

Defra Consultation on Food Information Regulations 2013

Submission by

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1. Introduction

The Vegan Society welcomes this opportunity to contribute to improved consumer information about food. The Vegan Society is an educational charity, which freely shares the benefits of plant-based living for humans, non-human animals and the planet.

2. Seeking clarification on the definition of 'vegan' used

The Vegan Society notes the European Parliament legislative resolution of 16 June 2010 on the proposal for a regulation of the European Parliament and of the Council on the provision of food information to consumers (COM(2008)0040 – C6-0052/2008 – 2008/0028(COD)): <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0222&language=EN&ring=A7-2010-0109> (accessed Mon 3 Dec 2012). This text included a definition of 'vegan' (after a definition of 'vegetarian') **shown in bold below**.

CHAPTER V

VOLUNTARY FOOD INFORMATION

Article 34

*6. The term 'vegetarian' shall not be applied to foods that are, or are made from or with the aid of products derived from animals that have died, have been slaughtered, or animals that die as a result of being eaten. **The term 'vegan' shall not be applied to foods that are, or are made from or with the aid of, animals or animal products, including products from living animals.***

This definition does not appear in the final text of the Regulation (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0018:0063:EN:PDF> (REGULATION (EU) No 1169/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2011 on the provision of food information to consumers). The analogous section of the text is:

CHAPTER V

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Article 36

The Vegan Society therefore requests clarification from Defra as to what definition of vegan they and the European Union are now using.

3. Declarations on the nature and origin of all ingredients and processing aids in all cases

Customer demands for detailed information about animal use in food production are growing. Many consumers are motivated by strong yet highly varied ethical principles.

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Potential customers with deeply held beliefs will simply walk away from food they do not trust. Significant sales volumes are at stake.

At the Westminster Food Labelling policy forum in November 2012, Which? Chief Policy Advisor Sue Davies showed that around 50% of UK consumers have concerns about animal use. In Birmingham, where The Vegan Society offices are located, an estimated 25% of residents have protected philosophical and religious beliefs relating to non-human animal use in food production.

These ethical beliefs present companies with a complex mass of conflicting requirements. For example, Muslim belief is opposed to non-halal slaughter of animals - whilst Sikh belief is opposed to ritual slaughter of any kind. Other religions also have requirements relating to animal use, such as Hindu vegetarianism. It is completely impractical for companies to produce dozens of different products, individually tailored to each specific belief. But these customers will choose to make no purchase at all, rather than compromise their beliefs.

The text of the European Union Food Information Regulation No 1169/2011 reminds us, in point (3): *"In order to achieve a high level of health protection for consumers and to guarantee their right to information, it should be ensured that consumers are appropriately informed as regards the food they consume. Consumers' choices can be influenced by, inter alia, health, economic, environmental, social and ethical considerations."*

To achieve this goal, we firstly need to be clear about what customers actually want to know. Secondly, we need to find the highest common factors, relevant to the largest customer groups. Thirdly, we need to track the key information through the supply chain. Finally, we must share this information effectively at point-of-sale.

What is the common factor in the food ethics of a Muslim, a Sikh, someone deeply concerned about the greenhouse gas emissions from livestock farming, and a vegan? They are all worried about different aspects of the use of animals. What products can appeal to all of them? The answer is, any product which they know is free from any kind of animal use.

Research shows that customers want printed point-of-sale information which is clear, simple and authoritative. A trusted, familiar logo on packaging, menus and printed point-of-sale information would be a powerful tool for convincing customers that a product meets their needs. The Vegan Society has a Registered Trademark, known as The Vegan Trademark which meets this requirement.

In the absence of such a logo, we call on policy-makers and businesses to provide comprehensive printed point-of-sale information about animal use for ingredients, processing aids, testing or any other aspect of food production.

4. Proposed Options 1 and 2

The Vegan Society strongly prefers the second set of proposals, Option 2, given that there are no other options available to us in the Food Information Regulations 2013 consultation.

We particularly call on Defra to adopt provisions 2 and 3 of Option 2:

2. Use of Article 44 (1) power to impose a national measure requiring the provision of additional mandatory particulars in relation to the name of non-prepacked food. This may

include any or all of the mandatory particulars accompanying the name of food set out in Annex VI of FIC.

In particular, Annex VI item 4 relates to foods in which a component or ingredient that consumers expect to be normally used or naturally present. A declaration is required which clearly indicates the component or the ingredient that has been used for the partial or whole substitution.

Also:

3. Use of Article 44 (1) power to impose national measures requiring some or all of the mandatory particulars detailed in Articles 9(1) other than the name of the food, (separately addressed in point 2 above) e.g. list of ingredients, storage conditions and/or conditions of use, the name or business name and address of the food business operator, etc.) and 10(1) to be provided in relation to non-pre-packed food

In particular, Article 9(1) also makes mandatory a declaration of "any ingredient or processing aid listed in Annex II or derived from a substance or product listed in Annex II causing allergies or intolerances used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form;"

The Vegan Society would like to see it made mandatory to declare the nature and origin of all ingredients and processing aids in all cases, as well as any testing of novel foods on animals. Only then will it be possible for customers to avoid products which have involved the use of animals in any way.

5. Consultation Questions

Consultation question 1: What are the likely business costs in using a national mark [for minced meat]?

No comment.

Consultation question 2: If the FIC compositional criteria on minced meat applied, what would be the impact on business and how would producers respond?

No comment.

Consultation question 3: What proportion of UK-produced minced meat currently would not meet FIC requirements?

No comment.

Consultation question 4: Would an improvement notice approach benefit your business and/or the sector in general? Can you quantify any savings that may be realised?

We wish to register our concern that this system will be impractical for most members of the public.

We call on Defra to outline a clear, accessible route for individuals to lodge complaints about incorrect or inadequate food information provision to consumers.

Consultation Question 5: How would the industry respond if, for non-pre-packed food, a meat content QUID declaration was not required, keeping in mind that some similar

legislative requirements apply under Unfair Commercial Practices Directive (as implemented by the Consumer Protection from Unfair Trading Regulations 2008) in any case?

No comment.

Consultation Question 6: If it were decided to remove the requirement to provide a QUID, would your business continue to provide this information anyway?

No comment.

Consultation Question 7: If the decision was taken to remove the requirement to provide the name of food, in all cases, for food sold non pre-packed, would food businesses continue to provide this information anyway or would some have reason not to do so?

The Vegan Society call for this requirement, to provide the name of the food sold non-pre-packed, to be retained.

Consultation question 8: In what way would an improvement notice approach affect enforcement officers in general? Can you quantify any savings or costs that may result?

No comment.

Consultation question 9: Are there significant costs for businesses that would result from any of these measures?

The Vegan Society argue that the costs to businesses of providing accurate, clear information on the use of animals in food production are justified in terms of the benefit to consumers.

Consultation question 10: Are there significant benefits for consumers that would result from any of these measures?

The Vegan Society reminds Defra that consumers with protected ethical beliefs (e.g. under The Equality Act 2010 in England, Wales and Scotland) are not currently being provided clearly, accurately, comprehensively and consistently with the information which they require. More broadly, around 50% of the UK population require more information about the use of animals in producing and processing the food offered for sale. Clear, accurate, comprehensive and consistent information about the use of animals and animal body parts would therefore provide very significant benefits for a large number of UK consumers.

6. Additional consultation questions : Food Information Regulations 2013 Enforcement and offences; December 2012

Question 1

Do you consider the General Regulatory Chamber of the First-tier Tribunal to be appropriate for these appeals? Please give reasons for your response.

The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 can be found here: <http://www.justice.gov.uk/downloads/tribunals/general/consolidated-TPFTT-GRC-Rules2009-6-04-12.pdf>

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Question 2

Do you consider that the rules of the General Regulatory Chamber of the First-tier Tribunal will suit the handling of these appeals against Improvement Notices for the Food Information Regulations 2013? If not, why not? Please give the specific rule changes that you propose and your reasons for doing so.

No comment.

7. Annexes to Defra Public Consultation Food Information Regulations 2013 November 2012

Annex 1. National Measures; Definitions and claims on alcoholic drinks

The Vegan Society propose that it should be mandatory for all ingredients and processing aids used in alcoholic drinks to be declared. This would include the nature and origin of all processing aids, such as isinglass derived from fish, to be stated on pre-packed and 'non-pre-packed' alcoholic drinks.

Our reasoning is that, because this information is not currently declared, many people are unaware that e.g. parts of fish are being used in processing beers and wines.

We argue that many people would drink a lower quantity of alcohol on ethical grounds if this information was known.

In particular, vegans require this information to be able to exercise their protected philosophical belief to avoid the use of anything taken from animals.

Annex 2. Ice Cream, Cheese and Cream.

The Vegan Society propose that the Regulations be changed, to enable ice creams, cheese and creams based on plant-derived milks (including coconut milk and almond milk, but also analogous products made from e.g. soya, nuts, grains) to be marketed as ice cream, cheese or cream as appropriate.

END