

To:

Klaus BEREND, Acting Director of Directorate E
for Food and feed safety, innovation, DG SANTE

Sabine PELSSER, Head of Unit E1 for Food
Information and Composition, DG SANTE

8 April 2022,
Brussels

Request for a meeting over food allergen labelling concerns amid massive food composition changes to replace sunflower oil

Dear Mr Berend, dear Ms Pelsser,

As representatives of consumers living with food allergy across Europe, we are writing to you to express our concern about the collateral impact that the Russian war against Ukraine might have for our patient community.

Ukraine and Russia produce 80% of the world's sunflower oil exports and the current war will profoundly distort the food market in Europe, with stocks already running short. The 2022 sun seed harvest is projected to fall by more than 40% while sowing this season seems unlikely, which compromises the market in the medium term.

Sunflower oil is an omnipresent food in Europe, primarily used for frying purposes but also as a key ingredient of salads and doughs. Given the impact of the war on the availability of sunflower oil, the food industry is already looking to replace their recipes with other fats. Some of the possible substitutes, such as oils from peanut and wheat germ, are made of ingredients that are typified as allergens in the European Union. Others, such rapeseed, coconut and corn oils, are also linked with less common food allergies.

The ongoing situation has alerted food safety authorities across Europe. Substituting such a common ingredient suddenly and massively poses a dual challenge. On the one hand, we need to understand if other fats work well in food products using sunflower oil. On the other hand, food industry and food operators will need to inform consumers about their new recipes and the allergens present in their products.

The EU Regulation 1169/2011 on the Food Information to Consumers requires the use of allergens in food to be clearly indicated in the ingredients' list. It also allows for voluntary precautionary labelling based on a quantitative risk assessment in the event that a food is cross-contaminated with an allergen. While this requirement of information to consumer applies also in the case of replacing sunflower oil with other ingredients/allergens, there is a risk of temporary derogation through the use of alternative oils without having to change labels.

We anticipate several risks for food allergy patients arising from the crisis on sunflower oil:

- If **temporary derogations** to the FIC Regulation are granted, substitute products containing allergens will enter the EU Single Market without requirement for appropriate changes in labelling. This will lead to products bearing misleading information, failing to indicate the presence of an allergen in the ingredient list, and putting allergic consumers at risk. EFA is therefore not in favour of any derogation eliminating the food business operation obligation to communicate the ingredients' list.

- The **inkjet correction** of an ingredients' label that needs to be updated is usually printed and placed in available spaces of the packaging and wrappers, which might be too far from the printed list of ingredients and therefore missed by consumers. EFA would like to have clear criteria guiding food business operators on the feasibility of correcting an ingredients' list label.
- To address the information gap, some national authorities (e.g. Spain, France, Italy, Denmark, the Netherlands) consider as valid the temporary use of **adhesive labels** to update the ingredients' list. At EFA, we would like to caution against the impact such labels may have, as they might cover other helpful information (e.g. ingredients, nutritional profile). Therefore, EFA encourages the Commission to urgently adopt a harmonised EU-wide approach for the use of adhesive stickers (a specific symbol or logo) on the front of the pack, indicating a recipe change relevant to allergens, or even a change of allergens in the recipe.
- We think that **communicating changes only in the physical or online stores** is not equivalent to conventional labelling and may undermine access to information: physical warning labelling in the store can be easily overlooked; while online information requires a certain level of digital literacy, a device and the availability of internet access.
- Some Member States (e.g. Italy), allow producers to report the **generic term of the vegetable oils and fats** category in the list of ingredients, followed by the *potentially present* vegetable origins. Yet such guidance brings many uncertainties for consumers on how allergens must be indicated (as per Reg. 1169/2011 or otherwise); whether allergen cross-contamination must be stated; and if generic terms such as "vegetable oils" do warn consumers on the nature of the oils that replace the sunflower oil.

These are public health and food safety issues. Given all the uncertainties described above, EFA would like to organise a meeting with you in the coming weeks to exchange views and discuss the following actions:

- **Recall the principles of the European Regulation 1169/2011** on Food Information for Consumers and the fact that measures on allergen labelling are serious health and food safety issues;
- **Publish a notice addressed to national food safety authorities** requiring that any ingredient change implying allergens should be compliant with the regulation, encouraging them to **increase their vigilance** in the use of unclear information and non-declaration of allergenic oils and fats, and **warn consumers** about this trend of changes so that they are alert about their food choices;
- **Monitor the scope and volume of food products that will change composition** if replacing sunflower oil to help understand the impact from the consumer and industrial perspectives.

Thank you in advance for considering our meeting request. We remain at your disposal for any further information.

Yours sincerely,

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President

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