



## Origin Marking of Food

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- This note covers the law on whether the Government could insist that terms like “made in Britain” were used and also limited to have a particular meaning in terms of the extent of British content.
  - The law requires that labels should not mislead, but a food label with “British” may reflect only a modest amount of domestic content. For example “British bacon” may be bacon sliced, cured and packaged in the UK, but from pigs reared abroad.
  - If the UK Government prevented the sale of items labelled as British with a small local content, they might infringe EU laws on free trade within the Union.
  - The EU has developed its own system of protecting distinctive local foods.
  - Foods linked to particular areas can be registered under the EU scheme. Products that do not qualify cannot use that designation. For several years, the scheme was dominated by Continental foods but gradually the number of registered UK foods has increased. Examples include Scotch beef and Cornish clotted cream.
  - New EU regulations in 2011 will require origin labelling for meat from 2015.
  - Food Standards Agency research concluded that consumers are aware of origin labelling but it is not the main concern when purchasing. Standard assured labels were often misunderstood, with consumers believing them to be a guarantee of safety and country of origin. Labels on most foods present consumers with more information than they can reasonably process, leading to confusion.
  - The Coalition Programme for Government states “We will introduce honesty in food labelling so that consumers can be confident about where their food comes from and its environmental impact.”

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### 1 The current position

UK law requires that labelling should not be misleading, but does not define how much British involvement is required before produce can be counted as British. Traditionally, slaughtering in this country would count, so that “British lamb” could mean imported lambs slaughtered and packaged in the UK. Of course, the rules apply to other EU countries in the same way, and much of the export trade in British lambs resulted in animals slaughtered in France, with the meat then sold as French lamb. The British Government could not require under British law that only products with strong British involvement could be labelled as “British”. That would infringe EU law. Nor, for the same reason, could the Government require that imported food was labelled to tell the consumer whether or not it conformed to the animal welfare standards of British products.

A PQ in March 2007 summed up:

**Mr. Bradshaw:** There is already legislation that requires origin labelling for a number of specific foodstuffs. In general labelling rules require that origin information must not mislead the consumer; however the Trades Description Act allows any product that has undergone substantial changes to be described as UK produced.<sup>1</sup>

An agreement in November 1998 between the British Retail Consortium and MAFF on pigmeat shows how agreement with the leading supermarkets may act as a substitute for statutory labelling:

Britain's major supermarkets today gave a commitment to Agriculture Minister Nick Brown that they would not sell imported meat processed in the UK under a British label. The commitment will particularly help British pig producers. It will go a long way to stop imported food - particularly bacon - being sold as a British product...The British Retail Consortium delegation assured the Minister that from 1 January 1999 all pigmeat sold in their outlets will be from animals raised to high welfare standards with no stalls and tethers and will not have been fed meat and bonemeal. These are the standards which apply to UK producers.<sup>2</sup>

However, Peter Kendall, President of the National Farmers Union, noted in January 2007:

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<sup>1</sup> HC Deb 8 March 2007 cc2179-80W

<sup>2</sup> MAFF News Release 430/98, *Consumers win as Brown and retailers agree on labelling*, 3 November 1998

This challenge is exemplified by our pig industry and the 40% contraction in the breeding herd in the last 10 years; but the most horrifying of all is that today of all the replacement, imported pork, 70% would fall below the legal standards set for home production...<sup>3</sup>

Guidelines were issued on 2 February 2000 by MAFF on country of origin labelling.<sup>4</sup> The key point is to give guidance on the extent of British involvement in a product that justifies it being called British; paragraph 17 states:

If the place of origin of the food is not the same as the place of origin of its ingredients it may be necessary to provide information on the origin of the ingredients. For example:

- Bacon or ham made in Britain using Danish pork should not be described as “British bacon” or “British ham” but could be described as “[imported] [Danish] pork [cured] [baked] [roasted] in Britain”.
- Pork sausages made in Britain using pork from countries outside the UK should not be described as “British pork sausages” but could be described as “made in Britain from [imported] [country of origin] pork [from more than one country].
- Salmon smoked in Scotland but made from Norwegian salmon should not be described as “Scottish smoked salmon” but could be described as “[imported] [Norwegian] salmon smoked in Scotland.
- Butter churned in England from milk brought in from outside the UK (eg Belgium) should not be labelled as “English” or “produced in England”, but could be labelled as “produced in England from [imported] [Belgian] milk”.<sup>5</sup>

It is very rare to see labels like that. Probably retailers do continue to label such products as British.

Another PQ dealt with cases in which EU law does require the origin of products to be labelled:

**Mr. Paice:** To ask the Secretary of State for Environment, Food and Rural Affairs which categories of foods require an indication of country of origin on labels under statute.

**Barry Gardiner:** (...) Under general labelling rules, country of origin is required only where purchasers might otherwise be misled. However, there are specific requirements for origin information within the following food groups under European legislation:

Beef and veal; Poultry meat from third countries; Fish and shellfish (whether pre-packed or loose); Fresh fruit and vegetables; Wine; Eggs; Honey; Olive Oil.<sup>6</sup>

That list will be extended by the requirements to label the origin of meat in 2011 EU Regulations. That will apply after the end of 2014.

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<sup>3</sup> Peter Kendall , “The case for commercial farming”, Oxford Farming Conference 3 January 2007

<sup>4</sup> MAFF News Release 34/00, *Nick Brown announces new guidelines on country of origin labels to take effect immediately*, 1 February 2000

<sup>5</sup> MAFF, *Guidance Notes on Rules of Origin Marking*, 1 February 2000

<sup>6</sup> HC Deb 8 May 2007 c37W

## **2 EU protection of geographical designations**

The EU has introduced some specific laws relating to food labelling requirements, but these are designed to protect foods with traditional recipes or accepted geographical areas. Although geographical designations can be protected in this way, the rules specifically exclude the protection of names that are those of Member States of the EU. This is all explained in more detail on the [Protected food names pages](#) on the Defra website.

The following EU schemes encourage diverse agricultural production, protect product names from misuse and imitation and help consumers by giving them information concerning the specific character of the products:

PDO - covers agricultural products and foodstuffs which are produced, processed and prepared in a given geographical area using recognised know-how.

PGI – covers agricultural products and foodstuffs closely linked to the geographical area. At least one of the stages of production, processing or preparation takes place in the area.

TSG - highlights traditional character, either in the composition or means of production.

'Protected Designation of Origin' (PDO), 'Protected Geographical Indication' (PGI), or 'Traditional Speciality Guaranteed' (TSG) and/or the appropriate logo associated with the designation must appear on the product label.

As at 11 July 2011, [Defra's webpage of Registered Names](#) listed 41 UK products as protected under the EU scheme as either PDO or PGI in 2010 in several different categories: beers; cheeses; ciders; cream; fresh fish, molluscs and crustaceans and products derived there from; fresh meat and offal; fruit, vegetables and cereals. Two product were covered as traditional speciality guaranteed.

The examples of “Scotch Beef” and “Scotch Lamb” show a little how Protected Geographical Indications operate. Scotch Beef has to be derived from cattle finished, for a minimum period of 3 months, slaughtered and dressed in Scotland. There is also a note on the method of production:

Cattle are finished in Scotland for a period of not less than three months. The cattle are slaughtered and dressed in accordance with the set specifications. Only fresh or chilled product may be sold.

This is organised by the Scotch Quality Beef and Lamb Association. There is no requirement as to the breed of cattle, or the age. Even in this case, the requirement for a three-month finishing period is a modest one.

## **3 Support for stronger origin labelling**

In a speech at the Oxford Farming Conference on 3 January 2007, David Cameron made some suggestions on food labelling for origin:

I'm convinced that the long term interest of British farming is best served by British consumers demanding quality British produce. A vital part of facilitating this shift in priorities is ensuring that this country has far more rigorous and transparent food labelling. Today British consumers can find it difficult to back British farmers, because of inadequate labelling. Food can be imported to Britain, processed here, and subsequently labelled in a way that suggests it's genuinely British.

That is completely wrong. I cannot overstate the importance of enabling informed consumer choice. Effective marketing can only be achieved if labelling is accurate and clear. Britain is experiencing a rise in so-called food patriotism. Many people want to eat British wherever possible. They're not just supporting British farmers out of a sense of solidarity or a desire to limit carbon emissions. They also realise that food that has been preserved and flown or driven long distances often tastes second rate.

I know that this may raise issues with the European Union. But the role of a Government that cares about British farming is not to sit on its hands and say "there's nothing we can do", but instead to test these rules and if necessary challenge and change them. In any case, we will take a leaf out of the book of other EU members who have stood up more effectively for their local producers.

The same principle of active consumerism is driving the increasing popularity of locally sourced produce...Shoppers like to know exactly where their food has come from, even down to the name of the farm.<sup>7</sup>

Richard Bacon has been trying for several years to introduce a Bill requiring stricter rules on origin labelling. He raised the topic again in March 2009:

**Mr. Richard Bacon** (South Norfolk) (Con): I beg to move,

That leave be given to bring in a Bill to amend the Food Labelling Regulations 1996 to provide for information about the country of origin of food to be made available to consumers; and for connected purposes.

His speech described the problems of the current position:

In conclusion, we have been waiting for years for a workable voluntary scheme for country of origin food labelling. The time has come to accept that honest food labelling requires the force of law. That is what consumers have the right to expect, and that is what my Bill provides. I commend it to the House.<sup>8</sup>

In April 2011, his Food Labelling Regulations (Amendment) Bill received a second reading debate, which was adjourned.<sup>9</sup>

#### **4 Origin labelling requirements for Meat in 2011 EU Regulations**

EU regulations on food information contain a requirement for origin labelling of meat, coming into force in 2015. [REGULATION \(EU\) No 1169/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2011 on the provision of food information to consumers](#) Article 26

Article 26

Country of origin or place of provenance

1. This Article shall apply without prejudice to labelling requirements provided for in specific Union provisions, in particular Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialties guaranteed (1) and Council Regulation (EC) No 510/2006 of 20 March 2006 on the

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<sup>7</sup> Conservative Party Press Release, *David Cameron: A Conservative Government will make a difference for farming and the countryside*, 3 January 2007

<sup>8</sup> HC Deb 17 March 2009 cc780-2

<sup>9</sup> [HC Deb 1 April 2011 cc694-712](#)

protection of geographical indications and designations of origin for agricultural products and foodstuffs ( 2 ).

2. Indication of the country of origin or place of provenance shall be mandatory:

(a) where failure to indicate this might mislead the consumer as to the true country of origin or place of provenance of the food, in particular if the information accompanying the food or the label as a whole would otherwise imply that the food has a different country of origin or place of provenance;

(b) for meat falling within the Combined Nomenclature ('CN') codes listed in Annex XI. The application of this point shall be subject to the adoption of implementing acts referred to in paragraph 8.

3. Where the country of origin or the place of provenance of a food is given and where it is not the same as that of its primary ingredient:

(a) the country of origin or place of provenance of the primary ingredient in question shall also be given; or

(b) the country of origin or place of provenance of the primary ingredient shall be indicated as being different to that of the food.

The application of this paragraph shall be subject to the adoption of the implementing acts referred to in paragraph 8.

4. Within 5 years from the date of application of point (b) of paragraph 2, the Commission shall submit a report to the European Parliament and the Council to evaluate the mandatory indication of the country of origin or place of provenance for products referred to in that point.

5. By 13 December 2014, the Commission shall submit reports to the European Parliament and the Council regarding the mandatory indication of the country of origin or place of provenance for the following foods:

(a) types of meat other than beef and those referred to in point (b) of paragraph 2;

(b) milk;

(c) milk used as an ingredient in dairy products;

(d) unprocessed foods;

(e) single ingredient products;

(f) ingredients that represent more than 50 % of a food.

6. By 13 December 2013, the Commission shall submit a report to the European Parliament and the Council regarding the mandatory indication of the country of origin or place of provenance for meat used as an ingredient.

7. The reports referred to in paragraphs 5 and 6 shall take into account the need for the consumer to be informed, the feasibility of providing the mandatory indication of the country of origin or place of provenance and an analysis of the costs and benefits of the introduction of such measures, including the legal impact on the internal market and the impact on international trade.

The Commission may accompany those reports with proposals to modify the relevant Union provisions.

8. By 13 December 2013, following impact assessments, the Commission shall adopt implementing acts concerning the application of point (b) of paragraph 2 of this Article and the application of paragraph 3 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

9. In the case of foods referred to in point (b) of paragraph 2, in point (a) of paragraph 5 and in paragraph 6, the reports and the impact assessments under this Article shall consider, inter alia, the options for the modalities of expressing the country of origin or place of provenance of those foods, in particular with respect to each of the following determining points in the life of the animal:

- (a) place of birth;
- (b) place of rearing;
- (c) place of slaughter.

## **5 Food Standards Agency Research on Origin Labelling**

In 2010 the Food Standards Agency published a synthesis of research on origin labelling of food, with the following key results:

- The evidence review revealed that general food labels in the UK are read on initial purchases by approximately half the population only. When asked about what information they looked for when purchasing food for the first time, only 11% of respondents in the NatCen survey said that they looked for country of origin labels. However, when asked specifically in a separate question whether they looked for country of origin information, the proportion that said that they did rose to 52%.
- Though consumers are aware of country of origin labelling, this information is not a main concern when shopping.
- All studies presented evidence of confusion as to whether 'country of origin', (particularly with animal products) refers to where animals are born, raised, slaughtered or processed. The term refers to the place of the last substantial change.
- The country of origin literature is replete with evidence of 'consumer ethnocentrism', 'good nationalism' and 'food patriotism'. This generally refers to the belief that one's own country or region produces safer and better food than other countries or regions.
- A link has been identified amongst consumers between the perceived freshness and local origin of food products.
- Evidence on what is the most important information on labels is mixed. According to the evidence review, country of origin ranks alongside price and use-by/best-before dates as the most commonly sought information on food labels. However, the behaviour study, the Citizen's Forums study, and the omnibus consumer survey reviewed for this report each found that price and use-by/best-before information were considered to be more important for consumers than country of origin.
- The evidence on the price and willingness to pay for country (or region) of origin products is mixed. Consumers who have a commitment to local, organic and

'natural methods of food production are likely to pay a modest premium despite their economic circumstances.

- Standard-assured logos are often misunderstood, as consumers often believe them to be assurances of complete safety and country of origin.
- Consumers felt it would be beneficial for COOL [country of origin labelling] to be displayed prominently so it is easily found. The time available for food purchasing also affects consumers' use of food labels. So too does the format of many food labels (size, fonts, style of language), and consumers' values and attitudes to food production, distribution, and preservation.
- Food labelling on most products presents consumers with more information than they can reasonably process, resulting in information overload. This often leads to confusion, misunderstanding and uncertainty which, in turn, causes scepticism and mistrust of food labels.
- Consumers would like country of origin labelling to include easily visible strong images indicating country of origin from the consumers' perspective (i.e. where the product began or was raised).
- The country of origin label is an important indicator for consumers of both the quality and safety of food. A key feature of country of origin labelling is the traceability of food products, particularly their origin, production and distribution histories.<sup>10</sup>

## 6 UK Government position and voluntary agreement

The Coalition Government position was stated in December 2010:

**Mr Elfyn Llwyd** (Dwyfor Meirionnydd) (PC): Given the huge importance of provenance and traceability in agriculture, is it not time to consider compulsory country of origin food labelling?

**Mr Paice:** I am delighted to tell the hon. Gentleman, and to remind the House, that two weeks ago the food industry produced a voluntary set of principles to which all major retailers and respective organisations have signed up. The code involves making clear the country of origin of meat, meat products and mainstream dairy products. Alongside that, we have the European negotiations in which the prospect of mandatory labelling is also being considered.<sup>11</sup>

The Minister is referring to an initiative by the British Retail Consortium in November 2010:

November 24, 2010

New guiding principles on country of origin labelling, announced today (Wednesday), formalise measures that Britain's grocers have already agreed - to provide consumers with clear, accurate information on the origin of their food.

The guidance, titled "Principles on Country of Origin Information", has been developed by retailers' organisation, the British Retail Consortium (BRC), in association with representatives of food manufacturers, commercial caterers and the hospitality trade.

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<sup>10</sup> Food Standards Agency, [Country of Origin Labelling: A Synthesis of Research](#), 2010

<sup>11</sup> HC Deb 9 December 2010 cc518-9



Based on the labelling practices of the best performers in the food chain, it aims to bring others into line to ensure a higher quality and consistency of origin - information everywhere that consumers buy food.

The Principles apply to meat, processed meat products (sausages, bacon, ham etc.) and milk, fresh cream, cheese and butter. They ensure that the term "British" can only be used for meat from animals born and reared in the UK, and dairy products made from milk produced here. Many British grocers already use this approach to origin labelling, with the overwhelming majority committed to going one step further, providing country of origin information on the meat in all "composite" products – such as soups and ready meals.

Food and Farming Minister Jim Paice said: "I'm delighted to see the food industry come together to build on good progress already made in labelling food with the country of its origin. I am pleased that a large number of food companies have already committed to follow the principles agreed today and are encouraging others to also do so. These principles will mean a consistency of information that will reduce confusion and ensure British consumers will be the best informed in Europe."

Andrew Opie, British Retail Consortium Food Director said: "This guidance formalises an approach to country of origin labelling which Britain's large retailers have already agreed. In fact, many grocers already go well beyond the high minimum standards set out in the document.

"We have taken leadership on this issue because we believe it's important that all elements of the supply chain, from food processors and restaurants, right through to the catering firms working for Government and councils, give consumers the information they need to make informed decisions. Supermarkets are making it easy for those shoppers who want to buy British to do so. Other food service providers need to up their game."

Notes to Editors:

A full copy of the "Principles on Country of Origin Information" guidance document is available at:

[http://www.brc.org.uk/downloads/principles\\_on\\_country\\_of\\_origin\\_information\\_241110.doc](http://www.brc.org.uk/downloads/principles_on_country_of_origin_information_241110.doc)

The retailers who have signed up to the principles are: Asda, Co-operative Group (now incorporating Somerfield), Marks and Spencer, Morrison's, Sainsbury's, Tesco, Waitrose.<sup>12</sup>

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<sup>12</sup> British Retail Consortium Press Release, *Retailers lead on origin labelling – New Principles published*, 24 November 2010