

## Commission Notice on the application of the principle of quantitative ingredients declaration (QUID)

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The purpose of the Commission Notice is to provide guidelines for businesses and national authorities on the application of the principle of quantitative ingredients declaration (QUID) in the context of Regulation (EU) No 1169/2011 of the European Parliament and of the Council <sup>(1)</sup> on the provision of food information to consumers (hereinafter, the 'Regulation'). The Notice replaces and complements the guidelines on QUID adopted under Article 7 of Council Directive 79/112/EEC <sup>(2)</sup>.

The Notice reflects the discussions the Commission's Health and Food Safety Directorate-General (DG SANTE) held with experts from Member States in the context of the Working Group on Regulation (EU) No 1169/2011 on the provision of food information to consumers.

This Notice is without prejudice to the interpretation which the Court of Justice of the European Union may provide.

#### 1. Introduction

1. Regulation (EU) No 1169/2011 (the Regulation) requires the indication of the quantity of certain ingredients or categories of ingredients used in the manufacture or preparation of all prepacked foods (Article 9(1), point (d) and Article 22 of the Regulation).
2. 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 %.
3. There are other specific cases of prepacked foods where the QUID is not required (Annex VIII of the Regulation). Furthermore, the QUID is not required on 'non-prepacked foods' (foods which are offered without prepackaging, or are packed on the sales premises at the consumer's request or prepacked for direct sale) unless Member States have adopted national rules requiring it for such foods (Article 44 of the Regulation).
4. Finally, the QUID being the quantitative indication of ingredients, it does not apply to constituents naturally present in foods and which have not been added as ingredients, e.g. caffeine (in coffee) and vitamins and minerals (in fruit juices).

#### 2. Obligation to indicate QUID

5. Article 22(1) of the Regulation provides that '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.'
6. With regard to Article 22(1), point (a) of the Regulation, this provision requires QUID where the ingredient appears in the name of the food, such as, for example 'ham and mushroom pizza', 'strawberry yoghurt', 'salmon mousse', 'chocolate ice cream'. In these cases, the above underlined ingredients appearing in the name of the food are to be quantified.

<sup>(1)</sup> OJ L 304, 22.11.2011, p. 18.

<sup>(2)</sup> OJ L 33, 8.2.1979, p. 1.

7. Article 22(1), point (a) of the Regulation also requires QUID where the category of ingredient appears in the name of the food such as, for example vegetable pasty, fish fingers, nut loaf, fruit pie. In these cases, QUID should refer to the total vegetable, fish, nut or fruit content of the food.
8. When ingredients are compound ingredients <sup>(1)</sup>, the following should apply:
- When a compound ingredient appears in the name of the food (e.g. biscuits with a cream filling), the QUID of the compound ingredient (i.e. cream filling) should be indicated.
  - When an ingredient of the compound ingredient appears in the name of the food (e.g. biscuits with a cream filling containing eggs), the QUID for this ingredient (eggs) should also be given, in addition to the QUID of the compound ingredient.
9. Article 22(1), point (a) of the Regulation also requires QUID where the consumer usually associates an ingredient or category of ingredients with the name of the food. This is most likely to apply where foods are described using customary names <sup>(2)</sup> without additional descriptive names <sup>(3)</sup>. In such cases, as a guide for deciding which ingredients are likely to be associated with a food identified solely by a customary name, a descriptive name for the food can be considered. QUID would then refer to the main or value ingredients identified as they are those usually associated by consumers with the name of the food.

Examples:

Customary names	Example of descriptive name	QUID
'Lancashire hot pot'	Mutton and potatoes with onions, carrots and gravy	Mutton
'Chilli con carne'	Minced beef with kidney beans, tomatoes, peppers, onions and chilli	Minced beef
'Forloren skildpadde'	Veal, minced-meatballs and fishballs with onions, carrots and sherry sauce	Veal
'Boudoir'	Biscuit with eggs	Eggs
'Brandade'	Dish based on potatoes and cod	Cod
'Cassoulet'	Dish based on haricot beans, sausages and pieces of meat	Meat
'Königinpastete'	Veal stew with asparagus and mushrooms in crust	Veal
'Königsberger Klopse'	Minced-meatballs with white sauce with capers	Meat
'Gulaschsuppe'	Soup with beef, onions and paprika	Beef
'Hutspot'	Dish based mainly on carrots and onions	Carrots and onions
'Käldolmar'	Folded cabbage leaf filled with minced meat and rice	Meat
'Kroppkakor'	Pastry balls made from potato and wheat flour and filled with fried and smoked minced pork	Pork
'Janssonin kiusaus' or 'Janssons frestelse'	Dish made of potatoes and anchovies	Anchovies

This provision should not be interpreted, however, in such a way that each name under which a food is sold is ultimately linked to a specific ingredient, with the result that the QUID for this ingredient has to be declared. A case by case assessment is needed. For example, it is not necessary to indicate the quantity of apples used in the preparation of cider. Similarly, this provision does not impose an automatic obligation to indicate the quantity of meat for products such as dry-cured ham.

<sup>(1)</sup> According to Article 2(2), point (h) of the Regulation, 'compound ingredient' means an ingredient that is itself the product of more than one ingredient.

<sup>(2)</sup> Customary name as defined in Article 2(2), point (o) of Regulation (EU) No 1169/2011.

<sup>(3)</sup> Descriptive name as defined in Article 2(2), point (p) of Regulation (EU) No 1169/2011.

10. Article 22(1), point (b) of the Regulation provides that: ‘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: [...] (b) is emphasised on the labelling in words, pictures or graphics; [...]’.
11. According to Article 22(1), point (b) of the Regulation, the QUID requirement applies:
- (i) where a particular ingredient or category of ingredients is emphasised on the label other than in the name of the food, e.g. by information such as
    - ‘with chicken’,
    - ‘made with butter’,
    - ‘with cream’,or where a particular ingredient or category of ingredients is emphasised by the use of a different size, colour and/or style of lettering to refer to particular ingredients elsewhere on the label than in the name of the food;
  - (ii) where pictorial representation is used to emphasise selectively one or more ingredients, e.g.:
    - fish casserole with a prominent picture or illustration of only a selection of the fish ingredients;
  - (iii) where an ingredient is emphasised by an image evoking its origin, e.g.:
    - image or drawing of a cow to emphasise dairy ingredients: milk, butter.
12. There are presentations which should not be considered as falling under this provision. For example:
- where the image of a food as offered for sale is given; where a pictorial representation takes the form of a ‘serving suggestion’, provided the nature of the pictorial representation is made clear and does not otherwise emphasise the food being sold and/or any of its ingredients,
  - where the image represents all the food ingredients without emphasising any particular one,
  - where, in the case of a food mix, a pictorial representation shows how to prepare the food in accordance with the instructions without emphasising any particular ingredient.
13. Article 22(1), point (c) of the Regulation provides that: ‘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: [...] (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.’
14. The purpose of this provision is to meet the requirements of consumers in Member States where the composition of certain foodstuffs is regulated and/or where consumers associate certain names with specific compositions.
- The range of foods likely to be affected is very narrow, as the provision is intended to cover products whose composition can differ markedly from one Member State to another but which are usually marketed under the same name.
- The cases thus far identified during past discussions with Member State experts are:
- mayonnaise,
  - marzipan.
- Two conditions must cumulatively be met for the QUID requirement to apply. The ingredient or category of ingredient must be essential both:
- to characterise the food, and
  - to distinguish it from products with which it might be confused because of its name or appearance.

### 3. Derogations from the obligation to indicate QUID

15. Annex VIII of the Regulation provides cases where the QUID is not required.

16. Point 1(a)(i) of Annex VIII of the Regulation provides that ‘1. The quantitative indication shall not be required: (a) in respect of an ingredient or category of ingredients: (i) the drained net weight of which is indicated in accordance with point 5 of Annex IX; [...]’.

Point 5 of Annex IX of the Regulation provides that ‘Where a solid food is presented in a liquid medium, the drained net weight of the food shall also be indicated. Where the food has been glazed, the declared net weight of the food shall be exclusive of the glaze.’

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.’

Therefore, in line with the above provisions of the Regulation, any product which has to declare the drained net weight and the net weight on its label in accordance with Point 5 of Annex IX is exempted from the requirement to provide a separate QUID. The quantity of the ingredient or category of ingredient can be calculated from the drained net weight indication.

Examples: tuna in brine, pineapple in syrup.

By analogy, the same principle as above could also apply where the labelling of a product presented in a liquid (medium) not covered by Point 5 of Annex IX (e.g. sunflower oil) includes, on a voluntary basis, indication of the drained net weight. The quantity of the ingredient or category of ingredient can be calculated from the drained net weight indication. Therefore, in such a case QUID should not be necessary to be provided.

The exemption does not apply where the net weight and drained net weight is given for mixed ingredient products, where one or more of these ingredients is quoted in the name or emphasised in some way. The amount of each ingredient cannot be calculated from the weight indications already given.

Example: olives and pepper presented in a (liquid) medium. In such a case the QUID is required for olives and pepper individually.

17. Point 1(a)(ii) of Annex VIII of the Regulation provides that ‘1. The quantitative indication shall not be required: (a) in respect of an ingredient or category of ingredients: [...] (ii) the quantities of which must already appear on the labelling under Union provisions; [...]’.

The Union provisions referred to under this point are listed in the table below. The QUID is not required if the legislation already requires the quantity of the ingredient or category of ingredients in question to be indicated on the label. However, where, in the case of nectars and jams produced with two or more fruits individually emphasised on the label by words or images or individually included in the name of the food, the quantity or percentage of those ingredients must also be indicated.

Directive 1999/4/EC of the European Parliament and of the Council <sup>(1)</sup>	Coffee extracts and Chicory extracts (Article 2)
Directive 2000/36/EC of the European Parliament and of the Council <sup>(2)</sup>	Cocoa and chocolate products (Article 3)
Council Directive 2001/112/EC <sup>(3)</sup>	Fruit juices and certain similar products (Article 3(7): fruit content of nectar)
Council Directive 2001/113/EC <sup>(4)</sup>	Fruit jams, jellies and marmalades and chestnut puree (Article 2)

<sup>(1)</sup> OJ L 66, 13.3.1999, p. 26.

<sup>(2)</sup> OJ L 197, 3.8.2000, p. 19.

<sup>(3)</sup> OJ L 10, 12.1.2002, p. 58.

<sup>(4)</sup> OJ L 10, 12.1.2002, p. 67.

18. Point (1)(a)(iii) of Annex VIII of the Regulation provides that ‘The quantitative indication shall not be required: (a) in respect of an ingredient or category of ingredients: [...] (iii) which is used in small quantities for the purposes of flavouring; [...]’

The exemption should be understood as not being limited to 'flavourings' as defined in Regulation (EC) No 1334/2008 of the European Parliament and of the Council<sup>(1)</sup>: it applies to any ingredient (or category of ingredients) used in small quantities to flavour a food (e.g. garlic, herbs, spices).

The definition of 'small quantities' is not defined in the Regulation. It should be assessed on a case by case basis.

Examples: garlic bread, prawn cocktail flavour chips, chicken flavour chips.

19. Point (1)(a)(iv) of Annex VIII of the Regulation provides that 'The quantitative indication shall not be required: (a) in respect of an ingredient or category of ingredients: [...] (iv) which, while appearing in the name of the food, is not such as to govern the choice of the consumer in the country of marketing because the variation in quantity is not essential to characterise the food or does not distinguish it from similar foods; [...]'].

This provision provides for exemption from the QUID requirement where the quantity of an ingredient mentioned in the name of a food does not affect the consumer's purchasing decision.

The exemption only applies where the name of the ingredient or the category of ingredients appears in the name of the food. It also applies where identical repetitions of the wording used for the name of the food appear on different faces of the packaging. It should not apply if the name of the ingredient is emphasised, and particularly where that name appears outside the name of the food and within information drawing the purchaser's attention to the presence of the ingredient.

Indicatively, the types of food covered by this exemption can be:

- malt whiskey/whisky and similar products like grain vodka,
- standard liqueurs bearing in their denomination only the ingredient used for the flavouring of the alcohol,
- grape marc spirits, fruit spirits, spirits (preceded by the name of the fruit) obtained by maceration and distillation, and Geist (with the name of the fruit or raw material used) in the sense of Regulation (EC) No 110/2008 of the European Parliament and of the Council<sup>(2)</sup>, Annex II, points 6, 9, 16 and 17,
- soy sauce,
- salty sticks,
- sticks with poppy seeds,
- sticks with sesame seeds,
- crunchy corn,
- honey beer.

20. Point (1)(b) of Annex VIII of the Regulation provides the following 'The quantitative indication shall not be required: (b) where specific Union provisions stipulate precisely the quantity of an ingredient or of a category of ingredients without providing for the indication thereof on the labelling; [...]'].

There are no provisions in Union legislation which stipulate precise quantities of ingredients without providing for indication on the labelling. Point 1(b) of Annex VIII to the Regulation requires a 'precise quantity'. Therefore, imposition of a minimum amount of an ingredient should not be considered as a ground for exemption under this provision.

21. Point (1)(c) of Annex VIII of the Regulation provides that 'The quantitative indication shall not be required: (c) in the cases referred to in points 4 and 5 of Part A of Annex VII.'
22. Point 4 of Part A of Annex VII of the Regulation provides that 'Fruit, vegetables or mushrooms, none of which significantly predominates in terms of weight and which are used in proportions that are likely to vary, used in a mixture as ingredients of a food may be grouped together in the list of ingredients under the designation "fruit", "vegetables" or "mushrooms" followed by the phrase "in varying proportions", immediately followed by a list of the fruit, vegetables or mushrooms present. In such cases, the mixture shall be included in the list of ingredients in accordance with Article 18(1), on the basis of the total weight of the fruit, vegetables or mushrooms present'.

<sup>(1)</sup> OJ L 354, 31.12.2008, p. 34.

<sup>(2)</sup> OJ L 39, 13.2.2008, p. 16.

In this case, QUID is not required for each component of that mixture where none of the components significantly predominates in terms of weight and those components are used in proportions that are likely to vary.

23. Point 5 of Part A of Annex VII of the Regulation provides that 'Mixtures of spices or herbs, where none significantly predominates in proportion by weight may be listed in different order provided that that list of ingredients is accompanied by an expression such as "in variable proportion".'

In this case, the QUID is not required for each component of that mixture where none of the components in the mixture significantly predominates by weight.

24. Point 2 of Annex VIII of the Regulation provides that 'Points (a) and (b) of Article 22(1) shall not apply in case of: (a) any ingredient or category of ingredients covered by the indication "with sweetener(s)" or "with sugar(s) and sweetener(s)" if that indication accompanies the name of the food, pursuant to Annex III; or (b) any added vitamin and mineral if that substance is subject to a nutrition declaration.'

Following the same principle, the QUID related to points (a) and (b) of Article 22(1) should not be required for any added nutrients or other substances with nutritional or physiological effect which are the ingredients of food supplements where the nutrition information is provided in accordance with Article 8 of Directive 2002/46/EC of the European Parliament and of the Council <sup>(1)</sup>.

#### 4. Forms of expression for QUID

25. Point 3(a) of Annex VIII of the Regulation provides that '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 [...]'.

The declared quantity of an ingredient is calculated on the basis of the recipe at the moment when the ingredients are added, i.e. the same method as is used to determine the order in the list of ingredients (Article 18(1) of the Regulation).

26. Point 4 of Annex VIII of the Regulation lists a number of exemptions from the principle stated in point 3(a), notably relevant for foods that have lost moisture following their treatment, for volatile ingredients and for concentrated and dehydrated foods and ingredients.

More particular:

27. Point 4(a) of Annex VIII of the Regulation provides that 'By way of derogation from point 3: (a) where foods have lost moisture following heat treatment or other treatment, the quantity shall be expressed as a percentage which shall correspond to the quantity of the ingredient(s) used, related to the finished product, unless that quantity or the total quantity of all the ingredients indicated on the labelling exceeds 100 %, in which case the quantity shall be indicated on the basis of the weight of the ingredient(s) used to prepare 100 g of finished product;'.

The QUID on foods that have lost moisture after production (such as cakes, biscuits, pies, dry cured meats) must be based on the quantity of the ingredient at the mixing bowl stage expressed as a percentage of the quantity of the finished product. For example:

For 'butter cookie', where only butter would require QUID, the calculation must be as follows:

Ingredients weight:

Flour: 100 g

Sugar: 40 g

Butter: 50 g

Eggs: 10 g

Total weight of ingredients in mixing bowl: 200 g

Total weight of the finished product after baking: 170 g

Calculation for QUID of butter as a percentage:  $(50/170) \times 100 = 29,4 \%$  butter.

As the calculation for QUID of butter does not exceed 100 %, the QUID for butter must be expressed as a percentage in relation to the finished product (i.e. 29,4 %).

<sup>(1)</sup> OJ L 183, 12.7.2002, p. 51.

However, in case the QUID exceeds 100 % in relation to the finished product, it must be provided on the basis of the weight of the ingredient(s) used to prepare 100 g of finished product. For example:

For a dried meat product (salami) made from pork meat, where only pork meat would require QUID, the calculation must be as follows:

Ingredients weight:

Pork meat: 120 g

Salt: 4,1 g

Milk powder: 3 g

Other ingredients 2,9 g

Total weight of ingredients in mixing bowl: 130 g

Total weight of the finished product: 100 g

Calculation for QUID of pork meat as a percentage:  $(120/100)*100 = 120\%$  pork meat.

As the calculation for QUID of pork meat exceeds 100 %, the percentage must be replaced by an indication on the basis of the weight of the pork meat used to prepare 100 g of the salami (e.g. the indication of QUID could be expressed as follows: '120 g of pork meat has been used for the production of 100 g of salami').

28. Point 4(b) of Annex VIII of the Regulation provides that 'By way of derogation from point 3: [...] (b) the quantity of volatile ingredients shall be indicated on the basis of their proportion by weight in the finished product;'

The indication of QUID for volatile ingredients (e.g. brandy in a cake or pudding) must be based on the quantity of the ingredient at the mixing bowl stage expressed as a percentage of the weight of the finished product.

29. Point 4(c) of Annex VIII of the Regulation provides that 'By way of derogation from point 3: [...] (c) the quantity of ingredients used in concentrated or dehydrated form and reconstituted during manufacture may be indicated on the basis of their proportion by weight as recorded before their concentration or dehydration;'

The above derogation has to be read in conjunction with point 2, part A of Annex VII of the Regulation which provides that 'Ingredients used in concentrated or dehydrated form and reconstituted at the time of manufacture/May be listed in order of weight as recorded before their concentration or dehydration'. In this respect, when a food business operator lists the ingredients making use of the provision of Annex VII, part A, point 2, he must also indicate the QUID in accordance with the provision under point 4(c) of Annex VIII.

30. Point 4(d) of Annex VIII of the Regulation provides that: 'By way of derogation from point 3: [...] (d) in the case of concentrated or dehydrated foods which are intended to be reconstituted by the addition of water, the quantity of the ingredients may be indicated on the basis of their proportion by weight in the reconstituted product.'

The above derogation has to be read in conjunction with point 3, part A of Annex VII of the Regulation which provides that 'Ingredients used in concentrated or dehydrated foods, which are intended to be reconstituted by the addition of water/May be listed in order of proportion in the reconstituted product provided that the list of ingredients is accompanied by an expression such as "ingredients of the reconstituted product", or "ingredients of the ready-to-use product"'. In this respect, when a food business operator lists the ingredients making use of the provision of Annex VII, part A, point 3, he must also indicate the QUID in accordance with the provision under point 4(d) of Annex VIII.

31. QUID should relate to ingredients as indicated in the list of ingredients. Ingredients indicated, for example, as 'chicken', 'milk', 'egg', 'banana' should be quantified as raw/whole, as the names used give no indication of processing and thus imply use of the raw/whole food. Ingredients identified by names which indicate that they have been used other than in their raw/whole form, e.g. 'roast chicken', 'powdered milk', 'crystallised fruit', should be quantified as used.
32. Point 1, Part A of Annex VII of the Regulation provides that added water and volatile products must be listed in order of their weight in the finished product. However, this does not apply to added water in case its amount does not exceed 5 % by weight of the finished product. This derogation does not apply to meat, meat preparations, unprocessed fishery products and unprocessed bivalve molluscs.

Nevertheless, the amount of added water below 5 % has to be taken into account for calculating the QUID of ingredients in a food to which water has been added.

33. The quantities indicated on labelling designate the average quantity of the ingredient or category of ingredients to be mentioned. Average quantity means the quantity of ingredient or category of ingredients obtained by complying with the recipe and good manufacturing practice, allowing for the producer's normal manufacturing variations.

**5. Position of QUID on the labelling**

34. The QUID is a mandatory particular listed in Article 9(1) of the Regulation and must be presented on the label in accordance with the rules of Article 13 'Presentation of mandatory particulars'.

35. Point 3(b) of Annex VIII of the Regulation states that 'The indication of quantity of an ingredient or category of ingredients shall: [...] (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.'

36. In the case of categories of ingredients not included in Part B of Annex VII and which therefore cannot appear alone in the list of ingredients, the QUID of these categories has to appear either in or immediately next to the name of the food.

37. In the case of foods which are currently exempted from ingredient listing, the QUID indication must appear either in or immediately next to the name of the food unless a list of ingredients is voluntarily indicated on the labelling, in which case the QUID may appear in the list of ingredients.

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