







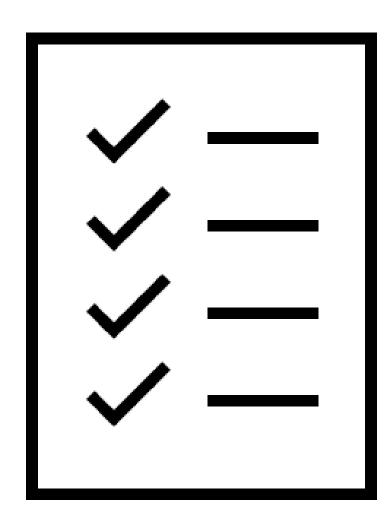
5 – Food Information to Consumers

CONTENT 2 – EU FOOD LAW

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Program

- 1. General considerations
- 2. Food labelling
- Responsibility of food business operators regarding food labelling
- 4. Unfair commercial practices and Greenwashing



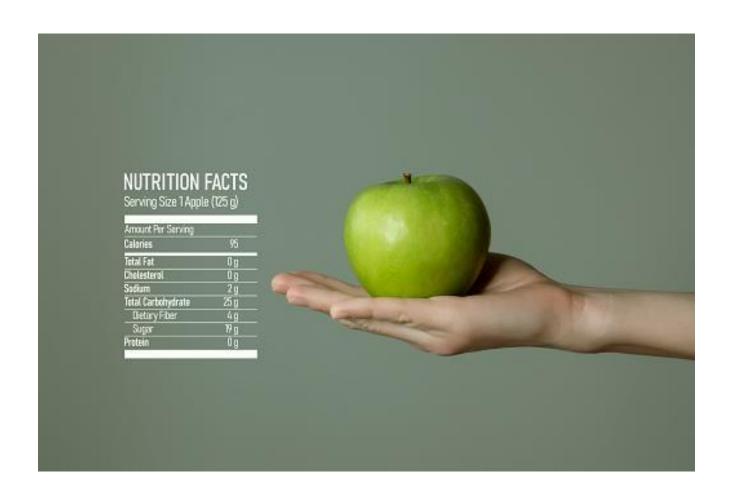
1. General considerations

Food law establishes the <u>rights of consumers to safe</u> food and to accurate and honest information.

EU Food Labelling policy tends to ensure that consumers receive <u>clearer</u>, <u>more comprehensive and accurate information</u> about the content and composition of food products and helps them to make <u>informed choices</u>. This puts the consumer first in a way that is also manageable for businesses.

EU Food Labelling provisions establish the <u>general</u> <u>principles</u>, <u>requirements</u> and <u>responsibilities</u> concerning food information and therefore lay down the <u>means</u> to guarantee the right of consumers to information as well as the <u>procedures</u> for the provision of food information (Art. 1(2) Reg. No.1169/2011)

Food information is presented mainly by food labelling.



2.1. General considerations and basic concepts

What does **food** mean for the purposes of food information to consumers?

Under Art. 2 of the GFLR (Reg. No. 178/2002), 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". This notion "includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment" and it also "includes water after the point of compliance as defined in Article 6 of Directive 98/83/EC and without prejudice to the requirements of Directives 80/778/EEC and 98/83/EC".

See Art. 1(2)(a) Reg. No. 1169/2011. See also the definition of food under Codex General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985).

2.1. General considerations and basic concepts

What's a food label?

According to the Codex General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985), a food label is "any tag, brand, mark, pictorial or other descriptive matter that is written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food".

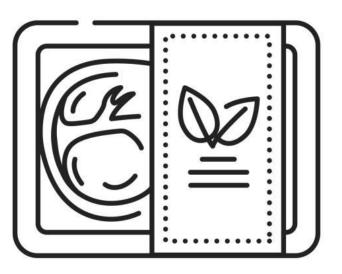
Under Art. 2(2)(i) of Reg. No. 1169/2011, label "means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to the packaging or container of food".



2.1. General considerations and basic concepts

Labelling means "any words, particulars, trade marks, 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" (Art. 2 (2)(j) of Reg. No. 1169/2011).





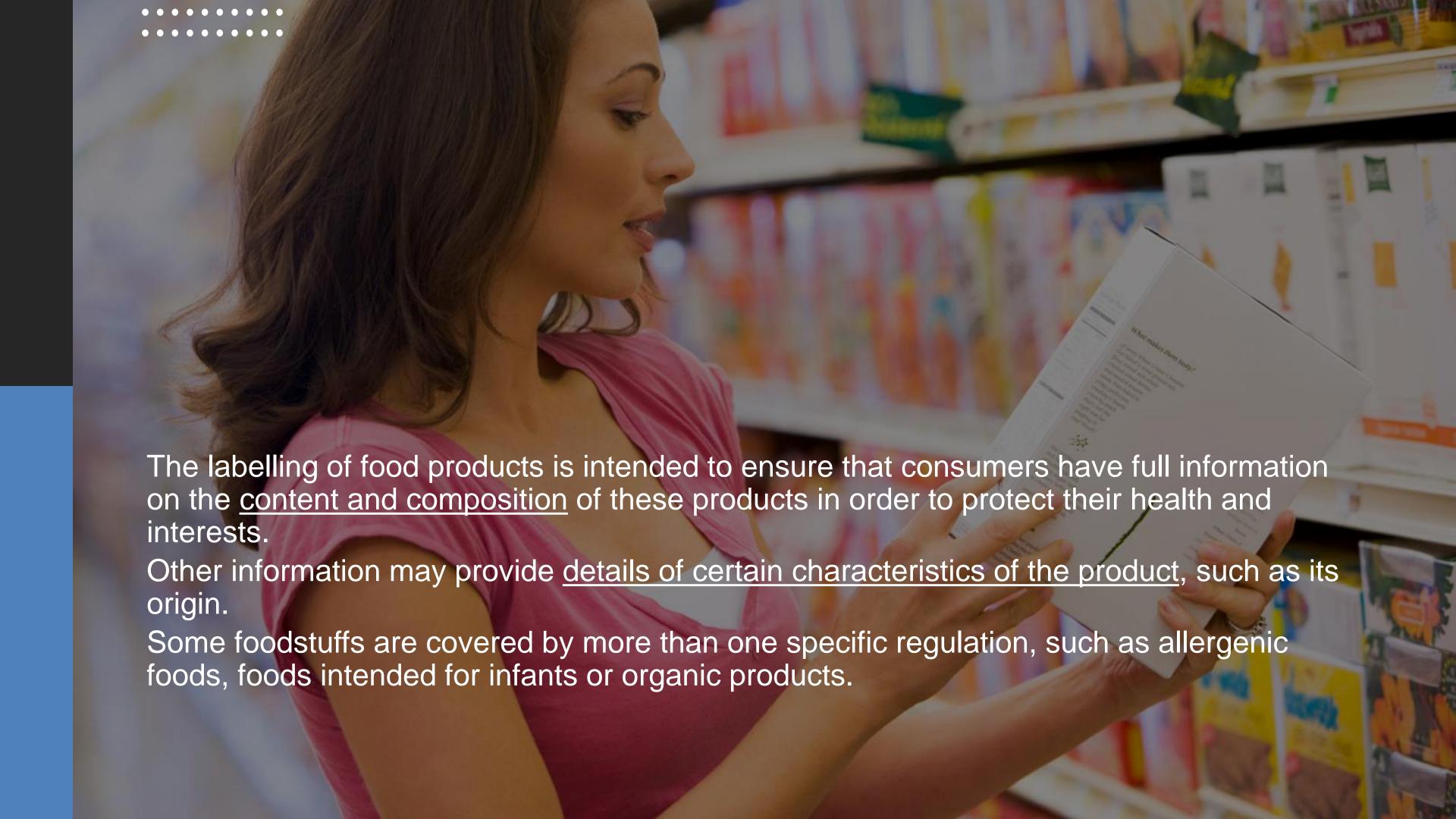


Food information / food labelling:

allows the consumers to make safe and well-informed choices;

enables the food operators to highlight the benefit of their products.





2.2. Legal framework. General overview



consumer protection

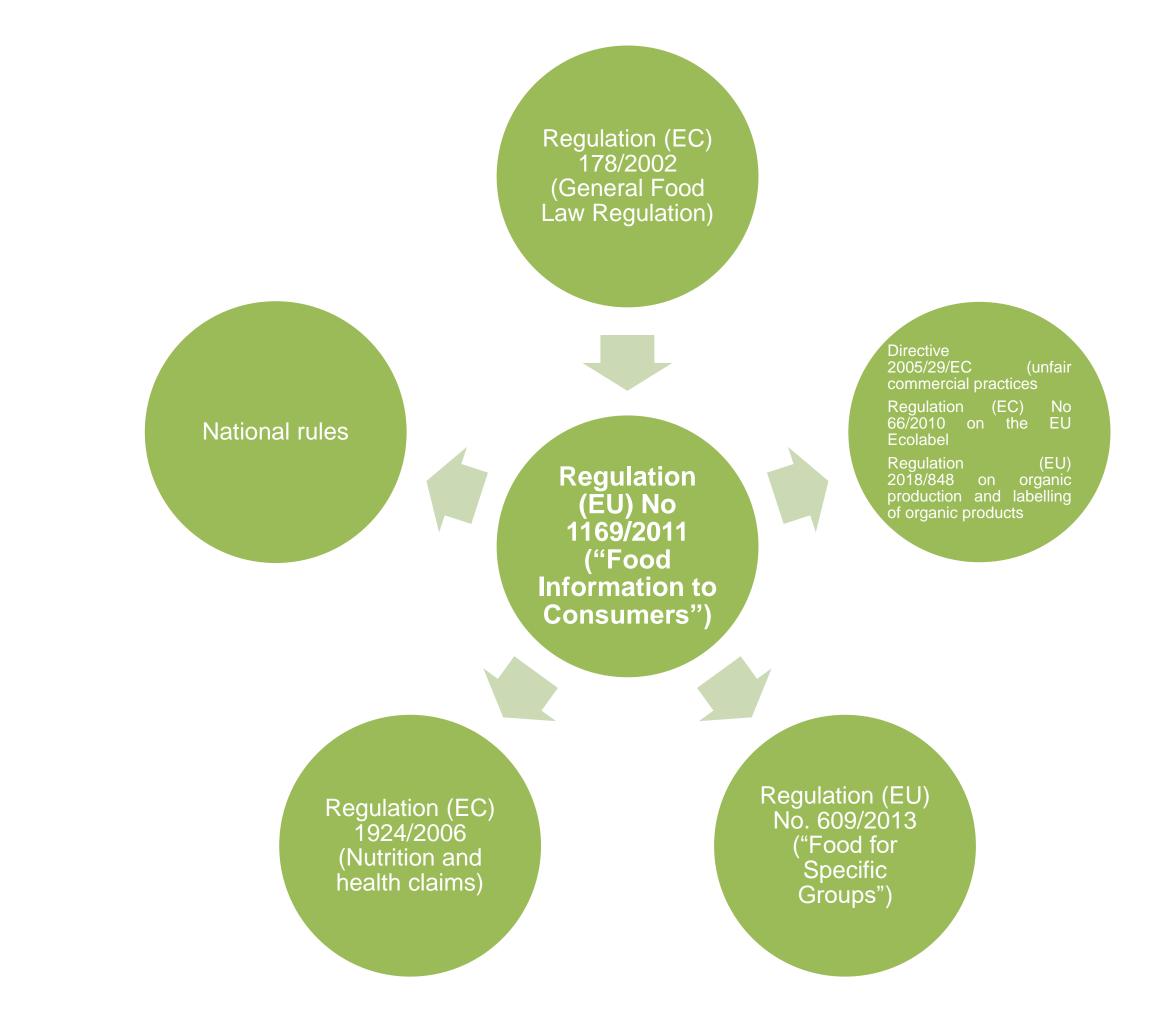
The objectives of food labelling legislation are:



free movement of goods



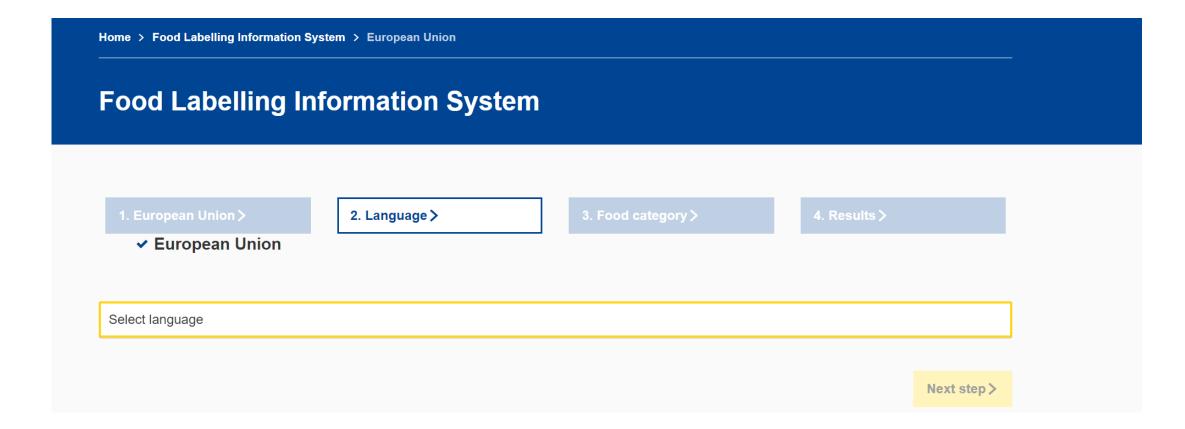
informed and ethically oriented choice



2.3. Food Labelling Information System

"The Food Labelling Information System provides a user friendly IT solution which enables its users to select the food and automatically retrieve the mandatory EU labelling indications in 23 EU languages. The system also provides links to the relevant legal provisions and existing guidance documents".

Labelling requirements may also be imposed by national legislation for certain foods.



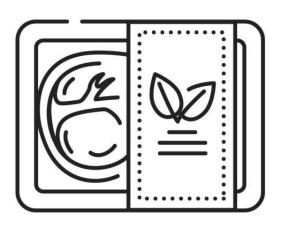
Source https://food.ec.europa.eu/safety/labelling-and-nutrition/food-labelling-information-system-flis_en

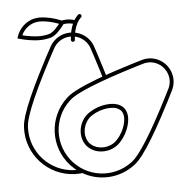
See

https://ec.europa.eu/food/safety/labelling_nutrition/labelling_legislation_en/food_labelling_information_system/start/select-countries

2.4. Components of a food label: mandatory and voluntary information

- Prepacked foods are subject to the <u>mandatory information</u> laid down in Art. 9(1).
- The particulars referred to in paragraph 1 must be indicated with words and <u>numbers</u> and they may additionally be expressed by means of <u>pictograms</u> or <u>symbols</u> (Art.9(2)).
- Specific types or categories of foods are additionally subject to the mandatory information laid down in Annex III (Art. 10(1)).
- Member States may, in addition, and in accordance with the procedure enshrined in Art. 45, adopt <u>national measures</u> requiring additional mandatory particulars for specific types of foods (Art. 39(1)).
- Minimum font size (Art. 13(2)).
- For non-prepacked foods it is mandatory to provide information about the substances and products causing allergies or intolerances present in the product (Art. 44(1)(a)) and there may be, additionally, national measures (Art. 44(1)(b),(2)).
- <u>Distance selling</u>: information before purchase is concluded and information at the moment of delivery (Art. 14).







Prepacked foods (Articles 9.1 and 10 Reg. No. 1169/2011)

- 1. Name of the food (Art. 17);
- **2. List of ingredientes** in descending order of weight and designated by legal name (Art. 18);
- **3.** 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 (Art. 21);
- 4. Quantity of certain ingredients or categories of ingredients (Art. 22);
- **5. Net quantity** of the food (Art. 23);
- **6. Date of minimum durability ('best before' date)** or the **'use by' date** (Art. 24);
- 7. Any special storage conditions and/or conditions of use (Art. 25);
- **8. Name or business name and address** of the food business operator referred to in Art. 8.1:
- **9. Country of origin** or **place of provenance** where provided for in Art. 26;
- **10. Instructions for use** where it would be difficult to make appropriate use of the food in the absence of such instructions (Art. 27);
- **11.** With respect to beverages containing more than 1,2 % by volume of alcohol, the actual alcoholic strength by volume (Art. 28);
- 12. Nutrition declaration (Articles 29 and ff.).
- **13. Additional mandatory particulars** for specific types or categories of foods laid down in Annex III (Art. 10 (1)).



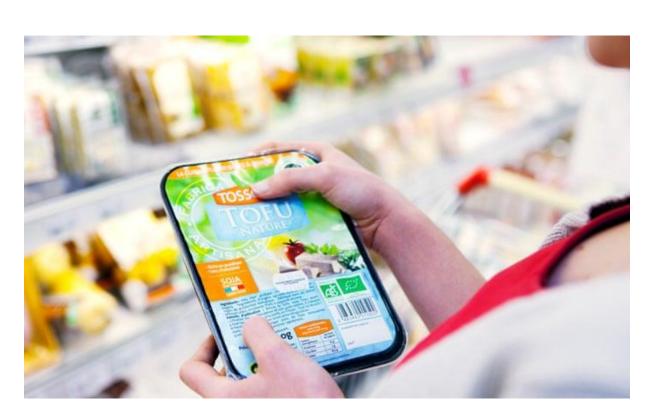
Non-prepacked foods (Article 44 Reg. No. 1169/2011)

Non-prepacked foods (foods offered for sale to the final consumer or to mass caterers without prepackaging, or foods which are packed on the sales premises at the consumer's request or prepacked for direct sale)

- 1. Information about the substances and products causing allergies or intolerances present in the product (Art. 44(1)(a)). A list of substances and products causing allergies or intolerances is provided in Annex II of the Regulation.
- 2. The provision of other particulars referred to in Articles 9 and 10 of the Regulation is not mandatory unless Member States adopt national measures requiring the provision of some or all of those particulars or elements of those particulars (Art. 44(1)(b)).
- **3.** Member States may also adopt **national measures** concerning the means through which the particulars or elements of those particulars are to be made available and, where appropriate, their form of expression and presentation (Art. 44(2)).

Fat 8 g Of which Saturates 3,7 g Carbohydrate 9 g Of which Sugars 8 g	/ 117 kcal 6% RI 11% RI 19% RI 3% RI
Of which Saturates 3,7 g Carbohydrate 9 g Of which Sugars 8 g	19% RI
Carbohydrate 9 g Of which Sugars 8 g	
Of which Sugars 8 g	3% RI
	2 /0 1 /1
	9% RI
Protein 1,4 g	3% RI
Salt 0,02 g	0% RI
Vitamin C 14,81 mg	19% RI

INGREDIENTS:Mandarin Oranges (37.9%), Light Whipping Cream (Milk), Pears (12.4%), Peaches (7.7%), Thompson Seedless Grapes (7.6%), Apple (7.5%), Banana (5.9%), English Walnuts (Tree Nuts)



2.5. Nutrition components

See Articles 29 and ff. of Reg. No. 1169/2011.

The nutrition declaration of prepacked food is <u>mandatory</u> and must include the following information:

- energy value
- ✓ amounts of fat, saturates, carbohydrate, sugars, protein and salt Information related to 100g or 100ml.

The following nutrients can be indicated <u>voluntarily</u> in the nutrition declaration:

- ✓ mono-unsaturates
- polyunsaturates
- ✓ polyols
- ✓ starch
- √ fibre
- any of the vitamins or minerals permitted by law

Foods that do not require nutrition declaration are listed in <u>Annex 5</u> of the Regulation (e.g., salt, herbs, coffee, table top sweeteners).

2.6. Foods for specific groups

Reg. No. 609/2013 ("Food for Specific Groups") establishes compositional and information requirements for food for the following **vulnerable population groups** to ensure their protection:

- a) infant formula and follow-on formula;
- b) processed cereal-based food and baby food;
- c) <u>food for special medical purposes</u>;
- d) total diet replacement for weight control.

This Regulation:

- ✓ protects specific vulnerable groups of consumers by setting general compositional and labelling rules and by increasing legal clarity for businesses;
- ✓ establishes a <u>single Union list of substances</u> that can be added to these foods including minerals and vitamins;
- ✓ empowers the Commission to adopt <u>interpretation decisions</u> clarifying whether a given food falls within the scope of the Regulation and under what specific food category, in order to ensure uniform implementation of the rules;
- ✓ requires the Commission to transfer rules on gluten-free foods and very low gluten under Reg. 1169/2011;
- ✓ establishes that meal replacement products for weight control should be regulated solely under Reg. No. 1924/2006 on nutrition and health claims in order to ensure legal certainty.

See https://food.ec.europa.eu/safety/labelling-and-nutrition/specific-groups_en.





3. Responsibility of food business operators regarding food labelling





3.1. Introduction

Reg. No. 1169/2011 seeks to ensure a high level of information security for consumers and gives more responsibility to food business operators (FBOs)

- ✓ Art. 1(3) prescribes that this Regulation "shall apply to food business operators at all stages of the food chain, where their activities concern the provision of food information to consumers".
- ✓ Art. 7 demands that food labelling shall not be misleading and shall be accurate, clear and easy to understand for the consumer.
- ✓ Art. 8 provides that the FBO responsible for the food information is the operator under whose name or business name the food is marketed. The FBO has the responsibility to ensure the presence and accuracy of information in accordance with European and national rules. Regarding foods from outside the EU, the labelling will be under the responsibility of the importer.

3. Responsibility of food business operators regarding food labelling



3.2. Nutrition claims

What's a nutrition claim?

"Nutrition claim" (such as "low fat", "high fibre") means any claim which states, suggests or implies that a food has particular beneficial nutritional properties due to:

The energy (calorific value) it:

- ✓ provides
- provides at a reduced or increased rate or
- ✓ does not provide

The nutrients or other substances it:

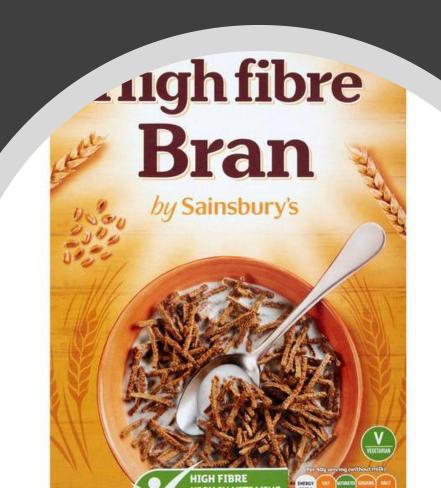
- ✓ contains
- contains in reduced or increased proportions or
- √ does not contain

Reg. No. 1924/2006, amended by Reg. No. 1047/2012, establishes the rules on nutrition claims. The objective of these rules is to ensure that any claim made on a food's labelling, presentation or advertising in the EU is clear, accurate and based on scientific evidence.

Permitted nutrition claims (listed in Annex of Reg. No. 1924/2006)

- ✓ LOW ENERGY
- ✓ ENERGY-REDUCED
- **✓** ENERGY-FREE
- ✓ LOW FAT
- **✓** SUGARS-FREE
- ✓ LOW SATURATED FAT
- **✓ SATURATED FAT-FREE**
- **✓ WITH NO ADDED SUGARS**
- ✓ LOW SUGARS
- ✓ LOW SODIUM/SALT
- ✓ VERY LOW SODIUM/SALT
- **✓ SODIUM-FREE or SALT-FREE**
- ✓ NO ADDED SODIUM/SALT
- ✓ SOURCE OF FIBRE
- ✓ HIGH FIBRE
- ✓ SOURCE OF PROTEIN
- ✓ HIGH PROTEIN
- ✓ SOURCE OF [NAME OF VITAMIN/S] AND/OR [NAME OF MINERAL/S]
- ✓ HIGH [NAME OF VITAMIN/S] AND/OR [NAME OF MINERAL/S]
- **✓ CONTAINS [NAME OF THE NUTRIENT OR OTHER SUBSTANCE]**
- **✓ INCREASED [NAME OF THE NUTRIENT]**
- REDUCED [NAME OF THE NUTRIENT]
- ✓ LIGHT/LITE
- ✓ NATURALLY/NATURAL
- **✓** SOURCE OF OMEGA-3 FATTY ACIDS
- ✓ HIGH OMEGA-3 FATTY ACIDS
- **✓ HIGH MONOUNSATURATED FAT**
- ✓ HIGH POLYUNSATURATED FAT
- ✓ HIGH UNSATURATED FAT





See EU Register of Nutrition and Health Claims

3. Responsibility of food business operators regarding food labelling



3.3. Health claims

What are "Health Claims"?



A health claim is any statement about a relationship between <u>food</u> and health.

Rules on health claims are established by **Reg. No. 1924/2006**, aiming to ensure that any claim made on a food's labelling, presentation or advertising in the EU is <u>clear</u>, <u>accurate and based on scientific</u> evidence.



The Commission authorises different health claims provided if they are based on scientific evidence and can be easily understood by consumers. The European Food Safety Authority (EFSA) is responsible for evaluating the scientific evidence supporting health claims.

There is public **EU Register of Nutrition and Health Claims** that lists all authorised and non-authorised health claims.

3. Responsibility of food business operators regarding food labelling





Types of Health Claims

- a) Function Health Claims (Art. 13 Reg. No. 1924/2006)
- ✓ Relating to the growth, development and functions of the body;
- ✓ Referring to psychological and behavioural functions;
- ✓ On slimming or weight-control.
- **b)** Risk Reduction Claims (Art. 14(1)(a) Reg. No. 1924/2006) on reducing a risk factor in the development of a disease. For example: "Proven to lower cholesterol".
- c) Claims referring to children's development (Art. 14(1)(b) Reg. No. 1924/2006). For example: "Vitamin D is needed for the normal growth and development of bone in children".

See https://food.ec.europa.eu/safety/labelling-and-nutrition/nutrition-and-health-claims/health-claims_en

Reg. No. 178/2002 (GFLR) establishes that shall aim at the protection of the interests of consumers and shall provide a basis for consumers to make informed choices in relation to the foods they consume.

Therefore, food law shall aim at the <u>prevention of fraudulent or deceptive practices</u>, the adulteration of food and any other <u>practices which may mislead the consumer</u> (Art. 1(1) and Art. 8).

Art. 16 of this Regulation also stipulates that the labelling, advertising and presentation of food, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium, shall not mislead consumers.





Reg. No. 1169/2011 (GFLR) lays down rules on fair information practices, establishing that food information shall not mislead the public, particularly:

- ✓ as to the <u>characteristics</u> 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 (Art. 7 (1)(a))
- ✓ by attributing to the food <u>effects or properties</u> which it does <u>not possess</u> (Art. 7 (1)(b))
- ✓ by suggesting that the food possesses <u>special characteristics</u> when in fact all similar foods possess such characteristics, in particular by specifically emphasising the presence or absence of certain ingredients and/or nutrients (Art. 7 (1)(c))
- ✓ 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 <u>substituted</u> with a different component or a different ingredient (Art. 7 (1)(d)).

Food information shall be <u>accurate</u>, <u>clear</u> and <u>easy</u> for the consumer to understand (Art. 7 (2)).

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 (Art. 7 (3)).

This is also applied to <u>advertising</u> and <u>presentation of foods</u> (Art. 7 (4)).





See <a href="https://food.ec.europa.eu/safety/labelling-and-nutrition/food-information-consumers-legislation/fair-information-practices_en_information-consumers-legislation/fair-information-practices_en_information-practi

Directive 2005/29/EC concerning unfair business-to-consumer commercial practices establishes that business operators must give consumers enough accurate information to enable them to make an informed buying decision, providing all mandatory details in a clear and comprehensible manner and in plain and intelligible language. This Directive foresees as unfair commercial practices:

- a) misleading practices and
- b) aggressive practices.

In food industry labelling, advertising and food presentation may constitute a misleading practice in accordance with this Directive.



Consumers want to make <u>informed</u>, <u>healthier and sustainable food choices</u> (worries with animal welfare, organic agriculture, environmental and social aspects of food products).

Following this trend, **Food Business Operators** use <u>false</u> or deceptive claims and declarations.

Greenwashing in food industry (refers to the practice of promoting an organisation's products, aims or policies as environmentally-friendly when they may not be; see https://eur-lex.europa.eu/legal-

content/EN/TXT/PDF/?uri=CELEX:52016SC0163&from=FR, pp. 95 and ff.) / Misleading commercial practices

- Sustainability labelling framework is **part of the Sustainable Food System Framework initiative** (companies should substantiate their environmental claims using Product and Organisation Environmental Footprint methods)
- Regulation (EU) 2018/848 on organic production and labelling of organic products / Regulation (EC) No 66/2010 on the EU Ecolabel





In order to obtain and use the green/organic production EU logo and the mention "organic", the food products must be certified by a certification body approved by the competent authorities to attest their compliance to the Regulation (EU) 2018/848 on organic production and labelling of organic products.

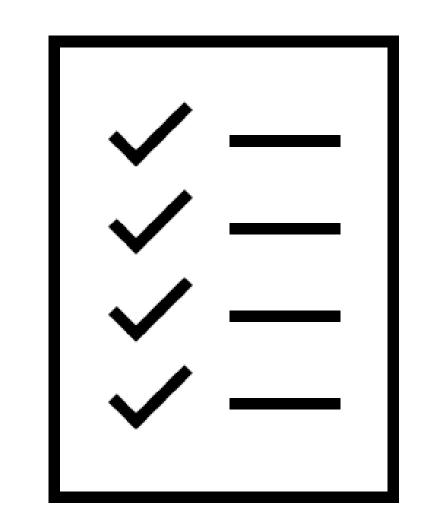


"The **EU Ecolabel** is a voluntary ecolabel award scheme intended to promote products with a reduced environmental impact during their entire life cycle and to provide consumers with accurate, non-deceptive, science-based information on the environmental impact of products. Since it is a voluntary scheme, producers, importers and retailers can choose to apply for the label for their goods and services". See https://environment.ec.europa.eu/topics/circular-economy/eu-ecolabel-home/about-eu-ecolabel_en. The functioning of the EU Ecolabel is established in Regulation (EC) No 66/2010 on the EU Ecolabel



Short Summary

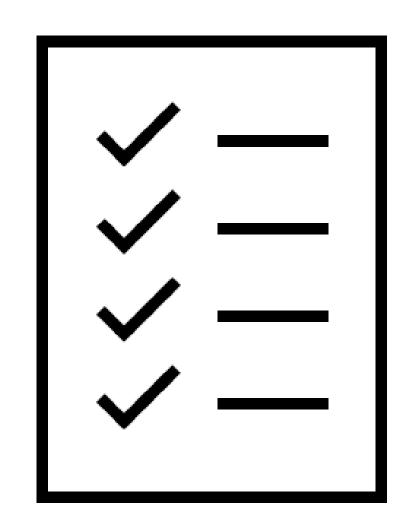
- 1. Reg. No.1169/2011 on food information to consumers establishes the <u>general principles</u>, <u>requirements</u> and <u>responsibilities</u> concerning food information and therefore lay down the <u>means</u> to guarantee the right of consumers to information as well as the <u>procedures</u> for the provision of food information.
- 2. The labelling of food products aims to ensure that **consumers** have full information on the <u>content and composition</u> of food in order to protect their health and interests as well as to enable **food business operators** to highlight the benefit of their products and to ensure the smooth functioning of the internal market.
- **3.** Prepacked foods are subject to the <u>mandatory information</u> laid down in Art. 9(1) Reg. 1169/2011. Specific types or categories of foods are additionally subject to the mandatory information laid down in Annex III (Art. 10(1) Reg. 1169/2011). Member States may adopt <u>national measures.</u>
- 4. For **non-prepacked foods** it is mandatory to provide information about the substances and products causing allergies or intolerances present in the product (Art. 44(1)(a) Reg. 1169/2011) and there may be, additionally, national measures (Art. 44(1)(b),(2) Reg. 1169/2011).
- **5.** Reg. No. 609/2013 ("Food for Specific Groups") establishes compositional and information requirements for food for the following vulnerable population groups to ensure their protection.





Short Summary

- 6. Reg. No. 1169/2011 seeks to ensure more responsibility to food business operators (FBOs). See Articles 1(3), 7 and 8.
- **7.** Reg. No. 1924/2006, amended by Reg. No. 1047/2012, establishes the rules on nutrition and health claims. The objective of these rules is to ensure that any claim made on a food's labelling, presentation or advertising in the EU is <u>clear</u>, accurate and based on scientific evidence.
- 8. Reg. No. 1169/2011 (GFLR) lays down rules on fair information practices, establishing that food information shall not mislead the public (Art. 7).
- 9. In food industry labelling, advertising and food presentation may constitute a misleading practice in accordance with Directive 2005/29/EC.
- 10. Greenwashing in food industry refers to the practice of promoting an organisation's products, aims or policies as environmentally-friendly when they may not be. To tackle this problem, besides Regulation (EU) 2018/848 on organic production and labelling of organic products and Regulation (EC) No 66/2010 on the EU Ecolabel, the Commission is creating a sustainability labelling framework as part of the Sustainable Food System Framework initiative.





Legal texts and other sources

- REGULATION (EC) 178/2002 General Food Law Regulation (GFLR)
- COUNCIL DIRECTIVE 2005/29/EC Unfair Commercial Practices
- COUNCIL DIRECTIVE 1966-401-ECC Marketing of seeds of agricultural crops
- COUNCIL DIRECTIVE 1966-402-ECC Marketing of seeds of agricultural crops
- COUNCIL DIRECTIVE 1989-108-ECC Quick-frozen food
- COUNCIL DIRECTIVE 2001-110-EC EU Labelling rules for honey
- COUNCIL DIRECTIVE 2001-112-EC- Fruit juices and similar products
- COUNCIL DIRECTIVE 2001-113-EC- Fruit jams and sweetened chestnut purée
- COUNCIL DIRECTIVE 2002-53-EC Marketing of seeds of agricultural crops
- COUNCIL DIRECTIVE 2002-54-EC Marketing of seeds of agricultural crops
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- COUNCIL DIRECTIVE 2002-57-EC -Marketing of seeds of agricultural crops
- COUNCIL DIRECTIVE 2008-90-EC EU rules for the marketing of fruit plants

COUNCIL REGULATION (EC) No 834-2007 - Production and labelling of organic products

DIRECTIVE 1999-4-EC - Coffee and chicory extracts

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- DIRECTIVE 2002-46-EC Ensuring safe food supplements in the EU
- DIRECTIVE 2011-91-EU Traceability of pre-packaged foods
- REGULATION (EC) No 1760-2000 Identification and labelling of beef and veal
- REGULATION (EC) No 1830-2003 Genetically modified organisms traceability and labelling
- REGULATION (EC) 1924/2006 on nutrition and health claims
- REGULATION (EC) No 1925-2006 Vitamins and minerals
- REGULATION (EC) No 66-2010 -EU Ecolabel
- REGULATION (EU) No 1169/2011 on the provision of food information to consumers ("Food Information to Consumers)
- REGULATION (EU) No 609/2013 ("Food for Specific Groups")
- COMMISSION DELEGATED REGULATION (EU) 2016-127 Infant and follow-on formula composition and information
- COMMISSION DELEGATED REGULATION (EU) 2016-128 Foods for special medical purposes
- COMMISSION REGULATION (EC) No 889-2008 Specific rules on organic production, labelling and control
- REGULATION (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products
- REGULATION (EU) 2018/848 on organic production and labelling of organic products
- COMMISSION REGULATION (EU) No 115-2010 Using alumina to remove fluoride from mineral waters
- DIRECTIVE 2009-54-EC EU standards for natural mineral waters

Legal texts and other sources

- Commission Implementing Regulation (EU) No 1337/2013
- Commission Implementing Regulation (EU) No 828/2014
- Commission Implementing Regulation (EU) 2018/775
- 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
- Commission Notice on the application of the provisions of Article 26(3) of Regulation (EU) No 1169/20112020/C 32/01 C/2020/428
- Report from the Commission to the European Parliament and the Council regarding the use of additional forms of expression and presentation of the nutrition declaration, de 20.05.2020 [COM(2020) 207 final]
- European Commission: https://ec.europa.eu/food/safety/labelling_nutrition/labelling_legislation_en
- https://ec.europa.eu/environment/eussd/pdf/green_claims/en.pdf
- https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016SC0163&from=FR
- FAO Handbook on Food Labelling to protect consumers (https://www.fao.org/documents/card/en/c/fc5f4bc2-650a-4704-9162-9eb9b3a1fdd0/)

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- 2. Fransvea, Armida et al. "Food Labelling: A Brief Analysis of European Regulation 1169/2011." *Italian journal of food safety* vol. 3,3 1703. 28 Aug. 2014, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5076719/pdf/ijfs-2014-3-1703.pdf.
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Thank you for your attention

Any question? Doubts?

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