

4/5

Box 18

MT.

CONFIDENTIAL FILING

Nutrition Labelling of Food

Additives in Food

Environmental Labelling of Consumer Products.

AGRICULTURE

July 1987

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
23.7.87.							
10.10.88							
26.7.89							
30.10.90							

PREM 19/2903

dti

the department for Enterprise

Lord Hesketh
Minister of State

rdpm

Lord President of the Council
Privy Council Office
68 Whitehall
LONDON
SW1A 2AT

Department of
Trade and Industry

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071-215 5000

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Direct line 071-215 4301

Our ref AM5

Your ref

Date 30 October 1990

Dear Lord President,

I am writing in respect of the following Notice of Motion tabled by Mr Richard Page MP (Con) for debate on Tuesday 30 October.

"That leave be given to bring in a Bill to make provision for products other than food and drink to carry information about environmental effects and safety; and for connected purposes".

The Department of the Environment and ourselves have been working closely to develop a scheme of environmental labelling to give clear guidance to consumers on the environmental impact of products since 1989. As you will see from the enclosed press notice of a statement by my Rt Hon Friend the Secretary of State for the Environment, wide consultation showed that there was overwhelming support for an official eco-labelling scheme operating on a European Community-wide basis. A clear majority also supported our proposal that participation by companies in a scheme should be voluntary. We have, therefore, been working within the European Community to set up a voluntary scheme which is simple, flexible, transparent and commands public respect. A draft regulation which follows closely our own objectives is now being considered to be laid down before the Environment Council of Ministers meeting in October. It is hoped that agreement on a scheme can be reached in time for the first labels to be awarded by the end of 1991.

the
Enterprise



The Motion proposed would cut across the work already being undertaken on developing a voluntary scheme of environmental labelling. I therefore, recommend that the Motion is not supported although I would not propose that it is opposed at this stage. Should there be a division on it Ministers should abstain. If leave is obtained to introduce a Bill it is proposed that it should be blocked at the Second Reading.

I have made arrangements to explain the Government's position to the Rt Hon member. I am copying this to members of the Cabinet.

Yours sincerely

Len Githen

pp LORD HESKETH

(Approved by Lord Hesketh
and signed in his absence)





10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

19 December 1989

ECO LABELLING - PROPOSED STATEMENT ON THE
OUTCOME OF CONSULTATIONS

The Prime Minister has seen a copy of your letter of 15 December attaching a draft statement which your Secretary of State would like to make this week. She is content with the terms of the draft answer. But she has stressed that this formal statement should be followed up vigorously with the European Commission to ensure that the machinery for running such a scheme is as light as possible, and emphasising the arguments set out in paragraph 10 of the draft statement.

I am copying this letter to Neil Thornton (Department of Trade and Industry).

CAROLINE SLOCOCK

Roger Bright, Esq.,
Department of the Environment

PRIME MINISTER

ECO LABELLING

I attach at Flag A a minute from DOE seeking clearance for an announcement on "Eco-labelling." This gives the results from a recent consultation exercise. You saw a draft in the summer and expressed concern about the creation of an excessive bureaucracy in the EC.

The Commission are about to issue a draft Directive in this field and Mr Patten is keen to influence the Commission's thinking. His announcement endorses a voluntary national scheme as part of a European-wide system of labelling. It stresses the need to keep to the minimum the bureaucracy created. Paragraph 10 of the attached draft announcement sets out the relationship of the national to the EC schemes.

Carolyn Sinclair at Flag B points out the importance for the single European market of creating labels which are recognised EC-wide. She suggests that you should:

- agree to the terms of the draft answer;
- but stress that this formal statement should be followed up vigorously with the Commission to ensure machinery for running such a scheme is as light as possible.

Content to respond in this way?

CSS
Caroline Slocock
18 December 1989

y
es not

ECO-LABELLING - PROPOSED STATEMENT ON OUTCOME OF CONSULTATIONS

Chris Patten wants to answer a PQ this week setting out the Government's response to consultation on eco-labelling. He has two aims:

- (a) to influence the Commission who are about to issue a draft Directive setting out a European scheme of eco-labelling;
- (b) to satisfy consumer groups and others in the UK who favour such a scheme that the Government means business.

BACKGROUND

Eco-labelling tells consumers something about the likely effect on the environment of a given product. This may be based on the way it is manufactured, or on the implications of its decay (eg CFCs in old fridges, mercury in old batteries). A national or EC system of eco-labelling would replace the present system of claims by manufacturers (subject only to the Trade Descriptions Act) with a set of nationally or internationally recognised standards. Because it would be voluntary, costs would only fall on those companies who saw a compensating advantage in having an eco-label on their product.

The Department of the Environment and the Department of Trade and Industry published a joint consultation document last summer. This expressed Government's support for

"the establishment of a positive environment labelling system within the European Community provided ... that the system is voluntary, flexible, simple, transparent and commands public respect."

Such a scheme would not extend to food and drink which has its own labelling systems.

Consultation has revealed wide support from consumers and retailers, and also from some producers, for a European wide system of eco-labelling. A plethora of national schemes could easily turn into a new kind of restraint on trade. This is why there is widespread support for a system under which an officially approved "eco-label" would be valid throughout the Community.

Comment

This is an area where a pro-European stance sits well with our Single Market objectives, as well as our environmental ones.

But it will be important to ensure that the draft Directive:

- ensures that any scheme is voluntary;
- recognises that the assessment of a product needs to rest on a firm scientific basis;
- provides for eco-labels to have a reasonable life span (say 3 years);
- does not set impossibly high standards;
- does not erect a bureaucratic structure whose stultifying costs outweigh the likely environmental benefits of eco-labelling.

You expressed concern on this last point in the summer.

The German Blue Angel scheme is the only national one currently in operation in the EC. It is not limited to German products. It meets the first three criteria listed above. But it does have very high standards. And the fact that three organisations are involved in running it just in the FRG suggests a fairly heavy bureaucratic hand.

The German model is bound to influence the Commission. We need to press the case for minimal administration. DOE suggest a single EC panel advised by national panels. This would be a reasonable structure (as you have indicated). But it is likely that any EC panel would require some means of validating claims in the event of a conflict of standards. A voluntary scheme must not be allowed to turn into a bureaucratic monster.

Conclusion and recommendation

Nicholas Ridley is apparently content with the proposed approach.

- There is no reason to object to the draft answer. It is harmless enough as a statement of our position;
- But this formal statement will need to be followed up vigorously with the Commission. We need to ensure that the machinery for running a Europeanwide scheme of eco-labelling is as light as possible, emphasising the arguments in paragraph 10 of the draft answer.



CAROLYN SINCLAIR



Caroline Slocock
Private Secretary to
The Prime Minister
10 Downing Street
LONDON
SW1A 2AA

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref:

Your ref:

15 December 1989

Dear Caroline

ECO-LABELLING - PROPOSED STATEMENT ON OUTCOME OF CONSULTATION

I am writing separately to the private secretaries of members of E(A) to seek clearance to a statement on the outcome of consultation on the joint DOE/DTI discussion paper on eco-labelling, which was issued in August.

In addition, I am writing to you directly to seek the Prime Minister's agreement to the statement, of which I enclose a copy, because of the Prime Minister's earlier concern with the organisation of a European Community scheme, which you recorded in your letter to me of 26 July. *Har*

Mr Patten and Mr Ridley are in agreement that a prime objective of an eco-labelling scheme should be to facilitate trade across the European Community in products considered to be environmentally more benign. This will require that agreement is reached among the member states on a number of common elements to the scheme. At the same time, however, they are also clear that implementation of the scheme in each member state should essentially be a matter for national arrangements, so that a UK company's application for its product to be given an eco-label would be determined within the UK, with recognition across the EC. The aim must be to construct a scheme that involves a minimum of bureaucracy and meets the needs of both consumers and manufacturers. This aim is spelt out in paragraph 10 of the draft statement, for the information of a domestic audience, but also as a signal to the Commission and to other member states.

Mr Patten would like to make this statement by way of a written answer to an inspired Parliamentary Question at the start of next week, not least in order to send this signal to the Commission at this early stage of their preparation of proposals. I would be grateful, therefore, if you could let me know by Monday whether the Prime Minister is content with the statement.

I am copying this letter to Neil Thornton in Mr Ridley's office.

Yours sincerely

Roger Bright

R BRIGHT
Private Secretary

ECO-LABELLING - DRAFT STATEMENT

PQ: To ask the Secretary of State for the Environment if he will make a statement on the outcome of consultation on the discussion paper on the environmental labelling of consumer products.

DRAFT ANSWER:

1. Yes. My Department received over 80 responses to the discussion paper from a wide range of interested parties and individuals. A list of responses received has been placed in the Library of the House. Copies of individual responses may be received through the Library. We are grateful to all concerned for offering their views.

2. Consultation has shown that there is overwhelming support for an official eco-labelling scheme operating on a European Community-wide basis which is simple, flexible, transparent and commands public respect. I was pleased that the Environment Council supported this proposal at its meeting on 19 September. We intend to work closely with the European Commission and with our European partners to maintain the momentum of this initiative, taking account of the views of interested groups in this country.

3. A very clear majority of consultees supported our proposal that participation by companies in a scheme should be voluntary, but concern was expressed about the adequacy of controls over the making of environmental claims more generally. Policy on the latter is a matter for my RHF the Secretary of State for Trade and Industry. On his behalf, I can confirm that we shall be considering these representations further, looking at the possibility both of a code of practice on environmental claims and of amending the provisions of the Trade Descriptions Act.

4. Some useful comments were received on the approach which should be adopted in selecting product groups covered by the scheme. We agree with the view expressed by a number of respondents that the aim should be to get a scheme up and running as quickly as possible, and that it should focus on products with a significant environmental impact or where consumers most clearly need the guidance which an eco-label is intended to provide. We intend to look at the selection of product categories in line with these considerations.

5. Respondents were divided on questions of what product categories should be included in a scheme. We remain of the view that food and drink should be excluded, both because there are significant labelling initiatives already established in this area, and because of the need to give a scheme a tight initial focus. We agree with the view often expressed by respondents, that it would be confusing to label packaging separately from products, but we consider that it should be possible for the assessment of a product's eligibility for an eco-label to take account of packaging considerations.

6. We are committed to establishing a scheme that is both credible and workable. These objectives are especially relevant to the assessment process which must underlie the award of an eco-label. Consultation has shown that confining that assessment to the direct environmental impact of a product during use and disposal would not be regarded as credible. We accept, therefore, that the assessment should be based on the setting of criteria reflecting the key characteristics of a product's environmental impact from cradle to grave. We also believe that the pass mark required to receive an official label should be set towards the top end of what technology permits, so as to give producers a real incentive to improve their environmental performance, but not so high as to distort the market or impose disproportionate costs on business. The aim must be to work with the grain of market forces, not against it.

7. There was some support among respondents for a graded approach to eco-labelling, under which progressively higher standards of improvement in a product's environmental impact could be recognised, for example, by awarding 1 or more stars. We consider that such an approach could complicate the process of assessment unacceptably, and that it would not have the same clear attraction for the market as a more straightforward pass/fail system.

8. Responses were divided on the timing of the award of an eco-label. We consider that manufacturers will need the certainty of a finite minimum period, after which the award of the label should be subject to review. We recognise, however, that the length of that period may well need to differ between product categories, depending not least on differing expectations of technological advance.

9. Consultation showed wide support for a strong national element in the development and implementation of a European Community scheme, and for arrangements which would involve interested groups on a continuing basis. We consider that these must be features of the organisation of a scheme.

10. It will clearly be necessary for agreement to be reached at the European level on the product categories to be selected, on the criteria to be used for their assessment, and on the standards to be set. It will be no less important to create national arrangements which ensure that opinion in each member state on these issues is properly represented at Community level, and which are responsible for the practical operation of the scheme through the determination at the national level of applications from companies for their products to be awarded an eco-label on the basis of the categories, criteria and standards agreed on a European basis. The award of a label to a particular product in one member state would be valid across the Community. We remain of the view that an organisation appropriate to these objectives would involve a single panel at the Community level advised by a series of national panels. We shall want to ensure that the organisation involves a minimum of bureaucracy and provides an effective response to the needs of consumers and producers. We re-emphasise our view that the scheme in operation should aim to be self-financing.

11. The consultation process has enabled us to take a view on the main issues that need to be addressed in getting an eco-labelling scheme underway. A lot more work needs to be done on the detail of a scheme, however. My RHF, the Secretary of State for Trade and Industry, and I therefore propose to set up a small advisory group, to be composed of individuals with experience and knowledge relevant to the subject, to provide advice on the further development of the scheme. I shall make a further announcement shortly about the membership of the group.

Activities: Labelling of Food - July 87





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2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

My ref.

Your ref:

Neil Thornton
Private Secretary to
The Rt Hon Nicholas Ridley
Secretary of State
Department of Trade and Industry
1-19 Victoria Street
LONDON
SW1H 0ET

15 December 1989

Dear Neil

ECO-LABELLING - PROPOSED STATEMENT ON OUTCOME OF CONSULTATION

In August, following clearance from E(A) colleagues, my Secretary of State issued a discussion paper on eco-labelling, jointly prepared by this Department and DTI, which announced the Government's support for the early establishment of an EC-wide scheme to award labels to consumer products considered to be environmentally more benign.

In cooperation with the French Presidency, we secured the inclusion of eco-labelling in the agenda of the EC Environment Council on 19 September and agreement by the Council that the Commission should be asked to come forward with proposals for an EC scheme as soon as possible.

Our two Departments have jointly considered the responses to the August discussion document. Your Secretary of State and mine agree on the need to make a further public statement on the outcome of consultation, to inform domestic opinion and to influence consideration within the European Community. The Commission have indicated that they expect to circulate first draft proposals shortly, and it is therefore desirable for a further statement to be made quickly.



I enclose with this letter the text of a draft answer which my Secretary of State proposes to give to an inspired Parliamentary Question at the beginning of next week. The text has been agreed between our two Departments. I am copying this letter to the private secretaries of members of E(A), and to Trevor Woolley, in order to obtain wider clearance. I would be grateful if they could indicate by Monday whether they are content.

Yours sincerely,
Roger Bright

R BRIGHT
Private Secretary

ECO-LABELLING - DRAFT STATEMENT

PQ: To ask the Secretary of State for the Environment if he will make a statement on the outcome of consultation on the discussion paper on the environmental labelling of consumer products.

DRAFT ANSWER:

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3. A very clear majority of consultees supported our proposal that participation by companies in a scheme should be voluntary, but concern was expressed about the adequacy of controls over the making of environmental claims more generally. Policy on the latter is a matter for my RHF the Secretary of State for Trade and Industry. On his behalf, I can confirm that we shall be considering these representations further, looking at the possibility both of a code of practice on environmental claims and of amending the provisions of the Trade Descriptions Act.
4. Some useful comments were received on the approach which should be adopted in selecting product groups covered by the scheme. We agree with the view expressed by a number of respondents that the aim should be to get a scheme up and running as quickly as possible, and that it should focus on products with a significant environmental impact or where consumers most clearly need the guidance which an eco-label is intended to provide. We intend to look at the selection of product categories in line with these considerations.
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Agriculture: Labelling of food. Jun 87





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10 DOWNING STREET

From the Private Secretary

2 August 1989

CONFIDENTIAL

Dear Kate,

ENVIRONMENTAL LABELLING - PUBLICATION OF DISCUSSION DOCUMENT

Thank you for your letter of 1 August, which the Prime Minister has seen.

She is content for the revised discussion document attached to your letter to be published on Monday 7 August, as your Secretary of State proposes.

I am copying this letter to the private secretaries of members of E (A) and to Trevor Woolley (Cabinet Office).

Yours sincerely,

Caroline Slocock

CAROLINE SLOCOCK

Kate Bush
Department of Environment

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CONFIDENTIAL

Carlin



2 MARSHAM STREET
LONDON SW1P 3EB
01 276 3000

Prime Minister ①

This has been amended
to reflect the need to
avoid a centralised system.

My ref:

*cc Press
(2/8)*

Your ref:

Caroline Slocock
Private Secretary to
The Prime Minister
10 Downing Street
LONDON
SW1A 2AA

* I think it now - more
or less - meets your points.
You may want to take
another look at point
4.14 - 4.17

1 August 1989

Content for publication
to be made on 7 August?

It is better - just!

Agreed ^{Carlin} 1/8

Dear Caroline

ENVIRONMENTAL LABELLING - PUBLICATION OF DISCUSSION DOCUMENT

Thank you for your letter of 26 July. My Secretary of State has looked again at the possibility of a European Community scheme of environmental labelling in the light of the Prime Minister's comments.

Mr Patten is very much of the view that we should support an initiative of positive environmental labelling. One of its main purposes would be to strengthen the ability of "green consumers" to inform their purchasing choices, and thus to demonstrate again that environmental protection is not simply a question of legislation by Government, but also an opportunity for responsible action by the individual.

Mr Patten also considers that action on environmental labelling has to be taken on a Community-wide basis, if UK exporters are to avoid the difficulties that would be presented by the emergence of different requirements for "green" products in the different national markets.

Mr Patten recognises and shares the Prime Minister's concern that we must get the organisation of the scheme right, and in particular that we must base our support on a commitment to keeping bureaucratic procedures to a minimum, and to establishing a strong national input. We have revised the discussion paper to make this clear. The European Commission is likely to make proposals in the autumn, and my Secretary of State wishes to be in a position to influence them at this early stage, and before they make any formal proposals.

As for the UK line in forthcoming discussions with the Commission, the enclosed discussion paper has been redrafted to set out more clearly the UK's objectives and our present thinking on the problems

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that need to be resolved. This line is the result of recent intensive informal consultations by DOE and DTI officials with interested parties. Before finalising our position, however, my Secretary of State would like to undertake a wider and more formal consultation, both to inform opinion and to seek expert advice on some of the difficult problems identified, including those of organisation. In view of the close interest of both consumer and producer interests in any system of positive environmental labelling, Mr Patten considers that the issue of a discussion document along the lines proposed would be presentationally advantageous and would enable us to adopt a more informed position in forthcoming EC discussions, without committing ourselves on any specific point.

Mr Patten therefore favours the earliest possible publication of the paper, which would put the UK in a good position to influence Commission thinking. With the Prime Minister's agreement, he would propose publication on Monday 7 August. I would be grateful if you could confirm that this is acceptable. Mrs Bottomley would handle the press announcement.

I am copying this letter and the enclosed paper to the private offices of other E(A) members, who have all previously indicated that they are content, and to Trevor Woolley.

Yours

CET Bush

KATE BUSH
Private Secretary

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ENVIRONMENTAL LABELLING

A Discussion Paper

Department of the Environment
Department of Trade and Industry

August 1989

SECTION 1 - INTRODUCTION

1.1 Over the last year or so, increasing numbers of consumers have demonstrated that they are concerned to take environmental considerations into account in deciding on their purchases. A striking example has been the shift towards using unleaded petrol. The market share accounted for by this fuel has risen from an average of 1% in 1988 to over 20% in mid-1989. A recent MORI poll indicated that there are 18 million consumers in the UK - half the adult population - who claim to be guided by perceived environmental friendliness in choosing products.

1.2 Manufacturers and retailers have responded to these concerns rapidly. They have introduced environmentally more benign alternatives to existing product lines, and have highlighted products which meet the demands of the "green consumer". In particular, a variety of symbols and legends has appeared on products, emphasising their positive environmental impact.

1.3 These developments are not unique to the British market. The protection of the environment is high on the agenda of public concern in other member states of the European Community as well, and there have been similar effects on the attitudes of consumers and on the response of the market.

1.4 Both in this country and in the European Community, the experience of the last year has led to calls for the creation of a national or international system of positive environmental labelling for consumer goods, in order to provide an independent bench-mark for the guidance of consumers. Within the Community, such a system already exists only in the Federal Republic of Germany, where the so-called "Blue Angel" scheme has been in operation since 1978. Several other EC member states are however known to be considering setting up their own national schemes.

1.5 Positive labelling identifies products whose environmental impact is assessed as more benign. It is thus at the opposite end of the spectrum from negative labelling (such as that for dangerous substances and preparations), which is intended to alert the consumer to specific hazards such as toxicity or flammability. The importance of the latter considerations makes a mandatory basis appropriate for negative labelling. Positive labelling, however, which is intended to inform consumer choice but not to guard against hazards, can appropriately rest on a voluntary basis.

1.6 The Government has studied developments nationally and internationally and has sought the views of a range of interested parties in the UK in recent months, including consumer and environmental groups, retailers and producers. It has considered the relevance of other labelling initiatives bearing on environmental considerations. The Government is also aware of moves within the European Community to discuss positive environmental labelling, and has considered developments and

prospects with the European Commission. It considers that the time is right to issue a discussion paper in order to seek views more widely.

1.7 The Government's view is that a plethora of national schemes of positive environmental labelling in Europe would run the risk of fragmenting the Single Market and of creating new barriers to trade in the run up to the Single Market's completion in 1992. The Government therefore favours the establishment of a positive environmental labelling system within the European Community, provided that agreement can be reached quickly, and that this system is voluntary, flexible, simple, transparent and commands public respect. To this end, the Government intends to take the initiative with the Commission and other Member States over the next few months to seek to establish a viable system of positive environmental labelling within the European Community. The Government considers that such a scheme should not include food and drink within its scope.

1.8 The aim of this discussion paper is to invite a considered response from interested parties on current developments in the UK, and on options for future action. These views will assist in the formulation of the Government's policy in this area, and in shaping the approach which it adopts in future discussions in the European Community.

1.9 The paper is arranged in the following sections:

- 1 - introduction
- 2 - background
- 3 - objectives
- 4 - problems to address
- 5 - conclusions

Annex - environmental labelling in the Federal Republic of Germany

Section 5 sets out the main aspects on which the Government would particularly welcome comments, and specifies a deadline of 13 October 1989 for their submission. This will match the likely pace of discussion in the European Community.

SECTION 2 - BACKGROUND

2.1 The injection of environmental considerations into the development and, more particularly, the marketing of consumer goods has been led by the re-formulation of aerosols to exclude chlorofluorocarbons (CFCs). International understanding of the depletion of the ozone layer and of the part played by CFCs increased rapidly in the months following the signature in September 1987 of the Montreal Protocol to the Vienna Convention by the United Kingdom and the other EC member states. Producers moved quickly to phase out the use of CFCs as propellants in aerosols. The British Aerosol Manufacturers Association (BAMA) devised standard wordings for use on canisters specifying whether aerosols contained CFCs, or alternatively no propellant alleged to damage the ozone layer. In addition, many aerosols are now being marketed with labels bearing positive messages such as "CFC-free", "ozone-friendly" or "environment-friendly".

2.2 The trend towards environmentally orientated reformulation and marketing has spread to other product areas. Notable examples have been batteries containing no mercury or cadmium; disposable nappies made with non-chlorine-bleached pulp; and phosphate-free detergents. In addition, several major retailing chains have reinforced and complemented this trend by developing their own systems of positive environmental labelling, which may apply to own-brand or to branded goods, and also by preparing informational leaflets for their customers, presenting current environmental issues and explaining the purpose of their own labelling schemes.

2.3 The response of retailers and producers has largely been determined by the commercial importance of adapting their product offerings to changing demand, although environmental concern is undoubtedly a feature of corporate activity, as well as a matter for individuals. Commercial self-interest dictates that any claims made for products have to be carefully handled. Customers who buy a product labelled "environmentally friendly" which is later shown to cause environmental problems will be reluctant to trust other claims from the same source.

2.4 The growing availability of "green" products has been paralleled by increasing efforts by environmental and consumer groups to provide information to the public about the environmental implications of purchases. Newspapers and other media have increasingly included items of "green" consumer advice in their pages.

2.5 Alongside these individual initiatives, several environmental and consumer groups have called for an independent system of positive environmental labelling. They see the proliferation of producers' and retailers' own labels as confusing to the consumer, and they look to an independent scheme to provide a bench-mark assessment. There is moreover concern in some quarters that a purely commercial response to consumers' demands for "green" products may lead to excessive claims being made.

2.6 There is no current legislation relating specifically to positive environmental labelling. However, under the Trade Descriptions Act 1968, it is an offence to apply false descriptions to a good or service. In addition, the Advertising Standards Authority has declared its intention to monitor environmental claims in advertising.

2.7 As noted in Section 1, while the Federal Republic of Germany is the only European country in which there is an established national scheme of positive environmental labelling, several other EC member states are now considering whether to launch their own national systems. The EC Commission has set work in train on the possibility of a Community-wide initiative, and discussion at the Community level is scheduled to begin later this year. A prime motive for a Community initiative is the aim of assisting in the completion of the Single European Market by overcoming the barriers to trade that could be represented by the operation of several different national schemes of positive environmental labelling.

SECTION 3: OBJECTIVES

3.1 Environmental labelling has implications for a number of important policy areas. These include in particular:

- consumer protection;
- environmental protection; and
- national and international trade.

3.2 The 1988 White Paper (DTI - the Department for Enterprise) said that "in consumer protection the policy emphasis will reflect the Government's belief that the best form of protection comes from consumers making well informed choices and acting in their own interests". The difficulty at present is that the consumer wishing to make an informed choice in favour of an environmentally friendlier product is often faced with a range of competing labels. Unlike, say, the cleaning power of rival washing powders, which the consumer can test empirically, it can be difficult for the consumer to assess the validity of environmental claims.

3.3 Another mainspring for Government interest in this issue is its commitment to environmental protection, and the objectives of raising the level of awareness of environmental issues within business and of encouraging firms to take advantage of the growing world market for environmentally benign products, materials, and processes and environmental services.

3.4 A third important consideration is the Government's objective of promoting the growth of international trade, and working towards a Single Market within the European Community: in particular of working to prevent the erection of any new national standards, whether mandatory or voluntary, which might have the impact of fragmenting the Single Market.

3.5 Against this background, the objectives of the Government's policy on positive environmental labelling are as follows:

- (a) to encourage business to produce products which are more environmentally friendly:
 - as a contribution to protecting the environment; and
 - to help promote the competitive position of UK business;
- (b) to provide consumers with accurate information on the environmental acceptability of products in order that they can exercise an effective and informed choice; and
- (b) to ensure arrangements are consistent with the creation of a Single European Market.

SECTION 4 - PROBLEMS TO ADDRESS

4.1 Any official positive environmental labelling scheme, whether on a national or European Community basis, would pose important problems of scope, operation, organisation and funding. The Government has considered these issues in informal consultations with a range of outside interests. The following section examines the main issues, and sets out a preliminary indication of the Government's views.

Basis of any Scheme

4.2 The German "Blue Angel" scheme is voluntary: companies are free to decide whether or not they wish to apply for a centrally awarded environmental label. They also remain free to continue to use other labels, if they so wish. Most of the parties consulted agree that this is the basis on which any official scheme of positive environmental labelling should operate, whether in the UK or EC. The Government considers that a voluntary basis would be appropriate for a scheme of positive environmental labelling.

4.3 The Government believes that where substances present a hazard to mankind, or are dangerous for the environment, the labelling of products should be mandatory. This is the approach which the European Community has agreed in the development of the dangerous substances directive, and the dangerous preparations directive. However where labelling concerns the identification of products whose environmental impact is assessed as more benign, and where consumers desire information on the products' environmental consequences, the Government considers that a voluntary basis is more appropriate. Any mandatory scheme at this end of the product spectrum would be undesirable, unworkable, and unenforceable.

Product Coverage

4.4 The European Commission are currently examining a scheme which would be concerned with consumer products, but not food and drink for human consumption. The German Blue Angel scheme has a similar coverage although it also embraces certain services. Most of the people consulted thought that - on essentially pragmatic grounds - any positive environmental labelling scheme should not cover food and drink but should otherwise be open to applications for labels on an unrestricted basis.

4.5 The Government is also of the view that positive environmental labelling should not apply to food and drink. There is increasing consumer interest in organically produced food, and this has been recognised by the establishment of the United Kingdom Register of Organic Food Standards (UKROFS). In May of this year, UKROFS published the first national standards for organic food production which have been drawn up to offer a reliable basis for consumer choice in relation to organic products. The Government sees no reason to overlay that initiative with an environmental labelling scheme.

4.6 Even if a scheme were general in application, however, it would be necessary to concentrate at least initially on certain priority sectors. The European Commission has indicated that it expects to propose for priority consideration a short-list which would include products of particular relevance to Southern European markets, such as clothing, as well as others of greater significance to Northern Europe. The Government would welcome comments on which products should be priorities for assessment.

Assessment Criteria

4.7 The criteria for, and the scope of, the assessment of a product are fundamental to the process. Those who have commented on the issue are in agreement that the assessment needs to rest on a firm scientific basis. Opinion is split, however, on whether the assessment should encompass all aspects of a product's life, from production through use to disposal, or whether it should focus more narrowly, eg, on its impact in use by the consumer, or on use and disposal.

4.8 Both approaches have their merits. A "cradle-to-grave" assessment would be more comprehensive and thus provide a more accurate basis for judging a product's environmental impact. On the other hand, it would take longer to complete than a less wide-ranging assessment and could unacceptably delay the award of a label. The comment has also been made that, since production processes are in any case subject to pollution control legislation, it would be wrong in effect to superimpose another layer of approval through a labelling system.

4.9 A more limited assessment could be seen to accord with the fact that a single characteristic is often of key importance in the environmental impact of products: the presence of CFCs has for example been the main cause of recent concern in the case of aerosols. It would also make the decision-making process simpler and quicker. Against this, however, too narrow an assessment would run the risk of overlooking an important aspect and of giving the consumer a deceptively partial account of a product's impact.

4.10 The Government's view is that, while decisions should not be rushed, consumers and producers would be poorly served by a system that failed to reach judgements and provide guidance over a relatively short timescale. On balance, therefore, the Government favours a comparatively simple system, in which the criteria for awarding any label should focus primarily on the direct impact of a product during use and disposal, with some attention paid to other aspects. The system would need to be transparent, so that the basis of judgement was clearly understood by those taking guidance from it.

Period of Award

4.11 Expectations of product performance are inevitably revised as technology changes. An assessment criterion which could be met initially only by a minority of examples of a given product group

might well become the norm for most examples within a short space of time. The removal of CFCs from aerosols demonstrates how quickly such changes can take effect.

4.12 Any system of positive environmental labelling would need to be flexible enough to keep step with technological advance. Too frequent revision of criteria would however make a scheme less attractive to manufacturers, who would expect a minimum period during which they could display an environmental award on their products. The Government's preliminary assessment is that a label should be awarded for a minimum period of 3 years, and could roll forward annually thereafter unless a manufacturer were notified of its withdrawal at a specified future date. The Government also considers, however, that any scheme should also allow a more immediate withdrawal of a label in the exceptional case where improved scientific knowledge showed that a product had an unsuspected adverse impact on the environment.

Wording of Label

4.13 The message conveyed by a label needs to be carefully considered. The term "environmentally friendly" is open to a range of interpretations, but it may suggest an absolute quality which is unattainable in practice. The Government's view is that any independent positive environmental label should avoid this and similar wording. It also considers that the transparency of the system would be increased by including in any label a brief explanation of why it had been awarded, eg, "made mostly from recycled material".

Organisation

4.14 The Government recognises that an independent scheme of positive environmental labelling is likely to pose significant problems of organisation. The Government is concerned to ensure that the organisation of any scheme should therefore be proportionate to the benefits it brings. In particular, the Government believes that a labelling scheme should involve a significant contribution from the principal parties concerned, including representatives of retailers, producers, consumers and environmentalists, and should have the minimum Government involvement consistent with establishing a system that is authoritative.

4.15 The European Commission have not yet made any proposals on the organisational structure for an EC scheme. In the Government's view, the aim should be to agree an EC scheme which:

- ensures a consistent approach on the criteria for positive labels throughout the European Community, and thereby contributes to the creation of a genuine Single Market;
- enables companies to obtain labels valid across the EC with the minimum of delay and bureaucracy;
- provides a process that is simple, transparent and easy to understand;

- is flexible, and decentralised, drawing on the expert technical expertise already available both nationally and in the EC.

4.16 In the Government's view these aims could be achieved by a single EC panel guiding the product selection and criteria setting, and advised by a series of national panels. Most of the interested parties consulted supported the proposal that such steering panels should be widely-based consisting of representatives of concerned groups such as consumers, environmentalists, retailers and producers. The necessary technical advice would be obtained from a range of technical agencies and institutes on a self-financing basis. Individual applications for labels and the assessment of those applications against the agreed criteria would be left to national arrangements. The Government would welcome views on this proposal.

Resources

4.17 The organisational support for a scheme would carry resource implications which cannot easily be quantified at this stage and which will need to be carefully examined. The Government considers, however, that the costs of a scheme should be off-set by charges payable by companies using a label, who might expect to gain a commercial advantage from marketing a product with a mark of environmental approval. Over time, the aim should be for the scheme to become self-financing.

Other Official Labels

4.18 There are already a number of labelling requirements under domestic and EC legislation, eg, for dangerous and toxic substances, as well as established national labelling initiatives such as the Tidyman symbol. There is concern among retailers and producers that there should not be a proliferation of official labels, and that the links between the labels should be well considered. The Government shares this concern and will be guided by it in further discussions.

4.19 The classification, packaging and labelling of dangerous substances and preparations are regulated by EC directives, 76/769/EEC and 88/379/EEC. These require that substances and preparations which are explosive, oxidizing, flammable, toxic, corrosive, irritant or harmful should carry an appropriate symbol and risk and safety phrases. It is intended to introduce labelling for substances which are dangerous to the environment in the near future. Criteria for classifying such substances have been agreed. Clearly the development of criteria for positive environmental labelling should take account of this work.

Summary of Government's Views

4.20 In summary, the Government would wish the following considerations to guide decisions on any independent scheme of positive environmental labelling:

- (i) companies' participation should be voluntary;
- (ii) the scheme should be applicable generally to consumer products, with the exception of food and drink;
- (iii) the process of judgement should be transparent, and based on assessment criteria that are comparatively simple and easy to understand;
- (iv) labels should be awarded for a minimum period and subject to annual review thereafter;
- (v) labels should highlight the reason for their award;
- (vi) any organisation should involve representatives of consumers, environmentalists, retailers and producers, and should be proportionate to the benefits attainable;
- (vii) a scheme should aim to be self-financing over time; and
- (viii) a proliferation of official labels needs to be avoided.

SECTION 5 - CONCLUSIONS

5.1 The Government has noted the greater weight now being given to environmental considerations in consumers' purchasing decisions and in the marketing of an expanding range of products. It has looked at the growing use, by retailers and producers, of privately developed environmental labels, and has sought the views of a number of interested parties. It has also studied international developments, especially early moves towards an initiative at the level of the European Community.

5.2 The Government takes the view that an independent system of positive environmental labelling could help to inform consumer choice, to improve the environmental impact of products, and to strengthen the competitive position of UK producers. It considers that a Community-wide scheme would offer greater potential benefits and would more directly assist the completion of the Single European Market. The Government intends actively to pursue the development of an appropriate Community scheme of positive environmental labelling.

5.3 In order to assist in the development of the Government's thinking, and the line to take in forthcoming EC discussions, the Government would welcome comments on the general issue of environmental labelling, and in particular:

- (i) the merits of any independent positive environment labelling scheme, at the EC or national level;
- (ii) its basis and whether the voluntary approach would be right;
- (iii) the coverage, and which products should be viewed as priorities in EC discussions;
- (iv) the assessment criteria; and
- (v) organisational issues.

5.4 Respondents are asked to submit their comments no later than 13 October 1989 to the following address:

Mr M Gardiner
Central Unit on the Environment
Department of the Environment
Room A302
Romney House
43 Marsham Street
London SW1P 3PY

and to send a copy of their comments to:

Mr P Dawes
Central Unit
Department of Trade and Industry
Room 555
1-19 Victoria Street
London SW1H 0ET.

5.5 Respondents are asked to indicate:

- whether they propose to publish their comments or make them available to the media; and
- whether they agree that the Departments may make their comments available to Parliament and open for public inspection by the placing of copies in the Departmental Library.

If the answer to both questions is no, comments will be treated as in confidence to the Government, but may be counted in any numerical summary which does not identify individuals' responses.

ANNEX

ENVIRONMENTAL LABELLING IN THE FEDERAL REPUBLIC OF GERMANY

THE "BLUE ANGEL" SCHEME

Summary

1. Since 1978, an official system of labelling certain products as "environmentally friendly" has operated in the Federal Republic of Germany (FRG). The label awarded is the "Blue Angel" (the symbol of the United Nations Environment Programme). Products assessed as environmentally more benign by comparison with alternatives may be eligible to receive the label.

2. By 1988, the "Blue Angel" had been awarded to nearly 3,000 individual products in some 50 product categories. Applicants for the label have to pay a small application fee. If a label is awarded, the producer is required to pay an annual fee for its use. The scheme is open to German and non-German producers alike. Some 10% of the firms marketing products awarded the "Blue Angel" are in fact non-German.

Operation of the "Blue Angel" scheme

3. Organisationally, the scheme is the responsibility of 3 bodies:

- the Federal Environment Agency ("Umweltbundesamt/UBA"), a Government technical agency and advisor to the German Federal Environment Ministry;
- the Institute for Quality Assurance and Labelling ("Deutsches Institut fuer Guetesicherung und Kennzeichnung", usually referred to as "RAL"), a private, non-profit-making certification agency; and
- the Environmental Label Jury ("Jury Umweltzeichen"), a high-level advisory panel appointed by the Ministry of the Environment.

4. Procedurally, there are 3 stages leading up to the award of a "Blue Angel" label to an individual product:

- at stage 1, the UBA makes recommendations on which product categories (eg, aerosols, lawn-mowers, batteries) should be selected for criteria formulation. The Jury decides on these recommendations;
- at stage 2, the UBA prepares a draft technical paper proposing the criteria for the award of a "Blue Angel" label to a product in any category agreed by the Jury. RAL organises "hearings" on the draft criteria, which are closed consultation meetings attended by representatives of industry, consumers, environmentalists and Government and other technical experts.



Once the criteria have been agreed in this forum, they are put to the Jury for consideration. After endorsement by the Jury, the criteria are published and producers are able to submit applications in respect of individual products;

- at stage 3, RAL receives producers' applications and checks that the products concerned comply with the published criteria. If compliance is confirmed, RAL draws up a contract allowing the producer to use the "Blue Angel" label. Contracts roll forward from year to year, unless before September in any year RAL notifies the producer that the "Blue Angel" label is to be withdrawn from a product, eg, because the UBA/Jury intend to revise the criteria in the light of technical advances.
5. Firms have to pay a one-off fee of 300 Marks in applying to RAL for a product to be considered. From 1 January 1989, the scale of annual fees payable for the use of the "Blue Angel" symbol ranges between 350 and 4,000 marks, depending on product turnover. Firms have to reckon with a minimum period of 8 weeks between applying to RAL and hearing the result; the process can however take longer.
6. Within the FRG, opinions on the merits of the scheme are divided. Criticism has been directed in particular at the "single-characteristic" focus of the assessment process. That process has now been modified to give more weight to other aspects of the product cycle.
7. There has been a sharp rise in the last 3 or 4 years in the number of products carrying the label. Recent market research in the FRG has shown that some 80% of German consumers recognise the "Blue Angel" symbol and understand its function.

AGRICULTURE:
Collection Labelling
July 87



dti

the department for Enterprise

copy

Kate Bush
Private Secretary to the
Secretary of State for the
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NBPM

Department of
Trade and Industry

1-19 Victoria Street
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Switchboard
01-215 7877

Telex 8811074/5 DTHQ G
Fax 01-222 2629

Direct line 215 5422

Our ref NP2AEZ

Your ref

Date 26 July 1989

Dear Kate

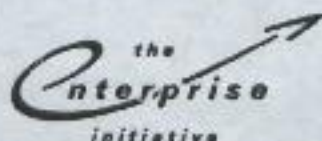
ENVIRONMENTAL LABELLING - PUBLICATION OF DISCUSSION DOCUMENT

Thank you for your letter of 24 July ^{attached} enclosing a draft discussion paper on environmental labelling which you propose to publish on Thursday 27 July.

My Secretary of State agrees that given the pressure for Government action on labelling, the evident organisational and funding problems of a national scheme, the need to avoid creating new trade barriers in the European Community and the imminence of EC discussions, we should support in principle a Community initiative on environmental labelling and seek to influence the Commission's thinking at this early stage.

Yours
Rosalind Cole

ROSALIND COLE
Private Secretary to the Secretary of State





10 DOWNING STREET

From the Private Secretary

26 July 1989

CONFIDENTIAL

Dear Kate,

**ENVIRONMENTAL LABELLING - PUBLICATION OF DISCUSSION
DOCUMENT**

The Prime Minister has seen a copy of your letter to Neil Thornton of 24 July, enclosing a copy of the discussion document on environmental labelling which Mr Ridley and Lord Young had agreed should be issued. You hoped to publish it on Thursday in answer to written Parliamentary Question.

She has commented that she would prefer an idea to be worked out more than this before it is approved. She is concerned that unless the decentralised model for the organisation of such a scheme is established in the way set out in paragraph 4.16, a bureaucrat's paradise could be created at colossal expense.

I would be grateful if you could ensure that this is seen only by those with a clear need to know.

I am copying this letter to the private secretaries of members of EA and to Trevor Woolley.

Yours sincerely,
Caroline Slocock

CAROLINE SLOCOCK

Ms Kate Bush
Department of Environment

men



Prime Minister (2)

CCPU

The Secretaries of State for Environment and Trade and Industry have agreed the attached consultation document which they want to publish on Thursday. They are now seeking approval from EA.

2 MARSHAM STREET
LONDON SW1P 3EB
01-276 3000

An EC initiative is already planned.

My ref:
Your ref:

There is no need to read the whole document. A summary is at paragraph 4.22 (Part A). It is also worth looking at paras 4.13-4.20.

Neil Thornton Esq 4.22 (Part A)
PS/The Rt Hon the Lord Young of Graffham
Department of Trade and Industry
Victoria Street
LONDON
SW1

24 July 1989

I prefer an idea to be worked out - more than that before we approve it. I only hope that the decentralised model - 4.16 - will be approved. Otherwise it will be a unpleasant paradox at cabinet expense.

Dear Neil,

ENVIRONMENTAL LABELLING - PUBLICATION OF DISCUSSION DOCUMENT

Your Secretary of State and mine have considered the issue of the environmental labelling of consumer products and have noted in particular that the EC Commission is intending to make proposals for a Community-wide scheme, under which a single European label would be awarded to products - excluding food and drink - which had been assessed to have a more benign impact on the environment. The Commission's intention had been to bring forward proposals in the first half of the 1990. The French Presidency has indicated, however, that it would like to begin the political discussion of the issue in the Environment Council of Ministers later this year.

There is Ministerial agreement between our two Departments that there would be advantage in a positive move by the UK to support the formulation of a workable and effective Community-wide scheme, which could assist consumer protection and the protection of the environment, as well as avoiding the potential barriers to trade which might be represented by the emergency of several national schemes of environmental labelling. Our Ministers would like to make this view known at an early stage, through the publication of a discussion document which would point the way towards a Community initiative and also flag up a number of outstanding questions on which the Government would welcome comments as it prepares its contribution to the EC discussion.

Your Secretary of State and mine have now agreed the enclosed draft of a discussion paper on environmental labelling. I am circulating this to the private secretaries to E(A) members and to Sir Robin Butler with a view to very urgent clearance. My Secretary of State would like to make the Government's view known, and publish the discussion paper, by way of an inspired Parliamentary question to be

answered on Thursday. I would be grateful, therefore, to hear by Wednesday morning whether colleagues are content with what is proposed. I should perhaps underline that, while we recognise that the pre-recess period cannot accommodate all the announcements which Departments have in prospect, we are keen that this one should be made this week, to meet the level of interest that has built up.

Yours

CESBush

KATE BUSH
Private Secretary

SECTION 1 - INTRODUCTION

1.1 Over the last year or so, increasing numbers of consumers have demonstrated that they are concerned to take environmental considerations into account in deciding on their purchases. A striking example has been the shift towards using unleaded petrol. The market share accounted for by this fuel has risen from an average of 1% in 1988 to over 20% in mid-1989. A recent MORI poll indicated that there are 18 million consumers in the UK - half the adult population - who claim to be guided by perceived environmental friendliness in choosing products.

1.2 Manufacturers and retailers have responded to these concerns rapidly. They have introduced environmentally more benign alternatives to existing product lines, and have highlighted products which meet the demands of the "green consumer". In particular, a variety of symbols and legends has appeared on products, emphasising their positive environmental impact.

1.3 These developments are not unique to the British market. The protection of the environment is high on the agenda of public concern in other member states of the European Community as well, and there have been similar effects on the attitudes of consumers and on the response of the market.

1.4 Both in this country and in the European Community, the experience of the last year has led to calls for the creation of a national or international system of environmental labelling for consumer goods, in order to provide an independent bench-mark for the guidance of consumers wanting information about the environmental impact of their purchases. Within the Community, such a system already exists only in the Federal Republic of Germany, where the so-called "Blue Angel" scheme has been in operation since 1978. Several other EC member states are however known to be considering setting up their own national schemes.

1.5 The Government has studied developments nationally and internationally and has sought the views of a range of interested parties in the UK in recent months, including consumer and environmental groups, retailers and producers. The Government is also aware of moves within the European Community to discuss environmental labelling, and has considered developments and prospects with the European Commission. It considers that the time is right to issue a discussion paper in order to seek views more widely.

1.6 The Government's view is that a plethora of national environmental labelling schemes in Europe would run the risk of fragmenting the Single Market and of creating new barriers to trade in the run up to the Single Market's completion in 1992. The Government therefore favours the establishment of an environmental labelling system within the European Community, provided that agreement can be reached quickly, and that this system is voluntary, flexible, simple, transparent and commands public respect. To this end, the Government intends to take the

initiative with the Commission and other Member States over the next few months to seek to establish a viable system of environmental labelling within the European Community. The Government considers that such a scheme should not include food and drink within its scope.

1.7 The aim of this discussion paper is to invite a considered response from interested parties on current developments in the UK, and on options for future action. These views will assist in the formulation of the Government's policy in this area, and in shaping the approach which it adopts in future discussions in the European Community.

1.8 The paper is arranged in the following sections:

- 1 - introduction
- 2 - background
- 3 - objectives
- 4 - problems to address
- 5 - conclusions

Annex - environmental labelling in the Federal Republic of Germany

Section 5 sets out the main aspects on which the Government would particularly welcome comments, and specifies a deadline of 13 October 1989 for their submission. This will match the likely pace of discussion in the European Community.

SECTION 2 - BACKGROUND

2.1 The injection of environmental considerations into the development and, more particularly, the marketing of consumer goods has been led by the re-formulation of aerosols to exclude chlorofluorocarbons (CFCs). International understanding of the depletion of the ozone layer and of the part played by CFCs increased rapidly in the months following the signature in September 1987 of the Montreal Protocol to the Vienna Convention by the United Kingdom and the other EC member states. Producers moved quickly to phase out the use of CFCs as propellants in aerosols. The British Aerosol Manufacturers Association (BAMA) devised standard wordings for use on canisters specifying whether aerosols contained CFCs, or alternatively no propellant alleged to damage the ozone layer. In addition, many aerosols are now being marketed with labels bearing messages such as "CFC-free", "ozone-friendly" or "environment-friendly".

2.2 The trend towards environmentally orientated reformulation and marketing has spread to other product areas. Notable examples have been batteries containing no mercury or cadmium; disposable nappies made with non-chlorine-bleached pulp; and phosphate-free detergents. In addition, several major retailing chains have reinforced and complemented this trend by developing their own systems of environmental labelling, which may apply to own-brand or to branded goods, and also by preparing informational leaflets for their customers, presenting current environmental issues and explaining the purpose of their own labelling schemes.

2.3 The response of retailers and producers has largely been determined by the commercial importance of adapting their product offerings to changing demand, although environmental concern is undoubtedly a feature of corporate activity, as well as a matter for individuals. Commercial self-interest dictates that any claims made for products have to be carefully handled. Customers who buy a product labelled "environmentally friendly" which is later shown to cause environmental problems will be reluctant to trust other claims from the same source.

2.4 The growing availability of "green" products has been paralleled by increasing efforts by environmental and consumer groups to provide information to the public about the environmental implications of purchases. Newspapers and other media have increasingly included items of "green" consumer advice in their pages.

2.5 Alongside these individual initiatives, several environmental and consumer groups have called for an independent system of environmental labelling. They see the proliferation of producers' and retailers' own labels as confusing to the consumer, and they look to an independent scheme to provide a bench-mark assessment of the environmental impact of products. There is moreover concern in some quarters that a purely commercial response to consumers' demands for "green" products may lead to excessive claims being made.

2.6 There is no current legislation relating specifically to environmental labelling. However, under the Trade Descriptions Act 1968, it is an offence to apply false descriptions to a good or service. In addition, the Advertising Standards Authority has declared its intention to monitor environmental claims in advertising.

2.7 As noted in Section 1, while the Federal Republic of Germany is the only European country in which there is an established national scheme of environmental labelling, several other EC member states are now considering whether to launch their own national systems. The EC Commission has set work in train on the possibility of a Community-wide initiative, and discussion at the Community level is scheduled to begin later this year. A prime motive for a Community initiative is the aim of assisting in the completion of the Single European Market by overcoming the barriers to trade that could be represented by the operation of several different national schemes of environmental labelling.

SECTION 3: OBJECTIVES

3.1 Environmental labelling has implications for a number of important policy areas. These include in particular:

- consumer protection;
- environmental protection; and
- national and international trade.

3.2 The 1988 White Paper (DTI - the Department for Enterprise) said that "in consumer protection the policy emphasis will reflect the Government's belief that the best form of protection comes from consumers making well informed choices and acting in their own interests". The difficulty at present is that the consumer wishing to make an informed choice in favour of an environmentally friendlier product is often faced with a range of competing labels. Unlike, say, the cleaning power of rival washing powders, which the consumer can test empirically, it can be difficult for the consumer to assess the validity of environmental claims.

3.3 Another mainspring for Government interest in this issue is its commitment to environmental protection, and the objectives of raising the level of awareness of environmental issues within business and of encouraging firms to take advantage of the growing world market for environmentally benign products, materials, and processes and environmental services.

3.4 A third important consideration is the Government's objective of promoting the growth of international trade, and working towards a Single Market within the European Community: in particular of working to prevent the erection of any new national standards, whether mandatory or voluntary, which might have the impact of fragmenting the Single Market.

3.5 Against this background, the objectives of the Government's policy on environmental labelling are as follows:

- (a) to encourage business to produce products which are more environmentally friendly:
 - as a contribution to protecting the environment; and
 - to help promote the competitive position of UK business;
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4.9 The Government's view is that, while decisions should not be rushed, consumers and producers would be poorly served by a system that failed to reach judgements and provide guidance over a relatively short timescale. On balance, therefore, the Government favours a comparatively simple system, in which the criteria for awarding any label should focus primarily on the direct impact of a product during use and disposal, with some attention paid to other aspects. The system would need to be transparent, so that the basis of judgement was clearly understood by those taking guidance from it.

Period of Award

4.10 Expectations of product performance are inevitably revised as technology changes. An assessment criterion which could be met initially only by a minority of examples of a given product group might well become the norm for most examples within a short space of time. The removal of CFCs from aerosols demonstrates how quickly such changes can take effect.

4.11 Any system of environmental labelling would need to be flexible enough to keep step with technological advance. Too frequent revision of criteria would however make a scheme less attractive to manufacturers, who would expect a minimum period during which they could display an environmental award on their products. The Government's preliminary assessment is that a label should be awarded for a minimum period of 3 years, and could roll forward annually thereafter unless a manufacturer were notified of its withdrawal at a specified future date. The Government also considers, however, that any scheme should also allow a more

immediate withdrawal of a label in the exceptional case where improved scientific knowledge showed that a product had an unsuspected adverse impact on the environment.

Wording of Label

4.12 The message conveyed by an environmental label needs to be carefully considered. The term "environmentally friendly" is open to a range of interpretations, but it may suggest an absolute quality which is unattainable in practice. The Government's view is that any independent environmental label should avoid this and similar wording. It also considers that the transparency of the system would be increased by including in any label a brief explanation of why it had been awarded, eg, "made mostly from recycled material".

Organisation

4.13 There would be a significant organisational effort involved in running an independent scheme. The preparation of assessment criteria would require considerable technical expertise. The use of labels on products complying with these criteria would have to be controlled. In addition, most interested parties support the proposal that the assessment process should be guided by a widely based steering panel, consisting of representatives of concerned groups such as consumers, environmentalists, retailers and producers. The establishment and servicing of such a panel would also have organisational implications. The Government firmly supports the idea of bringing interested parties together in this way, and sees merit in this in the EC context.

4.14 The Commission's work has not reached the stage where it has identified a clear structure for a scheme. The organisational problems will not be easily solved. The key to the eventual structure will be the balance struck between centralised and de-centralised operation.

4.15 A highly centralised model would place responsibility for all elements of the scheme in a single location. Thus there could be a single international panel to steer product selection and criteria setting. The necessary technical advice would be obtained from a range of technical agencies and institutes. There would also be central control over the award and use of the common EC label.

4.16 A fully de-centralised model would deploy a single EC environmental label, but leave it to national arrangements to deal with product selection and criteria setting, the provision of technical advice and the control of label use.

4.17 Centralisation would mean that the criteria on which labels were awarded would be the same across the Community. Consumers would know that a UK-manufactured product would have had to reach the same standard to obtain the EC label as, for example, an equivalent product made in the FRG. In practical terms, however, it is not clear where responsibility for all the

elements should be placed, nor how quickly and flexibly a centralised model would deliver judgements as the basis for the award of labels. The arguments would be reversed for a decentralised approach. Decisions might well be reached more rapidly, but there would be disparities in the selection of products and the setting of criteria which would be unhelpful to consumers faced with products from different countries and to producers selling goods across several national markets.

4.18 A workable model is likely to steer a course between the two extremes. There would have to be Community-wide agreement on the product groups to be assessed and the criteria to be applied. This in itself might not easily be achieved, and the Government would be concerned at any unacceptable delay. Ongoing control of the award and use of EC labels in national markets could however be exercised at the national level.

4.19 The Government will look carefully at the possible organisation of a Community-wide scheme. It would welcome comments on how best to mesh national concerns with international action on this issue, and in particular on what structural arrangements would be best suited to create a scheme that would work effectively and go furthest towards meeting the expectations of interested groups in the different member states.

Resources

4.20 The organisational support for a scheme would carry resource implications which cannot easily be quantified at this stage. The Government considers, however, that the costs of a scheme should be off-set by charges payable by companies using a label, who might expect to gain a commercial advantage from marketing a product with a mark of environmental approval. Over time, the aim should be for the scheme to become self-financing.

Other Official Labels

4.21 There are already a number of labelling requirements under domestic and EC legislation, eg, for dangerous and toxic substances, as well as established national labelling initiatives such as the Tidyman symbol. There is concern among retailers and producers that there should not be a proliferation of official labels, and that the links between the labels should be well considered. The Government shares this concern and will be guided by it in further discussions.

Summary of Government's Views

4.22 In summary, the Government would wish the following considerations to guide decisions on any independent scheme of environmental labelling:

- (i) companies' participation should be voluntary;
- (ii) the scheme should be applicable generally to consumer products, with the exception of food and drink;

- (iii) the process of judgement should be transparent, and based on assessment criteria that are comparatively simple and easy to understand;
- (iv) labels should be awarded for a minimum period and subject to annual review thereafter;
- (v) labels should highlight the reason for their award;
- (vi) any organisation should involve representatives of consumers, environmentalists, retailers and producers;
- (vii) a scheme should aim to be self-financing over time; and
- (viii) a proliferation of official labels needs to be avoided.

SECTION 5 - CONCLUSIONS

5.1 The Government has noted the greater weight now being given to environmental considerations in consumers' purchasing decisions and in the marketing of an expanding range of products. It has looked at the growing use, by retailers and producers, of privately developed environmental labels, and has sought the views of a number of interested parties. It has also studied international developments, especially early moves towards an initiative at the level of the European Community.

5.2 The Government takes the view that an independent system of environmental labelling could help to inform consumer choice, to improve the environmental impact of products, and to strengthen the competitive position of UK producers. It considers that a Community-wide scheme would offer greater potential benefits and would more directly assist the completion of the Single European Market. The Government intends actively to pursue the development of an appropriate Community scheme of environmental labelling.

5.3 In order to assist in the development of the Government's thinking, and the line to take in forthcoming EC discussions, the Government would welcome comments on the general issue of environmental labelling, and in particular:

- (i) the merits of any independent environment labelling scheme, at the EC or national level;
- (ii) its basis and whether the voluntary approach would be right;
- (iii) the coverage, and which products should be viewed as priorities in EC discussions;
- (iv) the assessment criteria; and
- (v) organisational issues.

5.4 Respondents are asked to submit their comments no later than 13 October 1989 to the following address:

Mr M Gardiner
Central Unit on the Environment
Department of the Environment
Room A302
Romney House
43 Marsham Street
London SW1P 3PY

and to send a copy of their comments to:

Mr P Dawes
Central Unit
Department of Trade and Industry
Room 555
1-19 Victoria Street
London SW1H 0ET.

5.5 Respondents are asked to indicate:

- whether they propose to publish their comments or make them available to the media; and
- whether they agree that the Departments may make their comments available to Parliament and open for public inspection by the placing of copies in the Departmental Library.

If the answer to both questions is no, comments will be treated as in confidence to the Government, but may be counted in any numerical summary which does not identify individuals' responses.

ANNEX

ENVIRONMENTAL LABELLING IN THE FEDERAL REPUBLIC OF GERMANY

THE "BLUE ANGEL" SCHEME

Summary

1. Since 1978, an official system of labelling certain products as "environmentally friendly" has operated in the Federal Republic of Germany (FRG). The label awarded is the "Blue Angel" (the symbol of the United Nations Environment Programme). Products assessed as environmentally more benign by comparison with alternatives may be eligible to receive the label.
2. By 1988, the "Blue Angel" had been awarded to nearly 3,000 individual products in some 50 product categories. Applicants for the label have to pay a small application fee. If a label is awarded, the producer is required to pay an annual fee for its use. The scheme is open to German and non-German producers alike. Some 10% of the firms marketing products awarded the "Blue Angel" are in fact non-German.

Operation of the "Blue Angel" scheme

3. Organisationally, the scheme is the responsibility of 3 bodies:
 - the Federal Environment Agency ("Umweltbundesamt/UBA"), a Government technical agency and advisor to the German Federal Environment Ministry;
 - the Institute for Quality Assurance and Labelling ("Deutsches Institut fuer Guetesicherung und Kennzeichnung", usually referred to as "RAL"), a private, non-profit-making certification agency; and
 - the Environmental Label Jury ("Jury Umweltzeichen"), a high-level advisory panel appointed by the Ministry of the Environment.
4. Procedurally, there are 3 stages leading up to the award of a "Blue Angel" label to an individual product:
 - at stage 1, the UBA makes recommendations on which product categories (eg, aerosols, lawn-mowers, batteries) should be selected for criteria formulation. The Jury decides on these recommendations;
 - at stage 2, the UBA prepares a draft technical paper proposing the criteria for the award of a "Blue Angel" label to a product in any category agreed by the Jury. RAL organises "hearings" on the draft criteria, which are closed consultation meetings attended by representatives of industry, consumers, environmentalists and Government and other technical experts.

Once the criteria have been agreed in this forum, they are put to the Jury for consideration. After endorsement by the Jury, the criteria are published and producers are able to submit applications in respect of individual products:

- at stage 3, RAL receives producers' applications and checks that the products concerned comply with the published criteria. If compliance is confirmed, RAL draws up a contract allowing the producer to use the "Blue Angel" label. Contracts roll forward from year to year, unless before September in any year RAL notifies the producer that the "Blue Angel" label is to be withdrawn from a product, eg, because the UBA/Jury intend to revise the criteria in the light of technical advances.

5. Firms have to pay a one-off fee of 300 Marks in applying to RAL for a product to be considered. From 1 January 1989, the scale of annual fees payable for the use of the "Blue Angel" symbol ranges between 350 and 4,000 marks, depending on product turnover. Firms have to reckon with a minimum period of 8 weeks between applying to RAL and hearing the result; the process can however take longer.

6. Within the FRG, opinions on the merits of the scheme are divided. Criticism has been directed in particular at the "single-characteristic" focus of the assessment process. That process has now been modified to give more weight to other aspects of the product cycle.

7. There has been a sharp rise in the last 3 or 4 years in the number of products carrying the label. Recent market research in the FRG has shown that some 80% of German consumers recognise the "Blue Angel" symbol and understand its function.



DMS

be: Gray Unit

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

10 October 1988

Dear Sir Donald,

The Prime Minister was grateful for your letter of 7 October, concerning sources of aluminium in food and drink and its possible health effects, the contents of which she has noted.

I am copying this letter to Geoffrey Podger (Private Office, Department of Health).

*Yours sincerely,
Paul Gray*

PAUL GRAY

Sir Donald Acheson, K.B.E.
Department of Health

of



DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Richmond House, 79 Whitehall, London SW1A 2NS

Telephone 01-210 3000

From the Chief Medical Officer

Sir Donald Acheson KBE DM DSc FRCP FFCM FFOM

Prime Minister's Private Office
No 10 Downing Street
LONDON
SW1A 2AA

7 October 1988

minutes below

In the light of the Prime Minister's interest and concern expressed to me at the Cabinet Committee meeting yesterday morning I thought it might be helpful for her to have a brief informal note on the sources of aluminium in food and drink and its possible health effects. We will of course be providing more detailed evaluation and advice when the formal discussion which she has requested on aluminium in drinking water takes place.

People take in aluminium from food (either naturally-occurring or as a result of the use of aluminium-containing food additives) or from drinking water. The average intake from food and drinks, but excluding the contribution from drinking water, is estimated at about 6 mg a day. The range of intake is wide, depending on the individual diet.

Tea leaves contain aluminium, and a typical tea infusion contain about 5 mg/L, that is 1 mg per cup, from the leaves.

For some acidic foods such as tomatoes, rhubarb and apples, cooking in aluminium saucepans leads to an increase in the aluminium concentration of the food. In terms of average intakes, this source represents less than 5 per cent of the daily intake.

Aluminium may be present naturally in water supplies. It may also be present when the water supply is treated with aluminium sulphate, which helps to remove impurities, clarify the water, and make disinfection more reliable and efficient. In most UK water supplies, the average concentration of aluminium is below the EC standard of 0.2 mg/L, and water contributes less than 5 per cent of the average daily intake of aluminium.

There are other sources of intake. Aluminium hydroxide and other aluminium compounds are used as antacids to treat indigestion. One tablet typically contains 170 mg of aluminium, and a daily dose would provide some 680 to 1700 mg of aluminium. Toothpaste, if swallowed, could provide 50 to 200 mg a day. Aluminium compounds are also used in some cosmetics, but the contribution to exposure is trivial.

Aluminium in food and drink is poorly absorbed, and only about 1 per cent of the intake is actually taken in by the body. There is a body of scientific opinion which holds that the aluminium in foods and beverages is less easily absorbed than that in water but more research is needed on this important point.

Experiments in animals and experience in humans indicate that aluminium is relatively non-toxic. For example the WHO has recently established 60 mg a day as a safe intake figure for an adult, and our advisory committees have found no cause for concern regarding levels of aluminium in food in the UK. However a few scientists and some members of the public are worried about a possible link between aluminium and Alzheimer's Disease (AD). This is a common neurological disorder which is an important cause of dementia in the elderly and results in considerable human suffering as well as a serious burden on the health service. The cause of AD is unknown, but for some years it has been suggested that the intake of aluminium may cause or contribute to AD, mainly because of the observation that the characteristic brain lesions seen in AD contain high levels of aluminium. However up to the present time this hypothesis has not attracted widespread scientific support, and no national or international scientific or regulatory body has used it as the basis for recommending limits on intakes of aluminium from food or water.

Recently Dr Christopher Martyn of the MRC Environmental Epidemiology Unit at Southampton has been conducting a study comparing the diagnosis rate of AD in various regions of England and Wales with the levels of aluminium in the drinking water in those regions. He found an increased diagnostic rate in regions with higher levels of aluminium in the drinking water, the rate in the region with the highest level being nearly twice that of the region with the lowest level. In all regions aluminium levels were below the EC limit for drinking water. These results which of course by no means represent on their own conclusive proof of cause and effect will be published shortly.

His findings are interesting, but difficult to understand in terms of a link between aluminium intake and AD. Subject to the point already made about the uncertainties concerning solubility drinking water makes a very small contribution (about 3 per cent) to total aluminium intake, most of which is from the diet. Therefore even if aluminium were a cause of AD it is difficult to see how variations in the level of aluminium in drinking water, which would make a small contribution to variations in total aluminium intake, could have such a dramatic effect on the incidence of the disease.

Other human studies have, generally, not supported the AD/aluminium hypothesis. In particular studies on people who use antacids which contain aluminium have not shown an increased incidence of AD. Such people may have long-term intakes of aluminium 10,000 times greater than typical intakes of aluminium for drinking water.

When the cause of a disease is unknown it is always difficult to prove beyond doubt that a particular agent is not the cause. Nevertheless at present the evidence that aluminium is a cause of AD falls substantially short of proof. The present opinion of the scientists both in this country and abroad is that current aluminium intakes from food and water are very unlikely to cause adverse health effects.

Arnald Acheson

E.R.

ALUMINIUM AND ALZHEIMER'S DISEASE: LINE TO TAKE

The MRC Unit's report is known to the Department. It will be assessed by the Committee on the Medical Aspects of the Contamination of Air, Soil and Water (CASW), when the full report is available. There are alternative theories about the causation of Alzheimer's disease and there is other evidence and scientific considerations, that weigh against the suggestion that aluminium derived from drinking-water is likely to be a cause of Alzheimer's disease. Further research is certainly justified and is under way. In the meantime too much weight should not be put on the result of this study.

As soon as Dr Christopher Martyn's paper is available its implications will be considered by the Committee on the Medical Aspects of the Contamination of Air, Soil and Water.



Ministry of Agriculture, Fisheries and Food
Whitehall Place London SW1A 2HH

From the Minister's
Private Office

Mark Addison Esq
Private Secretary
10 Downing Street
London
SW1

MEMO

23 July 1987

Dear Mark,

... You may wish to be aware that my Minister is making announcements tomorrow on fat content and nutrition labelling of food and fishing vessel registration. I attach copies of the arranged PQs and answers as approved by Mr MacGregor.

Yours sincerely,

Liz Tams

MRS E M MORRIS
Private Secretary

PROPOSALS FOR FAT CONTENT AND NUTRITION LABELLING OF FOOD

INSPIRED PQ

To ask the Minister of Agriculture, Fisheries and Food when he expects to make regulations on the labelling of foods with their fat content, and to issue guidelines on the voluntary declaration of the nutrient content of food.

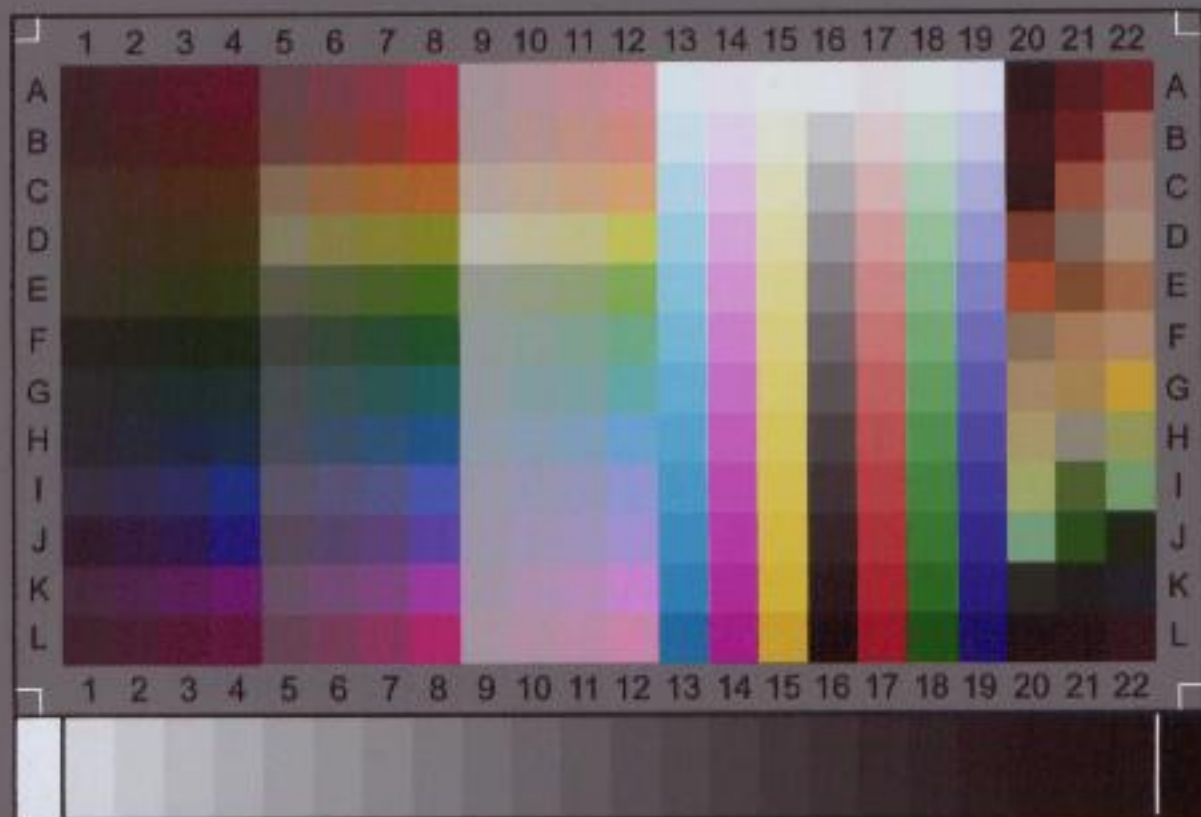
DRAFT REPLY

Since we circulated our proposals for comment early in 1986, my officials have been in extensive discussions with the Commission of the European Communities about the compatibility of our proposals for fat content labelling with Community law. Those discussions are continuing.// We had originally intended that guidelines for full nutrition labelling should be issued in parallel with fat content labelling regulations, but in view of the delay, and the increasing need for a standard approach in the market place to the provision of nutrition information on food labels I have decided to issue now the guidelines for voluntary nutrition labelling of food. This final version of the guidelines takes account of the comments received on the draft circulated in February 1986.// It is my intention in the longer term that the form in which nutrition information provided voluntarily on food labels is given, should be controlled by law but it is sensible to defer any decisions on this until we have seen these guidelines in action for a while and we have more details of the EC Commission known plans for a Community system of voluntary nutrition labelling. In the meantime, I commend the approach set out in the guidelines, particularly to food manufacturers and retailers responsible for nutrition labelling, in the interests of ensuring that consumers receive nutrition information in a standard form.

I am also circulating for comment proposals for minor amendments to the Food Labelling Regulations 1984 to ensure that those who

voluntarily provide statements of the basic nutrient content of foods for the benefit of consumers, do not offend against those provisions of the Regulations which protect consumers against misleading claims. These proposals are being circulated to those organisations representative of interests which will be substantially affected by them, as required by the Food Act 1984.

I have arranged for copies of both documents to be placed in the Library of the House.



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