

# NJORD Latvia: Packaging labelling that meets requirements regarding labelling of food products is a means of respectful communication

Food products, their quality, packaging, advertising, labelling, and packaging marking are an integral part of our daily life - when shopping, going for a walk, watching TV, and in many other ways.

We are all consumers, and labelling of food products, in most cases, comes directly from the point of view of protecting or violating consumer rights. However, few people think about how many and how different requirements food manufacturers must comply with in this area and how ambiguous situations can arise when meeting these requirements.

As it is known, in the European Union, including Latvia, Regulation of the European Parliament and Council (EU) No. 1169/2011 (of 25 October 2011) on the provision of information to consumers on food products and amendments to the Regulations of the European Parliament and Council (EU) No. 1924/2006 and (EC) No. 1925/2006, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, European Parliament and Council Directive 2000/13/EC, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation 608/2004 (hereinafter referred to as the Regulation) defines the general principles, requirements and responsibilities that govern information on food products and, in particular, labelling of food products.

The Regulation requires a high level of consumer protection in relation to information on food products, taking into account differences in consumers' perceptions and their information needs, while ensuring the smooth functioning of the internal market of the European Union.

## What problems arise in the process of labelling of food products?

Since the range of food products is very wide, it is necessary to provide consumers with truthful and complete information about food products so that the consumer can exercise his right to an informed choice. Therefore, clearly, what is required from the manufacturer/distributor is not formal compliance with the requirements, but a creative approach to ensure adequate consumer awareness. At the same time, we may not forget about proportionality, since the requirements apply equally to both small and large manufacturers and distributors.

**Mandatory requirements and voluntary information.** The Regulation provides for mandatory requirements for labelling of food products, and determines the scope of information provided voluntarily and the procedure for its provision, adapted to the needs of each region and consumer perception. Voluntarily provided information should provide consumers with additional, broader information and should not overshadow the basic information, however, our experience shows that in Latvia this aspect is often not complied with.

**Indication of the country of origin of goods.** Uncertainties also regularly arise, for example regarding compliance with country-of-origin requirements for food products. For some products, the regulation requires the specification of a specific country of origin or place of origin since the corresponding product with a specific name can only be produced in a certain place. However, for other products, when indicating the country of origin, there may be an obligation to indicate the country of origin of the main component of the product if it does not coincide with the country of origin of the product; moreover, various forms can be used to indicate the country of origin, so manufacturers may become confused about the nuances of this regulation.

A common problem remains the misconception that if a product contains information about the manufacturer or distributor and its legal address, then this information about the origin of the product is sufficient. Information provided in this way is not considered sufficient information about the country of origin, especially in cases where, to comply with the requirements of the Regulation to indicate the manufacturer or distributor, the distributor is indicated.

**The correct form to indicate the expiration date.** In practice, difficulties also often arise in connection with the correct use of the expiration date form, since the regulations do not clearly define which products are considered perishable. So, for example, regarding dairy products, which in general could be classified as perishable products, but in result of their processing, during which a relatively long shelf life is achieved, an ambiguous situation arises, namely, if it is not more correct to indicate the expiration date in the form "Use before..." or "Best before...". However, this is of significant importance, since if these instructions are used incorrectly, the consumer may not only be misled, but even a threat to the consumer's health may occur. Misunderstandings regarding the use of health claims are also common, as marketing objectives often forget that health claims can only be used if they have a scientific basis.

Such nuances that manufacturers and distributors must consider exist at every stage, so manufacturers often must decide to focus on priorities to ensure production and distribution of goods first, resulting in packaging labelling, and labelling accuracy, including compliance requirements remain in the background.

## **Packaging labelling as means of communication with the consumer**

As with all things, getting the balance right is what actually provides the best results in the long run, as well as strengthens consumers' trust.

Labelling of food products is an important aspect of the food industry, which not only highlights the value of the product and serves as a marketing tool, but is a means of communication between the manufacturer/distributor and the consumer, in fact.

In our opinion, appropriate packaging labelling for food and any other product is not only a compliance matter, but also a means of building respectful relations between the manufacturer/distributor and the consumer, so it should be given a fair amount of attention, which pays off in the long run.

In regulation, it is impossible to foresee all cases and describe the correct actions, therefore, documents adopted at the European level include basic principles that must be adhered to when applying the rules in each specific case. It is important to read the preamble to the Regulation, which explains both the need for regulation and the essential underlying principles, to develop an understanding that, at its core, regulation involves our human desires and needs for safety and communication, which creates trust. The Core Principles remind us to maintain and remember these core values even when achieving business goals seems more important.

Today, in Latvia too, consumers are increasingly interested in the quality and origin of food products. Now every average consumer pays attention not only to the colourful packaging of the product, but also wants to receive comprehensive information about the product contained on the packaging labelling. From the quality and transparency of the information provided, the consumer draws conclusions about both the distributor and the manufacturer himself and consciously or unconsciously decides about further choice and trust.

## **Services of the NJORD Law Firm in the field of labelling of food products**

The range of regulations, compliance with which is mandatory for manufacturers and distributors in the food industry, is quite wide and in practice can cause more than one misunderstanding when applied, so it would be advisable to pay more attention to the timely identification of defects in product labelling before they appear on the market. packaging of goods, and thereby help save money and prevent losses that may be caused by re-labelling of goods, forced suspension of sales of goods and imposition of fines in case of non-compliance of product labelling identified by regulatory authorities.

To facilitate successful and respectful communication between manufacturers and distributors and consumers, while ensuring compliance with the requirements of European Union and Latvian regulatory enactments, in our practice we pay special attention to the following aspects:

- Prompt verification of mandatory information specified in European Union regulations and assessment of conformity in pre-prepared marking samples, so that inconsistencies can be eliminated in a timely manner without unnecessarily delaying the production process;
- Verifying the mutual conformity of all messages indicated on the product packaging;
- Checking and correcting language requirements;
- To verify compliance with requirements applicable to voluntarily provided product information;
- Consulting and recommendations for successful communication and compliance, as well as
- Professional dispute resolution and representation of business interests in relations with consumers and supervisory authorities.

Having accumulated experience in the field of product labelling compliance, we have made sure that successful communication and promotion of understanding of requirements related to labelling of food products facilitates the process of ensuring the requirements themselves, positively affects the self-confidence and evaluation of entrepreneurs in the eyes of consumers and competitors, as well as prevents unnecessary obstacles from the supervisory authorities, thus promoting ever-growing business development.



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