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Dear interested party,

EU Regulation 1169/2011 on the provision of food information to consumers (EU FIC) – Publication of EU guidance on tolerance and the analysis of fibre.

The purpose of this letter is to alert you to the publication of EU guidance on methods of analysis for fibre and application of tolerance to nutrition declarations made in relation to:

- Regulation 1169/2011 on the provision of food information to consumers
- Directive 2002/46/EC on the approximation of the laws of the Member States relating to food supplements;
- Regulations (EC) 1925/2006/EC on the addition of vitamins and minerals and of certain other substances to foods;
- Regulation 1924/on nutrition and health claims made on foods.

The guidance represents a compromise between existing Member States practice and provides Member States with a transition period until December 2014 . In the UK we intend to take advantage of this time to test the practicability of this guidance. We would in particular highlight sections 2.3, 2.4 and section 6 table 4 which should be read in conjunction with the absolute tolerance figures set out in the guidance.

Section 2.3 is addressed to businesses and warns against setting manufacturing processes to consistently run close to the upper tolerance for nutrients such as fats, salt and sugar or the lower tolerance for vitamins and minerals. Section 2.4 sets out a list of issues that should be considered by enforcement officials when a sample is found that is outside of the tolerance range prescribed in the guidance. These include:

- a) the nutrient in question
- b) the extent of the deviation
- c) the nature of the deviation (overestimation or underestimation) in relation to the nutrient concerned
- d) natural high variation of the nutrient, including seasonality

- e) particular high degradation rates of nutrients in some food matrices
- f) particular high analytical variability of nutrients in a specific food matrix
- g) particular low homogeneity of a product leading to particular high variation of nutrient content in a product that is not offset by the sampling procedure
- h) compliance of the majority of samples from the lot with the tolerance range, if such data is available
- i) validity of the manufacturer's process for establishing the declared nutrient value
- j) how the self-monitoring of the company functions in general
- k) previous problems or previous sanctions against the company

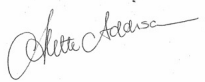
Section 6 table 4 sets out the rounding rules that must be applied to nutrition declarations, and used in determining whether the results of analytical samples are in tolerance. It also describes when the levels of nutrients might be considered 'negligible' for labelling purposes.

The two sets of guidance can be found at

http://ec.europa.eu/food/food/labellingnutrition/nutritionlabel/index_en.htm

We will request feedback directly in 2014, from both companies and enforcement officials who have utilised this guidance, so that we can share any issues relating to implementation with the Commission before the end of the transition period. If you have any feedback you wish to share before then please do not hesitate to provide it to us at fopnutrientinformation@dh.gsi.gov.uk

Yours faithfully,



Alette Addison