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oriGIn EU comments to France decree laying down complementary form of presentation of the Nutri-Score

*oriGIn EU is the **European branch of the Geographical Indications (GIs) global alliance** (<https://www.origin-gi.com>). Its mission is to advocate for solid protection as well as promotion of products whose quality and reputation are linked to their geographical origin, a concept known as a geographical indication and/or designation of origin. OriGIn EU represents individual European GIs groups as well as national GIs organisations.*

oriGIn EU would like to provide its views concerning the [decree laying down a complementary form of presentation of the Nutri-Score recommended by France](#). This draft decree revised the specifications for the calculation of the Nutri-score of foodstuffs. oriGIn EU considers that the Nutri-Score is a technical barrier to trade as such a national scheme leads to distortion of the internal market and unfair competition between products of different EU member states.

The French proposal to change the algorithm of the Nutri-Score system raises questions on numerous points. The imposition of changes by France when a harmonized EU system is on the horizon creates an additional burden for operators. Small producers, in particular, may find themselves with increased costs and administrative hurdles, indirectly creating trade barriers within the EU.

Moreover, the Nutri-Score does not meet the requirements of [Regulation \(EU\) 1169/2011](#) on the provision of food information to consumers.

According to Article 35.1. of Regulation (EU) 1169/2011 defines how the **nutrition labelling can be implemented**: it may be given by other forms of expression and/or presented using graphical forms or symbols in addition to words or numbers provided that the following requirements are met:

- (a) they are based on sound and scientifically valid consumer research and do not mislead the consumer as referred to in Article 7;
- (b) their development is the result of consultation with a wide range of stakeholder groups;
- (c) they aim to facilitate consumer understanding of the contribution or importance of the food to the energy and nutrient content of a diet;
- (d) they are supported by scientifically valid evidence of understanding of such forms of expression or presentation by the average consumer;
- (e) in the case of other forms of expression, they are based either on the harmonised reference intakes set out in Annex XIII, or in their absence, on generally accepted scientific advice on intakes for energy or nutrients;
- (f) they are objective and non-discriminatory; and
- (g) their application does not create obstacles to the free movement of goods.



OriGIn EU considers that the Nutri-Score misleads consumers. There are multiple examples of products on the market that bear a scoring that is highly misleading, such as frozen chips with an A grade, a score that does not take into account the fact that the chips have to be cooked in oil before being eaten. Likewise, there are numerous examples of product with similar formulations placed on the market bearing a different Nutri-Score. It demonstrates a clear lack of control and rigour in the implementation of this scoring scheme, leaving consumers facing fallacious, inaccurate and ambiguous information on the nutritional value of products. Furthermore, the Nutri-Score does not consider the level of transformation of a product, additives, or the overall dietary habits of consumers. Finally, the calculation of Nutri-score is based on a generic threshold of 100g/100ml which is particularly inaccurate for consumers; it should be based on a average daily intake of such product.

The Nutri-Score does not facilitate consumer understanding of the contribution or importance of the food to the energy and nutrient content of a diet. The Nutri-Score is biased as it focuses only on the presence of some nutrients. It does not take into account the benefits brought by positive nutrients in products. Products that are traditionally consumed and considered healthy in one region such as Geographical Indications according to the national dietary recommendation of a country are unfairly penalized by the Nutri-score scoring system. For instance, Spain recommends the use of good fats, such as unsaturated fatty acids (olive oil) but olive oils are labelled as unhealthy by the Nutri-Score.

The Nutri-Score is discriminatory as it penalises some operators. Nutri-Score encourages companies to revise the recipe of the product to get a better Nutri-Score. However, not all products can change the way they are produced. Geographical Indications producers are required to respect detailed specifications based on traditions, which will prevent them from deviating from their "recipe" and modifying it to change their composition. Consequently, the Nutri-Score creates distortions and introduces elements of unfair competition between "traditional" products with clear and mandatory specifications (like GIs, for which "reformulating" recipes is not possible) and other products, which can change their list of ingredients to improve their nutritional ranking. This is made worse but the fact that the certain supermarkets implement a discount system for products with an A or B Nutri-Score, as observed in some supermarkets in Belgium (<https://www.delhaize.be/fr/superplus/nutri-boost>). This practice indirectly encourages the purchase of products considered healthier by the Nutri-Score, which is a questionable approach given that the system does not take into account all the nutrients present in the product, the level of transformation of a product, the presence of additives or synthetic ingredients (as opposed to natural ingredients), or the overall dietary habits of consumers.

The Nutri-Score creates obstacles to the free movement of goods. Because of its shortcomings explained above, in particular its discriminatory effects, the Nutri-Score acts as a barrier to trade and contributes to further fragmentation of the EU single market. Its scoring approach might be in contradiction with other existing rules in the Member States. Furthermore, the Nutri-Score undermines the ongoing efforts by the European Commission to establish a harmonized front-of-pack nutrition labelling (FOPNL) system for the entire European Union.