

FEDERATION OF ASSOCIATIONS AND ENTERPRISES OF INDUSTRIAL
CULINARY PRODUCT PRODUCERS IN EUROPE

VEREINIGUNG DER VERBÄNDE UND HERSTELLER KULINARISCHER
LEBENSMITTEL IN EUROPA

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CULINARIA EUROPE guidance on pictorial representations, names or allusions of ingredients

This document was developed by Culinaria Europe's Trust and Transparency Commission in order to provide a practical guidance for pictorial representation on food packages (especially front of pack). The overall aim is to provide manufacturers of culinary products with a guidance summarizing best practices regarding pictorials in order to **avoid representations which might be regarded misleading** for the reasonably well-informed, circumspect consumer¹.

This document describes multiple aspects of the use of pictorial representation, each may be relevant alone or in combination with other aspects described below. It does not cover the item of quantitative ingredient declaration (QUID). Important to note is that all use of pictorials on labels should be assessed on a **case-by-case** basis as product labelling, market practice and local legislation may differ.

I. General requirements

1. If a food image appears on the label or in an advertisement, it should generally be present in the food as (if applicable further processed) ingredient. Realistic pictures of the prepared ready-to-eat dish are generally acceptable. The term "serving suggestion" should be added in cases where the packaging contains food which needs further preparation.
2. Foodstuffs not present in the product should only be included in the picture for embellishment (e.g. herbs) or to indicate other foods that are used to create a dish (e.g. chicken on a seasoning product; asparagus on a hollandaise sauce product). The purpose of decoration should be obvious to the consumer. The term "serving suggestion" is recommended.

¹ The average consumer, in the case law of the Court of Justice is a critical person, conscious and circumspect in his or her market behaviour. He or she should inform themselves about the quality and price of products and make efficient choices.

3. A pictorial representation shall not give the impression that the product contains ingredients in a larger amount or in a better quality than actually used or expected by the consumer.

II. Pictures of ingredients which are present in the product

1. As a general criterion, if a **food is present in the product** (= ingredient) it can be depicted if doing so will not mislead the consumer.

Example 1: A picture of tomatoes may be placed on the label of a bottle of tomato ketchup if fresh tomatoes were used as ingredient. Lifelike pictures (photos) are possible as well as drawings or symbolic pictures.



Legitimate: Lifelike picture (photography) or drawing/symbol.

2. If the ingredient used in the foodstuff has been **processed** from a raw material, the raw material may also be depicted if doing so will not mislead the consumer. For extracts and flavourings see III.

Example 2: A picture of tomatoes may be placed on the label of a bottle of tomato ketchup also if processed tomatoes – e.g. tomato paste – have been used as ingredients. *Rationale:* Tomato ketchup usually does not contain seeds or parts of the tomato skin. Therefore, the consumer is aware that the tomatoes have been further processed.

3. It can be assumed that the reasonably well-informed, circumspect consumer will evaluate the **overall product presentation** (product type, packaging type and material, overall graphic design, written claims on pack, ingredient list) to assess the value of any highlighted ingredient.

Example 3: A lifelike picture or drawing of fresh broccoli may be placed on the label of a dry soup containing dried broccoli and/or broccoli powder. *Rationale:* To the reasonably well-informed, circumspect consumer it is clear, that a dry soup contains dried ingredients. In case the product contains broccoli powder exclusively, it should be considered to indicate this fact in the list of ingredients as “broccoli powder”.

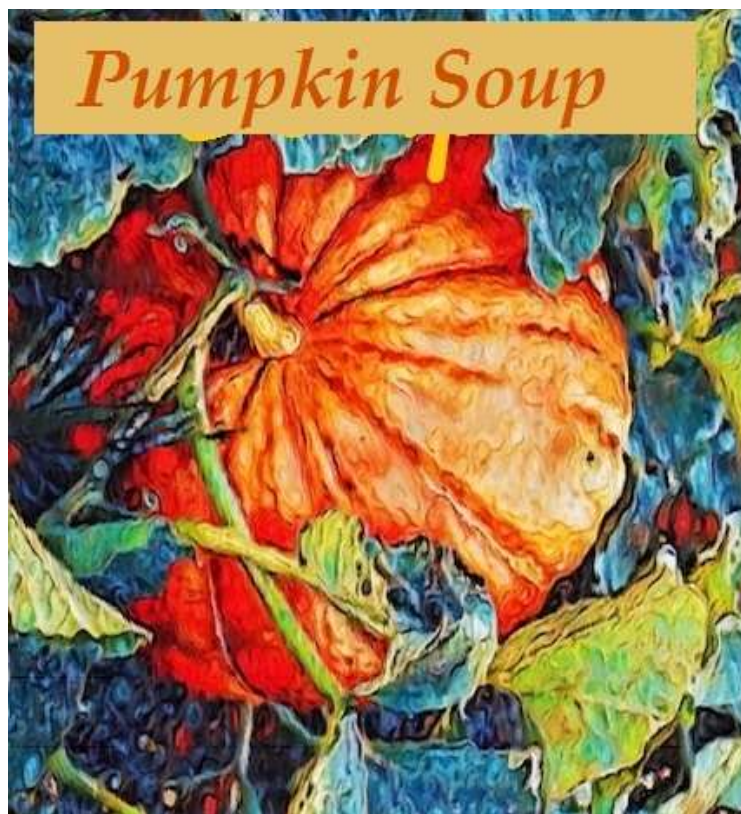


Legitimate: Lifelike picture (photography) or drawing/symbol.

The same principle applies e.g. for the use of dehydrated meat in dry soups.

III. Pictures of ingredients which are present in the food in small amounts or as flavourings

1. The emphasis that is given or the amount of ingredient shown should be **proportional to the product**. If multiple ingredients are shown, they should also appear proportionally to each other. On the other hand, the principle of consumer expectations also applies: It would be generally acceptable if ingredients are shown in clearly larger amounts than present in the product, or in a form that is clearly not in there, but only to show the origin or a form that is much more recognisable.



Example 4: Picture of a whole pumpkin on the pack of a pumpkin soup.

2. An ingredient should only be strongly emphasised front of pack when the ingredient is **present at a level that actually has an impact on any attribute of the food**. This attribute should have consumer relevance, but could be anything like nutritional content, cooking experience, as well as sensory attributes of the product which is finally consumed.

Example 5: Chilli pepper is usually used in small amounts but may contribute to the taste disproportionately.

3. When the ingredient is only present as **flavouring, extract, additive** (e.g. natural colourant from beetroot) because extracted from that food, the food should generally not be shown front of pack. Exemptions can be made in cases where it is clear to the reasonably well-informed, circumspect consumer that the picture is to be understood as a **symbolic pictorial representation, e.g. to indicate the taste of the food**. In such case the size and emphasis of the pictorial should be in line with the role of being symbolic.

Example 6: Beef extract is widely used as ingredient for meat bouillon. It is clear to the consumer that those bouillons regularly do not contain meat as such; against this background, the use of symbolic pictures of e.g. cattle is common practice and not to be considered misleading when only beef extract and no meat is present.² Symbolic pictures of cattle may as well suggest the presence of other ingredients of bovine origin such as beef fat, beef bone extract, beef stock or bone broth.



4. Where there is no clear legal obligation or consumer expectation for a specific food or food category, an **additional information on the use of flavourings** may be given, accompanying the name of the product (e.g.: type, flavour, taste, etc.).

Example 7: Tom Kha Gai (Thai ต้มข่าไก่) is a soup of Thai cuisine. Central ingredients are chicken, coconut milk and galangal. The Thai word tom means "soup", kha means "galangal" and gai means "chicken". The name indicates that the soup should contain chicken (gai) and

² Note that in some Member States (e.g. Italy) specific regulations on pictorials of animal ingredients may apply.

galangal (kha). In case galangal is replaced with ginger and/or chicken meat with chicken flavour, this should be clearly indicated e.g. by using the term “type”.

5. Flavourings do have a legitimate role to improve or modify the odour and /or taste of foods for the benefits of the consumers (recital 7 of Regulation (EC) No 1334/2008). **As a result, any pictorial emphasis on a certain ingredient does not preclude the additional use of flavours in the product.**

Example 8: On the pack of a dry tomato soup tomatoes are highlighted. The product contains a high amount of tomato powder that provides taste, colour and texture to the prepared dish. A tomato flavour is included to provide for volatile flavours that are partly lost during the drying process of the tomato powder.

6. If a highlighted ingredient is part of the product composition and can be declared in the list of ingredients as such and has an impact on a relevant product attribute, the additional presence of flavourings only needs to be properly indicated in the ingredient declaration. Nevertheless, in France an additional indication of the use of flavourings is requested by authorities, via an addition to the name under which the product is sold.³

IV. Completeness

When a product contains **multiple ingredients from the same category** (e.g. vegetables), **care should be taken** when only selected ingredients from such group are highlighted. When another ingredient from such category is present in the product, but not depicted or highlighted, this could **in single cases** be considered misleading. Omission from the overall presentation is likely to be acceptable if that ingredient has a different function in the product, is used in a significantly smaller amount or does not contribute significantly to the characteristics of the product.

Example 9: A forest mushroom soup (with common mushroom, porcini and oyster mushroom); the nice porcini and oyster mushrooms are shown front of pack but the “primary ingredient” – in this case the common mushroom – is not included. This could be considered misleading.

Example 10: A barbecue sauce contains numerous different herbs and spices only some of which are depicted / highlighted. This is not to be considered misleading since a pictorial representation is not a substitute for the list of ingredients. The manufacturer may choose those herbs and spices which he considers most important / characteristic.

³ Doctrine by DGCCRF (French General Directorate for Competition Policy, Consumer Affairs and Fraud Control) <https://www.economie.gouv.fr/dgccrf/Publication/Vie-pratique/Fiches-pratiques/denrees-aromatisees-lisez-mentions-detiquetage>.

V. Minimise disclaimers

Emphasising ingredients on front of pack has typically the goal to attract consumer's attention to the perceived quality. However, the use of additional disclaimers front of pack to further explain the nature of ingredients or flavours makes the pack appearance 'text-crowded', it may confuse the consumer and local authorities may be attracted to judge the main emphasis and challenge it, regardless other information on pack.

Example 11: Meal kits typically contain various components for the dish and instructions to add fresh ingredients. Depicting any of the ingredients in the meal kit product itself, or any of the fresh added ingredients is fine. Adding images of other food to show any possible variation or 'inspiration' should not be done front of pack, because even with a 'serving suggesting' disclaimer this is highly confusing.

VI. Use of icons

Icons may represent a special form of food images, typically to indicate different varieties in a product range (e.g. for seasonings directed for fish or meat) or to support preparation instructions. When used for preparation instructions, the risk to mislead consumers is limited, but when used to indicate different varieties, some of the considerations above apply (e.g. see the example of cattle, III., Example 6). In general, when the icons refer to food not present in the product, it should be clear from other information that the icon refers to either taste direction or dish application of the product.

Picture credits:

Tomatoes: birgitH / pixelio.de

Broccoli: Joujou / pixelio.de

Pumpkin field: touchingcics.com / pixelio.de

Symbolic cattle pictures © Unilever and Nestlé

Other symbolic pictures created with the Oilist app.