

The Consumer Council for Northern Ireland response to the Front-of-Pack Nutrition Labelling in the UK: building on success consultation

The Consumer Council

1. The Consumer Council is a non-departmental public body (NDPB) established through the General Consumer Council (Northern Ireland) Order 1984. Our principal statutory duty is to promote and safeguard the interests of consumers in Northern Ireland.
2. The Consumer Council welcomes the opportunity to make a submission to the Department of Health and Social Care on their consultation regarding front-of-pack nutrition labelling (FOPNL) in the UK. The consultation seeks views and evidence to help inform any future improvements to the UK Government and Devolved Administration's recommended FOPNL, and to build on the success of current arrangements.
3. The Consumer Council like many consumer and regulatory organisations (such as The Consumer Council for Water, The Institute for Chartered Accountants in England and Wales, CAA, Citizens Advice Scotland, Healthwatch), use a set of seven or eight consumer principles to help assess where the consumer interest lies, and then to develop and communicate our policies¹. This enables us to work within an agreed framework and provides a focus and consistency to our work across all of our statutory remit areas.
4. The eight principles we use are:
 - **Access** – Can consumers get the goods and services they need or want? Are there any real or perceived barriers?
 - **Choice** – Is there any? Are there any aides or hindrances to consumers that impact those choices?
 - **Safety** – Are the goods or services dangerous to consumers' health or welfare?
 - **Information** – Is it readily available, is it accurate and useful, and is it accessible for all?
 - **Fairness** – Are some or all consumers unfairly or unintentionally discriminated against?
 - **Representation** – Do consumers have a say in how goods or services are provided?
 - **Redress** – If things go wrong, is there a system for putting them right?
 - **Education** – Are consumers aware of their rights and responsibilities? Are they empowered to make informed decisions and safe purchases?

¹ The origin of the principles can be traced to a speech by President Kennedy to the US Congress in 1962. The four principles in his speech were later expanded and elaborated on by the international consumer movement. The eight principles were then adopted by the United Nations in the 1970's in their Guidelines for Consumer Protection as "eight consumer rights". In April 2013, The United Nations Conference on Trade and Development (UNCTAD) stated that, "*the Guidelines remain a valid and relevant document for consumer protection policy and have inspired a significant number of national consumer protection laws*".

5. When we look at the issues raised in this front-of-pack labelling consultation, we see they relate closely to five out of the eight principles, namely:
- **Choice**
 - **Safety**
 - **Information**
 - **Fairness**
 - **Education**
6. In terms of **choice**, the evidence shows the current use of multiple traffic light (MTL) labelling is recognised by consumers as being a useful tool that provides at a glance information about a product's nutritional properties. However, making comparisons with similar products can be hampered if the alternative product does not employ the same labelling system. Consistency of labelling will be a significant factor in any future improvements if new and improved labelling information is to successfully enable consumers to make an informed choice. This is reflected in the survey by IGD that found 72% of consumers agreed it would make it easier if nutritional labelling was consistent across all products on offer².
7. With regard to **safety**, as the consultation objectives makes clear, effective front of pack labelling is critical to consumer safety in that it helps tackle health issues such as obesity and conditions including cancer, heart disease and type 2 diabetes, as well as reduce the risk of adverse outcomes relating to COVID-19.
8. The principle of **information** is perhaps the most pertinent to this consultation exercise. The current MTL labelling has been widely adopted and similar schemes have been introduced in other countries because of its success in presenting complex information in an accessible and user friendly way. The growing use of online shopping is also a factor here, as this changes how, or indeed if, labelling information is accessed.
9. The Consumer Council would caution that the introduction of additional information regarding sugars and fibre could unintentionally impede the overall accessibility of FOPNL information. Careful design and consumer testing will be needed to overcome information overload and any potential disengagement that may ensue.
10. Staying with **information**, this consultation makes clear that FOPNL is used less by those from lower socio-economic groups, with ethnicity and age also a factor. This issue crosses into the principle of **fairness**. It will be important to understand what is at play here. For example, is it due to consumer attitudes, a lack of comprehension or, is it the case for some that buying decisions are governed by available budget as opposed to making healthier choices? This last factor was certainly prevalent amongst lower income consumers that The Consumer Council engaged with in our Hard to Stomach research in 2013³.

² <https://www.igd.com/articles/article-viewer/t/front-of-pack-labelling-what-consumers-want/i/22181>

³ Hard to Stomach The impact of rising food costs on Northern Ireland Consumers, January 2013
<https://www.consumerCouncil.org.uk/node/673>

11. It is interesting to note the Nutri-score label has been found to have performed better with lower socio-economic groups and the under 30's, and the reasons for this should certainly inform any future amendments to FOPNL.
12. In terms of **education**, one of the key benefits of the current FOPNL is that it puts information in the hands of consumers so they can be empowered to make an informed, and hopefully a healthier choice.

Future improvements

13. One of the key weaknesses with current FOPNL appears to be consumers' difficulty in visualising grams and portion sizes. Any future improvements to FOPNL should take steps to address this so the information is more meaningful to consumers.
14. The growing trend in online shopping could be viewed as an opportunity to make nutritional labelling more prominent, and perhaps also to use additional screen space to explain the nutritional properties and portion sizes in more detail.

Concerns

15. The Consumer Council understands there are no immediate plans to change FOPNL, but that the end of the EU Exit transition period will provide an opportunity for Government and the Devolved Administrations to review consultation responses and adapt future regulation relating to FOPNL.
16. The Consumer Council would like to raise our concerns for consumers in Northern Ireland, as it is fair to say that businesses will be facing numerous changes and associated costs at this time, and we can assume that they will seek to recover these by increasing prices for consumers. The Consumer Council is very concerned that consumers in NI may be negatively impacted as a result of higher prices.
17. Northern Ireland consumers have lower median weekly earnings of just under £535, around 9% lower than the UK average (£590). Research by ASDA⁴ also shows that NI consumers have the lowest weekly household discretionary income of any UK region at £119 in Q2 2020 compared to £215 in the UK as a whole.
18. Research undertaken by The Consumer Council in conjunction with Cebr shows that in Northern Ireland, the average household spends £397 a week on essential items. Looking at households split according to their gross weekly income, the lowest 25% of earners in Northern Ireland spend £193 a week, while the highest 25% of earners spend £636 a week on average.
19. The average weekly discretionary income of the lowest 25% of earners in Northern Ireland is

⁴ <https://corporate.asda.com/media-library/document/asda-income-tracker-july-2020/ proxyDocument?id=00000173-8037-dcb7-a97b-95f776390000>

-£8.69 a week. These households must therefore take out loans or use overdrafts to pay for essential goods and services. Any increase in food prices for these households will be concerning as it will push those households into further debt.

20. The Consumer Council welcomes the opportunity to make a submission to the Department of Health and Social Care on their proposals for Front of Pack Labelling Nutrition Labelling in the UK: building on success consultation and hope you take into consideration the concerns we have noted.
21. If you would like to discuss any aspect of this response please contact **Philippa McKeown-Brown** at The Consumer Council.

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