and processed)	DK, AU, CR
	Crisps	CR
	Maize flour	CR
<b>Vegetables/Fruit</b>		<i>US and IT no products bought</i>
Tomatoes (sun dried, fresh, canned)	DK, NO, AU, SL	
Packed green salad	NO	
Beans sprout	NO	
Sweet corn	NO, RO	
Chick peas	NO	
Green lentils	NO	
Vegetables with mix of dried cereals	CR	
Green beans (fresh and cooked /canned)	RO, CR	
Canned peppers filled with minced meat	CR	
Pickles	RO	
Blackberries	NO	
Strawberries	NO	
Grapes	AU	
Apples	AU	
Carrots	AU	
Cress	AU	
Clementines	AU	
Grated coconut	CR	

Food Category	Product	Countries	
<b>Yoghurt</b>		<i>IT no products bought</i>	
	Junket	DK	
	Plain yoghurt	SL, DK, CR, AU, RO	
	Fruit yoghurt	US, AU	
	Yoghurt with hazelnuts	AU	
	Pro biotic yoghurt	CR	
	Drinking yoghurt	RO	
	<b>National Choice</b>	Baby food	CR, NO, SL
	Blueberry jam	IT, DK	
	Extra virgin oil	IT	
	Milk chocolate	IT	
Organic apple juice	NO		
Cranberry fruit spread	DK		
Organic blueberry / elderberry spread	DK		
Dried soya granulated meat	CR		
Instant soya drink	CR		
Milk (Fresh, UHT, ESL)	AU		
Rice with Milk	CR		
Fermented Soya Drink	CR		
Wafers	CR		
Telemea Cheese	RO		
Dried Lotus root (spice)	CR		
Soya meat	CR		
Soya cheese	CR		

## 4 International regulations

**The basic principle of food labelling regulations requires that consumers should not be misled about the nature, quality or type of foods they purchase. This is particularly important when a food is prepacked and it is not possible for consumers to judge for themselves what the product looks or tastes like, how, where, or when it was produced.**

Increasingly how food is produced is of concern to consumers since they are more aware of the direct links to food safety, ethical and sustainability issues. These consumer concerns are beginning to be acknowledged in the development of food standards and regulations as legitimate factors, both at the national and international levels.

Many international guidelines and standards have been formulated, national and regional regulations implemented, all with the aim of preventing consumers from being misled and honest traders being disadvantaged by unfair trade. Unscrupulous traders can exploit consumers, and undermine their competitors by false or misleading labelling claims, be these intentional or not. Hence the need for effective national and international regulations on truthful and non misleading food labelling and for their vigorous enforcement.

### 4.1 International food standards and guidelines – Codex Alimentarius (Codex)

International standards and guidelines on food claims, labelling, and packaging were first

agreed by Codex Alimentarius (the international food standards setting body of the Food and Agriculture Organisations and the World Health Organization) as long ago as 1979. These give guidance for claims<sup>14</sup> and standards<sup>15</sup> for the labelling of prepackaged foods though they do not specifically regulate green food claims.

Codex standards and guidelines have been adopted and used by many countries when developing their national food regulations. In addition, while not mandatory, Codex is used as a reference by the World Trade Organization (WTO) should there be recourse to its dispute resolution procedure.

Codex defines claims as any suggestion or implication that a food has particular characteristics relating to its origin, nutritional properties, nature, production, processing, composition or any other quality. Prohibited claims include those that cannot be substantiated, or could give rise to doubt, or arouse or exploit fear in consumers. Misleading claims include those with incomplete comparatives and superlatives, and those such as wholesome, healthy and sound.

Codex General Guidelines on Claims<sup>14</sup> (Article 1.2) requires that:

*'...no food should be described or presented in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect'*

Article 1.3 requires that:

<sup>14</sup> Codex Document CAC/GL 1 – 1979 (Rev. 1- 1991), published in the Codex Alimentarius Food Labelling Compete Texts, FAO and WHO, Rome, revised in 2001. Available from [www.codexalimentarius.net](http://www.codexalimentarius.net)

<sup>15</sup> Codex Document Stan 1 –1985 (Rev 1 – 1991) published in the Codex Alimentarius Food Labelling Compete Texts, FAO and WHO, Rome, revised in 2001. Available from [www.codexalimentarius.net](http://www.codexalimentarius.net)

*'The person marketing the food should be able to justify the claims made'*

Codex Standards for the Labelling of Prepackaged Foods<sup>15</sup> states (Article 3.2) that:

*'...prepackaged food shall not be described or presented on any label or in any labelling by words, pictorial or other devices which refer to or are suggestive either directly or indirectly, of any other product with which such food might be confused, or in such a manner as to lead the purchaser or consumer to suppose that the food is connected with such other product'*

#### 4.2 International environmental labels and declarations – International Organization for Standardization (ISO)

Given the proliferation of environmental claims, ISO has developed a series of international standards for environmental labels and declarations. These are advisory but are nevertheless important as reference points. They can be used as the basis for national legislation and for industry codes of practice.

ISO 14020:2000<sup>16</sup> specifies the general principles for the use of environmental labels and declarations. ISO's first published environmental labelling standards ISO 14021:1999(E)<sup>17</sup> focused on setting out the requirements, terms and definitions for self-declared environmental claims and how these should be verified by providing accurate information.

ISO 14021:1999(E)<sup>17</sup> also covers the use of symbols, such as the Mobius loop for the recyclable or recycled content of packaging.

The procedures to substantiate claims are prescribed in ISO 14021:1999(E)<sup>17</sup> Article 5. This requires that verification of an environmental claim should be based on open, publicly available information (see Annex 2).

#### 4.3 European Union

European Union regulations apply to all EU member states. Those acceding to membership and those countries applying for membership are either adapting or implementing EU regulations into national legislation. In theory, this should result in a common market across Europe, where consumers and traders are equally protected within the community.

In Europe, EU Council Directive 2000/13/EEC<sup>18</sup> regulates the labelling, presentation and advertising of foodstuffs for sale to the individual consumer. While all claims on food labels must be true and not mislead consumers, currently there is no specific legal requirement to demonstrate or prove truthfulness, nor to provide evidence to support any such claim.

Specific EU regulations for various commodities set out the labelling requirements relating to particular methods of production and/or marketing, for example, organically produced foods<sup>3</sup> and eggs<sup>19</sup>.

Norway is a European Economic Association (EEA) member and therefore has to incorporate most of the EU regulations. However, being outside the EU, Norway also has the opportunity to make its own legislative decisions. This is particularly the case where national preferences are different from the EU, necessitating a different legislative approach.

#### 4.4 United States

In the US, foods are generally regulated by the US Department of Agriculture (USDA) and the Food and Drug Administration (FDA), each taking specific responsibility for different commodity groups. For example, the USDA regulates meat production and labelling, including chicken, while the FDA is responsible for other foods such as eggs, crackers and juices.

<sup>16</sup> ISO 14020:2000 Environmental labels and declarations – General Principles, Second Edition, 2000-09-15, ISO Geneva.

<sup>17</sup> ISO 14021:1999(E) Environmental labels and declarations – Self-declared environmental claims (Type II environmental labelling) ISO Geneva.

<sup>18</sup> EU Council Directive 2000/13/EEC (OJ No. L109 6.5.2000).

<sup>19</sup> COMMISSION REGULATION (EC) No 2295 / 2003, introducing detailed rules for implementing Council Regulation (EEC)No 1907/90 on certain marketing standards for eggs (OJ L 340,24.12.2003).

There is no pre-market approval process for FDA regulated products while the USDA requires producers to submit an affidavit regarding the use of certain labels on meat though there is no required on-site inspection by USDA. Other claims for specific production methods or attributes such as 'free range', 'grass fed', 'no hormones used' and 'fed in Nebraska' are currently being defined by the USDA, and will require the submission of an affidavit in order to use the claim.

Some claims such as environmentally preferable, degradable, ozone friendly and recycled, fall under the guidance of the Federal Trade Commission (FTC) and the Environmental Protection Agency (EPA). These claims are allowed provided that additional specific qualifying information is provided. These claims are not verified and do not require pre-market approval, but are subject to enforcement.

# 5 Enforcement of regulations

## 5.1 Food law enforcement

### **For effective consumer protection all regulations need to be vigorously enforced.**

Within the EU, where an offence is suspected, it is the responsibility of the national competence authority (or its delegated officers) to take legal proceedings against the offenders and it is for the national courts to decide if an infringement has occurred. In the US, where an offence is suspected, depending on the type of product or claim being made, the relevant agency (FDA, USDA, EPA or FTC) has the ability to enforce truthful labelling and in addition, any government standards that have been established.

In Norway, enforcement of food regulations is carried out by Mattilsynet (The Norwegian Food Safety Authority) which can take action to investigate and prohibit products that are illegal or misleading in any way. Forbrukerrådet (The Norwegian Consumer Council) complained to the Norwegian Food Safety Authority in March 2004 about two misleading organic claims on labels. In April 2004 'Debio'<sup>20</sup> (the official control authority for organic production in Norway) took action and demanded that the two offending products were removed from stores all over the country. The producer was instructed to remove all references regarding organic/ biological production from the marketing material of Sol & Vind frokostblandning (Sun & Wind breakfast cereals). In addition, Debio instructed the producer of 'Økologiske soyabiter' (Organic Soya granules) to ensure the correct labelling and official organic certification. These actions directly resulted from this survey.

In Denmark, the control of food labelling is carried out by the national food authorities and the regional veterinary and food control

centres under The Danish Veterinary and Food Administration. The food authorities have campaigned on misleading labelling of food in 1997-98 and 2001. Several consumer organisations have kept up this emphasis by reporting misleading labelling and advertisements. The result is that misleading food labelling is now much less of a problem but vigilance by consumer organisations has been needed to re-emphasise the campaigns set up by the national authorities. In general issues like food safety are given a higher priority by the authorities.

In Romania, the food issues are supervised by several institutions, each acting in its own field, being co-ordinated by the National Veterinary and Food Safety Agency (AVSA). In addition, the Ministry of Health, the Ministry of Agriculture, Forests and Rural Development, as well as the National Authority on Consumers' Protection (ANPC) all have responsibilities in food inspection. While AVSA acts in the field of animal products, ANPC regulates labelling and misleading claims. The Romanian National Authority on Consumers' Protection responded promptly to the Romanian Association for Consumers' Protection's (APC) survey results (2001) showing poor prior enforcement of food labelling regulations. In addition, the Romanian National Agency on Organic Foodstuffs has responded to complaints from APC on false organic products that could mislead consumers.

In Slovenia emphasis has been on putting the legal instruments in place. Consequently enforcement of food labelling issues has not been prioritized. Misleading advertising and food labelling are enforced by the Advertising Association and by the Market Inspectorate. These agencies rarely act upon infringements since their definition is vague, and penalties

are negligible. Consumer organisations are able to report complaints to these bodies.

In the Czech Republic there are two major food authorities – the State Veterinary Administration of the Czech Republic, which focuses on foodstuffs of animal origin; and the Czech Agriculture and Food Inspection Authority, which focuses on all other foodstuffs. KEZ o.p.s is the inspection and control body for organic farming and use of the claim 'bio'. SOS (Consumers Defence Association of the Czech Republic) continuously approaches all these authorities notifying them of labelling problems. In some but not all cases they take immediate action. The Czech authorities responsible for food protection have in the past sometimes used the media to warn consumers about significant problems that have been found with food labelling.

To pursue legal proceeding against suspected offenders is expensive, time consuming and it would seem rarely a priority for competent authorities. Our research suggests that food labelling regulations are poorly enforced, be they EU, US or national regulations. Few cases ever progress to court, yet apparent offences can cheat consumers and honest traders alike.

## 5.2 Legal recourse by consumer organisations

In some countries it is possible for consumer organisations to take companies to court as aggrieved parties.

In Austria, VKI (the Consumers' Association) has carried out a successful project to this effect<sup>21</sup>. It evaluated how existing legal instruments protected consumers from misleading advertising, particularly concerning nutritional value, health and the ethical and ecological value of a product or service. For example, there were several complaints about implicit green claims including deep litter or cage eggs with pictures of green grass, blue sky, mountains, and traditional farmhouses. Successful cases have resulted following VKI's recourse to the courts with the outcome being that offending labels have been prohibited and changed.

In the US consumer and environmental non-profit organisations have sued companies for egregious label use. Consumers' Union does not use legal action as a typical means of addressing regulatory or industry shortcoming since it is a very costly path. In the US, the Attorney General's network can sue on behalf on consumers.

The Norwegian Consumer Council can act as an aggrieved party and take legal action against a company or organisation. Complaints are mainly taken directly to the national authorities so that they can take legal action.

The Danish consumer ombudsman system made general guidelines regarding green claims in 1993-1994. However this institution does not deal with food since existing food law should deal with these matters. In Denmark if a consumer (or a consumer organisation) finds a misleading food labelling, it should be reported to the regional veterinary and food control centres (the authority in charge of food control) under The Danish Veterinary and Food Administration. If the regional control centre rejects the complaint, it can be appealed to the central authority, the Danish Veterinary and Food Administration. Such an appeal can only be made by the Danish Consumer Council and a few other consumer organisations.

In Romania and the Czech Republic, it is possible for consumer organisations to take legal cases to court. In other countries such as Slovenia, consumer organisations can not take any legal action as an aggrieved party.

The evidence shows that the option for consumer organisations to act as aggrieved parties has not been used yet in practice by consumer organisations other than in Austria, but is an important principle and right for consumer organisations. We recommend that the right for consumer organisations to act as aggrieved party should be encouraged and facilitated for consumer organisations in other countries.

<sup>21</sup> VKI's project (funded by DG SANCO of the EU) details available from: [www.konsument.at](http://www.konsument.at)

## 6 Results

**The overall aim of this project was to investigate claims that appeared to mislead about a food's 'green credentials' through self-declared environmental claims. Could consumers have confidence in these green claims and the products being promoted? Were these foods really making a contribution towards sustainable food production and consumption?**

The total number of claims from different foods found in all countries is given in Table 2. It was not possible to include all the examples identified in this report. Examples in the text are illustrative.

Details of national results can be obtained from the participating consumer organisations and their publications. See Annex 1 for details.

**Table 2: Total number of claims found on different foods from all countries**

<b>Food category</b>	<b>Total number of claims found</b>	<b>Food product where highest number of claims found</b>
Pre-packaged Bread	17 claims found on 8 different types	Rye Bread (7)
Breakfast Cereals	22 claims found on 7 different types	Muesli (9)
Coffee	21 claims found on 3 different types	Ground Coffee (17)
Eggs	17 claims found on 6 different types	Free Range Eggs (5)
Fish	45 claims found on 12 different types	Tuna – canned (25)
Fruit Juice	29 claims found on 10 different types	Orange (14)
Meat	17 claims found on 3 different types	Chicken – fresh and grilled (7) Pork chops and escalopes (9)
Potatoes/Flour/ Pasta/Rice	31 claims found on 15 different types	Macaroni, semolina, wheat (7) Potatoes – fresh and processed (7)
Vegetables/Fruit	34 claims found on 21 different types	Tomatoes – sun-dried, fresh and canned (10)
Yoghurt	19 claims found on 6 different types	Plain Yoghurt (10)
National Choice	35 claims found on 15 different types	Milk – fresh, UHT and ESL (10)

## 6.1 IMPLIED CLAIMS

Implied green claims, by our definition, were those that gave the impression of more traditional, old-fashioned farming methods that were generally less intensive, more sustainable and appeared to be better for the environment.

Any claim, logo or image implying 'traditional farming', 'natural', or any endorsement by an environmental organisation without specific substantiation to verify the claim, was classified as an implied green claim.

Many of the examples we found gave an overall image for the food and how it was produced, which implies better production conditions than the ones in reality.

Implied claims were found in every country, on a wide range of foods, particularly on breakfast cereals and bread. These claims were for the most part vague, meaningless and unsubstantiated and often, in our opinion, gave consumers the wrong impression about the product and its contribution to sustainable food production. As such these claims would infringe ISO 14021:1999(E)<sup>17</sup> and the specific requirements, as defined by Article 5.7 (see Annex 2).

### 6.1.1 'Traditional' agricultural production: images and claims

Images of traditional farming methods featured prominently on foods bought by our shoppers. In many cases it was most likely that intensive farming and mechanised food production methods had been used – there is nothing per se wrong with this. However, there is a case to answer if consumers were being misled about the true nature of the food, its production method, and its contribution to sustainable agricultural methods.

## Conclusions

Many products displayed images of 'days of old' – a romantic time when things were supposedly better, produced more akin to nature, in a time honoured and traditional manner.

Some artisan products could legitimately make a claim for traditional food production

methods. However, mass-market foods sold at discount stores, could hardly be produced from such apparently traditional methods.

### 6.1.2 Misleading brand names

Brand names convey an all-important 'image' for a product. To be successful a product should live up to the expectations it creates. Brand names are often registered trademarks and are usually well known. But they could also give a misleading impression since our shoppers were not convinced by some of the examples found.

## EXAMPLES

- '*Natura*' brand muesli had a picture of a farmer in the field, alongside the claim that this product includes wheat grains, which have for thousands of years received their strength from the 'earth'. The second ingredient listed was sugar; the third hydrogenated fat; soya protein, wheat starch and lecithin had also been added. This is not likely to be what many consumers would regard as a 'natural' muesli, but more like a highly processed cereal.
- '*Le Naturelle*' brand of eggs clearly invoked a natural image with a declaration for 'high quality of nature' – but what does this mean, and would it be any different from other eggs? The brand name and the self-declared claim both give the impression that these eggs are produced by more 'natural' production methods. But there is no such indication or validation to this effect, nor are there any standards for 'natural' eggs.
- '*Moka Iz Starega Mlina*' (Flour from the Old Mill) This brand name and its image gives the impression of a traditional product from an old mill in the countryside; yet there is no old mill near the factory in the city of Celje where this product is made.

## Conclusions

The above examples illustrate the problem of products apparently not being quite what their brand names appear to suggest, in the opinion of our shoppers.

Brand names might be well known and have been used for many years, however, in some cases they might be no more than marketing ploys.

Misleading brand names could do more harm than good to the image of a brand. Consumers, in our opinion, and according to a Co-op report<sup>22</sup> are likely to be disillusioned and 'put off' by a product where the composition or quality does not live up to the expectations created by the brand name. For example, in the Co-op research almost two thirds of consumers would be prepared to boycott a product on ethical grounds.

Brand names should not be derived from emotive words and images such as natural, quality, pure, fresh and bio. This should be prohibited by appropriate legislation and standards. In the absence of this, consumer organisations should inform consumers about inappropriate and misleading brand names, highlighting bad practice.

### 6.1.3 Misleading marketing associations

Commercial companies and particularly food companies, often link up with well-known and reputable charitable or campaigning organisations to endorse their products.

The reasons for such relationships can be varied and include fund-raising, improving corporate image, raising awareness of charitable causes such as environmental or health issues, or purely marketing ventures.

#### EXAMPLES

- *Bread 'PANDA BRØD'* (Panda bread) displays the World Wildlife Fund (WWF) logo – and a statement supporting WWF-Norway. The label states that: 'Panda bread' is a very nutritious and savoury bread made with ingredients from all over the world ....' The packaging prominently displays the label, logo and brand association of one of the best-known international environmental organisations. However, there is no information about the support given to WWF-Norway from this

company, nor is there any information about any special qualities of this particular brand to qualify for the WWF endorsement. This could be misleading, giving the impression that 'Panda bread' was produced in a more environmentally benign manner. It seems that in fact there is nothing particularly sustainable or different about the way in which this bread was produced. By association with WWF the brand appears to give a misleading impression of its environmental and sustainable credentials.

- *Chicken* endorsed by 'Legambiente' the Italian environmental organisation's logo claiming 'fed on vegetables, without animal fats and proteins'. While the 'Legambiente' association is well known for environmental protection, the production standards for these eggs and any additional benefits, over and above the legal requirements, are not clear since there was no detail or verification.

## Conclusions

Where foods are associated with, or endorsed by, a well-known environmental organisation, consumers could be mistaken and/or think that higher environmental standards, better than for other similar products, have been used.

Products associated with credible environmental organisations could indeed have been produced to better standards, and be independently verified as such. However, it was not clear from these examples whether higher standards had indeed been used.

Confusion about endorsements and associations must be avoided for fear of confusing and/or misleading consumers and bringing the product and/or the organisation into disrepute.

### 6.2 EXPLICIT CLAIMS

Use of explicit terms such as 'environmentally friendly', 'sustainable production methods' and 'better for the environment' we judged to mean that, in some way, the product had been

produced to better, more sustainable production standards. And we expected to be able to verify this, from information on the label or by reference to further details, for example from a website.

ISO 14021:1999(E)<sup>17</sup> Article 5.7 sets out the specific requirements for all self-declared environmental claims and requires that self-declared claims be accompanied by an explanatory statement, be accurate, substantiated and verified (see Annex 2).

Without explanation and independent verification, explicit, self-declared claims are vague, meaningless and somewhat suspect. We found many examples of such claims.

### 6.2.1 Production and marketing of eggs

As consumers became aware of the intensification of egg production, and particularly the use of 'battery cages', means to differentiate between different types of egg (and poultry) production have been sought. Labelling and marketing terms have consequently been regulated to differentiate between methods of production. There are many categories for egg production and labelling terms, from truly free roaming, open access to the outdoors, barn production, and intensive battery-cage egg production. However, these terms are not always clear, explicit, or quite what consumers might expect.

EU regulations of the marketing and labelling of eggs<sup>23</sup> have recently been simplified to reduce the number of terms and production categories, and better explain production terms. The regulations now permit use of only these explicit terms: organic, free-range, barn and cage.

In the US, standards and labels for egg production were criticised by Consumers' Union in its April 2002 report 'Scrambled Labels: Egg Production in the United States'<sup>24</sup>.

Consumers have strong images and expectations: free-range should mean free-range, with mandatory open access and the

ability to range-freely outdoors, rather than as the EU and US legislation permits – access to outdoors for limited times each day, which could mean that a chicken that never actually goes outdoors could still be labelled as free range. Barn evokes particular images, but seldom those of the reality where literally thousands of hens are restricted for their whole lives in enormous enclosed 'barns'.

We found images and text on 17 samples with 6 different types of claims.

### EXAMPLES

- *Eggs* the picture shows six happy free-range hens being hand-fed by a woman and 'Dyrevelferd på alvor – serious on animal welfare' claim. This is a self-declared claim with no verification. There is no declaration or specification on the label, as legally required, that these eggs are in fact free-range. The misleading image and text gives the impression of a better standard than what in reality appears to be the case.
- *Free-range eggs* the front image and inner statements contradict. The pictures that appear on the front label show chickens in a field, however inside the package it states that the hens are raised in the barn with more room and that the eggs are laid in special nests. The production standards are neither clear nor verified. Consumers will be confused by these contradictory messages.
- *'Scratch' eggs* bear the text explaining that these eggs are produced by 'Better animal welfare with only 7 hen per m<sup>2</sup>, in consideration for the welfare of the hens'. EU regulations permit 9 hens per square metre. So while these standards might be slightly better than the legal requirements they do little to assure consumers that there has been a significant improvement in animal welfare conditions. While to be commended for the explicit declaration, these conditions are still considered by some consumers to be somewhat overcrowded. In addition, the image shows

<sup>23</sup> COMMISSION REGULATION (EC) No 2295/2003, introducing detailed rules for implementing Council Regulation (EEC) No 1907/90 on certain marketing standards for eggs (OJ L 340, 24.12.2003).

<sup>24</sup> 'Scrambled Labels: Egg Production in the United States' Full story available at [www.eco-labels.org/feature.cfm?FeatureID=1&isPast=1](http://www.eco-labels.org/feature.cfm?FeatureID=1&isPast=1)

7 hens with what appears to be more space than the declaration claims – which gives a misleading impression.

- *Eggs Cage Free, Free Running.* These are self-declared claims that are regulated for truthfulness while not defined by FDA. However USDA's definition for this claim is somewhat obscure and does not necessarily mean that animals were allowed to run outdoors, only that they were given the option to go outdoors or not confined to a cage. Consumers could be confused by these claims, thinking that Cage Free, Free Running meant outdoor access, but in this case, it does not.

## Conclusions

Many claims, images and standards for the production and marketing of eggs were complex and potentially confusing for consumers. They were widespread in all countries.

### 6.2.2 Animal welfare: meat

Animal welfare has increasingly become a factor influencing consumers' food choices. Not only are there concerns that animals should be treated humanely during their lifetime but there are also legitimate concerns that animal welfare can have impacts on food safety, quality and the taste of meat.

The conditions in which food-producing animals live their lives, what they are fed, and how they are transported and slaughtered, have all awakened consumers' concerns. Consumers seek production methods that respect natural behaviour and habits. For example, free-ranging, outdoor rearing, instead of indoor factory production are sought by some consumers who are willing to pay a price premium.

Producers, aware of consumers' concerns for animal welfare have in some countries set up animal welfare endorsement schemes for production standards that are independently inspected and verified. However, some private industry schemes, on closer inspection do not always appear to live up to what we considered might reasonably have been

expected to command a price premium for better animal welfare. Nor have they always been formulated with consumer input.

In the US, a claim of 'natural' has nothing to do with the method of production but rather the cut of meat itself. Therefore a meat product labelled as 'natural' could have been produced for instance with antibiotics in feed.

We investigated three types of meat products with a total of 17 green claims, particularly about 'naturally raised' or 'free-range' production methods.

#### 6.2.2a 'Naturally raised'

Emotive words and ambiguous claims such as 'natural' or 'naturally raised' were found, particularly on chicken products, in several different countries.

#### EXAMPLES

- *Chicken* labelled as 'All Vegetable Diet, No Antibiotics Administered, No Animal By-Products, All Natural'. There was no detail or verification for any of these claims.
- *Chicken* claimed that: 'The high quality of this meat is influenced by natural breeding and the quality of feed – maize, wheat and soya with no materials of animal origin'. There is also a claim for 'proper' processing in a so-called 'considerate way', which claims to extend shelf-life and preserves the qualities of taste and naturalness. There was no verification or further details for any of these statements (see photo below).



- *Chicken* declared the 'True taste of natural raised chicken'. This is a vague, non-specific claim with no verification.

## Conclusions

These claims and declarations are self-declared, vague and unsupported. No specific details were given of any standards, how or by whom these were enforced and inspected. It is difficult to know what if any 'added' value these claims demonstrate, whether they can be trusted or are purely marketing terms.

### 6.2.2b 'Free range'

This term was found on several meat products, yet it was neither defined on labels, nor in any related production standards.

### EXAMPLES

- *Free-range pork chops* Recommended by 'Dyrenes Beskyttelse' (The Danish Animal Welfare Society). The pigs live for 5 weeks from birth truly 'free range' yet for the rest of their lives – up to 6 months, they only have access to an outdoor run. Standards are explained on the website but do not appear to fully support the claim. 'Dyrenes Beskyttelse' participates in developing the rules for these free-range pigs, and is also the control body. Hence there is a lack of independence in this programme. The Danish Consumer Council reported this claim to the authorities. The complaint was not in our opinion given due consideration to reflect consumers' concerns since it was not upheld. The producer was allowed to continue making this claim.
- *Pork escallope* The brand name of these products translated means 'village in the alps'. It shows a mountain-farm, with a meadow, wood, mountains and a declaration that it is fed, slaughtered, cut, packed and quality checked in Austria. This self-declared claim promotes the image of traditional rural farming where pigs are kept in the mountains. In fact this product is sold in a discount store and most of the Austrian pork is produced in an intensive industrial way, not in rural mountainous areas.

## Conclusions

These self-declared free-range claims were unsubstantiated, with no third party verification or public access to the standards.

It is unclear what 'free-range' means in practice for animal raising since there is no legal definition. In the US, the USDA is currently developing standards to define 'free range' for ruminant animals, which would mean that they would never have been confined to a feedlot.

Industry definitions and standards might differ significantly from what consumers expect. Without broad consumer consultation and/or input to the development of standards there can be no assurance that they adequately address consumers' legitimate concerns. In addition, independence is needed separating industry agencies from developing, implementing and policing standards.

### 6.2.3 Fishing

Fish is a popular and healthy food choice for consumers in all countries. However, over-fishing and depleted stocks of ocean fish are major sustainability issues for consumers and producers alike.

Maintaining adequate stocks of fish for a sustainable future, especially of species that have been over-fished is a significant problem in Europe and the US. Many fishing policies are controversial since they can adversely impact on current availability and price of fish while attempting to ensure future sustainability and availability of fish, and the balance of ecosystems in the oceans.

As an alternative and complement to fishing the seas for wild fish, fish farming has developed to become a major industry. Yet this has not been without its problems and the environmental impact of intensive fish farming in coastal waters has been criticised. This has become an issue of consumer concern, which is beginning to be investigated by consumer organisations in several countries, including Norway, Denmark and the US.

Conserving fish stocks to ensure future sustainability is important. Information and claims to communicate these efforts to consumers are beginning to appear on labels. However, consumers should not be confused about the differences, say between farmed and

wild fish, especially given the price premiums commanded for the latter.

In our research we found 45 claims on 12 different products, ranging from fresh, to frozen and canned fish varieties, such as trout, salmon, pollock, hake, mussels and most significantly tuna. These claims were for a whole range of green issues, particularly for sustainable and conservation fishing, demonstrating that producers, at least, consider them to be important to promote. However to what extent these claims were justified and actually contributed to more sustainable fishing stocks was questionable in some cases.

#### 6.2.3a Sustainable fishing

Means to ensure sustainable fish stocks are being developed, including measures such as restricted fishing zones and fish farming.

In Europe, fisheries policy is often one of the most political and controversial debates, trying to balance sustainability of fish stocks with the economics of the fishing industry. In the meantime, consumers need long-term, sustainable, secure fish supplies, aided by clear information and labelling. However, claims and the details, standards and policies to back them up were often found to be inadequate.

## EXAMPLES

- *Fish (Dentex gibbosus) fillets* with the 'goletta verde-Legambiente' logo, claimed to be 'better for the environment', but additional information was vague and standards were not explained (see photo below).



- *Hake fillets* displayed a 'Friend of the Sea' logo. The box gave more information about the 'Friend of the Sea' international project to protect the environment, which is

supported by a major supermarket. There was no information about these private standards, the organisation issuing the logo or verifying it – if indeed it was independently verified.

- *Frozen mountain trout from Peru* claimed to be a natural product stating: 'Naturens rene smak' – Pure nature taste.

## Conclusions

These fishing claims did not appear to be adequately justified from the labels and the information we found.

Self-declared claims that are not independently verified are not valid in our opinion: we found vague meaningless terms on a variety of fish products, which did not conform to the specific requirements of ISO 14021:1999(E)<sup>17</sup>.

#### 6.2.3b Conservation fishing

Policies to conserve fish and develop sustainable policies for improved long-term viability of fishing are to be welcomed.

The labels that we found to communicate sustainable and conservation fishing were in our opinion misleading. Consumers were not able to make appropriate choice in support of better, more sustainable fishing methods.

## EXAMPLES

- *Cod Fillet 'Population-conserving fishery'* was claimed with the statement that: 'We carefully select our distributors: our distributors are committed to use environmental friendly methods of catch and to comply with the international fishery-regulations. So that the fishing resources are conserved for future generations.' The aim is commendable but what this means in practice is not clear, nor how fish stocks were supposedly conserved.
- *Pollock in Breadcrumbs* stated that: 'Fish is part of nature and in no way inexhaustible, therefore our company is against the over-fishing of our seas. We commit our fish-distributors to use only conservation fishing methods, and to comply with all the

international laws of fishery'. While laudable, this statement confers no additional benefits over and above the legal requirements.

## Conclusions

The claims attested that the legal requirements are being met. Delivering over and above the legally required standards is commendable. However making a claim that the current international standard is being met is irrelevant – all products on sale should conform to the legal standards as a minimum requirement.

### 6.2.3c **Farmed fish**

Wild-caught fish command a price premium and should not be confused with farmed fish that is generally sold at lower prices and can lead to environmental contamination. The US Country of Origin Labelling law is now in effect and gives oversight to wild-caught and farm raised fish.

#### EXAMPLE

- *Smoked salmon* was labelled as produced from 'freshly landed' salmon, a claim that seemed to be associated with wild caught salmon. But the additional declaration 'Atlantic salmon farmed in zone 27' in smaller size fonts, which was located at the bottom of the label gave information about the true origin of the salmon: a fish farm in a zoned fish farming area.

## Conclusion

The declaration in smaller fonts that the fish was 'farmed' was obscure for consumers, who might have been more drawn to the more attractive term 'freshly landed', which appeared in bigger fonts in a central location on the packaging.

### 6.2.3d **Dolphin conservation: canned tuna fish**

Over the years there has been considerable publicity about the harm caused to dolphins from inappropriate tuna fishing, which has caught the media and consumers' attention in

many countries. Dolphins can be accidentally caught in nets used for fishing tuna, reducing their numbers and threatening their future survival.

Various standards to reduce the harm to dolphins while fishing for tuna are being established by organisations such as the Earth Island Institute (EII), which owns a private label. There is also an intergovernmental agreement for dolphin conservation – The Agreement on the International Dolphin Conservation Program (AIDCP) – which sets strict standards for implementation and monitoring of fishing by independent observers – something that is lacking in other standards. The EC has signed this voluntary agreement<sup>25</sup>, however it does not include any requirements for labelling.

Most of the brands of canned tuna fish we bought had some form of logo or declaration claiming that it had been caught without harming dolphins. Six different wordings and/or logos were found on 25 tins of tuna bought in six countries. There was no uniformity of definition, claim or logo.

#### EXAMPLES

The list below corresponds to the different types of claims we found on tins of tuna.

- Dolphin friendly
- Dolphin safe
- Caught with fishing-tools harmless to dolphins
- No threat to the Dolphin species
- Dolphin safe, drift net free
- Certified fishing – dolphin protection

## Conclusions

All these claims seek the same objective – to demonstrate that dolphins were not harmed when fishing for tuna. We observed a

<sup>25</sup> Council Regulation (EC) no 882/2003 of May 2003 lays down the general principles and conditions relating to the Community's application of the tuna tracking and verification system adopted by the AIDCP.

proliferation of such terms and logos, which often appear on similar products, alongside one another. But what do they mean and what assurance do they give to consumers?

Virtually all the canned tuna with 'dolphin friendly' type claims had self declared vague, meaningless claims or logos, with little information, or verification to back up them up. Many of the terms had no meaning or definition in any international standards.

It is virtually impossible for consumers to find out which of these labels might deliver the best protection for dolphins – and, what if any, the differences are between these labels and logos.

#### 6.2.4 Labelling for organically produced foods

Food produced from organic farming systems must be legally certified as 'organic' under national and international regulations that aim to help consumers select with confidence, and prevent fraud.

Certification can be carried out by private or public agencies that are licensed by the national authorities. Each certifier has its own licence number and logo to authenticate the process and the certified organic food.

However, it was obvious from our shopping that problems occurred with foods that appeared to be 'organic' or 'bio' but were not certified as such. There were examples where it was difficult to ascertain if the product was indeed certified as organic, as required by the regulations. To confuse matters further, some brand names also included use of the term 'bio' causing confusion about their organic status.

Within the EU regulations<sup>3</sup> different terms are allowed for organic in different languages. But even when countries use the same language such as in Austria and Germany, different terms are used. Organic products are labelled 'bio' or 'biological' in Austria and in Germany 'oeko' or 'oekologisch' – which means 'eco' in English. Many organic products from Germany are sold in Austria and elsewhere in

Europe. This creates confusion amongst consumers since both terms can be used according to EU law.

In the US, federal authorities have been warned about problems with organic labelled fish. The USDA has now decided that it will not allow the USDA-organic seal on fish since it needs to create organic aquaculture standards. The Consumers Union in the US is demanding that individuals should not pay more for organic labelled fish until the USDA has established appropriate standards.

While organically produced foods are regulated, we found confusing and 'copy-cat' organic names, labels and claims. These could mislead consumers to believe that these products had been organically produced.

#### 6.2.4a Proliferation of organic labels and logos

Regulations for the certification of organic production methods and compliance with these standards are controlled within the EU<sup>3</sup> and the US<sup>6</sup>. Internationally guidelines for organic food production were adopted by Codex (1999)<sup>26</sup>, and by IFOAM (the International Federations of Organic Agriculture Movements), which has its own private industry standard.

Private and public bodies can certify organic products by use of their certification logos. While this is excellent and acts as a guarantee for consumers and honest traders, problems are arising from the large number of certification bodies and the potentially confusing array of labels and logos found on organically produced foods. This proliferation of certifiers' labels is confusing for consumers, rather than misleading *per se*, especially when imported foods are labelled by unfamiliar certifiers.

In Norway some organic products are imported from other parts of Europe and carry official EU certification; but according to the Consumer Council of Norway, EU labels and certifiers are not well known or recognised amongst many Norwegian consumers. Organic products that have been made in Norway carry the Norwegian 'Ø' label that

<sup>26</sup> Codex Alimentarius, 1999 Guidelines on the Production, Processing, Labelling and Marketing of Organically Produced Foods FAO, Rome.

stands for 'Økologisk produksjon' (organic production) and is officially certified. This label is certified by Debio, which is the official control and certifying organisation in Norway. For retailers importing organic products from the EU to Norway it is voluntary to use the Ø-label, in addition to the required EU label.

In Denmark there is a national voluntary organic labelling scheme which is well known. The Danish 'Ø' scheme is used on national and imported organic food products if these are packaged or labelled in Denmark. The Danish 'Ø' organic labelling scheme is helpful to consumers in assuring them about the authentication of organic status since it can only be used on officially certified organic food products. In addition the Danish Veterinary and Food Administration is the only official certification agency in Denmark, hence there is only one certification logo and label for organically produced foods.

In the US over the past two years, the number of organic certifiers has doubled from 50 to over 100. As a result, consumers are faced with a barrage of organic labels. While this can be confusing, all of these labels are required to be accredited by the USDA.

#### EXAMPLES:

- *Corn Flakes* were labelled as organic but the Norwegian certification was not present. The official Danish organic label (Ø-mærket) was present since the product is legally certified in Denmark. Yet this label, according to the Consumer Council of Norway, is not well known as organic by Norwegian consumers; and it can therefore be confusing and difficult for them to trust.
- *Four-grain bread rye bread* carried the Demeter logo and a 99% organic declaration. Demeter is a private organic label whose standards conform to the EU organic regulations. Although legal, this label is, according to the Danish Consumer Council, unfamiliar to consumers in Denmark. They could be confused by it and consequently mistrust this label and logo. Indeed, this sample was selected in our Danish shopping survey as a misleading/confusing organic claim.

## Conclusions

Consumers are becoming overwhelmed by the proliferation of unfamiliar organic logos, wondering if these unknown certifiers are officially recognised or not.

International trade in organically produced foods is facilitated by the mutual recognition of standards for organic production. Yet these would be unfamiliar to consumers outside the host country. As a result of the proliferation of certification logos and schemes, consumer trust in organically produced foods is being undermined by lack of familiarity with, and understanding of them.

Consumers who are willing to pay a price premium for organically produced foods need credible information on labels. The findings of our survey revealed that identifying imported organic officially certified food products can be quite difficult in countries such as Norway and Denmark.

#### 6.2.4b Confusion with organic foods

- A breakfast cereal bought in several countries carried the claim 'Better for the Environment' and a 'Conservation Grade' symbol explained as: 'the assurance that the cereals used in this product have been grown by farmers who do not use harmful pesticides and herbicides, as a guarantee of a 100% natural product'. This conservation claim could be confused with organic production. The difference between the two systems was not clear (see photo below).



- Fresh Carrots from Marchfeld in Austria, which is unique for its climate and fertile soil. These claimed to be produced by 'environmentally friendly' methods. There was no verification for this claim, which could be confused with organic production methods.

## Conclusions

These claims are exactly the type that consumers would be seeking if they wanted to purchase green foods. However, these terms can be confusing – what are the standards for 'conservation grade' and 'environmentally friendly production'? How do they compare with organic production? Can consumers be confident in these claims?

As there appears to be no independent verification of these claims, or details about the standards, these are merely self-declared, unverified claims, offering consumers no assurance that these products have attributes that deliver and contribute to more sustainable food production.

### 6.2.4c Misleading 'bio' brand names

'Bio' means many things in different countries and languages – it is widely used, not only for organic foods but also, for example, on dairy products such as Bio yoghurts, that are not organically certified.

In some European countries such as Austria, 'bio' is the recognised and regulated term for 'organically' produced foods. In the Czech Republic it is not allowed for use on any foods which do not originate from certified organic farms. It is not a regulated term in Slovenia and Romania.

We found many non-organic products with brand names that included the term 'bio'.

### EXAMPLES

- Beans with soya sausage, peppers filled with soya meat, 'Complex Bio' Sano Vita flaked cereals, and muesli all included the term 'bio' in their brand names and gave the impression of being 'organic'. None of these products had organic certification (see photo below).



## Conclusions

Brand names including the term 'bio' can be misleading if products are not organically certified.

Within the EU use of the term 'bio' as a brand name for non-organic products has now be prohibited and such names should be phased out by 2009. A reduction in the number of products with 'bio', as part of the brand name, has already been noticed in Austria, but is still not the case in some other countries such as the Czech Republic.

### 6.3 Additional claims and labelling issues

#### 6.3.1 Definition and terms

In our survey we found some terms used on food labels whose exact definition was questioned with regards to food production methods.

We found many products with prominent claims where the meaning was far from clear and was at times confused with green claims, particularly regarding the method of production.

We found that many of the same terms were used in different countries but with different meanings. This was particularly the case across Europe. Language and the terms used to support sustainable agriculture and food production is evolving, particularly on food labels. But there is confusion over definitions and terms that are actually useful to help consumers make informed sustainable food choices.

Use of terms such as 'natural', 'fresh' and 'pure' were confusing. What exactly did they mean? Were these food products any better produced, to higher standards than their counterparts? Was there really any 'added value' and/or more sustainable production method? Were there any implications for 'green' claims? Or were these terms merely marketing terms?

There are no international definitions or guidelines for these terms. However, recognising their potential to mislead

consumers some national food authorities have developed guidance for the use of such vague terms.

In Denmark, the food authority (The Danish Veterinary and Food Administration) has produced guidelines for the interpretation of EU legislation regarding misleading labelling and marketing of food and specific claims and terms<sup>27</sup>. Since 1997 there have been several major campaigns on misleading food labelling on products and in advertising in Denmark, with a consequent reduction in the number of misleading claims. As a result relatively few misleading food claims are now found in Denmark.

Similarly in 2002 the UK, the Food Standards Agency (FSA) issued a report on Criteria for the Use of the Terms Fresh, Pure, Natural, etc in Food Labelling<sup>28</sup>. This aimed to help producers provide clarity in labelling. However, a survey published in February 2004<sup>29</sup> indicated that up to 40% of the labels informally investigated were considered not to comply with the guidance. This gives a clear indication that in the UK such claims continue to be used in a way that is potentially misleading to consumers.

Official guidance and definitions for the issue of fresh and/or natural labelling does not specifically relate to green claims, but these terms are interpreted as green claims in some countries. In the US, these terms relate to method of production, to where and how the food was produced, and from what environment. For example, orange juice was often described as 'natural' but what did this mean? Is it 100% orange juice as it would be if it were freshly squeezed, straight from nature, or not? Has it been frozen or concentrated? If so, can it still be labelled as 'natural'? Similarly for the term 'fresh' – how fresh is fresh? In Italy it is important for consumers to distinguish fresh pasta from dried pasta but dried pasta can also be fresh. These terms are confusing for consumers, especially as when translated the interpretation can be confusing.

Many examples had claims, words and images depicting fresh and natural – emotive words with strong associations, that our shoppers clearly identified as linked to the method of production.

## EXAMPLES

- *Orange Juice* Premium Orange Juice 100% pure. Both these statements are unsupported and lack verification. Additional information is provided on side of package yet there is no official standard, verification or explanation of what these statements means.
- *Seafood Sticks* The name of these seafood sticks 'Enghav' translated means 'Meadow-ocean' and gives the impression that it is a natural, pure seafood product. The truth is that they are made from fish meat with added artificial colouring and flavour additives.

## Conclusions

Use of terms such as natural, pure, fresh, etc. was found to be extensive across many countries and food types.

There is uncertainty and confusion about the use of many of these terms, which can potentially mislead consumers. In Europe, given the extended single market across 25 countries, there are many possibilities for misinterpretation of these emotive but vague terms on food labels.

These terms need to be better addressed by national and international guidelines and/or standards.

### 6.3.2 Translation of terms and brand names

Within the EU food products sold in one country can legally be sold in any other member state. However this can cause problems for established branded products moving into new markets where translation of

<sup>27</sup> Danish guidelines on the prohibition of misleading labelling and the marketing of food, implementing EU Directive 2000/13/EF and Directive 2001/101/EF

<sup>28</sup> Criteria for the Use of the Terms Fresh, Pure, Natural, etc. in Food Labelling. Food Standards Agency, UK July 2002. Available from the FSA website: [www.food.gov.uk](http://www.food.gov.uk)

<sup>29</sup> Survey report: an investigation of the use of terms such as natural, fresh, etc. in food labelling, Food Standards Agency, UK February 2004. Available from the FSA website: [www.food.gov.uk](http://www.food.gov.uk)

the name into a different language and/or culture can cause confusion and misunderstandings.

Many different terms and derivative names were found from 'natural'. Cultural norms prevailed with the names of yoghurt, but when products move into new markets consumers can be confused. Unflavoured yoghurt is labelled as 'plain' in many countries including Slovenia and the US; while in the Czech Republic it is called 'white'; in Denmark and Norway it is called 'naturel'.

### EXAMPLE

- *Baby foods* with the BIO logo with a small leaf to accentuate the graphic design of the logo. 'Bio' is recognised and understood as organic under European regulations in Austria, Germany etc. However the organic declaration in the Slovene language is biologija or bioloski derived from the word for nature. Use of the term 'bio', which is not currently regulated in Slovenia presents itself as a self-declared claim, which is confusing and meaningless to the consumer. While this baby food brand is normally certified organic, in this instance a sticker (with translated nutritional information) covered the official certification label making the organic status questionable.
- Yoghurt had a derivative of the word 'natural' in the brand name. Czech national legislation does not allow the use of the word 'přirodní' (natural) except in some cases defined in the legislation. Use of translated terms is not specifically prohibited but it may be misleading for consumers.

## Conclusion

Some terms when used on foods traded internationally can create unintentional problems in translation.

Companies moving products into new markets (such as in new EU member countries) have made inadequate preparations to translate labels into appropriate languages. Companies could exploit this to the consumer detriment.

We came across this problem incidentally in our research and further work is needed in this area. The basic principles of consumer information could be overridden as food exporters take advantage of new markets.

Inappropriately placed translation stickers cause unexpected problems with significant consequences – for example, making the organic status of a product invalid.

### 6.3.4 Private standards

Private standards, outside the formal legislative system are often developed by trade or professional bodies.

These are often welcomed since they often promote best practice throughout an industry. However, where industry sets and promotes its own standards through labelling schemes and logos, it raises issues of openness and accountability.

Private standards in some instances are inadequately explained to consumers, and while addressing industry issues, may not address consumers' concerns.

For example, The Marine Stewardship Council (MSC) was initially set up with support from Unilever to promote sustainable fishing. MSC has developed commendable fishing standards and labels, but these are not generally regarded as independent since there was no input from consumers and other major stakeholders in the setting up process. Likewise, The Earth Island Institute is a private standards body certifying a dolphin friendly logo. These standards are not well known by consumers and it appears that there has not been consumer or public involvement in their development.

### EXAMPLES

- *Hoki-Fillet* was labelled as being 'captured freshly from the open sea' and claim that '...it is important for us to conserve the fishing resources through responsible fishery'. This product comes from a fishery that complies with the environmental standards of the Marine Stewardship

Council. While commendable for its efforts to support sustainable fishing, the MSC is thought to be too close to industry and lacks broad public input to its standards.

- *Canned tuna* has a dolphin friendly logo, which according to the importer is certified by the Earth Island Institute's private standards. These were developed without broad consumer and public input and are not widely available. In the shoppers' view, the information available is not clear enough for consumers to understand the attribute values of this certification programme.

## Conclusion

Industry standards can be an important means to promote best practice and raise standards, in advance of formal legal standards.

Private standards are often limited by lack of consumer input to their development and consequently do not address consumers concerns, nor are they always open to public comment or scrutiny.

### 6.3.4 Packaging claims

Many claims were found on packaging emphasising recyclable claims and logos. In some countries such as Germany, there are good labelling systems and the relevant facilities for recycling, particularly under The Green Dot or Der Grüne Punkt trademark scheme.

However irrelevant information was found on many products sold outside the country of origin, where there was reference to a local scheme. For example, a logo or label might make reference to recycling, but when a product is exported local facilities may not be available to put the theory into practice where the food is eventually sold. Recycling facilities should exist within easy reach of where packaging waste is disposed, according to the requirement of ISO 14021:1999(E)<sup>7</sup>.

## EXAMPLES

- *Frozen Fish* packaged in a poly-bag made with the explicit claim 'for the protection of the environment'. This was qualified to read 'with this poly-bag we can protect the product with minimal packaging. This bag is environmentally friendly made by using polyethylene, which means lower use of energy, and lower environmental costs to air and water. Polyethylene consists only of carbon and hydrogen. This poly-bag can be disposed in an environmentally friendly way with corresponding sorting and return. Under the Green Dot scheme the material can be recycled.' However, this packaging waste is not recycled in Austria, most is burned with household refuse and hence the claimed environmental benefits are not realised.
- *Canned tuna and Mushrooms pieces* with a Green Dot logo, however there are no appropriate recycling facilities neither in Slovenia nor in Romania to support the Green Dot recycling scheme.

## Conclusions

Various recyclable logos were found on packaging for example, in Denmark, Romania, and Austria but without the relevant explanations or facilities to fully implement effective recycling and recyclable schemes. In Slovenia, manufacturers were using recyclable labels on packaging but were unaware of the relevant legislation to operate relevant recycling schemes.

# 7 Conclusions and recommendations

## 7.1 Conclusions

Issues relating to the sustainability of the food we consume are legitimate consumer concerns across the world. It is imperative that policy makers and industry acknowledge them as such within the formulation of standards and legislation as well as with the use of claims.

Labels and claims offer one of the options and opportunities to communicate added value to consumers. In our study we found a large number of different logos and claims that were vague, meaningless, non-transparent, lacked standards and/or third party verification. Besides being intrinsically misleading, such a proliferation of claims could undermine consumer trust and confidence in valid claims.

The green food claims that we found, for the most part, did not help those consumers who wanted to purchase food products produced in a sustainable way. Indeed in some cases it complicated choice, and thus prevented changes in market behaviour that could positively impact on bringing about sustainable development.

Specifically we found significant problems with:

- Misleading brand names (including the issue of the different meaning of brand names in different languages not being addressed).
- Standards/legislation that does not meet consumers' basic expectations.
- ISO and Codex standards being largely ignored.
- We found misleading claims on food products produced in countries that did not take part in this survey. This leads us to the conclusion that the problem is extensive, particularly within the European region.
- In EU accession countries there is lack of understanding about the legislation and claims from consumers and producers alike.
- In northern European countries the main problem identified is the proliferation of both organic certification logos and non-transparent fish certification schemes.

Consumers are increasingly interested in purchasing products with 'added value' in aspects of sustainability, thereby accepting their role and responsibility for making a contribution to a more sustainable planet. Our survey has shown that unfortunately this is currently, to a large extent, unattainable due to the lack of substantiated and verifiable green claims and logos.

To improve this situation and enable consumers to exercise their rights to be informed, choice, and a healthy and sustainable environment, we strongly recommend the following:

- Doubtful claims of numerous types related to preventing harm to dolphins on canned tuna. We foresee the same problem with other types of fish since other similar standards are being developed.
- Proliferation of the number of official organic certification logos, as well as 'unofficial' logos resulting in confusion and an undermining of consumers' trust in the organic production method.

## 7.2 Recommendations

- Labels and claims on food should be clear and unambiguous – where they are not, enforcement action should be undertaken to ensure that they are.
- Misleading and unsubstantiated images should not be used to convey inappropriate messages, particularly about production methods. This is clearly against agreed ISO and Codex recommendations.
- Better enforcement of current food labelling regulations is required to ensure compliance with national and international standards and regulations; as well as to prevent the widespread use of misleading green food claims that undermine consumer trust.
- The right for consumer organisations to take legal action as aggrieved party should be encouraged and facilitated where it does not exist.
- Qualified claims should provide clarity and transparency, making information available about what terms mean, how the standards behind the claim were set and how they have been monitored and enforced. All this information should be provided on the label in the same field of vision. In short, the specific requirements of ISO 14021:1999(E), Article 5.7, on environmental labels and declarations – self-declared environmental claims (Type II environmental labelling) should be implemented.
- Whether private or public, all food standards for food labels and claims should be developed with stakeholder involvement and respond to the public interest. In addition, standards should be publicly available, open and accessible so that consumers can be sure of their validity. This would enable labels and claims to be more meaningful and acceptable rather than vague, meaningless claims based on industry standards that often fail to adequately address consumers' legitimate concerns with respect to sustainability.
- Where explicit claims and statements are communicated to consumers, these should be explained and validated by third party verification to ensure consumer confidence. Verification should be by independent bodies that are open to public scrutiny.
- Claims that 'legally required standards' are being met are irrelevant for consumers, and should be prohibited.
- More consumer information and education about the standards behind claims and what these terms really mean in practice is essential.
- There is a need for the development and adoption of a harmonised worldwide standard for catching tuna that does not harm dolphins. This should be initiated and adopted by Codex Alimentarius. One uniform logo should be used to communicate the standard to consumers.
- Consideration should be given to adopting harmonised international organic logos and labels. In addition there should be appropriate education and information campaigns to explain the official certification procedures and organic labels and logos.
- Enforcement action should be taken to ensure that organically produced foods are not undermined by illegally named and labelled products.
- Research should be conducted with consumers to find a solution to the problem of the proliferation of organic labels and logos. There is a need to define one recognisable official organic logo for international use, alongside national official logos.
- Brand names should not be derived from emotive words and images such as natural, quality, pure, fresh and bio. This should be prohibited by appropriate legislation and standards. In the absence of this, consumer organisations should inform consumers about inappropriate and misleading brand names, highlighting bad practice.
- The nature of any association, endorsement, or link, with for example, an environmental

- or farming organisation, be it for fundraising, awareness raising or endorsement of a particular quality or production standard, should be stated explicitly and clearly alongside the logo or claim. If the relationship is for marketing purposes and the product confers little or no added value, consumers should not be misled to the contrary by such 'associations'.
- Recycling claims on packaging need to be supported by appropriate recycling facilities, within easy reach of disposal as required by ISO 14021:1999(E) Article 7.7.2., which should be implemented and enforced by national legislation.
  - Definitions and accurate explanations of terms for sustainable food production and consumption are needed, particularly for consumer education and food labelling. Terms such as natural, eco, fresh, bio and pure while sometimes being defined at the national level according to the cultural context, also need to be re-examined at the international level.
  - Harmonisation of terms and logos used in claims, as well as the claim as a whole, is essential. While this is to some extent taking place, there are still too many confusing images and claims used in addition to official definitions such as on different terms for the marketing of eggs.
- Guidelines for interpreting misleading food claims, words and terms should include sustainability issues. Existing guidelines such as those produced in Denmark should be replicated and adapted to the national needs of individual countries.
  - Further research is needed to investigate the extent of language and translation problems on food claims, to agree definitions of terms, and to ensure that consumers are not being misled. Given the differences in cultural interpretation, guidance should be issued at the national level.