

Dual Food Quality: Commission study assessing differences in composition of EU food products

Brussels, 27 June 2019

President Juncker's response



I will not accept that in some parts of Europe, people are sold food of lower quality than in other countries, despite the packaging and branding being identical. We must now equip national authorities with stronger powers to cut out any illegal practices wherever they exist.

European Commission President Juncker, State of the Union Address, 13 September 2017

The JRC was tasked in June 2017 to assess the validity of findings from control laboratories from EU Member States

Legislative actions taken by the Commission

- Guidelines on the application of EU food and consumer laws to dual quality products
- Modernisation of the EU consumer protection rules – A New Deal for Consumers (trialogue agreement April 2019, adoption in the autumn)
- Reinforced Art. 6 of the Unfair Commercial Practices Directive (UCPD) specifying that the marketing of a good, in one Member State, as being identical to a good marketed in other Member States, while that good has significantly different composition or characteristics, can constitute a misleading commercial practice unless justified by legitimate and objective factors

JRC tasks on dual quality food

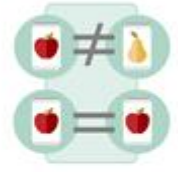
- Development of EU harmonised testing protocol
- Coordination of EU wide testing campaign
- Evaluation of the socio-economic dimension and behavioural economics of dual quality food



TRANSPARENCY



**ASSESSMENT
PROCEDURE**



COMPARABILITY



**APPROPRIATE
PROCEDURES**



INCLUSIVENESS



FAIRNESS



Harmonised testing protocol

- First discussions with laboratories from Eastern European Member States to discuss their findings
- Establishment of a stakeholder network 10 November 2017
- Development of a harmonised testing protocol
- Official release of the harmonised testing protocol in April 2018 by Commissioner Navracsics



EU wide comparison of products on the market

- A pilot testing campaign by JRC carried out from May 2018 – October 2018
- November 2018, all EU MS were invited to participate in a EU-wide testing campaign, JRC provided detailed instructions regarding data collection and electronic reporting sheets
- 19 EU MS submitted results : BG, HR, CY, CZ, DK, EE, FR, DE, EL, HU, IT, LV, LT, MT, PL, SK, SL, ES, NL
- 113 branded and 15 private label products were selected
- In total, information for 1380 products formed the basis of the comparison

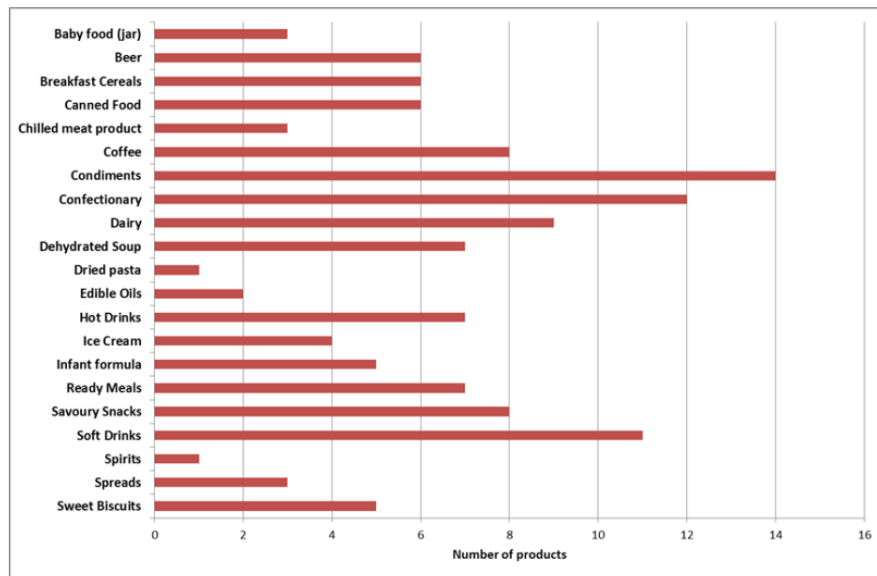
Approach taken for the EU-wide testing campaign

- Categorisation of products according to their similarity
 - Nutrition declaration, ingredient list and quantitative ingredient declaration
 - Front-of-pack appearance
- Label information translated by the MS into English
- Removing inconsistencies in the used terminology, e.g. term milkfat replaced other terms such as concentrated butter, butter oil, anhydrous milkfat



Availability of products tested

- A wide range of products
- 90 % of the products were available in at least 4 EU MS
- > 60 % were available in at least 9 EU MS

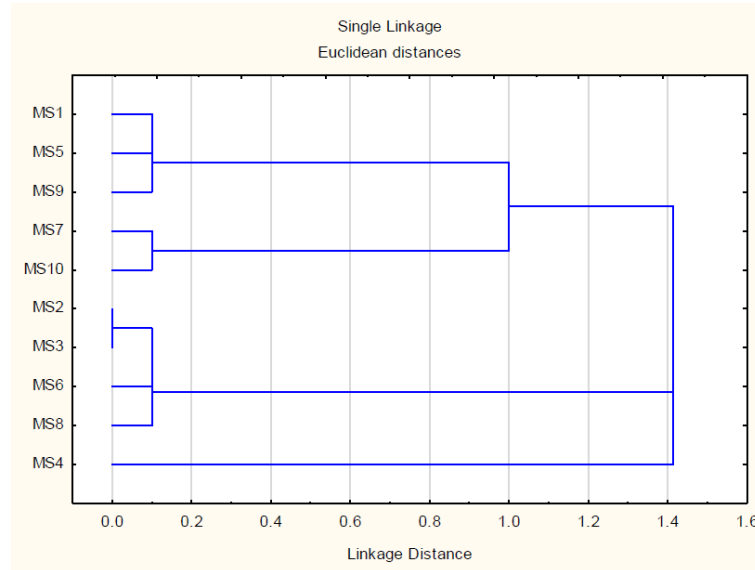


Colour code for the classification according to similarities

	COMPOSITION	FRONT-OF-PACK
IDENTICAL	Nutrition declaration and ingredients are the same	Motif, colours, logos, fonts, pictures, layout, shape are the same
SIMILAR	Small variations in nutrition declaration and/or ingredient list	Small variation in characteristics but generally having the same appearance
DIFFERENT	Different ingredients or different Quantitative Ingredient Declaration (QUID)	Different appearance

Grading of similarity by cluster analysis

- Cluster analyses was carried out for products for which differences in composition was observed
- The resulting dendograms for each product in the Annex of the report
- Dendograms were translated into geographical maps

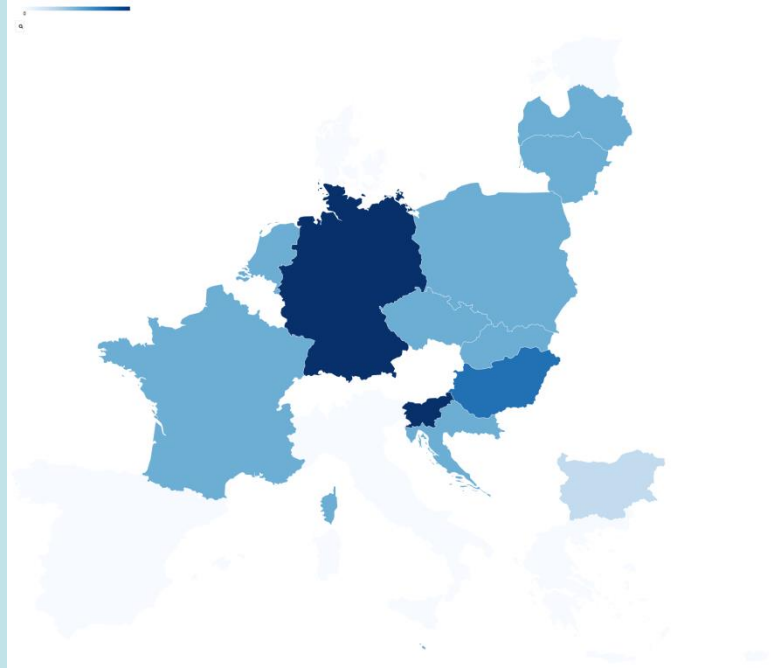


Hierarchical Cluster Analysis of a fictive product available in several Member States.

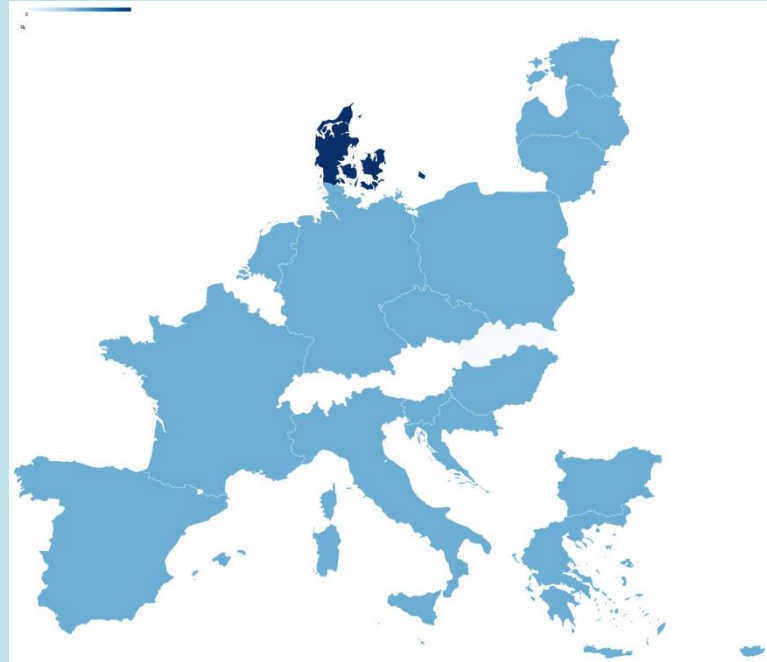
Grading of similarity: geographical maps (1)



Grading of similarity: geographical maps (2)



Grading of similarity: geographical maps (3)



Grading of similarity: geographical maps (4)



Grading of similarity: geographical maps (5)



Final Report

Report and Annex with detailed information on each of the products tested



Results of an EU wide comparison of quality related characteristics of food products

June 2019



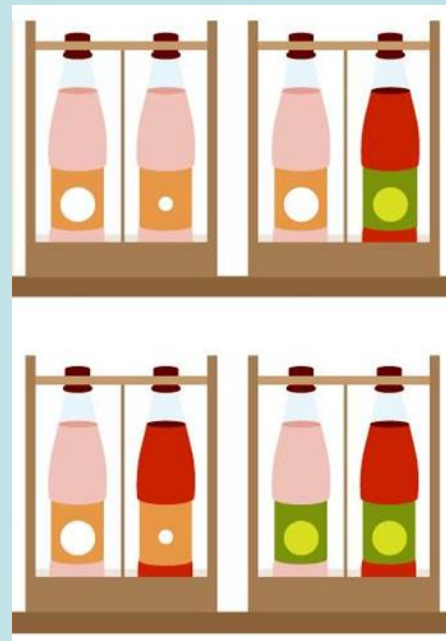
Results of EU wide survey



Comparing front-of-pack labelling and composition of 128 tested products

Results in detail

- **In the majority of cases, the composition matched the way products were presented:** 23% of products had an identical front-of-pack and an identical composition, and 27% of products signaled their different composition in different EU countries with a different front-of-pack.
- **9% of products presented as being the same across the EU had a different composition:** they had an identical front-of-pack, but a different composition.
- **A further 22% of products presented in a similar way had a different composition:** they had a similar front-of-pack, yet a different composition.



Conclusions

- There is no consistent geographical pattern in the use of the same or similar packaging for products with different compositions.
- The difference in the composition found in the products tested do not necessarily constitute a difference in product quality.
- The results of the survey must not be interpreted as being representative of the whole population of food products on the EU market
- Further steps and research are needed to make the assessment more representative and to better understand the link between composition and quality.