

## LEGAL ISSUES REGARDING THE INFORMATION ON THE PACKAGES

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**Abstract.** According to the legal decisions in force, the informing consumers about products and services offered is made, mandatory, through identification elements and their characterization, registered in sight, in a visible way, legible and understandable, respectively, on the product label, sales packaging or in technical book, the instructions for use or others, that accompany the product or service, depending on its nature. The purpose of labeling is to give to the consumers the necessary information, sufficient, verifiable and easily comparable, so as to allow them to choose a product which meets their needs in terms of needs and their financial possibilities and to know the possible risks to which may be subjected.

**Keywords:** package, information, legislation, consumer

### INTRODUCTION

One of the main goals of the packaging of a product other than to protect and contain the product itself, is to serve as a vehicle to sell the product. This purpose is achieved, in general, by highlighting the positive attributes of the product and benefits that enjoy the consumer. So, the producer must think about how to best use the space of the label, to describe the product in a best advantage style - issues concerning to the design, style, text, graphics and images which will be used, will be all of great importance. Although the consumer will want to know which the advantages of the product are, and the packages design will enhance the attractiveness of the product, the consumer will be interested, first of all, what exactly is the product and what is the package. He will expect the information's on the package to give answers to many questions, such as the following: what ingredients contains the product?, how it can be used the product?, which is its nutrient content or what effect has on health?, there is reasons to do not buy the product (allergies or risk factors)?

Whether if the product in question is a food, an article of cosmetics, household or other good of large consumption, there is some form of legislation that will establish the criteria's for it's labeling. The Directive 79/112/EEC, amended, establishes the general principles of the labeling, presentation and advertising of foodstuffs in the EU. The Directive stipulates that the labeling and its methods should not mislead the consumer, particularly in the following respects:

- The characteristics of foods, especially the nature, identity, properties, composition, quantity, durability, the origin or provenance, their method of obtaining and production;
- Not award to the food the effects or properties that they do not have;
- To not suggest that the product has special characteristics, when in fact, all similar food products have those characteristics.

In the absence of the specific legislation, these general provisions are designed to operate, essentially, as a safety bag, asking as any information presented on the label of a food or a beverage to be accurate and true.

In the UK, one of the EU Member States, these provisions have been implemented through Food Safety Law from 1990. The law claims that food labeling should not be false or misleading providing the information untrue about the nature, composition or quality of the food (Article 15). Furthermore, the Law of Commercial description from 1968 considers malpractice applying a false description of the products. Although these legal requirements are very general through their nature, serve as general protection for food labeling. The manufacturers may be charged and it happened to be charged basing of Article 15 of the Food Safety Law.

In the EU and in Romania, the main legislative instruments in this regard are:

- EUROPEAN UNION - "WHITE PAPER OF FOOD SAFETY" - JANUARY 2000

- REGULATION 178/2002 - FOOD SAFETY LAW

- ROMANIA - LAW NO. 150/2004 REGARDING FOOD SAFETY AND ANIMAL FOOD, AMENDED AND COMPLETED THROUGH THE LAW 412/2004.

Regarding the information on the package, they must be visible and readable. This means that the required details should not be hidden or overshadowed by other data as images, graphics or marketing details. For example, in case of the information "expires on" which must be printed by inkjet on the cover of a container of yogurt, it will be paid a special attention to a precise positioning of the date. If her position is not precisely controlled and the data would be printed outside the appropriate area on the label, meaning over a picture, then it will not see well. In such cases, the manufacturer can be accused of hiding the specified date. So it's not only important to have an attractive package, but also legal information clearly positioned.

Another example of the importance of positioning the information is related to the product's name. In many cases, to a product is given the "marketing", "commercial" or brand name, (eg Coca Cola) and it will be the first information received by the consumer about the nature of the product. However, the name of a brand does not always provide all the information's required by law to sell that product, so it's possible that a more detailed descriptive name to appear elsewhere on the package. Placing the legal name is very important, especially when it is given as a title and subtitle. Legal name must be clearly visible and legible to the consumer when in the purchasing moment. In an ideal world, it should appear on the front of the pack or in a visible position on it. But this thing is not always possible, because of the size or shape of the package, so that many retailers put the name on the back of it, fact widely accepted from legal point of view, although does not attract buyers. But when legal name is placed on the back of the pack, it's important to be not hidden, to not sit in a dark place or not be written with lowercase. On either side of the package is put, the name must be the most visible as information.

The size and form of package are, also, very important when we consider the readable character of labeling information. In case of an individual portion of marmalade, because the pack size is so small, it is impossible to print on it all the details commonly found on other foods without write them with letters so small that it can not be read. In such cases, the law should be flexible to allow only certain data's to be provided. In some countries, it is allowed that small packages (eg those with surface of maximum 10 cm<sup>2</sup>) are labeled only with certain information (such as name and validity, when is required).

Another aspect to be taken into consideration on package design is to minimize costs, it is possible. As more companies seek to sell their products on the global market, if a product will be sold in several countries, the producer may seek to create a single package suitable for sale in all countries of destination. This is quite easy to achieve, the same information on the label being repeated in several languages on the same package. But the

space on the label for repeating the same information, written with letters of reasonable sizes, is, generally, limited, so the producer must ensure that the text is clear and readable. If on the label cram too much text with tiny letters, even if are saved money in the short term, on long term, the text crammed will create much bigger problems than it's worth, because consumers can not decipher the information presented and they can sue the producer.

In general, the law does not stipulate the standard minimum size of letters, but there are exceptions. For example, in the EU there are laws specifying the minimum size of the font type for net quantity indication, which depends on the total weight of the product (Table 1).

**Table 1.**

*EU legislation about the minimum height of the figures used to indicate quantity*

<b>Quantity declared</b>	<b>The minimum size (mm)</b>
Less than or equal to 200 g or 200 ml	3
More than 200 g or 200 ml, but less than or equal to one kg or 1 liter	4
Over one kilogram or one liter	6

About color, it's unlikely that the law will impose only certain colors for the text or the background of packages for large consumption products, but it's important, also and this time, the general control of the legibility of the information. There must be a contrast between text and background color (for example, it is preferred dark text on a light background).

For some products, there are laws that stipulate either the name, either the exact description under which they must be sold. Such laws include standards based on recipes, which require that a product to comply certain composition criteria's (eg minimum/maximum amount of one ingredient) or there are strict rules for the use of certain active ingredients in medicines and cosmetics. For example, in the case of products based on chocolate, many countries have standards of the composition for certain types of chocolate, standards that allow certain names, for example "milk chocolate", "dark chocolate" or "white chocolate" to be used for products that which respect the minimum composition criteria's (in other words, the minimum amount of cocoa powder, cocoa fat, sugar, milk powder). Usually, this type of legislation intended to protect the consumer by a product sold under the quality label and under a certain name, when it contains, in reality, lower quality ingredients. Unfortunately, this type of legislation vary greatly from a country to another, which means, possibly, that to sell the same type of chocolate in several countries, the product will require a different name, so a different label/package for each market (independent of language differences).

In the absence of a sustained legal name, it can be use an "ordinary" name to describe the product. In most countries, some names of products will arrive, in time, to be accepted by consumers as the name itself, without to be need for further additional explanations about their composition. For example, in the UK, the names like "Bakewell Tart" (tart Bakewell), "Cottage pie" "pie peasant" or "Fish finger" (fish fingers) would be acceptable as specific product names, because the most UK consumers know them and do not need the information about their composition. However, if the same products would be sold in Japan, for the Japanese to understand what he buys, the label must include detailed descriptions. For example, "Bakewell tart" must be accompanied by the following description: "a tart with a subtle crust filled with raspberry jam and almond cream, with fondant icing." Again, the using of such names varies according to the country in witch will follow to be sell the product and even for a region from a country.

In most cases, there is no name legally sustained or an ordinary one to be used as a product name; thus, the buyer will base on the fact that, the producer will provide him a

complete and accurate description of the product, indicating the function, if it is necessary. For example, the description "chocolate dessert" gives a general idea about the type of product, but it can be chocolate mousse, ice cream or cake thus the description would be not accepted as legal name. However, if under the "chocolate dessert" would write "fine chocolate mousse with white chocolate icing and chocolate chips and bittersweet", the product would be precisely described, and his name would be accepted as legal.

When the product's name contains also the specific ingredients, that must be appear in the same order as on the list of ingredients: for example, "drink of tropical fruit juice, containing a mixture of juice of mango, pineapple and passion flower" mango being the basic fruit and passionflower fruit being added later. But there are exceptions, when is promoting a characteristic ingredient, without providing misleading data's, eg "pizza with tomatoes, garlic and onion", the onion being more that garlic.

Some products have been submitted to a specific treatment or processing (freezing, drying, irradiation) that could mislead on the nature of the product. It would be wrong to use the name "bread", if the product is actually "corn with wheat flour, partially baked" because the consumer must know that should be baked before consumption. Also, the consumer will not necessarily associate the word "fried" with a product that has been steamed, subject to a short roasting process a and artificially colored to imitate the appearance of cooked food in traditional style. It is, generally, accepted the fact that the word "fried" should be used only for foods fried a sufficient time, at a temperature high enough to get the look, color and texture of a fried foods.

If a product is described as "traditional", even if there are not necessarily specific rules to restrict his use, the consumer expectations must be, again, taken into consideration. Many producers set their own standards in this case or respect the codes of practice specific to the industry sector, allowing the use of the term "traditional" only for products made after recipes old of 50 years. It may establish other criterion's which to take into account what consumers considered "traditional">

- the product contains only natural ingredients, available when the recipe was created for the first time;
- the consumers will not accept food additives or pesticides that did not exist when the recipe was created;
- the flavor, texture and aspect should reflect as precisely the original product;
- in measure in which is practical, the production method should be as close to the original (allowing some flexibility for mass production).

In the case of large consumption products, it requires that certain information to be placed in a certain position on the label/package. For example, in EU food products, legal name, validity and net quantity must appear "in the same field of vision" on the label. The law does not specify exactly where on the label to be the "field of vision", meaning that it must not necessary be on the front part or on the principal part of it, but consumers should be able to find information without having to twist the product to find them.

In the US, the Article 21 from the Code of Federal Regulation stipulates the labeling requirements for food and requires that certain mandatory information, including legal name, list of ingredients and nutritional content to appear on the main portion (PDP - principal display panel) on the package. In legislative purpose, PDP is defined as "that part of the label that is most likely to be displayed, shown or examined under normal conditions for retail sale."

In general, consumers want to know what ingredients are used to obtain a product, and the law requires that they be included on the label. The presentation format differs greatly

from product to product. It raises many different issues when it is taken into consideration the presentation way of the informations about ingredients:

- calculation basis of the order of ingredients on the list;
- names that must be used for each ingredient (specific, belonging to a category, generic);
- declaration of multicomponent ingredients from a product with many ingredients;
- special rules for declaring certain groups of ingredients (water, additives, processing aids, additives for transportation);
- declaration of the quantity of certain ingredients;
- the format and punctuation that must be respected.

According to European legislation, also the food, and health care/beauty products must provide the complete list of ingredients, although the format differ greatly. So, the same ingredient used in both types of products should be declared under different names; for example, "water" for food products and "aqua" for cosmetics.

The calculation basis of ingredients from the list has a major impact on the composition of the product in the eyes of the consumer, for example, in the case of water as ingredient. If the order on the list would be based on weight/volume of ingredients presented in their moment of use in the preparation of the product (essentially in mixing phase), and the product contains large amounts of water, this thing would mean that the water appear as the main ingredient of the product. But if the order of ingredients would be based on their weight in the final product, this fact would have a major impact if the same product "with high water content" was processed at heat in the production process. Using heat treatment would lead to substantial loss of water, so the water would appear only as minor ingredient or at all. Calculation basis of the order of ingredients from the list is very important in "accurate" covering of the product composition.

It is very important to use the correct names of the ingredients from the products, so the consumer will not know the true nature of the product. In most cases, the issues highlighted in case of product names where applicable also to the names of the ingredients. In general, it is required to refer to any appropriate treatment or to physical state of the ingredients, if through failure to specify these items the consumer would be misled.

If the law stipulates a name for a product such as chocolate with milk, then when chocolate with milk is itself an ingredient of another product (for example, "milk shake"), must be used the same legal name to her passing on the list with the ingredients of compound product.

As alternative of using the specific names, there are circumstances that allow the use of generic names or categories on the list of ingredients, if are respected certain conditions. For example, the European Community Directive (EC) for labeling allows the use of the generic name "vegetable oil" instead of "sunflower oil": if the oil is hydrogenated, it will be specified this thing. In some cases, it specifying the maximum limit of the quantity of ingredient, limit above which no longer allows the use of the generic name. For example, if the generic name " medicinal herbs" is used for one or more herbs, then the food contains medicinal herbs in maximum amount of 2%.

The next type of ingredients that must be considered is the one of compound ingredients or multy ingredients, as the batter used in cooking fish fillets, composed, as his turn, from several ingredients (flour, water, oil, leavening agents, etc.). There are two ways to declare the compound ingredient from the list of ingredients of the final product. Whether it declares its name, followed immediately by his constituents (fish, batter (water, flour, leavening agents ...), vegetable oil ...) or it be not put the name of the compound ingredient, but

his constituents will be listed individually and will appear on the final list of ingredients: fish, water, flour, vegetable oil, leavening agents ... In case of cosmetic products, will be use the second method, for that the compound ingredients to declare it self under the shape of their individual components, having their own position on the final list.

There are many examples of laws that not require naming of all components of an ingredient list. Under Directive 79/112/EEC, when an compound ingredient is present in a food at a rate below 25%, it must not be enumerate all its constituents. It follows that if the batter of the fish constitute 23% from the final product may be put through ingredints only as batter; but if the batter represents 34% from the final product, all his constituents must be declared in one of the ways listed above. It should be noted that, although there are legal standards which exempt the producers from naming all the components of an ingredient, many choose either not to take into account of the exemption (meaning enumerates absolutely all constituents, regardless of the amount of the compound ingredient), or they apply her own exemption (meaning enumerates the constituents of each ingredient, present in a proportion of more than 2% in the final product). In general, the reason why it not take advantage of the exemption is fear of provoking allergies ingredients and need to give the consumer as much information about the product and its ingredients. It should be noted that regardless of the amount of the compound ingredient in the final product if it contains additives with significant technological function in the final product, then it must declare the elements of the compound ingredient (for example: "Batter (contains colorant: beta carotene)").

The additives used in products should, generally, be declared on the list of ingredients under names, numbers or specific terms, defined by the appropriate regulations for product type in question. Although some ingredients such as sugar, coffee, salt, vinegar and concentrated fruit juices serve to sweetener, coloring, preservatives, flavoring or other additive features, they are not generally considered "additives" and should not be considered such as, but only as an ingredient (according to those above).

In Europe, in case of food products, food additives must be declared using a fixed category name (eg, "color", "conservative", "flour treatment agent"), immediately followed by the specific name or code (E- s). For example: "Color: Yellow sunset FCF " or "color: E110". Through contrast, the same color used in a cosmetic product, in Europe, must be declared with the number from the Colour Index, for example, CI 15985. There will be a significant variation between formats of declaring the same additive in a food products or cosmetic one and between countries in witch product comes to be sold.

For example, according to the regulations for labeling in South Africa, the ingredients must be listed in descending order, by their weight in the frame of finished product, with the exception of spices/herbs, vitamins/minerals and food additives, that can be passed in any order, at the end of the list. The format of the list of additives interest in speciffial way. They must be declared after the name of the category, unless it is specified otherwise, as "acid", "emulsifier", "color (other than tartrazine)", "leavening agent" and "flavoring (except sodium glutamate)". In the case of tartrazine, this is the only color that must be specified with its own name. The only types of additives that do not necessarily be declared under the name of categories are "preservatives" and "sweeteners". Preservatives must be declared with their chemical name known, being followed, or preceded by the word "preservative". Sweeteners should, they also, be declared by their specific name, and if they are non-nutritive, the words "present non-nutritive sweetener" should be placed immediately after the name.

### CONCLUSION

We can conclude that from a legal point of view, is essential that the label contains all the information of which the consumer may need to use the product safely and properly and the producer is the one who has the responsibility to provide this information into a simple manner and in an attractive form to the consumer.

The role of legislation is to build a bridge between the information which the consumer expects to receive about a product and the ones that producer is applied to offer. To avoid misleading the consumers regarding the true qualities of the product, were issued regulations, codes of practice and unofficial guidance. These control the type of information that can be displayed on the packages of products of large consumption. However, since on the market is available a wide variety of consumer goods and appear more and more new products each year, those who deal with the law of the labels have a task no easy; this task is proving a real minefield for the producer or honest retailer.

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