



# GUIDANCE

the provision of food  
information to consumers

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Edible insect-based  
products





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# 1. Objectives and introduction.

The purpose and objectives of this guidance document are to examine the relevant provisions of the EU legal framework on food labelling, to clarify how these provisions apply to edible insects-based food products taking into account the specificities of these products, to facilitate the application of the compulsory labelling requirements defined under EU law by FBOs placing edible insect-based food products on the EU market, and to promote good labelling practices for insect-based food products.

The main legal instruments addressed in this guidance document are the FIC Regulation<sup>1</sup> as amended, the legislation providing for implementing measures of the FIC Regulation<sup>2</sup>, and the NHCR<sup>3</sup>.

This guidance document should be read in combination with the relevant Commission Notices<sup>4</sup>, and can be seen as a supplement to general guidance on the provision of food information to consumers as published by sector association FoodDrinkEurope<sup>5</sup>. This document aims to assist FBOs in complying and properly applying the legal provisions defining labelling requirements for the edible insect-based food products they place on the market.

On the date of publication of this guidance document (July 2019), a number of applications for authorisation of edible insects as novel foods<sup>6</sup> are pending, but no decision has been adopted yet. To date, no edible insect species is thus included in the Union list of novel foods<sup>7</sup>. In respect of edible insect-based products that do not fall in the scope of a novel food authorisation<sup>8</sup> yet, this guidance document must be seen as prospective in nature.

However, certain insect-based food products may lawfully be placed on a few national markets in accordance with the transitional provisions defined under the novel food regulation<sup>9</sup>. In the

concerned MS, the labelling requirements are applicable to lawfully placed on the market edible insect-based food products.

This guidance document will be updated from time to time in order to reflect developments in the labelling requirements applicable to edible insect-based products, as may result from upcoming new entries in the Union list of novel foods<sup>10</sup> or other legislative changes.

These guidelines have been drafted by IPIFF Secretariat with the support of Nicolas Carbonnelle, of the law firm Bird & Bird LLP.

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1. A list of the abbreviations used throughout this guidance document is provided in Section 2.3.
  2. Commission Implementing Regulation (EU) 2018/775 of 28 May 2018 laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food, Commission Implementing Regulation (EU) No 828/2014 of 30 July 2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food, Commission Implementing Regulation (EU) No 1337/2013 of 13 December 2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry
  3. Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods.
  4. Commission notice on questions and answers on the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, C/2018/3241, Commission Notice of 13 July 2017 relating to the provision of information on substances or products causing allergies or intolerances as listed in Annex II to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, C/2017/4864, Commission Notice on the application of the principle of quantitative ingredients declaration (QUID), C/2017/7605
  5. Available on <https://www.fooddrinkurope.eu/>



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6. See IPIFF guidance on novel foods. See also Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001

7. Per Commission Implementing Regulation (EU) 2017/2470 of 20 December 2017 establishing the Union list of novel foods in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods, as amended.

8. See IPIFF Briefing paper on the provisions relevant to the commercialization of insect-based products intended for human consumption in the EU, Section 4.2. Material scope of Regulation (EU) 2015/2283 and applicability to insect products [http://ipiff.org/wp-content/uploads/2018/06/ipiff\\_briefing\\_180525.pdf](http://ipiff.org/wp-content/uploads/2018/06/ipiff_briefing_180525.pdf)

9. See IPIFF Briefing paper on the provisions relevant to the commercialization of insect-based products intended for human consumption in the EU- 4.8 Transitional measure (link). Novel food authorisations on insects could be expected in the last quarter of 2019.

10. Regulation (EU) 2015/2283 on Novel Foods states that 'Novel foods are subject to the general labelling requirements laid down in Regulation (EU) No 1169/2011 and other relevant labelling requirements in Union food law. In certain cases, it may be necessary to provide for additional labelling information, in particular regarding the description of the food, its source, its composition or its conditions of intended use to ensure that consumers are sufficiently informed of the nature and safety of the novel food, particularly with regard to vulnerable groups of the population.' Therefore, insects authorised as novel food must comply with the labelling requirements laid down in Regulation (EU) No 1169/2011.



## DISCLAIMER

This Guidance document is a non-binding document that is intended to facilitate the interpretation and application of the legislation on the provision of food information to consumers. It does not constitute legal or professional advice, and it does not necessarily reflect the official position of the European institutions (e.g. European Commission), the European Food Safety Authority, nor IPIFF or its members. Individual companies are solely responsible for the use of and reliance on this Guidance document and for their compliance, or failure to comply with applicable laws and regulations.

The binding interpretation of legislation is the exclusive competence of the competent national and European jurisdictions. The views expressed in this guidance document cannot prejudice the position that the authors of this briefing paper might take before the jurisdictions.



## 2. Background information on the FIC Regulation

The FIC Regulation was adopted on 25 October 2011, and codified and modified the provisions on food labelling applicable in the Union at that time<sup>11</sup>. One of the main objectives of the FIC Regulation was to allow consumers to make informed choices and to make safe use of food, while at the same time ensuring the free movement of legally produced and marketed food in the EU. The FIC Regulation is applicable to all foods intended for the final consumer since 13 December 2014.<sup>12</sup>

### 2.1. Subject and scope of this Regulation



11. The FIC Regulation notably consolidated provisions that were scattered in various legal instruments relating a.o. to the labelling of foodstuffs, such as rules on the nutrition labelling for foodstuffs (Council Directive 90/496/EEC), on the labelling, presentation and advertising of foodstuffs (Directive 2000/13/EC) or on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine (Commission Directive 2002/67/EC).

12. Of note, the provisions on mandatory nutrition labelling became applicable two years later, on 13 December 2016, and the specific requirements concerning the designation of 'minced meat' have applied since 1 January 2014.



## 2.2. Glossary / relevant definitions

- **'country of origin'** refers to the origin of a food as determined in accordance with the Customs Code Regulation, that specifies as follows:
  - Goods **wholly obtained in a single country or territory** shall be regarded as having their origin in that country or territory;
  - Goods the production of which involves more than one country or territory shall be deemed to originate in the country or territory where they underwent their **last, substantial, economically justified processing or working**, in an undertaking equipped for that purpose, resulting in the manufacture of a new product or representing an important stage of manufacture<sup>13</sup>
- **'field of vision'** means all the surfaces of a package that can be read from a single viewing point<sup>14</sup>
- **'final consumer'** means the ultimate consumer of a foodstuff who will not use the food as part of any food business operation or activity<sup>15</sup>
- **'food' (or 'foodstuff')** means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans<sup>16</sup>
- **'food business'** means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food<sup>17</sup>
- **'food business operator'** means the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control<sup>18</sup>
- **'food information'** means information concerning a food and made available to the final consumer by means of a label, other accompanying material, or any other means including modern technology tools or verbal communication<sup>19</sup>
- **'ingredient'** means any substance or product, including flavourings, food additives and food enzymes, and any constituent of a compound ingredient, used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form; residues shall not be considered as 'ingredients'<sup>20</sup>
- **'label'** means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to the packaging or container of food<sup>21</sup>
- **'labelling'** means any words, particulars, trademarks, brand name, pictorial matter or symbol relating to a food and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such food<sup>22</sup>
- **'legibility'** means the physical appearance of information, by means of which the information is visually accessible to the general population and which is determined by various elements, inter alia, font size, letter spacing, spacing between lines, stroke width, type colour, typeface, width-height ratio of the letters, the surface of the material and significant contrast between the print and the background<sup>23</sup>
- **'mandatory food information'** means the particulars that are required to be provided to the final consumer by Union provisions<sup>24</sup>

13. See FIC Regulation, Article 2(3) and Article 60, Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code.

14. FIC Regulation, Article 2(2)(k).

15. GFL, Article 3(18).

16. GFL, Article 2. See the text of the provision for substances and products that are not in the scope of the definition (a.o. feed, medicinal products).

17. GFL, Article 3(2).

18. GFL, Article 3(3).

19. FIC Regulation, Article 2(2)(a).

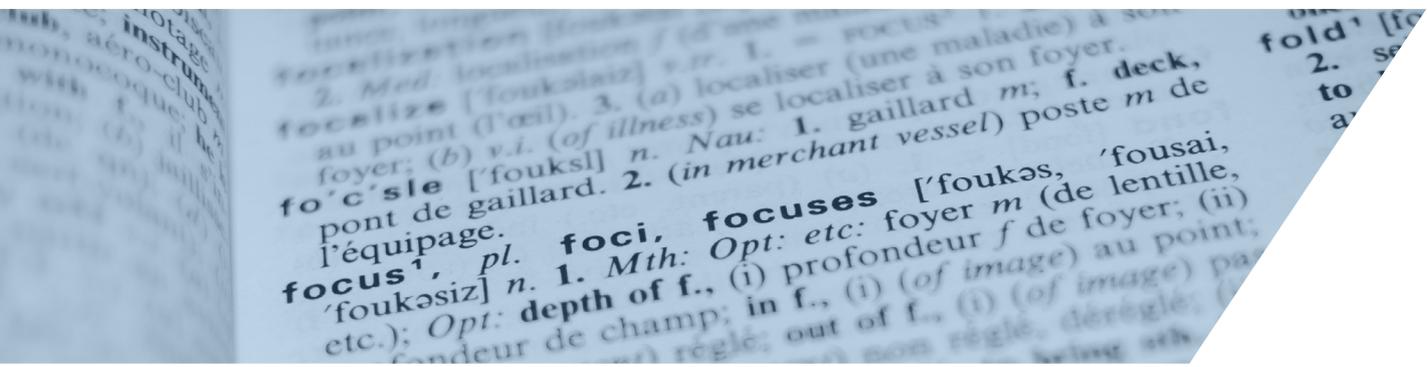
20. FIC Regulation, Article 2(2)(f).

21. FIC Regulation, Article 2(2)(i).

22. FIC Regulation, Article 2(2)(j).

23. FIC Regulation, Article 2(2)(m).

24. FIC Regulation, Article 2(2)(c).



- **'mass caterer'** means any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals and catering enterprises in which, in the course of a business, food is prepared to be ready for consumption by the final consumer<sup>25</sup>
- **'non-prepacked food'** means food offered for sale to the final consumer or to mass caterers without prepackaging, or foods packed on the sales premises at the consumer's request or prepacked for direct sale<sup>26</sup>
- **'place of provenance'** means any place where a food is indicated to come from, and that is not the 'country of origin'. The name, business name or address of the FBO on the label does not constitute an indication of the country of origin or place of provenance of food within the meaning of the FIC Regulation<sup>27</sup>
- **'placing on the market'** means the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves<sup>28</sup>
- **'prepacked food'** means any single item for presentation as such to the final consumer and to mass caterers, consisting of a food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging; 'prepacked food' does not cover foods packed on the sales premises at the consumer's request or prepacked for direct sale<sup>29</sup>
- **'primary ingredient'** means an ingredient or ingredients of a food that represents more than 50 % of that food or which are usually associated with the name of the food by the consumer and for which in most cases a quantitative indication is required<sup>30</sup>

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25. FIC Regulation, Article 2(2)(d).

26. See FIC Regulation, Article 44.

27. FIC Regulation, Article 2(2)(g).

28. GFL, Article 3(8).

29. FIC Regulation, Article 2(2)(e).

30. FIC Regulation, Article 2(2)(q).



## 2.3. Abbreviations

- EU: European Union
- EC: European Commission
- FBO : Food Business Operator
- FIC Regulation: 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
- GFL : Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety
- MS: Member States
- NHCR : Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods

### How to use this Guidance document

- Elements included in **blue frames** contain information on legal provisions extracted from the FIC Regulation or other legislation. The most relevant parts are highlighted in bold.
- The legal provisions are further explained throughout the present document and relevant elements for the insect sector are set out and/or illustrated based on concrete examples in **orange frames** to the purpose of facilitating the implementation of the corresponding requirements 'on the ground' by FBOs.





## 3. Food labelling requirements applied to insect-based products

Edible insect-based food products intended for final consumers are subject to all provisions of the FIC Regulation. This section highlights the general 'fair information practices' that FBOs must take into account (Section 3.1) and then examines some of the mandatory particulars defined under the FIC Regulation that are most likely to raise difficulties of application or interpretation in practice (Section 3.2).

### 3.1. Fair Information Practices

Article 7 of the FIC Regulation requires that the information provided by FBOs does not mislead the consumer. Any element of information can potentially be misleading, therefore all components of the labelling must be scrutinised, including elements relating to:

- the 'general' characteristics of the food product;
- the effects or properties attributed to the food product;

The FIC Regulation specifically identifies certain information practices as misleading, including suggestions:

- that the food product possesses special characteristics (e.g. compositional, nutritional, origin) while all similar food products possess those characteristics;
- that the food product contains a particular ingredient, where that ingredient has in fact been substituted with a different component or ingredient (e.g. product that looks like cheese where the fat of milk origin has been replaced by fat of vegetable origin).

Those principles apply irrespective of the media used to communicate food information. Indeed, not only food labelling must be in line with fair information practice, but also the advertising and the presentation of food products (shape, appearance, packaging, etc.).

In order to be in line with fair information practices, the food information must be accurate, clear and easy to understand for the consumer. In principle, food information may not attribute to a food product the property of preventing, treating or curing a human disease, nor refer to such properties.





## FIC Regulation, Article 7



### Fair Information Practices

1. Food information shall not be misleading, particularly:

(a) as to the **characteristics of the food** and, in particular, as to its nature, identity, properties, composition, quantity, durability, country of origin or place of provenance, method of manufacture or production;

(b) by attributing to the food effects or properties which it does not possess;

(c) by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics, in particular by specifically emphasising the presence or absence of certain ingredients and/or nutrients;

(d) by suggesting, by means of the appearance, the description or pictorial representations, the presence of a particular food or an ingredient, while in reality a component naturally present or an ingredient normally used in that food has been substituted with a different component or a different ingredient.

2. Food information shall be accurate, clear and easy to understand for the consumer.

3. Subject to derogations provided for by Union law applicable to natural mineral waters and foods for particular nutritional uses, food information shall **not attribute to any food the property of preventing, treating or curing a human disease**, nor refer to such properties.

4. Paragraphs 1, 2 and 3 shall also apply to:

(a) **advertising;**

(b) **the presentation of foods**, in particular their shape, appearance or packaging, the packaging materials used, the way in which they are arranged and the setting in which they are displayed.

### Fair information & presentation of mandatory particulars on the label of insect-based products

Like any other FBOs, FBOs placing insect-based food products on the market must ensure that the information conveyed to the consumer is in line with the fair information practices as defined under the FIC Regulation, in respect of the labelling of the products, their presentation or the advertisement thereof.



The following fictitious label constitutes an example of a misleading label:

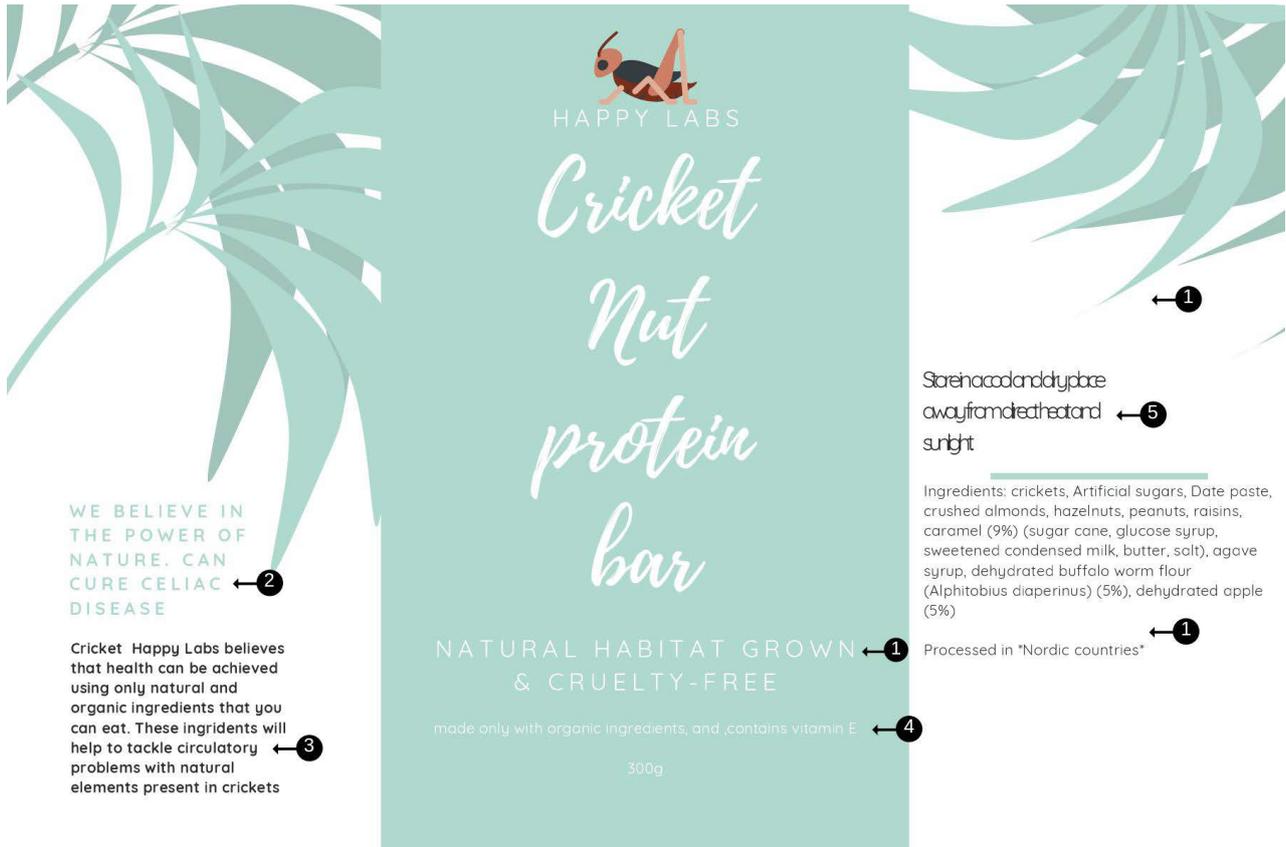


Figure 1. Fictitious label as an example of a misleading label.

Several elements of this fictitious example in Figure 1 can be construed as misleading pursuant to the FIC Regulation:

1. Misleading information on the country of origin of the insect-based ingredient in the final product (see section on 'origin labelling' below).
  - Portraying tropical images might mislead the consumer on the origin of the product being tropical, whilst the bars are processed in a 'Nordic Country'.
  - Stating that they the insects have been grown in their natural habitat may lead the consumer to thinking the insects are grown or harvested in the wild, whereas it seems that in reality, the insects in the product at issue have been grown under conditions mimicking the natural habitat. (Compare with Article 7(1)(a) of the FIC Regulation).
2. The label suggests that the food product could cure a disease (Compare with Article 7(3) of the FIC Regulation).
3. The label suggests effects of the intake of the food product through non-authorized health claims (compare with Article 7(1)(b) of the FIC Regulation and see 'Health Claims' section below)



4. The label highlights the presence of a certain nutrient ('contains Vitamin E') whereas all similar products contain that nutrient (nuts naturally contain vitamin E, thus all protein bars containing nuts would indeed contain Vitamin E). (compare with Article 7(1)(c) of the FIC Regulation)

5. The letter spacing is not adequate to enable a sufficient level of clarity. The font size used on the label does not seem to match the minimal requirements (compare with Articles 7(2) and 13 of the FIC Regulation).

Thorough, fact-based verifications should be performed to assess whether all of these elements are effectively non-compliant, but this example is meant to illustrate that in order to ensure compliance, all elements of a food label must be carefully considered in light of the requirements defined by the FIC Regulation.





## 3.2. Mandatory particulars

### 3.2.1. List of mandatory particulars

Article 9 of the FIC Regulation defines the information that a FBO must provide on a mandatory basis. These particulars have to be indicated with words and numbers, and they can additionally be represented via pictograms or symbols.

The elements bolded in the blue frame below will be examined in further detail in the next sections.<sup>31</sup>

#### FIC Regulation, Article 9



##### List of mandatory particulars

1. In accordance with Articles 10 to 35 and subject to the exceptions contained in this Chapter, indication of the following particulars shall be mandatory:

(a) the **name** of the food;

(b) the **list of ingredients**;

(c) any ingredient or processing aid listed in Annex II or derived from a substance or product listed in Annex II causing **allergies or intolerances** used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form;

(d) the **quantity of certain ingredients** or categories of ingredients;

(e) the net quantity of the food;

(f) the date of minimum durability or the 'use by' date;

(g) any special storage conditions and/or conditions of use;

(h) the name or business name and address of the food business operator referred to in Article 8(1);

(i) the **country of origin or place of provenance** where provided for in Article 26;

(j) instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions;

(k) with respect to beverages containing more than 1,2 % by volume of alcohol, the actual alcoholic strength by volume;

(l) a nutrition declaration.

2. The particulars referred to in paragraph 1 shall be indicated with words and numbers. Without prejudice to Article 35, they may additionally be expressed by means of pictograms or symbols.

31. The non-bolded elements do not show any particular traits specific to insect-based food products. In relation to these mandatory particulars, reference is made to the FoodDrinkEurope guidance on the Provision of Food Information to Consumers (September 2013), available at <https://www.fooddrinkeurope.eu/>



### 3.2.2. Presentation of mandatory particulars

Article 13 of the FIC Regulation specifies the way the mandatory food information has to be presented to the consumers.

Generally, mandatory food information must be provided in a clearly visible place and it must be:

- Easily visible
- Clearly legible
- Indelible if appropriate
- Not hidden, obscured, detracted from/interrupted by other written or pictorial matter or intervening material

The FIC Regulation specifies the minimum font size that must be used for all mandatory particulars, namely:

- A minimum x-height of the font size (See size of the 'x' in the figure below) of 1.2 mm must be used
- If the largest surface area of the packaging or container is below 80 cm<sup>2</sup>, the minimum x-height of the font size is at least 0.9mm.



- Note: other minimum size requirements apply for certain mentions, e.g. for the indication of the net quantity

The following mandatory particulars must be provided together in the same 'field of vision':

- The name of the food;
- The net quantity of the food;
- With respect to beverages containing more than 1,2 % by volume of alcohol, the actual alcoholic strength by volume;



Article 16 of the FIC Regulation provides for certain exemptions to the positioning of certain mandatory particulars. For example:

- Glass bottles intended for reuse which are indelibly marked, and which therefore bear no label, ring or collar, only have to bear the name of the food, an identification of allergenic products/ substances present in the food, the net quantity of the food, the date of minimum durability or, as appropriate, the 'use by' date and a nutrition declaration;
- Packaging or containers with a largest surface of less than 10 cm<sup>2</sup> only have to bear the name of the food, an identification of allergenic products/substances present in the food, the net quantity of the food and the date of minimum durability or, as appropriate, the 'use by' date. The list of ingredients must be provided through other means or be made available at the request of the consumer.





### FIC Regulation, Article 13 Presentation of mandatory particulars



1. Without prejudice to the national measures adopted under Article 44(2), mandatory food information shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material.
2. Without prejudice to specific Union provisions applicable to particular foods, when appearing on the package or on the label attached thereto, the mandatory particulars listed in Article 9(1) shall be printed on the package or on the label in such a way as to ensure clear legibility, in characters using a font size where the x-height, as defined in Annex IV, is equal to or greater than 1,2 mm.
3. In case of packaging or containers the largest surface of which has an area of less than 80 cm<sup>2</sup>, the x-height of the font size referred to in paragraph 2 shall be equal to or greater than 0,9 mm.
4. For the purpose of achieving the objectives of this Regulation, the Commission shall, by means of delegated acts in accordance with Article 51, establish rules for legibility. For the same purpose as referred to in the first subparagraph, the Commission may, by means of delegated acts in accordance with Article 51, extend the requirements under paragraph 5 of this Article to additional mandatory particulars for specific types or categories of foods.
5. The particulars listed in points (a), (e) and (k) of Article 9(1) shall appear in the same field of vision.
6. Paragraph 5 of this Article shall not apply in the cases specified in Article 16(1) and (2)

**All requirements described in this section in terms of mandatory particulars and the presentation of the same apply to insects-based products. Please refer to the fictitious label examined in Section 3.1 above for practical examples and guidance.**

#### 3.2.3. Name of the Food

The first element of mandatory food information is the name of the food. The name of the food must be (in order of precedence) 1) the legal name of the food, 2) the customary name or 3) a descriptive name. In other words, if the food does not have a legal name, the customary name should be used but if the food does not have a customary name, a descriptive name should be used. Provided that it does not mislead consumers, the name of the food under which the product is legally manufactured and marketed in MS is allowed.

The appropriate designation of food products can require finding the balance between usages of customary names and ensuring the existing regulations are appropriately applied and enforced. It has for example been ruled by the Court of Justice that plant-based products that are consumed as



substitutes for milk-based or milk-derived products may not be designated in marketing or advertising as 'milk' or under any designation reserved by law exclusively for milk products, even if those terms are expanded upon by clarifying or descriptive terms indicating the plant origin of the product at issue. Similar questions arise in relation to plant-based or insect-based meat substitutes.

It is important to note that if an **ingredient or category of ingredients** is **mentioned in the name** of the product or is usually associated with that name by the consumer, then the quantitative ingredients declaration (QUID) must be labelled for the product (see below).

#### FIC Regulation, Article 17



##### Name of the Food

1. The name of the food shall be its legal name. In the absence of such a name, the name of the food shall be its customary name, or, if there is no customary name or the customary name is not used, a descriptive name of the food shall be provided. (...)

#### FIC Regulation, Article 22

1. The indication of the quantity of an ingredient or category of ingredients used in the manufacture or preparation of a food shall be required where the ingredient or category of ingredients concerned:

(a) appears in the name of the food or is usually associated with that name by the consumer;

#### FIC Regulation, Article 2

1. Article 2 (2) n. 'legal name' means the name of a food prescribed in the Union provisions applicable to it or, in the absence of such Union provisions, the name provided for in the laws, regulations and administrative provisions applicable in the Member State in which the food is sold to the final consumer or to mass caterers;
2. Article 2(2)(o). 'customary name' means a name which is accepted as the name of the food by consumers in the Member State in which that food is sold, without that name needing further explanation';
3. Article 2(2)(p). 'descriptive name' means a name providing a description of the food, and if necessary, of its use, which is sufficiently clear to enable consumers to know its true nature and distinguish it from other products with which it might be confused.



### Implementation in the case of insect products: IPIFF recommendations

At the time of publishing this Guidance document, insects in or as food do not have any 'legal name' nor are subject to specific provision applicable to the marks or labels that have to be provided as part of the mandatory food information relating to the products that would specify the commercial designation of the species to be used or require the indication of the scientific name of the insect that forms part of the food product.<sup>32</sup>

The inclusion of insect species in the Union list of novel foods may be accompanied by specific additional requirements being imposed for certain insects or insect-based products or ingredients.

Currently, in the absence of a legal name or a customary name for insects or insect-based products or ingredients, the responsible FBOs should use a descriptive name that is sufficiently clear to inform the consumer about the nature of the products or ingredients at stake (see definition of 'descriptive name' in Article 2 of the FIC Regulation).

#### Example: 'protein derived from Buffalo worm (*Alphitobius diaperinus*)'

Furthermore, FBOs must be aware of restrictions/ conditions they will have to respect as defined in NHCR (see section 'Nutrition and Health Claims' below for more information)



Figure 2. Example of name of food (Credit Jimini's)

32. By contrast, detailed rules are in place already for insects used as feed –see notably the Catalogue of feed materials, in which insects are listed as 'terrestrial invertebrates' 'animal fat or 'processed animal protein' and that requires to indicate the insect species, its life stage (e.g. larvae) or the process used. See Sections 9.2.1, 9.4.1 and 9.16.1 of Part C of Annex to Commission Regulation (EU) No 68/2013 of 16 January 2013 on the Catalogue of feed materials.



### 3.2.4. List of ingredients and QUID

#### 3.2.4.1 List of ingredients

A list of ingredients must be provided, and this list must be headed or preceded by a suitable heading which consists of or includes the word 'ingredients'<sup>33</sup>. The list must include all the ingredients of the food, in descending order of weight, as recorded at the time of their use in the manufacture of the food.

An indication of the quantity of an ingredient must be provided if the ingredient (or category of ingredients) appears in the name of the food or is associated with the food, is emphasised on the labelling in words or pictures or is essential to characterise a food and distinguish it from similar products<sup>34</sup>. A list of ingredients is not required for fresh fruit and vegetables, fermentation vinegars from a single product and dairy products<sup>35</sup>.

Specific rules apply to types of ingredients. By way of example, added water only has to be listed as an ingredient if it exceeds 5% by weight of the finished product –but this exception does not apply to meat<sup>36</sup>. Mixtures of spices and herbs where none specifically predominate in proportion by weight may be listed in a different order if it is noted that the ingredients occur 'in variable proportion'. Ingredients constituting less than 2% of the finished product may be listed in a different order after the other ingredients.

Compound ingredients (ingredients containing more than one ingredient) do not have to be listed if the compound ingredient is defined in EU law and constitutes less than 2% of the finished product<sup>37</sup>.

#### 3.2.4.2. Quantitative Indication of Ingredients (QUID)

Article 22 of the Regulation puts an **obligation** on FBOs to indicate **the quantity of an ingredient** where **a reference to that ingredient is provided in the name or in a name usually associated to the product by the consumer** and/or illustrated or suggested on the product label.

For example, if the name of a product is 'Almond Chocolate bar', the quantity of almonds will have to be specified.

The same obligation applies in case the quantitative indication is **necessary to characterise the food product**.

For example, the composition of marzipan may differ between the MS, thus products with different compositions may be marketed under the name 'marzipan'. Therefore the quantity of almonds used in the marzipan must be specified.

Annex VIII to the FIC Regulation specifies the **modes of expression** (a.o. percentage of the finished product or weight proportion) and **presentation** (a.o. indication to appear immediately next to the name of the food or in the list of ingredients) requirements for the QUID.

The requirement to provide a QUID does not apply to foods consisting of a single ingredient as the quantity of single ingredients will in all cases correspond to 100 %.

33. Article 18(1) of the FIC.

34. Article 22(1) of the FIC. This indication is known as the 'QUID', i.e. Quantitative indication of ingredients.

35. Article 19(1) of the FIC.

36. Annex VII of the FIC.

37. Annex VII part E of the FIC.



## FIC Regulation, Article 22



### Quantitative indication of ingredients (QUID)

1. The indication of the quantity of an ingredient or category of ingredients used in the manufacture or preparation of a food shall be required where the ingredient or category of ingredients concerned:  
**(a) appears in the name of the food** or is usually associated with that name by the consumer;  
**(b) is emphasised on the labelling in words, pictures or graphics;** or  
**(c) is essential to characterise** a food and to distinguish it from products with which it might be confused because of its name or appearance.
2. Technical rules for applying paragraph 1, including specific cases where the quantitative indication shall not be required in respect of certain ingredients, are laid down in Annex VIII.

## FIC Regulation, Annex VIII

### Quantitative indication of ingredients

(...)

3. The indication of quantity of an ingredient or category of ingredients shall:  
**(a)** be expressed as a percentage, which shall correspond to the quantity of the ingredient or ingredients at the time of its/their use; and  
**(b)** appear either in or immediately next to the name of the food or in the list of ingredients in connection with the ingredient or category of ingredients in question.

(...)

### Commission Notice on the application of the principle of quantitative ingredients declaration (QUID) (2017/C 393/05)

(...)

The requirement to indicate QUID does not apply to foods consisting of a single ingredient as the quantity of single ingredients will in all cases correspond to 100 %.

(...)



### How to apply the QUID requirements for insect-based products?

At the time of publishing this Guidance document, insects in or as food do not have any 'legal name' Whilst not all insect-based food products include a direct reference to insects in the name of the product, current trends suggest that the marketing and consumption of edible insect products are primarily based on the primary ingredient of the products being insects. Where no direct reference to insects is made in the name of the product, the presence of insect-derived ingredients is often emphasised on the labelling in words, pictures or graphics.

This means that in practice, in most cases the food information relating to insect-based food products will have to include an indication of the quantity of edible insects in the product. This quantity has to be expressed as a percentage, which corresponds to the quantity of the insect-derived ingredient or ingredients at the time of its (their) use.

If the product consists solely of insects (single ingredient product), then no QUID is required.

Where relevant, the QUID of other ingredients contained in the product may have to be provided as well.

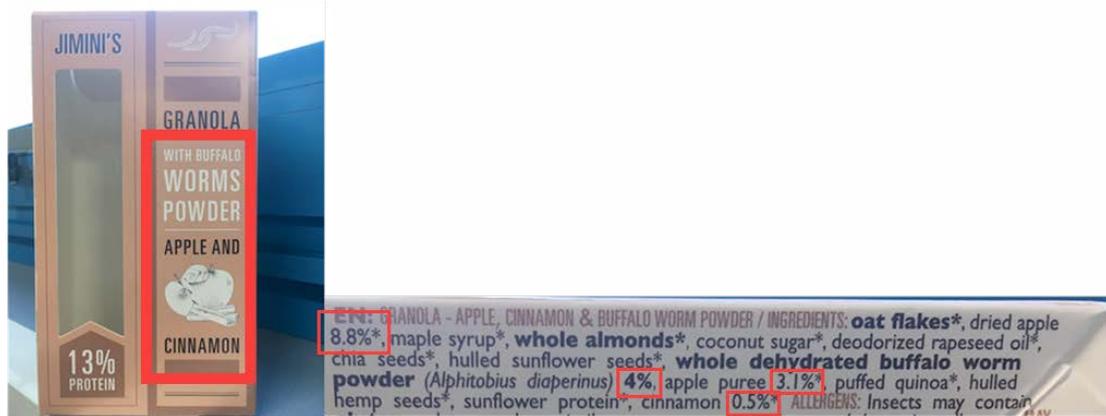


Figure 3. Representation of QUID for whole dehydrated buffalo worm powder, apple puree and cinnamon on an insect based product (Credit: Jimini's)



### 3.2.5. Allergen Labelling

#### 3.2.5.1. Rules applicable to prepacked foods

FBOs are required to label ingredient(s), processing aid(s) or product(s) causing allergies or intolerances, which may have been used in the manufacture or preparation of the food, and is (are) still present in the finished product, even if in an altered form.

This obligation applies in relation to the list of substance in Annex II of the FIC Regulation. Substances not listed in this annex may not be identified as allergens (e.g. coconuts are not an allergen listed in Annex II and must not be identified as allergens on the label of foods containing coconuts).

#### FIC Regulation, Article 9



##### List of mandatory particulars

In accordance with Articles 10 to 35 and subject to the exceptions contained in this Chapter, indication of the following particulars shall be mandatory: [...]

(c) any ingredient or processing aid listed in **Annex II** or derived from a substance or product listed in Annex II **causing allergies or intolerances** used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form; [...]

#### FIC Regulation, Annex II

##### Substances or products causing allergies or intolerances

1. **Cereals containing gluten**, namely: wheat, rye, barley, oats, spelt, kamut or their hybridised strains, and products thereof, except:
  - (a) wheat-based glucose syrups including dextrose;
  - (b) wheat-based maltodextrins;
  - (c) glucose syrups based on barley;
  - (d) cereals used for making alcoholic distillates including ethyl alcohol of agricultural origin;
2. **Crustaceans and products thereof;**
3. **Eggs and products thereof;**
4. **Fish and products thereof, except:**
  - (a) fish gelatine used as carrier for vitamin or carotenoid preparations;
  - (b) fish gelatine or Isinglass used as fining agent in beer and wine;
5. **Peanuts and products thereof;**



**6. Soybeans and products thereof, except:**

- (a) fully refined soybean oil and fat;
- (b) natural mixed tocopherols (E306), natural D-alpha tocopherol, natural D-alpha tocopherol acetate, and natural D-alpha tocopherol succinate from soybean sources;
- (c) vegetable oils derived phytosterols and phytosterol esters from soybean sources;
- (d) plant stanol ester produced from vegetable oil sterols from soybean sources;

**7. Milk and products thereof (including lactose), except:**

- (a) whey used for making alcoholic distillates including ethyl alcohol of agricultural origin;
- (b) lactitol;

**8. Nuts, namely:** almonds (*Amygdalus communis* L.), hazelnuts (*Corylus avellana*), walnuts (*Juglans regia*), cashews (*Anacardium occidentale*), pecan nuts (*Carya illinoensis* (Wangenh.) K. Koch), Brazil nuts (*Bertholletia excelsa*), pistachio nuts (*Pistacia vera*), macadamia or Queensland nuts (*Macadamia ternifolia*), and products thereof, except for nuts used for making alcoholic distillates including ethyl alcohol of agricultural origin;

**9. Celery and products thereof;**

**10. Mustard and products thereof;**

**11. Sesame seeds and products thereof;**

**12. Sulphur dioxide and sulphites** at concentrations of more than 10 mg/kg or 10 mg/litre in terms of the total SO<sub>2</sub> which are to be calculated for products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers;

**13. Lupin and products thereof;**

**14. Molluscs and products thereof.**

Article 21 of the FIC Regulation further specifies how to label the information relating to allergens: the name of the allergen, substances or products causing allergies or intolerances, must be included in the **list of ingredients** and **emphasised through a typeset** different from the rest of the ingredients, by means of the **font, style or background colour** (e.g. Dried figs, **WHOLE ALMONDS**, dates). It is not authorised to voluntarily repeat the allergen information outside the list of ingredients, or to use the word '**contains**' followed by the name of allergenic substances, nor to use symbols or text boxes.

In cases where no list of ingredients is required, allergens must be indicated by using the words 'contains' followed by the name(s) of the substance(s) or product(s) mentioned in Annex II of the Regulation that are present in the product. Where several ingredients or processing aids of a food originate from a single substance or product listed in Annex II, the labelling shall make it clear for each ingredient or processing aid concerned.



A food including food additives, carriers and processing aids derived from wheat could be labelled as follows:

'... Additive A (1), Additive B (1), Carrier (1), Processing aid (1),...  
(1)From wheat (where 'wheat' has to be emphasised)'<sup>38</sup>

No indication of allergens is required in cases where the name of the food clearly refers to the allergenic substance of product –e.g. where the name of the product is 'cheese', milk does not have to be identified as allergen.

### FIC Regulation, Article 21



#### Labelling of certain substances or products causing allergies or intolerances (1)

1. Without prejudice to the rules adopted under Article 44(2), the particulars referred to in point (c) of Article 9(1) shall meet the following requirements:
  - (a) they shall be indicated in the list of ingredients in accordance with the rules laid down in Article 18(1), with a clear reference to the name of the substance or product as listed in Annex II; and
  - (b) the name of the substance or product as listed in Annex II shall be emphasised through a typeset that clearly distinguishes it from the rest of the list of ingredients, for example by means of the font, style or background colour.

In the absence of a list of ingredients, the indication of the particulars referred to in point (c) of Article 9(1) shall comprise the word 'contains' followed by the name of the substance or product as listed in Annex II.

Where several ingredients or processing aids of a food originate from a single substance or product listed in Annex II, the labelling shall make it clear for each ingredient or processing aid concerned.

#### How to apply EU allergen and/or Intolerance requirements for insect-based products?

Evaluations of insect-based products and ingredients as novel foods are currently pending, and the allergenicity of insect protein is part of the ongoing scientific assessment of the corresponding dossiers. Pending the outcome of this assessment, there is no commonly agreed nor otherwise mandatory way of communicating the allergenic potential of insects or insect-derived ingredients.

IPIFF recommends to FBOs placing insect-based products on the market EU to comply with the rules defined under the FIC Regulation, albeit certain adaptations should be foreseen to take into consideration the particularities of insect products.

IPIFF suggests making a distinction between three situations, two of which are already contemplated under the FIC Regulation, the third one not:

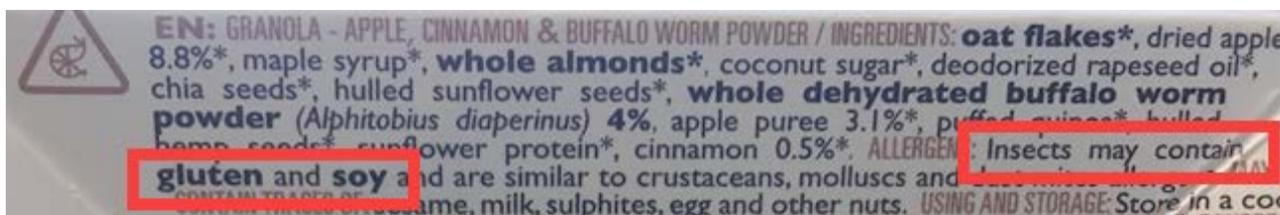
38. See Commission Notice of 13 July 2017 relating to the provision of information on substances or products causing allergies or intolerances as listed in Annex II to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers (2017/C 428/01).



### Situation 1 : allergies that may result from the substrate ingested by the insects

Unprocessed or processed insects may contain allergens(s) originating from the feed materials which were ingested by the insects.

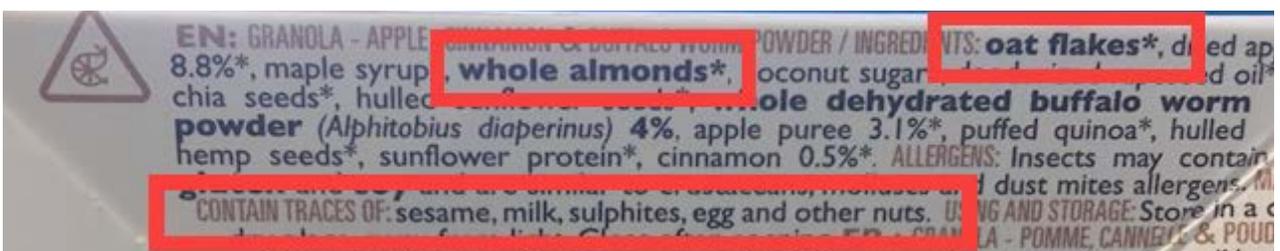
For example, if cereals containing gluten have been fed to the insects, the food information relating to the product containing the insects should refer to gluten, because gluten is still present in the food product.



### Situation 2 : allergies that may be caused by other ingredients contained in insect-based products

For example if a product contains nuts or milk, the FBO has to indicate the presence of the relevant allergens on the label of the final product.

Of note, information about cross-contamination by allergens ('May contain traces of...') is on a voluntary basis only, and is not required under the FIC Regulation.



### Situation 3 : allergies that may be caused by the insect itself

Neither insects or insect-derived ingredients are listed in Annex II to the FIC Regulation. Therefore, FBOs Commercialisation insect-based food products are not required to label the presence of insects or insect-derived ingredients as allergy-causing substances or products.

However, considering the existence of scientific evidence showing allergic cross-reactivity between insects and crustaceans<sup>39</sup>, IPIFF recommends FBOs placing insect-based food products on the market to include a warning on the label of their products that indicates the similarity of the allergenicity of insects and of crustaceans and products thereof –that currently form an entry in the list of the 14 allergens included in Annex II to the FIC Regulation– and further recommends to refer to allergy to dust mites as well.

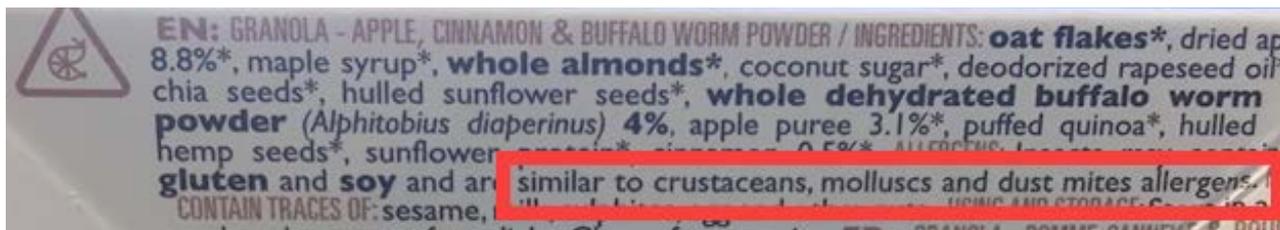
An example of wording as recommended by IPIFF<sup>40</sup> is as follows:

39. Barre, A., et al., Food allergen families common to different arthropods (mites, insects, crustaceans), molluscs and nematods: Cross-reactivity and potential cross-allergenicity.' *Revue Française d'Allergologie* 58.8 (2018): 581-593

40. And endorsed by e.g. the Belgian Federal Agency for the Safety of the Food Chain.



‘People who are allergic to molluscs and crustaceans and/or dust mites may have an allergic reaction to insect consumption’



### 3.2.5.2. Rules applicable to non-prepacked foods

The information concerning the presence in a foodstuff of products or substances causing allergies or intolerances must be available for non-prepacked foods.

These requirements may be supplemented by the MS under their national laws, that may require other food information particulars (in addition to the allergen information) to be provided for non-prepacked foods.

National measures may also be enacted by the MS with regard to the form of expression and presentation of the allergens or other particulars to be provided on a mandatory basis.

#### FIC Regulation, Article 44



#### National Measures for Non-Prepacked foods

1. Where foods are offered for sale to the final consumer or to mass caterers without pre-packaging, or where foods are packed on the sales premises at the consumer's request or prepacked for direct sale:
  - (a) the provision of the particulars specified in point (c) of Article 9(1) is mandatory;
  - (...)
2. Member States may adopt national measures concerning the means through which the particulars or elements of those particulars specified in paragraph 1 are to be made available and, where appropriate, their form of expression and presentation.

### 3.2.5.3. 'Gluten free' and 'very low gluten' statements

Commission Implementing Regulation (EU) No 828/2014 lays down harmonised requirements for the provision of information to consumers on the absence or reduced presence of gluten in food.

The conditions to be met for making the respective claims are as follows:

Claim	Condition
GLUTEN-FREE	contains no more than 20 mg/kg of gluten.
VERY LOW GLUTEN	contains no more than 100 mg/kg of gluten in the food, consisting of or containing one or more ingredients made from wheat, rye, barley, oats or their crossbred varieties which have been specially processed to reduce the gluten content.



### 3.2.6. Indication of the country of origin or place of provenance

#### 3.2.6.1. General rules

Article 9(1)(i) of the FIC Regulation requires from FBOs that they indicate the country of origin<sup>41</sup> or place of provenance<sup>42</sup> of the food product where provided for in Article 26 of the FIC Regulation.

Importantly, this requirement is to be distinguished from the labelling requirements provided for in specific Union provisions, in particular in relation to products protected as traditional specialties guaranteed, protected by a geographical indication or by a designations of origin. Where they apply, these specific schemes, and the related compositional and/or labelling requirements, come in addition to the requirements defined under the FIC Regulation.

The FIC Regulation requires the indication of the country of origin or place of provenance to be mentioned on the label of food products in certain cases, one of which can be of particular relevance for insect-based food products, namely the case where failure to indicate the country of origin or place of provenance of the food might mislead the consumer as to the true country of origin or place of provenance thereof. It will particularly be the case if the information accompanying the food or the label as a whole (be it in text or pictures) would otherwise imply that the food has a different country of origin or place of provenance than the actual one.

In addition to the requirements defined under the FIC Regulation, it should be noted that:

- MS are entitled to enact additional measures concerning the mandatory indication of the country of origin or place of provenance of foods that introduce additional requirements for certain categories of products, where they can demonstrate a link between certain qualities of the food and its origin or provenance;
- the origin of the starting materials used in products labelled as organic always has to be mentioned, in accordance with the rules on organic production.

#### 3.2.6.2. Specific rules in cases where the country of origin or place of provenance of the food product is not the same as that of the primary ingredient of the food product

Further to these general rules, a specific set of requirements have been enacted in relation to the cases where the labels mentions the country of origin or the place of provenance of a food product, whereas this country of origin or place of provenance is not the same as that of its primary ingredient<sup>43</sup> (e.g. cans of peeled tomatoes processed in Italy with tomatoes grown in another EU or non-EU country).

A specific implementing regulation has been enacted to further define the requirements applicable in relation to this particular hypothesis<sup>44</sup>. It will become applicable on 1 April 2020. This Regulation requires that in case the country of origin or the place of provenance of a primary ingredient is not the same as the given country of origin or the given place of provenance of the food, then the country of origin or the place of provenance of the primary ingredient must be indicated<sup>45</sup>.

41. See Glossary.

42. See Glossary.

43. See Glossary.

44. Commission Implementing Regulation (EU) 2018/775 of 28 May 2018 laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food.

45. FoodDrinkEurope has issued a Guidance on the Origin Indication of the Primary Ingredient in March 2019. It is available on <https://www.fooddrinkeurope.eu>



For the purpose of these specific requirements, the reference to the country of origin or the place of provenance of the food on the label can be made by any means such as statements, pictorial presentation, symbols or terms, referring to places or geographical areas. An exception is made for geographic terms included in customary and generic names where those terms literally indicate origin but whose common understanding is not an indication of country of origin or place of provenance.

Where it is required, the country of origin or the place of provenance of the primary ingredient can be given:

- either by a reference to one of the following geographical areas:
- 'EU', 'non-EU' or 'EU and non-EU'; or
- Region, or any other geographical area either within several MS or within third countries, if defined as such under public international law or well understood by normally informed average consumers;

OR

- FAO Fishing area, or sea or freshwater body if defined as such under international law or well understood by normally informed average consumers; or
- Member State(s) or third country(ies); or
- Region, or any other geographical area within a Member State or within a third country, which is well understood by normally informed average consumers; or
- the country of origin or place of provenance in accordance with specific Union provisions applicable for the primary ingredient(s) as such;

OR

- by means of a statement as follows - or any similar wording likely to have the same meaning for the consumer:

'[name of the primary ingredient] do/does not originate from [the country of origin or the place of provenance of the food]'

Specific requirements apply to the presentation of the information regarding the country of origin or place of provenance of the primary ingredient. More specifically, the information regarding the country of origin or place of provenance of the primary ingredient must be provided in a font size which is not smaller than the minimum font size required for other mandatory particulars under the FIC Regulation (see Section 3.2.2. above). Furthermore, irrespective of the means by which it is provided (words or non-scriptural form) the information regarding the country of origin or place of provenance of the primary ingredient must be provided in the same field of vision as the indication of the country of origin or place of provenance of the food. Finally, if the country of origin or place of provenance of the food is given with words, it must appear in a font size which has an x-height of at least 75 % of the x-height of the indication of the country of origin or place of provenance of the food.

46. Note: the Implementing Regulation does not provide the possibility to indicate a list of multiple regions or geographical areas within one or several Member States and third countries. Examples of references corresponding to this provision would be 'Nordics', 'Mediterranean', 'Middle East', etc.

47. Examples could include 'Rhône Valley', 'Tuscany', 'Bavaria', etc.



## FIC Regulation, 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 and Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.
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.

[...]



## Commission Implementing Regulation (EU) 2018/775 of 28 May 2018 laying down rules for the application of Article 26(3) of the FIC Regulation



### Article 2

The country of origin or the place of provenance of a primary ingredient which is not the same as the given country of origin or the given place of provenance of the food shall be given:

(a) with reference to one of the following geographical areas:

- (I) 'EU', 'non-EU' or 'EU and non-EU' ; or
- (II) Region, or any other geographical area either within several Member States or within third countries, if defined as such under public international law or well understood by normally informed average consumers; or
- (III) FAO Fishing area, or sea or freshwater body if defined as such under international law or well understood by normally informed average consumers; or
- (IV) Member State(s) or third country(ies); or
- (V) Region, or any other geographical area within a Member State or within a third country, which is well understood by normally informed average consumers; or
- (VI) The country of origin or place of provenance in accordance with specific Union provisions applicable for the primary ingredient(s) as such;

(b) or by means of a statement as follows: '(name of the primary ingredient) do/does not originate from (the country of origin or the place of provenance of the food)' or any similar wording likely to have the same meaning for the consumer.

### Article 3

#### Presentation of the information

1. Information provided pursuant to Article 2 shall be provided in a font size which is not smaller than the minimum font size as required in accordance with Article 13(2) of Regulation (EU) No 1169/2011.
2. Without prejudice to paragraph 1, where the country of origin or place of provenance of a food is given with words, the information provided pursuant to Article 2 shall appear in the same field of vision as the indication of the country of origin or place of provenance of the food and by using a font size which has an x-height of at least 75 % of the x-height of the indication of the country of origin or place of provenance of the food.
3. Without prejudice to paragraph 1, where the country of origin or place of provenance of a food is given by means of non-scriptural form, the information provided pursuant to Article 2 shall appear in the same field of vision as the indication of the country of origin or place of provenance of the food.



### Relevance of article 26.3(a, b) for insect products

FBOs placing insect-based food products on the market need to assess on a case-by-case basis whether an indication of the country of origin or place of provenance of their food products and, as the case may be, of the primary ingredient thereof, have to be mentioned on the label.

Where the indication of the origin of the primary ingredient will be required, the concerned FBOs will have to choose between several ways of providing the indication of the country of origin or place of provenance of the primary ingredient, as set out above (Section 3.2.6).

Examples :

1. An insect-based food product –e.g. a cereal bar– is composed of 75% whole mealworms that are reared in France, and the food product is produced in Belgium.
  - If the label of the product does not refer to Belgium, no indication of the provenance of the mealworms is required;
  - If the label bears a reference to Belgium (e.g. ‘Made in Belgium’ and/or Belgian flag), the label will have to specify the origin of the mealworms, either by stating ‘EU’ or ‘France’ or by including a statement along the lines of ‘The mealworms do not originate from Belgium’.
2. An insect-based food product –e.g. a cereal bar– is composed of 75% whole mealworms that are reared in Asia, and the food product is produced in the Netherlands.
  - If the label of the product does not refer to the Netherlands, no indication of the provenance of the mealworms is required;
  - If the label bears a reference to the Netherlands (e.g. ‘Made in the Netherlands’ and/or Dutch flag), the label will have to specify the origin of the mealworms, either by stating ‘non-EU’ or the name of the country of origin or place of provenance or by including a statement along the lines of ‘The mealworms do not originate from the Netherlands’.

### 3.2.7. Storage conditions, conditions of use and instructions for use

Article 9(1)(g) and (j) provides that where relevant, information should be provided on the label of food products in respect of the appropriate storage conditions and conditions of use, and that instructions for use should be provided where it would be difficult to make appropriate use of the food in the absence of such instructions.

The relevance of providing such information is to be assessed on a case-by-case basis. In the case of products consisting of whole insects (e.g. dried crickets), appropriate instructions for use may have to specify that certain parts of the insects have to be removed before consumption.

It is not possible to provide this information by means of symbols or pictograms only; all mandatory particulars must be indicated with words and numbers. The use of pictograms or symbols is only an additional means to express such particulars.



### **FIC Regulation, Article 25**



#### **Storage conditions or conditions of use**

1. In cases where foods require special storage conditions and/or conditions of use, those conditions shall be indicated.
2. To enable appropriate storage or use of the food after opening the package, the storage conditions and/or time limit for consumption shall be indicated, where appropriate.

### **FIC Regulation, Article 27**

#### **Instructions for use**

The instructions for use of a food shall be indicated in such a way as to enable appropriate use to be made of the food.

[...]

## **3.3. Specific requirements in the case of distance selling**

### **3.3.1. Distance selling of prepacked food**

Where prepacked food products are sold by means of distance communication –i.e. means which, without the simultaneous physical presence of the supplier and the consumer, may be used for the conclusion of a contract between those parties, the mandatory food information must be provided to the final consumer before the purchase is concluded -with the exception of the date of minimum durability or the ‘use by’ date.

The mandatory information must appear either on the distance selling supporting material (e.g. catalogue) or provided through other appropriate means (e.g. online shopping portals, websites).

All mandatory particulars (including the ‘use by’ date) must be available at the moment of delivery of the product.



## FIC Regulation, Article 14



### Distance selling

1. Without prejudice to the information requirements laid down in Article 9, in the case of prepacked foods offered for sale by means of distance communication:

(a) mandatory food information, except the particulars provided in point (f) of Article 9(1), shall be available before the purchase is concluded and shall appear on the material supporting the distance selling or be provided through other appropriate means clearly identified by the food business operator. When other appropriate means are used, the mandatory food information shall be provided without the food business operator charging consumers supplementary costs;

(b) all mandatory particulars shall be available at the moment of delivery.

### Distance selling of prepacked insect-based food

Digital platforms are the most commonly used means of distance communication for the marketing and sales of insect-based foods, compared to other distance selling methods (e.g. catalogues).

FBOs operating through distance selling must comply to the above-mentioned obligations: i.e. all mandatory particulars provided for in Article 9 shall be indicated on the website/digital platform, except the minimum durability date or 'use by' date.

At the time of delivery, the same information, plus the minimum durability date or 'use by date' has to be provided on the label of the products.

### Examples

The screenshot shows the Jimini's website interface. At the top, there is a navigation bar with a logo and the tagline 'Think bigger eat smaller'. Below the navigation bar, three product categories are highlighted with arrows and text:

- SHARE:** 'Ready to bite!' - Discover our crispy seasoned insects for snacking with your friends! Products shown include Grasshoppers (Pepper & Garlic, Fruity Curry, Greek Spices, Paprika) and Le Pupae.
- COOK:** 'As a starter, meal or dessert!' - Cook edible insects as a starter, a main or a dessert! One recipe included in every box. Products shown include Le Pupae, Le Grillon, Ori Re, and Le Miel.
- RECHARGE:** 'Full of protein & energy' - Get cricket power and enjoy the goodness of insect protein in a delicious and healthy protein bar! Products shown include Granola and Jimini's protein bars.

Figure 4. Example of web-based distance selling



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NUTRITIONAL INFO

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**Nutritional information:**

	PER 100G:
Energy	1580kJ / 374 kcal
Fat	4.4g
(of which saturates)	0.9g
Carbohydrates	64.3g
(of which sugars)	2.9g
Fibres	3.8g
Protein	18.7g
Salt	0.13g
iron	2.24mg

High in protein, source of fiber.

Ingredients: Durum wheat semolina\*, whole dehydrated buffalo worm powder (*Alphitobius diaperinus*) (14%), dehydrated egg white\*, dehydrated basil (1.5%)\*

Allergens: see ingredients in bold. Insects may contain gluten and soy, are similar crustaceans, molluscs and dust mites allergens.

May contain traces of: milk, sesame, sulphites, nuts.

Storage: 12 to 18 month depending on batch number. Store in a dry place away from light.

\*Organic certified ingredients

Figure 5. Example of provision of mandatory particulars in relation to prepacked foods offered for sale through distance selling (Credit: Jimini's)



### 3.3.2. Distance selling for non-prepacked food

Where non-prepacked foods are offered for sale via distant communication (e.g. online shopping portals, websites), the amount of information to be provided is limited to allergen information and other particulars that may be required by national law (see Section 3.2.4.2 above).

These elements of information must appear on the distance selling supporting material (e.g. catalogue), or they must be provided by other appropriate means. The information must be made available before the purchase is concluded and at the moment of delivery.

#### FIC Regulation, Article 14

##### Distance selling

(...)

2. In the case of non-prepacked foods offered for sale by means of distance communication, the particulars required under Article 44 shall be made available in accordance with paragraph 1 of this Article.

(...)



#### Distance selling of non-prepacked insect-based food

FBOs commercialising non-prepacked insect-based food products through distance selling (e.g. FBOs selling non-prepacked edible insects, or products with insect ingredients, directly to consumers or mass caterers), must in all cases provide information on allergens in the product (see section 3.2.4 above).

Depending of the MS where they operate, FBOs may also have to provide other mandatory particulars as required by the concerned MS legislation.

### 3.3.3. Distance selling by means of automatic vending machines or automated commercial premises

Provision of mandatory food information before the purchase is concluded is exempted for automatic vending machines or automated commercial premises. However, all mandatory particulars must be available at the moment of delivery.

#### FIC Regulation, Article 14

##### Distance selling

3. Point (a) of paragraph 1 shall not apply to foods offered for sale by means of automatic vending machines or automated commercial premises





## 4. Nutrition and Health Claims

### 4.1. General points

In addition to listing the mandatory particulars examined in the previous sections of this guidance document, FBOs may in some cases also want to include nutrition and health claims on food labels. The rules applicable to the use of such claims are set out in the NHCR.

The NHCR defines the term 'claim' any message or representation in any form, whether mandatory or not, which states, suggests or implies that a food has particular characteristics<sup>48</sup>. Two sub-types of claims are regulated under the NHCR, namely 'nutrition claims', defined as claims that a food has particular beneficial nutritional properties due to the energy or nutrients that it contains (in reduced or increased proportions) or does not contain<sup>49</sup> and 'health claims', that are claims that a relationship exists between a food (category) and health<sup>50</sup>.

There are several general principles for nutrition and health claims. Nutrition and health claims must first of all be based on and substantiated by scientific data<sup>51</sup>. Furthermore, claims cannot:

- (a) be false, ambiguous or misleading;
  - (b) give rise to doubt about the safety and/or the nutritional adequacy of other foods;
  - (c) encourage or condone excess consumption of a food;
- state, suggest or imply that a balanced and varied diet cannot provide appropriate quantities of nutrients in general;
- (e) refer to changes in bodily functions which could give rise to or exploit fear in the consumer, either textually or through pictorial, graphic or symbolic representations<sup>52</sup>.

### 4.2. Nutrition claims

A limited number of nutrition claims, set out in the Annex to the NHCR, are permitted for use as part of food information. The Annex defines the conditions that must be met for each nutrition claim to be lawfully used.

Nutritional claims may only be used if the conditions applying to them are fulfilled. For example, a claim that a food has a high protein content, and any claim likely to have the same meaning for the consumer, may only be made where at least 20% of the energy value of the food is provided by protein.

48. NHCR, Article 1(2)1.

49. NHCR, Article 1(2)4.

50. NHCR, Article 1(2)5.

51. NHCR, Article 6(1).

52. NHCR, Article 3.



### Provisions from Reg No (EC) 1924/2006 Permitted Nutritional Claims

LOW ENERGY	HIGH FIBRE
ENERGY-REDUCED	SOURCE OF PROTEIN
ENERGY-FREE	HIGH PROTEIN
LOW FAT	SOURCE OF [NAME OF VITAMIN/S] AND/OR [NAME OF MINERAL/S]
FAT-FREE	HIGH [NAME OF VITAMIN/S] AND/OR [NAME OF MINERAL/S]
LOW SATURATED FAT	CONTAINS [NAME OF THE NUTRIENT OR OTHER SUBSTANCE]
SATURATED FAT-FREE	INCREASED [NAME OF THE NUTRIENT]
LOW SUGARS	REDUCED [NAME OF THE NUTRIENT]
SUGARS-FREE	LIGHT/LITE
WITH NO ADDED SUGARS	NATURALLY/NATURAL (may be used as a prefix to the claim)
LOW SODIUM/SALT	SOURCE OF OMEGA-3 FATTY ACIDS
VERY LOW SODIUM/SALT	HIGH OMEGA-3 FATTY ACIDS
SODIUM-FREE or SALT-FREE	HIGH MONOUNSATURATED FAT
NO ADDED SODIUM/SALT	HIGH POLYUNSATURATED FAT
SOURCE OF FIBRE	HIGH UNSATURATED FAT

### 4.3. Health claims

The use of health claims is prohibited unless these claims comply with the rules laid down in the Regulation and are included in the lists of authorised claims pursuant to Articles 13 and 14 of the Regulation.

Since 2010, the Commission has compiled a list of all health claims other than those referring to the reduction of disease risk<sup>53</sup>. FBOs may make use of these claims without requiring any additional authorisation as long as the claims are based on generally accepted scientific data and are well understood by the average consumer<sup>54</sup>.

Health claims that refer to the reduction of disease risk may be made if these have been authorised for inclusion in an EU list<sup>55</sup>.



Health claims are differentiated into three types:

- The so-called '**Function Health Claims**' (or Article 13 claims). (e.g. relating to growth, development and functions of the body, activated charcoal contributes to reducing excessive flatulence after eating)
- The so-called '**Risk Reduction Claims**' (or Article 14(1)(a) claims). (e.g. Calcium and vitamin D help to reduce the loss of bone mineral in post-menopausal women. Low bone mineral density is a risk factor for osteoporotic bone fractures)
- Health '**Claims referring to children's development**' (Article 14(1)(b) claims). (e.g. Docosahexaenoic acid (DHA) intake contributes to the normal visual development of infants up to 12 months of age)

The list of permitted health claims established by Commission Regulation (EU) No 432/2012<sup>56</sup> is regularly updated with newly authorised health claims subject to the individual application submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006.

On the EU Register on nutrition and health claims, a search tool indicates the all relevant Health claims on the basis of their criteria (e.g. Authorised, Not-Authorised, Claim, Claim Type, etc). The recorded number of claims currently (May 2019) is 2,337 and can be accessed via an online register<sup>57</sup>.

## Provisions from Reg. (EC) No 1924/2006



### Article 2

#### Definitions

'nutrition claim' means any claim which states, suggests or implies that a food has particular beneficial nutritional properties due to:

- (a) the energy (calorific value) it
- (I) provides,
  - (II) provides at a reduced or increased rate, or
  - (III) does not provide; and/or

- (b) the nutrients or other substances it

- (I) contains;
- (II) contains in reduced or increased proportions, or (III) does not contain;
- (III) 'health claim' means any claim that states, suggests or implies that a relationship exists between a food category, a food or one of its constituents and health.

56. Commission Regulation (EU) No 432/2012 of 16 May 2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health.

39 57. EU Register of nutrition and health claims [http://ec.europa.eu/food/safety/labelling\\_nutrition/claims/register/public/?event=search](http://ec.europa.eu/food/safety/labelling_nutrition/claims/register/public/?event=search)



### Examples of Nutritional Claims on insect products



Figure 6. Example of nutrition claim (Credit: essento)

#### Nutrition Claims used on this packaging:

- High Protein
- Natural

## 4.4. Responsibilities

Article 8 of the FIC Regulation covers the responsibilities of respective FBOs in the supply chain on provision of food information to consumers. The FBO responsible for the provision of the food information to the final consumer is the one under whose name or business name the food is marketed (in case this FBO is located outside the EU, the importer is the responsible FBO).

This FBO furthermore has the responsibility to ensure that the food information is accurate and presented in accordance to EU and national law.

FBOs whose position in the supply chain does not affect food information (e.g. online store operator) must refrain from supplying food products which they know, presume, notice or are made-aware, on the basis of the information in their possession as professionals, do not comply with the applicable food information requirements.



For example, an FBO operating an online shop noticing that the supplier of the food products makes use of unapproved health claims, or inappropriate use of nutrition claims in the labelling or marketing materials relating to the food products, must refrain from the sale of such a product.

These responsibilities of the FBOs extend to a duty to refrain, but do not initiate obligations to go beyond the established quality practices.

FBO modifying food information are responsible for ensuring the presence and accuracy of the particular modification that is performed under their control.

#### 4.5. Provision of food information between FBOs supplying to other FBOs (B2B)

**Non-prepacked food:** FBOs supplying B2B must transmit the mandatory food information to the FBO receiving the food in order to enable the latter to provide the required information to the final consumer. This is implemented to enable inter alia the provision of adequate allergen information to the final consumer or mass caterer (see section on mandatory labelling requirements for non-prepacked food).

**Prepacked foods:** all mandatory particulars defined under the FIC Regulation must be passed along the B2B supply chain. This information must appear on the pre-packaging or an attached label, commercial documents in reference to the food in cases where these documents either accompany the food or are sent prior to or simultaneously to delivery. In addition, the external packaging in which prepacked foods are presented for marketing must always bear the following mandatory particulars:

- the name of the food;
- the date of minimum durability/use by date;
- any special storage conditions and/or conditions of use;
- name or business name and address of the responsible FBO.

In relation to food products exchanged between FBOs that are not intended for the final consumer or mass caterer, the FIC Regulation requires that sufficient information must be provided to the recipient FBO which would enable the fulfilment of the requirements by the subsequent FBO to ensure the presence and accuracy of the food information are in accordance to EU and national law.



## Provisions from the FIC Regulation Article 8



### Responsibilities

1. The food business operator responsible for the food information shall be the operator under whose name or business name the food is marketed or, if that operator is not established in the Union, the importer into the Union market.
2. The food business operator responsible for the food information shall ensure the presence and accuracy of the food information in accordance with the applicable food information law and requirements of relevant national provisions.
3. Food business operators which do not affect food information shall not supply food which they know or presume, on the basis of the information in their possession as professionals, to be non-compliant with the applicable food information law and requirements of relevant national provisions.
4. Food business operators, within the businesses under their control, shall not modify the information accompanying a food if such modification would mislead the final consumer or otherwise reduce the level of consumer protection and the possibilities for the final consumer to make informed choices. Food business operators are responsible for any changes they make to food information accompanying a food.
5. Without prejudice to paragraphs 2 to 4, food business operators, within the businesses under their control, shall ensure compliance with the requirements of food information law and relevant national provisions which are relevant to their activities and shall verify that such requirements are met.
6. Food business operators, within the businesses under their control, shall ensure that information relating to non-prepacked food intended for the final consumer or for supply to mass caterers shall be transmitted to the food business operator receiving the food in order to enable, when required, the provision of mandatory food information to the final consumer.
7. In the following cases, food business operators, within the businesses under their control, shall ensure that the mandatory particulars required under Articles 9 and 10 shall appear on the pre-packaging or on a label attached thereto, or on the commercial documents referring to the foods where it can be guaranteed that such documents either accompany the food to which they refer or were sent before or at the same time as delivery:
  - (a) where prepacked food is intended for the final consumer but marketed at a stage prior to sale to the final consumer and where sale to a mass caterer is not involved at that stage;
  - (b) where prepacked food is intended for supply to mass caterers for preparation, processing, splitting or cutting up.



Notwithstanding the first subparagraph, food business operators shall ensure that the particulars referred to in points (a), (f), (g) and (h) of

Article 9(1) also appear on the external packaging in which the prepacked foods are presented for marketing.

8. Food business operators that supply to other food business operators food not intended for the final consumer or to mass caterers shall ensure that those other food business operators are provided with sufficient information to enable them, where appropriate, to meet their obligations under paragraph 2.

### Insect based food products : FBO responsibilities

FBOs active in the supply chain of insect-based food products have to ensure that they fulfil the requirements and endorse the responsibilities defined under the FIC Regulation.

For example, if the producer of a prepacked insect powder ingredient supplies the ingredient to a FBO producing insect-based products such as insect pasta or insect bars, the first FBO has to provide the second one with all the mandatory particulars listed Articles 9 and 10 of the FIC Regulation.

This is in order for the FBO down the supply chain to provide the mandatory particulars on the labelling of the products that this second FBO produces, intended for the final consumer – including for example allergen information, origin labelling of primary ingredient, possibility to use certain nutrition claims etc.

Figure 7. Example of external packaging of prepacked foods showing the required mandatory particulars (Credits: Protifarm):

1. name of the food
2. date of minimum durability
3. special storage conditions and/or conditions of use
4. name or business name and address of the responsible FBO

Art. Nr <b>FG-00003</b>	<b>AdalbaPro</b> <b>1 Whole Blanched Frozen</b> <small>Ingredients: Alphitobius diaperinus</small>
Productiedatum/Production date: THT/ BB:	<b>2 30-7-2019</b> <b>30-7-2020</b>
<small>Diepvries product: Bewaren bij max -18°C. Na ontdooien niet opnieuw invriezen. Na ontdooien direct gebruiken. Product dient voor menselijke consumptie te worden verhit.</small>	<b>3</b> <small>Frozen foods: Store at max -18°C. Do not refreeze after defrosting. After defrosting use at once. Before human consumption the product need to be heated.</small>
<b>LT19-000641</b>	Inhoud: Content: <b>15 KG</b>
 <b>Protifarm</b> <small>effective nutrition</small>	<b>4</b> Eendenparkweg 30, 3852 LK, Ermelo, The Netherlands, info@protifarm.com

