

You pay for seafood...
not for ice.



Net weight of glazed (sea)food

EU Regulation 1169/2011
on the provision of food information to consumers
(FIC)

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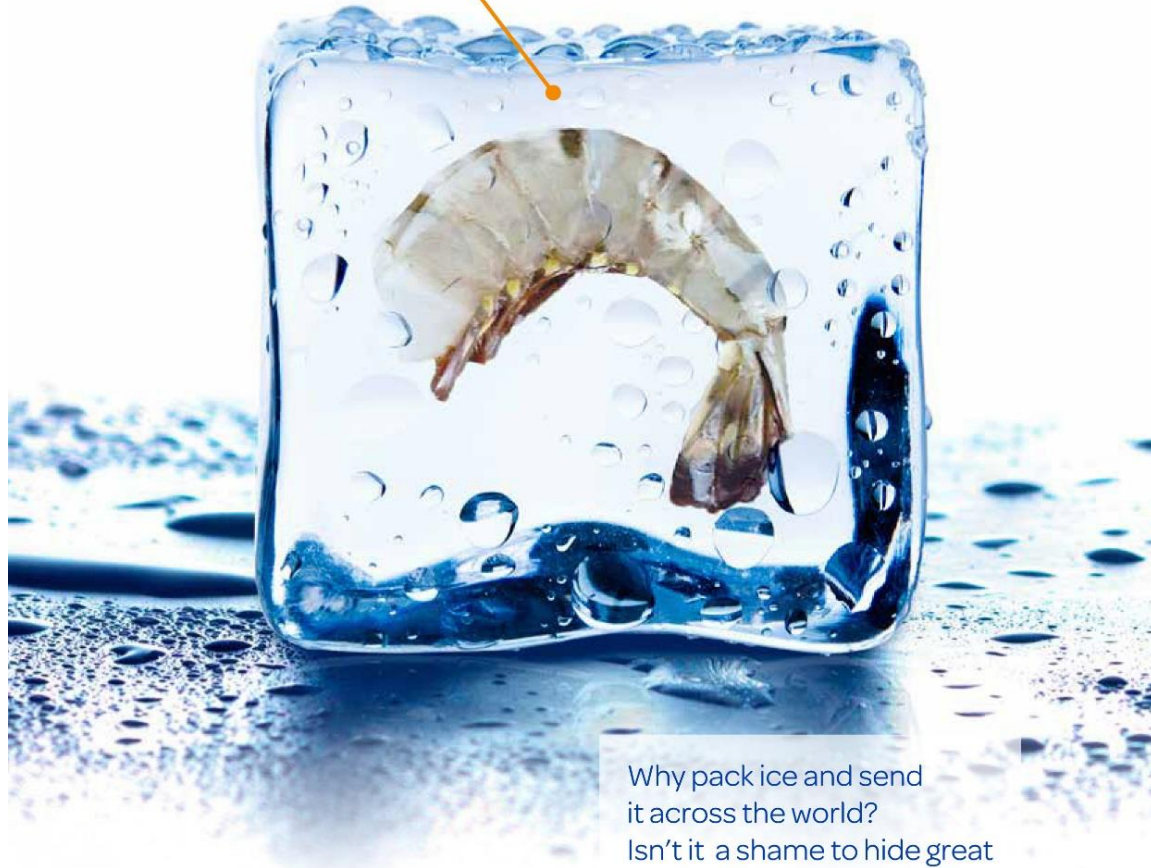
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Introduction

- New legal net weight indication for frozen glazed prepacked (sea)foods in EU: Reg. 1169/2011
- Packed after 13 DEC 2014

You pay for seafood...
not for ice.



Why pack ice and send it across the world?
Isn't it a shame to hide great seafood in excessive ice?

Comparison old and new regulations

2000/13/EC	1169/2011
<p>The following particulars shall be compulsory on the labelling of foodstuffs (Art. 3): (4) in the case of prepackaged foodstuffs, the net quantity</p>	<p>An indication of the following particulars shall be mandatory (Art. 9): (e) the net quantity of the food</p>
<p>Where a solid foodstuff is presented in a liquid medium, the drained net weight of the foodstuff shall also be indicated (Art.8 (4)).</p> <p>For the purposes of this paragraph, ‘liquid medium’ shall mean the following products, possibly in mixtures and also where frozen or quick-frozen, provided that the liquid is merely an adjunct to the essential elements of that preparation and is thus not a decisive factor for the purchase: water, aqueous solutions of salts, brine, aqueous solutions of food acids, vinegar, aqueous solutions of sugars, aqueous solutions of other sweetening substances, fruit or vegetable juices in the case of fruit or vegetables.</p>	<p>Where a solid food is presented in a liquid medium, the drained net weight of the food shall also be indicated. <u>Where the food has been glazed, the declared net weight of the food shall be exclusive of the glaze.</u> (Annex IX (5))</p> <p>For the purposes of this point, ‘liquid medium’ shall mean the following products, possibly in mixtures and also where frozen or quick-frozen, provided that the liquid is merely an adjunct to the essential elements of that preparation and is thus not a decisive factor for the purchase: water, aqueous solutions of salts, brine, aqueous solutions of food acids, vinegar, aqueous solutions of sugars, aqueous solutions of other sweetening substances, fruit or vegetable juices in the case of fruit or vegetables.</p>
<p>Conclusion: for glazed (sea)foods, 2 net weights must be present on the label: the net content (incl. glazing) as well as the drained net weight (excl. of the glaze) Consequence: explosion on the market of product sold with “frozen weight / frozen count” – as the “net weight” was a legally valid weight, operators sold the product based on it’s “net weight” and indicated the size (pieces per LB or per kg) also based on the “net weight” – and in both cases, NOT based on the “drained net weight”</p>	<p>Conclusion: new legal net weight indication for frozen glazed (sea)foods = codex definition</p>

Net weight : Codex definition

Codex Alimentarius – International Food Standards

- Codex standard for quick frozen **shrimps or prawns** (stan 92-1981)
- Codex standard for quick frozen **fish fillets** stan (190-1995)
- Codex standard for quick frozen raw **squid** (stan 191-1995)
- Codex standard for quick frozen **lobsters** (stan 95-1981)

6.2 Net Contents (Glazed Products)

Where the food has been glazed, the declaration of net contents of the food shall be exclusive of the glaze.

Q&A 1169/2011: more explanation

- **General rule** for food in liquid medium which is not glaze (e.g. cans, brine)
 - Indication on the packaging of both:
 - Net weight (=total content)
 - Drained net weight
- **Exception** (new rule): for glazed frozen food, the net weight should not include the glaze itself (=net weight without the glaze).

NET WEIGHT = WEIGHT EXCLUSIVE OF THE GLAZE
= DRAINED NET WEIGHT

How to declare “net weight” on the label?

- Mentioned in the Questions & Answers (Q&A) published on website EU Commission : [Food information to consumers - legislation - European Commission](#)
- Following indications on packaging are possible (Q&A, 2.12.2):
 - Double indication:
 - Net weight = X g and
 - Drained weight = X g;
 - Comparative indication:
 - Net weight = drained weight = X g;
 - Single indication:
 - Drained weight = X g **(!!!)**
 - **Net weight (without glaze) = X g**
= most logical option

Consequences & advantages

- Glaze has **no commercial and economical value** anymore (only protective function)

⇒ No need to “overglaze”

⇒ More environment-friendly trade

⇒ Lower processing costs (less glazing steps, less potable water needed)

⇒ Lower logistic/storage costs

- Size indication: always **real count**
- **Unit price** of the net drained weight (Dir 98/6/EC, Art 4(2)) – only to final consumer

Examples

Packed before 13/12/2014	Packed after 13/12/2014
<p>LABEL Compulsory to put 2 weights on packaging: Net weight (= inclusive of glaze): 1 kg Deglazed weight (= exclusive of glaze): 800 g</p>	<p>LABEL Only 1 weight can be put on the packaging: Net weight (without glaze): 800 g</p>
<p>OFFER Glaze not compensated</p>	<p>OFFER Glaze compensated</p>
<p>INVOICE 10.00 USD/kg CNF (= on net weight, inclusive of the glaze)</p>	<p>INVOICE 12.50 USD/kg CNF (= on net weight, exclusive of the glaze) or 10.00 USD/consumer unit of 800g net</p>

Example: labelling

Pangasius Fillets
(Pangasius hypophthalmus)

Size / calibre / maat / Größe / Tamaño: **g/pc**

Net weight	Deglazed weight
Poids net	Poids déglacé
Nettogewicht	Ontijsd gewicht
Nettogewicht	Abtropfgewicht
Peso neto	Peso desglaseado

1000 g **800 g**



Pangasius fillets
(Pangasius hypophthalmus)

Net weight (without glaze) |
 Poids net (sans glazure) |
 Nettogewicht (zonder glazuur) |
 Nettogewicht (ohne Überzugsmittel) |
 нетно тегло (без глазура) |
 Nettopaino (ilman glaseerausta) |

800 g

Example for Pangasius fillets

Packed before 13 DEC 2014: 2 weights mentioned

Packed after 13 DEC 2014: only 1 weight mentioned

Example: offer

BEFORE 13 DEC 2014	AFTER 13 DEC 2014
Head-on shrimps	Head-on shrimps
Size: 16/20 pc/kg, Frozen Count	Size: 16/20 pc/kg, Real Count
1kg net weight/bag 80% Net weight 20% glaze not compensated	800g net deglazed weight/bag 100% Net weight glaze only protective and fully compensated

Gross/total/glazed weight: not allowed

- Despite the new regulation, there is still some confusion in the market to also put the gross/total weight (incl. the glaze) on the packaging, mostly created by importers who do not like new system

=> letters European Commission

Ref. Ares(2015)330110 - 28/01/2015

 **EUROPEAN COMMISSION**
 DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY
 Safety of the Food Chain
 Enforcement

Brussels,
 sante.dg2.e.s/OP/mt(2015) 282743

Ms Evelyn Nusalim
 Email: evelyn_nusalim@yahoo.com

Dear Ms Nusalim,

Subject: Methods for checking the drained net weight of frozen food products

Thank you for your email of 12 January 2015 to DG SANTE where you ask for clarification regarding the method for checking the drained net weight of frozen food products and the controls carried out by Member States.

The Commission gives careful attention to the possibility of malpractices in relation with the declaration of the net weight of glazed frozen food products.

With regard to pre-packed glazed foods, Regulation (EU) No 1169/2011 introduces a new provision in relation to the indication of the net weight compared to the previous Directive 2000/13/EC. In particular, in its Annex IX, point 5, it requires that "Where the food has been glazed, the declared net weight of the food shall be exclusive of the glaze". This provision applies regardless of the quantity of the glaze and was particularly introduced in order to prevent the fraudulent practices in relation to the indication of the net weight for glazed foods. It should also be clarified that under the new Regulation in case of glazed foods it is not allowed, even on a voluntary basis, to declare the weight of the glazed food inclusive of the glaze (total/gross weight), in addition to the indication of the net weight exclusive of the glaze. Therefore, the calculation of the net weight inclusive of glazing, and even of over-glazing, is in breach of applicable labelling rules.

The EU food law provides that food business operators bear the primary responsibility to make sure that EU requirements are met, and that Member States have control systems in place to verify compliance with EU rules. The controls should be carried out without discrimination on products originating from the EU and from third countries.

Concerning the method the Commission has already initiated a discussion with the Member States in the Standing Committee on Plants, Animals, Food and Feed, with a view to establish a harmonized method for determining the drained net weight for glazed fishery products.

However it is worth reminding that the absence of a EU harmonized method of analysis does not prevent official controls from being carried out. In the absence of such harmonized method, article 11 of Regulation (EC) No 882/2004¹ indicates that the methods of sampling and analysis used should comply with internationally recognised rules or protocols, or, in their absence, with other methods fit for the intended purpose or developed in accordance with scientific protocols.

At international level Codex standards have already been adopted for several commodities, and a Guide for the verification of drained weight of prepacked food has been elaborated by the European Cooperation in Legal Metrology (WELMEC). At national level Member States may also have developed and validated in-house methods. Therefore valid instruments are already available to check the net weight of frozen products for the purpose of official controls.

The Commission, while continuing work to finalize as soon as possible the harmonized method for determining the drained net weight for glazed fishery products, is considering the possibility to draw the Member States' attention on the need to ensure that appropriate enforcement action is deployed.

Yours sincerely,



Carmen Garau

Cc.: Mr O. Hottlet (BELGAFOOD).

¹ Regulation (EC) No 882/2004 of the Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1)

Gross/total/glazed weight: not allowed

- European Commission : “It should also be clarified that under the new Regulation in case of glazed foods **it is not allowed, even on a voluntary basis, to declare the weight of the glazed food inclusive of the glaze (total/gross weight)**, in addition to the indication of the net weight exclusive of the glaze.”

Gross/total/glazed weight: not allowed

- Why not declare gross/total glazed weight on the packaging according to European Commission:
 - “To prevent the **fraudulent** practices in relation to the indication of the net weight for glazed foods”
 - “It would be **contrary to** the intention of the Union legislators, it would go against the objective* and spirit of Regulation (EU) No 1169/2011 and it would undermine the *effet utile* of the new provision laid down in Annex IX, point 5, second sentence thereto”
 - ***Objective**: The provision of food information shall pursue a high level of protection of consumers’ health and interests by providing a basis for final consumers **to make informed choices** and to make safe use of food, with particular regard to health, economic, environmental, social and ethical considerations. Food information **shall not be misleading**, particularly 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 (1169/2011: Art.3 (1) + Art 7(1a)).

Extracts

Ref. Ares(2014)3488592 – 21/10/2014

Following contacts with stakeholders, our attention was drawn to a statement included in our reply, namely "It would also still be possible to indicate the gross total content capacity". This statement was an oversight from our side and we would like to clarify that in case of glazed products and declaration of the net weight, it is not allowed to indicate the total weight of the content of the packaging (inclusive of the glaze).

Ref. Ares(2015)330110 – 28/01/2015

With regard to pre-packed glazed foods, Regulation (EU) No 1169/2011 introduces a new provision in relation to the indication of the net weight compared to the previous Directive 2000/13/EC. In particular, in its Annex IX, point 5, it requires that "Where the food has been glazed, the declared net weight of the food shall be exclusive of the glaze". This provision applies regardless of the quantity of the glaze and was particularly introduced in order to prevent the fraudulent practices in relation to the indication of the net weight for glazed foods. It should also be clarified that under the new Regulation in case of glazed foods it is not allowed, even on a voluntary basis, to declare the weight of the glazed food inclusive of the glaze (total/gross weight), in addition to the indication of the net weight exclusive of the glaze. Therefore, the calculation of the net weight inclusive of glazing, and even of over-glazing, is in breach of applicable labelling rules.

Extracts

Ref. Ares(2015)538480 – 09/02/2015

Under Regulation (EU) No 1169/2011, it is not allowed to continue declaring the weight of the glazed food inclusive of the glaze (total/gross weight), in addition to the indication of the net weight exclusive of the glaze, as this possibility would be contrary to the intention of the Union legislators, it would go against the objective and spirit of Regulation (EU) No 1169/2011 and it would undermine the *effet utile* of the new provision laid down in Annex IX, point 5, second sentence thereto.

Ref. Ares(2015)538413 – 09/02/2015

A. Regulation (EU) No 1169/2011 introduces a new provision in relation to the indication of the net weight compared to the previous Directive 2000/13/EC. In particular, in its Annex IX, point 5, second sentence thereto, it requires that *"Where the food has been glazed, the declared net weight of the food shall be exclusive of the glaze"*. Under Regulation (EU) No 1169/2011, it is not allowed to continue declaring the weight of the glazed food inclusive of the glaze (total/gross weight), in addition to the indication of the net weight exclusive of the glaze, as this possibility would be contrary to the intention of the Union co-legislators, it would go against the objective and spirit of Regulation (EU) No 1169/2011 and it would undermine the *effet utile* of the new provision laid down in Annex IX, point 5, second sentence thereto.

Conclusion

- Glazed prepacked food: only 1 weight can be mentioned on the packaging

⇒ **Net weight (without glaze)**

- Imperative need:
 - **Clear communication:**
European Commission => Third countries
 - EU Member States must **control** conformity of labels