

CAFIA WORKING MATERIAL – VERSION 5

Basic inspection principles focusing on „dual food
quality“

11/05/2022

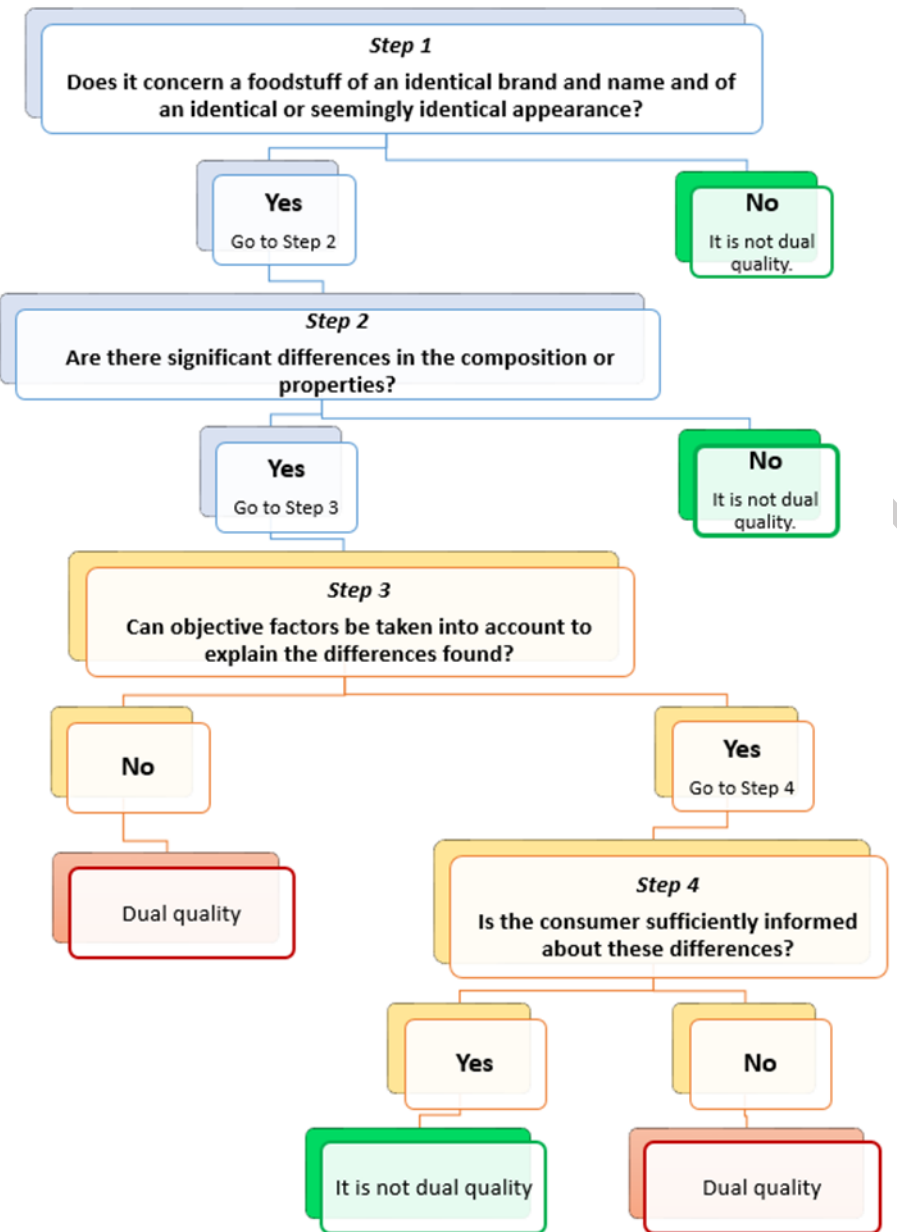
„Dual food quality“

It involves a **significant** difference in **the composition or properties** of compared products of an identical or seemingly identical appearance.

It does not involve the differentiation of products based on higher- or lower-quality foods.



Decision-making process applied to „dual quality“ inspection



CAFIA

Material

Step 1

Does it concern a foodstuff of an identical brand and trade name and of an identical or seemingly identical appearance? (1)

- An evaluation will be made of **information and dominant features** of the packaging in the **main field of vision**.
- The evaluation of the appearance will be judged from the point of view of the average consumer (the average consumer does not notice or remember minor differences when looking at the food item).
- **The brand and name (trade, legal, customary, descriptive name) of the foodstuff must be identical.**
- **Seemingly identical (similar):** colour, main wording or lettering in a certain font, illustration, graphics, possibly shape, etc.



Step 1

Does it concern a foodstuff of an identical brand and name and of an identical or seemingly identical appearance? (2)



No
different name



Yes
same brand, same name,
similar features

Step 1

Does it concern a foodstuff of an identical brand and name and of an identical or seemingly identical appearance? (3)



Yes

shape is different,
marking/labelling, graphics
and font/typeface are
identical

Step 1

Does it concern a foodstuff of an identical brand and name and of an identical or seemingly identical appearance? (4)



Yes

same brand, same name,
similar features

Step 1

Does it concern a foodstuff of an identical brand and name and of an identical or seemingly identical appearance? (5)



Yes

same brand, same name,
similar features

Step 2

Are there significant differences in the composition or properties?

Significant difference - examples	
Different ingredients	<p>Muscle meat (pork, beef) versus mechanically separated meat, protein from skins etc.</p> <p>Strawberry/blueberry/apricot ingredient in jams versus apple ingredient.</p> <p>Cocoa butter versus another (e.g. vegetable) fat.</p> <p>Cream versus vegetable fat.</p> <p>Sugar versus sweetener.</p> <p>Cane sugar versus beet sugar.</p> <p>Sunflower oil versus rapeseed oil versus palm oil etc.</p> <p>Products with a various proportion of additives or a product with additives versus a product completely without additives.</p> <p>Natural aroma versus synthetic aroma.</p> <p>Spice versus spice extract.</p>
Different proportion of some of the primary ingredients	<p>Proportion of instant coffee in 3 in 1 beverage types.</p> <p>Proportion of fruit concentrate or fruit juice in non-alcoholic beverages.</p> <p>Proportion of meat / fish in products.</p> <p>Different cocoa content in chocolate products.</p> <p>Different nut content in chocolate bars.</p>
Different properties	<p>Different product weight.</p> <p>Evident differences in sensory properties.</p>

There is no significant difference - examples
Use of different variants of allowed/legal additives.
Insignificant differences in the proportion of some ingredients except for primary components (e.g. salt content 2.2% versus 2.3%).
Insignificant differences in energy values (e.g. 324 kJ versus 314 kJ).

Step 3

Can objective factors be taken into account to explain the differences found?

When assessing „dual quality“, CAFIA will take into account some justified and objective factors explaining the differences in the composition of food in individual EU member states.

Factors justifying differences in composition or properties	Given justification taken into account by CAFIA
Reformulation or voluntary strategies focusing on improving access to healthy and nutritious foods	In some cases, yes
Requirement of national law valid in another member state	In some cases, yes
Availability/seasonality of raw materials	In some cases, yes
Regional taste preferences of consumers	In some cases, yes
Production technology	In some cases, yes
Different packaging weight or size	In some cases, yes
Purchasing power of the population	No

Step 4

Is the consumer sufficiently informed about these differences?

CAFIA will require that consumers are sufficiently informed about the differences based on justified and objective factors.

The information should be easily accessible and sufficiently understandable to the average consumer, depending on the method of sale.

Easily accessible information is defined as information placed on the packaging of a foodstuff. FBO may use various ways of informing consumers about significant differences in the composition or properties of a foodstuff through, for example, websites, social media, information lines and so on. A reference to such alternative sources of information must always be stated on the packaging of the foodstuff, saying e.g. ***“Information on different composition of the product in EU countries at...”***.



Examples of factors justifying differences in the composition or properties of food and CAFIA's approach to taking account of them

It will be taken into account.



Provided that the consumer is sufficiently informed about differences due to justified and objective factors (see examples of how to provide information to consumers on further slides)

It will not be taken into account.



May be solved by changing the packaging or by unifying the recipe for all markets.

Reformulation or voluntary strategies focusing on improving access to healthy and nutritious foods

It will be taken into account. ✓

Possible reformulations:

- reduction of salt content in foods (bread, potato chips, etc.)
- reduction of the content or change in the composition of fat in foods (reduction of TFA in vegetable fats, etc.)
- reduction of sugar in food (non-alcoholic beverages, flavoured mineral waters, jams, etc.)
- adding food items with ingredients that have a positive effect on health
- reduction of the content or total replacement of chemical additives such as nitrites



Product A

Ingredients: potatoes, vegetable oils, edible salt (1.4%)

Total fat content:

32 g / 100 g product.



Product B

Ingredients: potatoes, vegetable oils, edible salt (1.4%)

Total fat content:

30 g / 100 g product.

Examples of how to provide information to consumers:

In the case of reduced fat, sugar, or salt, terms such as 'less', 'reduced', etc. may not be used, as this would be a nutrition claim in line with Regulation (EC) No. 1924/2006 (such claims may only be used if the reduction in the relevant content reaches at least 30% when compared with a similar product).

Examples of how to provide information to consumers:

'The recipe for (name of member state) differs in the amount of salt / sugar / fat when compared with the recipe for other states. This is done for the purpose of testing a modification of the relevant recipe.'

'The amount of sugar / fat / salt varies among individual EU member states due to the introduction of a modified recipe.'

'The composition of the product varies slightly between countries in terms of the content of sugar / fat / salt because a modified recipe is being tested as part of a voluntary strategy aiming to improve access to healthy and nutritious foods.'

Requirements of national law valid in another member state (1)

National legislation requirement: prohibition on adding vitamins and minerals to certain categories of food

It will be taken into account.



Product A

Cereal flours 65% (wholemeal flour 48%, maize grits 17%), sugar, glucose syrup, **vitamins B, D, and zinc**



Product B

Cereal flours 65% (wholemeal flour 48%, maize grits 17%), sugar, glucose syrup

Examples of how to provide information to consumers:

'The vitamin and mineral content in the product sold in EU member states is different due to requirements laid down by local legislation'.

The recipe for (name of member state) does not contain vitamins and minerals due to requirements laid down by local legislation.'

Requirements of national law valid in another member state (2)

It will not be taken into account.



National legislation requirement: **specific minimum percentage of a particular component that must be included in the food item.**



Product A

meat content 58% of product weight.



Product B

meat content 65% of product weight. (minimum limit of 65% set by national legislation)

Will not be taken into account – The requirement of national legislation in this case cannot be considered to be an objective factor, since no legislation prevents the FBO to place on the market in all member states such product with at least that minimum percentage of a particular component that is required by national legislation in one member state.

Availability/seasonality of raw materials (1)

It will be taken into account.



Occasionally, foods of the same brand may vary in taste depending on certain conditions in local EU markets. Different nutritional parameters or minor sensory differences may be accepted if the manufacturer demonstrates that local raw materials provided by a local supplier were used.

Example: white yoghurt (the percentages of the main ingredients/components are the same in both products)



Product B
contains milk from a local farmer which contains a higher percentage of fat.



Product A
contains standardised milk supplied from another member state.

Examples of how to provide information to consumers:

'The product differs in sensory properties among different EU member states due to the diversity of local raw materials used.'

Availability/seasonality of raw materials (2)

It will not be taken into account.



Example: Chocolate containing hazelnuts, where the proportions by percentage of all major ingredients (sugar, palm oil, hazelnuts (13%), cocoa powder, milk powder, whey powder) are the same in both products, but the properties of the hazelnuts differ.



Product A

Hazelnuts from local orchards (juicy, white, tasty) were used in the product.



Product B

Lower-quality hazelnuts (shrunken, slightly bitter, less tasty) are used in the product.

Will not be taken into account - If the foods differ significantly in their sensory properties and the raw materials used are evidently of lower quality.

Availability/seasonality of raw materials (3)

Example: Using different fish species in fish fingers

It will not be taken into account.



Product A

Composition: content of meat in the product 54%
(saithe / European hake)



Product B

Composition: content of meat in the product 54%
(saithe/pangasius).

Regional taste preferences of consumers

It will not be taken into account.



Example: products with 100% fruit are placed on the market in infant food in one state, while they are thickened with rice flour and starch in another state, owing to the fact that certain consumers prefer “denser” textures.



Product A
Contents: Fruits 76% (apple 70%, pear 6%), rice flour, rice starch, antioxidant (ascorbic acid)



Product B
Contents: Fruit 100% (apple 88%, pear 12%)

Will not be taken into account – a reference to the taste preferences of the consumer if it also involves significant differences in the composition.

Production technology

It will be taken into account.



Example: white yoghurt, both samples have the same composition and the same nutritional values. However, product A has a thinner texture than product B as a result of the technology used in fermentation.



Product A

Ingredients: milk, milk culture, yoghurt culture
Fermentation in process tank



Product B

Ingredients: milk, milk culture, yoghurt culture
Fermentation in packaging

Examples how to provide information to consumers:

'The product's difference in texture among different EU member states is due to different production technologies.'

Different packaging size and/or product weight

It will not be taken
into account.



CAFIA will accept the merchant's right to offer goods of the same brand but in different weights or packaging in different geographic markets.

However, it will not accept the same product sold in different member states in different weights but in the same packaging.



Purchasing power of the population

It will not be taken
into account.



In any case, **CAFIA will not accept an argument** of different product compositions based on consumer demands for a lower price.

