

## THEORETICAL ASPECTS REGARDING THE NORMS REGULATING FOOD LABELING

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### REVIEW, RESEARCH ARTICLE

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#### Abstract

*The consumer protection begins with his correct information about the food he wants to buy. For this purpose, the legislative regulation of the obligation of producers and traders of such products to label them in an exact manner, is required to be not only necessary but also essential. The legal norms provided in both national and community legislation have the role of ensuring this aspect.*

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**Keywords:** normative act, food products, labelling

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#### INTRODUCTION

The free movement of safe and healthy food products is an essential aspect of the internal market and contributes significantly to the health and well-being of citizens, as well as to serving their social and economic interests.

Food safety and security is and must be an essential desideratum in the development of normative acts that regulate the aspects regarding the placing of food products on the market for human consumption. In the elaboration of these normative acts, it is essential to take into account the general principles of information regarding food products, the general requirements regarding information referable to food products and the responsibilities of operators in the food sector, mandatory information regarding food products, as well as voluntary information regarding products food. In the labelling of food products, the four intromission mentioned above must be taken into account.

#### MATERIAL AND METHOD

The materials used in writing this paper are composed of legislation and websites. The methods used are legal, namely the formal method, the comparative method, the logical and the analytical method.

The use of these methods has the role of performing a systematic analysis of the information from the studied sources in order to elaborate the points of view and the conclusions.

#### RESULTS AND DISCUSSIONS

##### *Rules on food labelling*

The state, through the means provided by law, protects citizens in their capacity as consumers, ensuring the necessary framework for unrestricted access to products and services, their complete information about their essential characteristics, the defence and assurance of the rights and legitimate interests of natural persons against unfair practices, their participation in the substantiation and decision-making that interests them as consumers (Ordonanta 21/1992 privind protecția consumatorilor – Republicare, publicata în Monitorul Oficial cu numărul 208 din data de 28 martie 2007)

At the national level, the normative act that regulates food labelling is H.G 106/2002, which, through the methodological norms it provides, regulates the way of food labelling.

The purpose of labelling is to give consumers the necessary, sufficient, verifiable and easily comparable information, so as to allow them to choose the product that meets their requirements in terms of their needs and financial possibilities, as well as to know the possible risks at which could be subjected. This information must be presented and formulated in such a way as not to mislead the consumer.

The previously mentioned information refers to the food characteristics and in particular its nature, identity, properties, composition, quantity, durability, origin or provenance and manufacturing or production

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methods; attributing effects or properties to foods that they do not possess and suggesting that foods have special characteristics when in reality all similar products have such characteristics (Hotararea de Guvern 106/2002 privind etichetarea alimentelor, Publicată în Monitorul Oficial cu numărul 147 din data de 27 februarie 2002)

The use of food additives in food products intended for human consumption is regulated by Order 295/2002 for the approval of the Norms regarding food additives intended for use in food products for human consumption. (Ordinul 295/2002 pentru aprobarea Normelor privind aditivii alimentari destinați utilizării în produsele alimentare pentru consum uman, Publicat în Monitorul Oficial cu numărul 722 din data de 3 octombrie 2002)

In view of the legal possibility to sell food and beverages within the European Community space, the food product label must provide and indicate essential information, so that the final consumer can make an informed decision regarding their purchase. This information must fulfill certain conditions, namely: to be accurate, to be visible and easy to understand, not to mislead and to not be deleted.

Mandatory information for prepackaged food products must refer to the name of the food, allergen information, quantity of certain ingredient, date marking (preferably to be consumed before/by), country of origin, if necessary for clarity (eg: products displaying on the packaging the country's flag or famous geographical landmarks), the name and address of the food business operator established in the EU or of the importer, the net quantity, the special storage conditions and/or the conditions of use, the instructions for use, if necessary, the level alcohol for drinks (if it is higher than 1.2%), the nutritional declaration and the list of ingredients - including all the additives used in the manufacturing process.

Food additives sold as such or as ingredients in food products must comply with strict rules set by the E.U. The additives allowed by the normative acts, used in the production and processing of food products are presented in several forms, including: sweeteners, preservatives, antioxidants and dyes. In an ingredient list, most food additives and food enzymes must be preceded by the category name they belong to (ie - antioxidant, emulsifier, preservative).

The nutritional declaration is a label that informs consumers about the energy value and nutrient content, the label that is applied directly to the product packaging or on a label attached to it. The nutritional declaration must include information about the energy value of the product, the amount of fat, saturated fatty acids, carbohydrates, sugars, proteins and salt. These elements must necessarily appear on the product. There are also nutrients that can be voluntarily indicated in the nutritional declaration and it refers to monounsaturated fatty acids, polyunsaturated fatty acids, polyols, starch, fibers and any of the vitamins or minerals required to be used by normative acts.

Food products that do not require a nutritional declaration are provided in Annex V and refer to unprocessed products that contain a single ingredient or a single category of ingredients; processed products whose processing consists only of ripening and which contain a single ingredient or a single category of ingredients; water intended for human consumption, including where the only added ingredients are carbon dioxide and/or flavors; aromatic plants, spices or their mixtures; salt and salt substitutes; table sweeteners; the products provided for by Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 on coffee and chicory extracts, whole or ground coffee beans and whole or ground decaffeinated coffee beans; herbal and fruit infusions, tea, decaffeinated tea, instant or soluble tea or tea extract, decaffeinated instant or soluble tea or decaffeinated tea extract, to which no other ingredients than flavorings have been added, which do not alter the nutritional value of tea; fermented vinegars and vinegar substitutes, including those to which only flavorings have been added; flavors; food additives technological aids; food enzymes; gelatine; gelling compounds; yeast; chewing gum; packaged food products or in containers where the largest face has an area of less than 25 cm<sup>2</sup> and food products, including artisan foods, supplied directly by the producer in small quantities to the final consumer or local retail centers that supply them directly the final consumer. (Anexa V - Regulamentul (UE) nr. 1169/2011 al Parlamentului European și al Consiliului din 25 octombrie 2011 privind informarea consumatorilor cu privire la produsele alimentare, de modificare a Regulamentelor (CE) nr. 1924/2006 și (CE) nr. 1925/2006 ale Parlamentului European și ale

Consiliului și de abrogare a Directivei 87/250/CEE a Comisiei, a Directivei 90/496/CEE a Consiliului, a Directivei 1999/10/CE a Comisiei, a Directivei 2000/13/CE a Parlamentului European și a Consiliului, a Directivelor 2002/67/CE și 2008/5/CE ale Comisiei și a Regulamentului (CE) nr. 608/2004 al Comisiei).

The nutritional declaration is displayed on the label in the form of a table. This table must include the energy value, the units of measure and their order. Thus we have fats (saturated fatty acids, monounsaturated fatty acids, polyunsaturated fatty acids); carbohydrates (sugars, polyols, starch); fiber, protein, salt, vitamins and minerals.

According to art. 33 of the previously mentioned Regulation, regarding the expression per portion or per unit of consumption, the values in the nutritional declaration are average, based either on the analysis of the food product carried out by the manufacturer, or on a calculation that uses one of the following elements: known average values or real of the ingredients used and generally established and accepted data. The energy value and amounts of nutrients on the packaging must reflect the value and amounts corresponding to the food product as sold. The energy value and amounts of nutrients on the packaging must reflect the value and amounts corresponding to the food product as sold. If the product requires preparation before consumption, information indicating the nutritional values of the ready-to-eat food may be provided. Thus, the energy value allowed by the normative act must be calculated using the conversion factors provided for in Annex 14 of the Regulation - carbohydrates (except polyols) 17 kJ/g – 4 kcal/g; polyols 10 kJ/g – 2.4 kcal/g; protein 17 kJ/g – 4 kcal/g; fats 37 kJ/g – 9 kcal/g; salarim 25 kJ/g – 6 kcal/g; ethyl alcohol (ethanol) 29 kJ/g – 7 kcal/g; organic acids 13 kJ/g – 3 kcal/g; fiber 13 kJ/g – 3 kcal/g; erythritol 0 kJ/g – 0 kcal/g. These indicated in kilojoules (kJ) and kilocalories (kcal) per 100 g or 100 ml the allowed amount. It is also mandatory to mention the amounts of nutrients per 100 g or 100 ml. In some cases, energy values and nutrient amounts may also be expressed per serving and/or per unit of consumption. Regarding the vitamins and minerals required to be used, Annex XIII of the Regulation establishes their reference consumption as follows: Vitamin A 800 (μg); Vitamin D 5 (μg); Vitamin E 12 (mg); Vitamin K75 (μg); Vitamin C

80 (mg); Thiamine 1.1 (mg); Riboflavin 1.4 (mg); Niacin 16 (mg); Vitamin B6 1.4 (mg); Folic acid 200 (μg); Vitamin B12 2.5 (μg); Biotin 50 (μg); Pantothenic acid 6, (mg); Potassium 2000 (mg); Chloride 800 (mg); Calcium 800 (mg); Phosphorus 700 (mg); Magnesium 375 (mg); Iron 14 (mg); Zinc 10 (mg); Copper 1 (mg); Manganese 2 (mg); Fluoride 3.5 (mg). To establish the significant amount per product of these vitamins and minerals, the following values are used: 15% of the reference values of the nutrient per 100 g or 100 ml in the case of products other than beverages; 7.5% of the reference values of the nutrient, per 100 ml in the case of drinks and 15% of the reference values of the nutrient per portion if the packaging contains only one portion. (Art.33, Anexa V - Regulamentul (UE) nr. 1169/2011 al Parlamentului European și al Consiliului din 25 octombrie 2011 privind informarea consumatorilor cu privire la produsele alimentare)

The name of the food product includes or is accompanied by mentions regarding the physical state in which the food product is found or the specific treatment that has been applied to it (for example: transported in powder, refrozen, lyophilized, quick frozen, concentrated, smoked), in all cases where the omission of this type of information could mislead the buyer. In the case of food products which have been frozen before sale and which are sold thawed, the name of the food product shall be accompanied by the words "defrost". This does not apply in the following situations: 1. to ingredients present in the final product, 2. to food products in which freezing is a technologically necessary stage of the production process, 3. to food products in which defrosting has no negative effects on the safety or quality of the food product.

Food products treated with ionizing radiation will show one of the following indications: "irradiated" or "treated with ionizing radiation" and other mentions, as they appear in Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999.

In order to put products on the market, manufacturers must provide essential information through the label on the product, so that the final consumer can make an informed decision regarding their purchase. This information must meet certain conditions, namely: be accurate; be visible and easy to understand; not to mislead and to not be

deleted.

([https://europa.eu/youreurope/business/product-requirements/food-labelling/general-rules/index\\_ro.htm](https://europa.eu/youreurope/business/product-requirements/food-labelling/general-rules/index_ro.htm))

In the case of food products where a component or ingredient, in respect of which consumers expect to be used normally or to be naturally present, has been substituted by a different component or ingredient, the label shall include - besides the list of ingredients - a clear indication of the component or ingredient that has been used for partial or full substitution near the product name and with a font size relative to the height of the letter x of at least 75% of the height of the letter x for the product name and which is not smaller than the minimum font size of 1.2 mm.

In the case of meat products, meat preparations and fish products containing added proteins, including in hydrolysed form, of different animal origin, the name of the food product must contain a mention regarding the presence of these proteins and their origin. In the case of meat products and meat preparations that have the appearance of a quarter, cutlet, slice, portion or carcass of meat, the name of the food product must include a mention regarding the presence of added water if the added water represents more than 5% of the weight of the finished product. The same rules apply in the case of fishery products and preparations based on fishery products that have the appearance of a slice, quarter, cut, portion or filet or of a whole fishery product.

Meat products, meat preparations and fish products which may give the impression of being made from a single piece of meat or fish, but which in reality are composed of several different cuts combined by the addition of other ingredients, including food additives and enzymes food or by other means, must bear the following mentions: in Bulgarian: "формовано месо" and "формована риба"; in Spanish: "elaborado a partir de piezas de carne" and "elaborado a partir de piezas de pescado"; in Czech: "ze spojovaných kousků masa" and "ze spojovaných kousků rybího masa"; in Danish: "Sammensat af stykke af kød" and "Sammensat af stykke af fisk"; in German: "aus Fleischstücken zusammengefügt" and "aus Fischstücken zusammengefügt"; in Estonian: "liitud liha" and "liitud kala"; in Greek: "μορφοφορύντο πρεσται" and "μορφοφορύντο ψάρι"; in English: "formed meat" and "formed fish"; in French: "viande reconstituée" and "poisson reconstitué"; in Irish: "píosáí feola ibinta" and "píosáí éisc

ibinta"; in Italian: "carne ricomposto" and "pecce ricomposto"; in Latvian: "formēta gaļa" and "formēta zivs"; in Lithuanian: "sudarytas (-a) iš mesos gabalų" and "sudarytas (-a) iš žuvies gabalų"; in Hungarian: "darabokból berzáformázt hús" and "darabokból berzáformázt hal"; in Maltese: "mæh rikostitwit" and "h'tt rikostitwit"; in Dutch: "samengesteld uit biskues vlees" and "samengesteld uit biskues vis"; in Polish: "z pończonych kłwzów sarcoma" and "z pończonych kłwzów ryby"; in Portuguese: "carne constituída" and "peixe reconstituído"; in Romanian: „carne formată” and „carne de pește formată”.

***Indication and name of ingredients.  
Specific provisions regarding the indication  
of ingredients in the order of quantities***

The label must also be accompanied by a list of the ingredients that the finished product, which is then purchased by the consumer, contains. Annex VII establishes the specific provisions regarding the indication of the ingredients in the order of quantities with the indication and name of the ingredients by ingredient category and provisions regarding the specification according to the quantity. In the ingredient category, the addition of water and volatile products are provided (they are listed in order of their quantity in the finished product. The amount of water added as an ingredient in a food product is calculated by subtracting from the total amount of the finished product the total amount of the other ingredients used. This quantity may not be taken into account if, by weight, it does not exceed 5 % of the finished product. The derogation does not apply to meat, meat preparations, unprocessed fishery products and unprocessed bivalve molluscs); ingredients used in concentrated or dehydrated form and reconstituted at the time of manufacture (may be listed in order of quantity recorded before being converted into concentrate or dehydrated); ingredients used in concentrated or dehydrated food products that are intended to be reconstituted by adding water (may be listed in order of the proportion of the reconstituted product provided that the list of ingredients shows a mention such as "ingredients of the reconstituted product" or "ingredients of the ready-made product "); fruits, vegetables or mushrooms, none of which predominates quantitatively significantly and which are used in varying proportions, used in a mixture, as ingredients of a food product (may

be grouped in the list of ingredients under the name "fruit", "vegetables" or "mushrooms" followed by "in varying proportions", immediately followed by a list of the fruits, vegetables or mushrooms present). (Anexa VII a Regulamentului (UE) nr. 1169/2011 al Parlamentului European și al Consiliului din 25 octombrie 2011 privind informarea consumatorilor cu privire la produsele alimentare, de modificare a Regulamentelor (CE) nr. 1924/2006 și (CE) nr. 1925/2006 ale Parlamentului European și ale Consiliului și de abrogare a Directivei 87/250/CEE a Comisiei, a Directivei 90/496/CEE a Consiliului, a Directivei 1999/10/CE a Comisiei, a Directivei 2000/13/CE a Parlamentului European și a Consiliului, a Directivelor 2002/67/CE și 2008/5/CE ale Comisiei și a Regulamentului (CE) nr. 608/2004 al Comisiei).

The list of ingredients is preceded by a title or an appropriate mention containing the word "ingredients". This includes all the ingredients in the food product, in descending order of their weight at the time of their use in the manufacture of the food product. The ingredients are designated by their specific name as follows - the name of the food product is its legal name. In the absence of such a name, the name of the food product shall be its current name or, if there is no current name or it is not used, the descriptive name of the food product shall be indicated. (Art.18 Regulamentul (UE) NR. 1169/2011 al Parlamentului European și al Consiliului).

However, it is allowed to use in the Member State of marketing, the name under which the food product is legally manufactured and marketed in the Member State of production. However, the name of the food product is not such as to allow consumers in the Member State of marketing to know the real nature of the food product and to distinguish it from the food products with which it could be confused, the name of the food product is accompanied by other descriptive information, which must appear close to it. All ingredients present in the form of manufactured nanomaterials must be clearly specified in the ingredients list and the names of these ingredients are followed by the word "nano" in parentheses. Regarding mixtures of spices or herbs, when none predominates in proportion, depending on the quantity they may be

displayed in a different order, with the condition that the list of ingredients is accompanied by a mention - "in varying proportion". Ingredients that represent less than 2% of the finished product may be listed in a different order after the other ingredients, and those that are similar or interchangeable, that could be used in the manufacture or preparation of a food product without changing its composition, nature or perceived value, with the condition that these represent less than 2% of the finished product, may be designated in the list of ingredients by the mention "contains", or if at least one of at most two ingredients is present in the finished product. This provision does not apply to the following food ingredients or additives: *acidifier, acidity corrector, anti-caking agent, anti-foaming agent, antioxidant, bulking agent, colouring, emulsifier, melting salts, hardening agent, flavor enhancer, flour treatment agent, foaming agents, gelatinizing agent, glazing agent, wetting agent, modified starch, preservative, propellant, loosening agent, sequestering agents, stabilizer, sweetener, thickening agent*. Refined oils of vegetable origin are grouped in the list of ingredients under the name "vegetable oils" immediately followed by a list of mentions regarding the specific vegetable origin and may be followed by the phrase "in varying proportions". The use of the expression "fully hydrogenated" or "partially hydrogenated" must accompany the indication of a hydrogenated oil. Refined fats of vegetable origin are grouped in the list of ingredients under the name "vegetable fats" immediately followed by a list of mentions regarding the specific vegetable origin and may be followed by the phrase "in varying proportions". If they are grouped and the expression "totally hydrogenated" or "partially hydrogenated" is used, the label must include the indication of a hydrogenated vegetable fat. In addition to the previously listed elements, the label must also include the quantitative indication of the ingredients (the categories of products provided for in annex VIII point 1-4 Regulation (EU) no. 1169/2011 are exempt from this obligation. (Art.17 Regulamentul (UE) NR. 1169/2011 al Parlamentului European și al Consiliului din 25 octombrie 2011 privind informarea consumatorilor cu privire la produsele alimentare)

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## CONCLUSIONS

In the field of production and marketing of food products, legislative aspects have an essential role because they establish the necessary conditions so that food intended for human consumption is not dangerous from the point of view of their content. This aspect requires an awareness firstly of the producer and trader, and secondly of the consumer.

The awareness process of the producer and the trader can be achieved in a first stage only by creating some rules and inserting them into the normative acts, rules that are constantly adapted to the level of development of technology and implicitly of society in general so that then it is mandatory to respect them.

Final consumers, most of the time, check certain information on the label of food products when they buy them or want to discover more aspects about a product, but few of them know all the rules and standards that food labelling must comply with.

These rules are very important to guarantee the existence of quality safe food products on the market, because more and more emphasis is placed on the protection of consumers' health and their right to be provided with clear and accurate information about the composition and nutritional value of the food.

The role of the label is essential, because it allows informed decisions to be made, based on product properties and health criteria, which is why legislation in the field must be as clear as possible and adapted to developments in the field of food products.

The labelling of food in an appropriate manner represents concrete, correct, complete and efficient information, used as an essential informational tool by which the consumer is protected against abusive practices on the part of producers and traders, so that he has essential, legible information, visible and easy to understand in order to purchase the products in an informed manner.

In order to sell a food product, the label is its basic element.

## REFERENCES

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