

Food Labeling in Romania in Relation to Consumer Protection

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Abstract

In recent years, there is a growing concern of both authorized bodies and consumers regarding how to label the food products and the legal and practical consequences arising from the use of the label as a producer-consumer interface.

Being extremely useful for guiding consumer choices, food labels provide access to a core set of relevant information, such as major health hazards, the salt content or types of fat.

In Romania, as an EU member state, the regulations on food labeling have constantly evolved in order to strengthen the consumer protection requirements and to better serve consumer interests and needs.

The present paper aims to summarize the main landmarks on food labeling in Romania, focusing on some problematic or controversial aspects.

Keywords: *consumer, foodstuffs, food labeling, consumer protection*

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Introduction

In recent years, a number of *factors* have imperatively imposed the need for recommendations and regulations with respect to food labeling. Among them, we could mention: the range of food raw materials and food additives used in food industry, the increasing complexity of manufacturing recipes, improvement and modernization of technological processes and increasing demands on food packaging, transport, storage and preservation.

As stated by the UN in 1999 within “United Nations Guidelines for Consumer Protection”¹, consumer education and information should cover several important aspects of consumer protection, including *product labeling*, in order to promote and protect consumers’ economic interests.

In the European Union, regulation on food labeling was continuously improved, so that consumers should be provided with essential, accessible, legible and comprehensible information, allowing them to make informed choices when buying products.

¹ United Nations, *United Nations Guidelines for Consumer Protection*, Department of Economic and Social Affairs, (as expanded in 1999), New York, 2003, p.7

Thus, until 12 December 2014 applicable EU Legislation on food labeling covers both general rules on food labeling and rules for specific foods. The main regulation on the subject is Directive 2000/13/EC on labeling, presentation and advertising of foods, featuring the most important aspects of this issue and establishing key requirements for labels and labeling, such as²:

- consumers should be provided with all essential information on composition, manufacturer, storage and preparation methods;
- food labels must be indelible, noticeable, accessible to read and understand, with specific elements appearing in the same field of sight;
- labels must indicate the quantity of specific ingredients as a percentage of the final product;
- additional labeling information could be included, provided that it is accurate and does not mislead the consumer;
- claims on food preventing, treating or curing human diseases are forbidden;
- particular attention must be given to substances known as allergens, which should always be indicated on labels.

Starting 13 December 2014, new rules regarding food labeling will apply in the EU, and in addition, the obligation to provide nutrition information will enter into force on 13 December 2016. The new legislation (Regulation (EU) No 1169/2011) combines two important Directives on this matter: 2000/13/EC - labeling, presentation and advertising of foodstuffs; and 90/496/EEC - nutrition labeling for foodstuffs. This new law changes significantly the existing legislation on food labeling, establishing different provisions on food information to consumers, including³:

- Mandatory nutrition information on processed foods;
- Mandatory origin labeling of unprocessed meat from pigs, sheep, goats and poultry;
- Highlighting allergens e.g. peanuts or milk in the list of ingredients;
- Better legibility i.e. minimum size of text;
- Requirements on information on allergens also cover non pre-packed foods including those sold in restaurants and cafés.

In Romania, there have been created the conditions for alignment with EU rules on food labeling, so that, beside provisions such as those relating to labeling purposes, to using Romanian language within the label, to avoid misleading consumers, it is stated that prepackaged food labels must necessarily include a set of relevant and useful information for consumers, as provided in regulations.

Food Labeling Regulation in Romania – General Aspects

In Romania, the main normative act that regulates the labeling of food intended for the final consumer is the Government Resolution (G.R.) no. 106/2002 on food labeling, republished, with subsequent modifications and completions⁴, whose Annex 1 contains methodological norms on food labeling. These rules deal with the labeling of food supplied both to the final consumer and to restaurants, hospitals, canteens and other businesses that prepare and provide food for the population, also targeting some aspects related to foodstuffs presentation and advertising.

² <http://ec.europa.eu/food/food/labellingnutrition/foodlabelling> [accessed on 1st March 2014]

³ aspects derived from Regulation (EU) No 1169/2011, as stated at: http://ec.europa.eu/food/food/labellingnutrition/foodlabelling/proposed_legislation_en.htm [accessed on 1st March 2014]

⁴ Ene, C., *Protecția consumatorului în sfera mărfurilor alimentare - 200 de întrebări și răspunsuri*, Petroleum-Gas University of Ploiești Publishing House, Ploiești, 2014, p. 79

Thus, according to Article 2a) of Annex 1 to G.R. no. 106/2002, the *label* is defined as any written, printed, lithographed, engraved or illustrated material containing elements of product identification and accompanying the product or being adherent to its packaging.

In Romanian legislation, both G.R. 106/2002 and Emergency Government Ordinance (E.G.O.) no. 97/2001 on regulating the production, circulation and sale of food, republished, with subsequent modifications and completions, mention that the *purpose* of labeling is to provide consumers with the necessary, adequate, verifiable and easily comparable information, in order to enable them to choose the product corresponding to their requirements in terms of financial needs and possibilities, and to acknowledge the potential risks to which they may be exposed.

Economic operators obligations regarding food labeling

The Romanian legislation provides for a number of *obligations* for economic operators in order to avoid misleading consumers via food labeling.

Thus, according to Article 4 (1) of Annex 1 to G.R. no. 106/2002, the information on the label should not mislead consumers to purchase products by:

- a) invoking false characteristics of the food, especially related to the nature, identity, properties, composition, quantity, durability, origin or provenance of products, and methods of manufacture or production;
- b) indicating effects or properties which food does not possess;
- c) suggesting that the food has special characteristics when in fact all similar products have such features.

Moreover, labeling and methods used for labeling must not attribute to food properties of preventing, treating or curing diseases or refer to such properties, except for natural mineral waters and any foods for particular nutritional uses authorized for this purpose by the Ministry of Health. This ban applies both to food presentation (in particular to food shape, appearance, packaging, packaging material, arrangement and display) and to food advertising.

According to Article 5 of Annex 1 to G.R. no. 106/2002, food labels must include the following:

- a) the name under which the food is sold;
- b) the list of ingredients;
- c) the quantity of certain ingredients or categories of ingredients, according to Article 8;
- d) the net quantity for prepackaged foodstuffs;
- e) the date of minimum durability or, in the case of foods that are microbiologically highly perishable, "use by" date;
- f) storage or using conditions, when special instructions are required;
- g) the name or business name and address of the manufacturer or packer or distributor registered in the EU; for products originating in countries outside the EU, the name and address of the registered importer or registered distributor in Romania is required;
- h) the place of origin or provenance of the food if its omission is likely to cause confusion for consumers regarding the real origin or provenance of the food;
- i) instructions for use, when their absence can lead to misuse of food;
- j) alcoholic strength for beverages, if it is higher than 1.2 % by volume of alcohol;
- k) a reference to batch identification;
- l) additional mentions for specific product labeling provided in Annex 1a.

Article 5 of the G.O. no. 21/1992 on consumer protection, republished, with subsequent modifications and completions, states that food is sold only by food expiration date or the date of minimum durability established by the manufacturer, explicitly mentioning that altering food expiration date or the date of minimum durability on the product, the labeling, packaging or, where applicable, in the accompanying documents is forbidden (paragraph 2).

Several foods are *exempt* from the requirement to indicate the date of minimum durability on labels, according to Annex 1b) to methodological norms (Annex 1) to G.R. no. 106/2002. This list includes:

1. Fresh fruits and vegetables, including potatoes, which have not been subject to peeling, cutting or other similar treatments. This exemption does not apply to sprouting seeds and similar products
2. Wines, sparkling wines, liqueur wines and similar products obtained from fruits other than grapes
3. Beverages containing 10 % or more by volume of alcohol
4. Soft drinks, fruit juices, fruit nectars and alcoholic beverages in individual containers exceeding 5 l, for operators who prepare and provide food for the population
5. Bread, bakery products, pastry and confectionery, which by their nature are consumed within 24 hours of production
6. fermentation vinegar
7. Kitchen salt
8. Solid sugar
9. Confectionery products are made almost entirely of flavored and / or colored sugar
10. Chewing gum and similar chewing products
11. Individual portions of ice cream.

Legal provisions regarding product trade name. Indicating ingredients, food additives and flavorings

Section II of Annex 1 to G.R. no. 106/2002 addresses the issue of the name under which foodstuffs are sold. Thus, according to Article 6, the name under which a product is sold to the final consumer or to companies that prepare or provide food for the population is the name set within the specific regulations on certain foods, being subject to the following conditions:

- a) in the absence of specific regulations, the name is the usual name in Romania;
- b) in the absence of the usual name, the name may be a description of the product and, if necessary, of its use, which are sufficiently clear to enable the purchaser to acknowledge the nature of the product and to distinguish it, without confusion, from other products;
- c) in all cases the name must match the nature, genus, species, assortment or properties of food or raw materials used in manufacturing;
- d) for food originating in the EU and/or outside the EU, it is permissible that the trade name under which the food is legally manufactured and marketed in the country of production; however, in the case where this designation does not allow the consumer to know the true nature of the food and to distinguish it from food with which it may be confused, the trade name must be accompanied by other descriptive information that appears in the vicinity;
- e) exceptionally, the trade name used in the country of production in/other than EU will not be allowed if the foodstuff differs substantially from other food product known to the consumer under this title, in terms of composition or manufacture, affecting the correctness of the information.

Other requirements included in the same article stipulate that⁵:

- o a brand name, trademark or attractive names can not replace the name under which the food is sold;
- o the name under which a foodstuff is sold shall include or be accompanied by information on its physical condition or specific treatment that it has undergone (e.g. powdered conversion, refrigeration, freezing, smoking, concentration), if the omission of such information could create confusion for consumers;

⁵ According to Article 6 of G.R. no. 106/2002

- a product which has been treated with ionizing radiation must bear the inscription “irradiated” or “treated with ionizing radiation”;
- the use of terms such as “way”, “type”, “kind” with the name under which the foodstuff is sold is prohibited.

Aspects related to indicating the food ingredients on the label are addressed in Section III of Annex 1 to G.R. no. 106/2002, as stipulated by the provisions of Article 7, Article 7¹ and Article 8. In this regard, Article 7 provides a number of requirements, as follows⁶:

- the list of ingredients shall include all ingredients in the foodstuff in descending order of quantity, determined at the time of introduction into manufacture;
- vitamins and minerals added to foods shall be mentioned within the list of ingredients;
- the list of ingredients is preceded by a corresponding title including the word: “Ingredients”, with the following observations:
 - a) added water and volatile components will be listed in the order of their weight in the finished product; the amount of water added as an ingredient in a food is determined by subtracting from the total weight of the finished product the total amount of the other ingredients used (exemption: if the water amount does not exceed 5 % by weight of the finished product);
 - b) the ingredients used in concentrated or dehydrated form and reconstituted at the time of manufacture may be listed in order of their weight before concentration or dehydration was applied;
 - c) in the case of concentrated or dehydrated foods which are to be reconstituted by adding water, ingredients are 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”
 - d) in the case of mixtures of fruit, vegetables, mushrooms, or mixtures of spices or herbs, where none significantly predominates and which are used in proportions which may vary, they can be grouped in the ingredients list as: “fruit”, “vegetables” or “mushrooms”, and the list of ingredients shall be accompanied by an expression such as “in variable proportion”, immediately followed by the list of fruits, vegetables, mushrooms and spices, herbs included; in this case the mixture is included in the list of ingredients taking into consideration the total weight of the fruit, vegetables or mushrooms present;
 - e) ingredients that constitute less than 2 % of the finished product can follow a different order after the other ingredients;
 - f) where similar or mutually substitutable ingredients can be used in the manufacture or preparation of food without altering its composition, its nature or its perceived value, and if they constitute less than 2 % of the finished product, their mentioning in the list of ingredients may use the phrase “contains ... and / or ...”, where at least one of at most two ingredients is present in the final product. This provision shall not apply to additives or allergens (listed in Annex 1f of G.R. no. 106/2002).

Where applicable, ingredients belonging to certain categories can be indicated only by the name of the category.

As a particular aspect, it is mandatory for the label to mention potentially allergenic ingredients (e.g. cereals containing gluten, crustaceans, eggs, fish, peanuts, soybeans, milk, nuts and their products), included in the special list (Annex no. 1f) to G.R. no. 106/2002.

There is a number of food products exempted from the indication of ingredients, according to Annex 1c, to methodological rules (Annex 1) to G.R. no. 106/2002. This list includes:

⁶ According to Article 7 of G.R. no. 106/2002

1. Fresh fruits and vegetables, including potatoes, which have been not been peeled, cut or similarly treated
2. Carbonated water, if its description indicates that it has been carbonated
3. Fermentation vinegars originating exclusively from a single basic product, which has not undergone any addition of other ingredients
4. Cheese, butter, milk and sour cream to the extent that they have undergone only the addition of dairy products, enzymes or microorganism cultures necessary for manufacture, or salt, for cheese, other than the fresh or processed cheese
5. The product consisting of a single ingredient, where:
 6. a) its trade name is identical to that ingredient; or
 7. b) its trade name enables the clear identification of the nature of the ingredient.

The manner of inclusion ingredients such as food additives within the food label shall be in accordance with the provisions of Article 7(7)b) of Annex 1 to G.R. no. 106/2002. Thus, ingredients belonging to one of the categories set out in Annex 1d) shall be listed using their category name (e.g. coloring, preservative, antioxidant), followed by the specific name or numeric code; if an ingredient belongs to several categories, only the category related to its primary function in food will be indicated.

The manner of inclusion ingredients such food flavourings shall be in accordance with the provisions of Article 7(7)d) of Annex 1 to G.R. no. 106/2002. The flavourings indication is accomplished by mentioning the term “flavouring” or a specific name or a description. The term “natural flavouring” or another expression with the same meaning are used only for flavourings in which the components contain exclusively flavoring substances and/or flavoring preparations as defined in specific legislation. If the name of the flavoring contains a reference to the plant or animal nature or to the origin of incorporated substance, the word “natural” or another expression with the same meaning are used only for flavouring of which the flavored component has been isolated by appropriate physical, enzymatic or microbiological processes, or by traditional food preparation processes obtained entirely or almost entirely from the food or the flavoring indicated source.

Legal requirements for the amount/quantity indication

According to Article 8 of Annex 1 to G.R. no. 106/2002, the quantity of an ingredient or category of ingredients expressed as a percentage, determined at the time of their introduction into manufacture, shall be declared in the following situations:

- a) when the ingredient or category of ingredients concerned appears in the name under which the foodstuff is sold or is usually associated with that name by the consumer;
- b) when the ingredient or category of ingredients concerned is emphasized on the labeling in words, drawings or graphics;
- c) when the ingredient or category of ingredients gives the characteristics of the food and distinguishes it from other products with which it might be confused because of its name or appearance.

Moreover, according to Article 8(4), the amount of an ingredient or category of ingredients is provided within the name under which the food product is sold, in its immediate vicinity or within the list of ingredients, immediately after the name of the ingredient or category of ingredients.

Legal provisions on nutrition labeling

Within national legislation, nutrition labeling means any information appearing on labeling and relating to energy value and the following nutrients: protein, carbohydrate, sugars, fat, fiber,

sodium, vitamins and minerals present in significant amounts, according to the table provided in the rules.

As related concept, nutrition claim means any representation and any advertising message which states, suggests or implies that the food has particular nutrition properties due to energy value/calories that it provides, provides at a low or high rate or does not provide and / or due to nutritional substances it contains, comprise in a high or low proportion or does not contain.

Mentioning on food labels of elements regarding the quality or quantity of a nutrient does not represent a nutrition claim if it is established by specific regulations.

Regarding the compulsory aspects of foods nutrition labeling, Article 2 of Annex 2 (Norms food nutrition labeling) to G.R. no. 106/2002, stipulates that nutrition labeling is optional, but it becomes mandatory only in cases where a nutrition claim appears on labeling, in presentation or in advertising (except for the generic advertising).

According to Article 4 of Annex 2 to G.R. no. 106/2002, consumer information regarding nutrition labeling, where appropriate, shall consist of either Group 1 or Group 2, in the following order :

Group 1

- (a) energy value;
- (b) the amounts of protein, carbohydrate and fat.

Group 2

- (a) energy value;
- (b) the amounts of protein, carbohydrate, sugars, fat, saturated fatty acids, fiber and sodium.

In the case of a nutrition claim formulated regarding sugars, saturates, fiber or sodium, the nutritional information shall be provided in the in accordance with Group 2.

As required by the provisions of Article 4(3) of Annex 2 to G.R. no. 106/2002, nutrition labeling may also include the quantities of one or more of the following substances: starch, polyols, monounsaturated fatty acids, polyunsaturated fatty acids, cholesterol and any of the minerals or vitamins present in significant amounts as specified in the table set out in the rules. The declaration of all these substances becomes compulsory where a nutrition claim is made.

In terms of saturates, according to Article 4(4) of Annex 2 to G.R. no. 106/2002, their amount should be indicated in cases where the amount of polyunsaturates and/or mono-unsaturates and/or the cholesterol rate is given. In this case, the declaration of fatty acid is not considered as a nutrition claim.

Also, Article 6(8) states that, when declaring the amount and/or the type of fatty acid and/or the cholesterol content, the quantities of saturated, monounsaturated, polyunsaturated fat (expressed in grams) and of cholesterol (expressed in milligrams) should be given immediately after the total amount of lipids expressed in grams.

In accordance with Article 6(1) of Annex 2 to G.R. no. 106/2002, declaration of the energy value and of the proportion of nutrients or their components shall be numerical, using the following units:

- o for the energy value - kJ and kcal;
- o for protein, carbohydrate, fat, fiber, sodium - grams (g)
- o for cholesterol - milligrams (mg);
- o for vitamins and minerals - milligrams (mg) or micrograms.

As required by Article 6(2) of Annex 2 to G.R. no. 106/2002, the nutrition information is expressed per 100 g or per 100 ml; in addition, para. (3) states that it can also be given in relation to ration or portion, provided the number of servings is mentioned on the package.

According to Article 6(5) of Annex 2 to G.R. no. 106/2002, the indication of the content of vitamins and minerals within nutrition labeling requires, on the one hand, quantitative expression per 100 g or 100 ml portion and on the other the expression of these amounts as a percentage of recommended daily allowance (RDA), as given in the specific table included in the normative act.

In addition, as provided Article 6(6), the percentage of the recommended daily allowance can also be featured in graphical form.

Provisions on nutrition labeling for foodstuffs also applies to both bulk products (which are not prepacked) provided to the final consumer or to operators who prepare and provide food for the population and food packaged at the point of sale to the consumer's request or prepackaged for immediate sale - according to Article 7 of Annex 2 to G.R. no. 106/2002. The presentation of nutrition information on the product could be given as a poster, advertisement or in any other form, without risk of confusion.

Regarding the format and language used, the following requirements for nutrition labeling are required to be complied with (according to Article 8 of Annex 2 to G.R. no. 106/2002):

- the information is presented together in one place, in tabular form, with the numbers aligned if space permits; where space does not permit, the information is presented in linear form;
- the information is given in a visible, legible manner and in a form that does not allow deletion;
- the information is given using an expression comprehensible by the buyer, unless other measures were taken to ensure proper information;
- information is given in Romanian language, regardless of production country of the food, without imposing restrictions on the possibility of indicating it in other languages.

Specific Aspects and Requirements of Food Labeling in Romania

Quick-frozen food

The text of Article 8 of the Order of the Minister of Health and Family no. 932/2002 specifies the requirements on quick frozen food labeling, supplied without requiring further processing to the final consumer and to restaurants, hospitals, canteens and other similar mass caterers agents; these include:

- a) adding to the trade name of the expression "quick-frozen" in Romanian language;
- b) in addition to the date of minimum durability, the period in which quick-frozen foods can be kept by the purchaser, the storage temperature and/or the type of equipment that is suitable for the storage shall be indicated;
- c) the labeling of any quick-frozen food must include a statement that identifies the batch;
- d) quick-frozen food labels must contain a clear message like "Do not refreeze after thawing".

Foods not recommended to preschool and school children

The list containing unrecommended food for preschool and school children (specifying products, criteria and limits) is provided in Annex 1 to the Order of the Minister of Public Health no. 1563/2008 approving the list of unrecommended foods for pre-school and school children and underlying principles of a healthy diet for children and adolescents.

Unlabeled foods (violating the provisions of the G.D. 106/2002) are included in the list, besides foodstuffs such as: foods with high content of sugar, fat, salt, calories per unit of sale; soft drinks; unpackaged food.

Traditional spirits

According to Article 7(2) of the Joint Order no. 368/1.160/212 2008 for approving the Norms on the definition, description, presentation and labeling of Romanian traditional spirits, Romanian traditional spirits' labels must necessarily contain a number of elements, in accordance with G.R. no. 106/2002, as follows:

- a) the name under which the product is sold;
- b) the list of ingredients;
- c) the quantity of certain ingredients or categories of ingredients which define product specificity;
- d) the net volume;
- e) alcoholic strength, which will be given using digits with note more than one decimal followed by “% vol.” and may be preceded by the word “alcohol” or the abbreviation “alc.”
- f) storage or use conditions when they require special instructions;
- g) the name or trade name and address of the manufacturer or packer or distributor; if the product originates from outside the EU (being imported), the name and address of the importer or registered dealer in Romania should appear on the label;
- h) the place of origin or provenance of the product if its omission would be likely to cause confusion for consumers about the true origin or provenance of the product;
- i) a reference to the batch, allowing for the identification of the bottling day.

Other labeling requirements are provided in para. (3), (4) and (5) Article 7 of the same normative act, as follows:

- in para. (3): mandatory labeling information should be given in a clear, visible, legible manner that does not allow deletion, and will not be covered by other writings, pictures or drawings;
- in para. (4): trade names and any other word, design, letters, figurative element, color combinations or any combination of identical or similar signs, used to describe traditional Romanian spirits can not contain words, parts of words, signs or illustrations which:
 - create confusion or mislead the persons to whom they are addressed;
 - may be confused by those to whom they are addressed with the full or partial description of a product whose description is established by specific provisions;
- in para. (5): the name under which the product is sold, the net volume and alcoholic strength must be entered in the same field of vision.

Specific requirements for the labeling of organic products

In accordance with Article 6(2) of E.G.O. no. 34/2000 on organic products, republished, with subsequent modifications and completions, organic food labels will include a logo which is specific for controlled organic products, registered with the State Office for Inventions and Trademarks, issued and enforced on the basis of the certification system, indicating that the product complies with the rules of organic production.

The rules on the use of the specific logo for controlled organic products are set out in the provisions of the Joint Order no. 417/110/2002 approving specific rules on organic food labeling, republished, with subsequent modifications and completions.

The text of Order no. 417/110/2002 contains detailed conditions required to be met if the labeling or advertising of products refers to organic production, as follows:

- Article 2 - requirements for primary unprocessed plant, animals and unprocessed animal products;
- Article 2, Article 5 - requirements for processed products of vegetal and animal origin, intended for human consumption, prepared from one or more ingredients of plant and/or animal origin;

- Article 4 - requirements for references to conversion to organic production for plant products.

According to Article 8(1) of the Order, the label the advertising of an organic product shall contain and apply the “ae” logo, which is specific for controlled organic products and is mainly used for certification and identification of organic food products, ensuring that at least 95% of the ingredients in the food products bearing this logo meet a set of compulsory conditions.

Specific labeling requirements for foods that are/contain genetically modified organisms (GMOs)

According to the provisions of Article 6(5) of G.R. no. 256/2006 on genetically modified food and feed, foodstuffs to be delivered as such to the final consumer or communities containing, consisting of GMOs, produced from or containing ingredients produced from GMOs (unless the proportion of GMO's is below 0.9% of each ingredient, this presence is adventitious or technically unavoidable) are subject to the following specific labeling requirements⁷:

- a) where the food consists of one or more ingredients, the terms “genetically modified” or “produced from genetically modified ‘name of the ingredient’” shall appear in the list of ingredients in parentheses immediately following the ingredient concerned;
- b) where an ingredient is designated by the name of a category, the terms “includes genetically modified ‘name of the organism’” or “contains ‘name of the ingredient’ obtained from genetically modified” ‘name of the organism’” shall appear in the list of ingredients;
- c) where there is no list of ingredients, the terms “genetically modified” or “produced from genetically modified ‘name of the organism’” shall appear clearly on the labeling;
- d) the elements mentioned at a) and b) may also appear in a footnote to the list of ingredients; in this case shall be printed in a font of at least the same size as the font for the list of ingredients. If there is no such list of ingredients, the indications shall appear clearly on the labeling;
- e) where food is offered for sale to the final consumer as bulk foodstuffs or foodstuffs packed in small packages whose largest surface has an area not exceeding 10 cm², the required information under this paragraph shall be permanently and visibly displayed either on the food display or immediately next to it or on its packaging, in a font large enough that it can be easily identified and read.

Specific requirements for the labeling of food treated with ionizing radiation

According to Article 12(1) of Joint Order no. 855/98/90 of 2001/2002 for the approval of norms regarding the foods and food ingredients treated with ionizing radiation, the labeling of such foodstuffs final intended for consumer or caterers must meet the following requirements:

- a) where foods are sold as individual items, the label will show the words “irradiated” or “treated with ionizing radiation”;
- b) where the food is sold in bulk, the words indicated above will appear alongside with the name of the product on a plate or on a notice above or beside the container;
- c) if an irradiated food is used as an ingredient, the words set out in point a) must accompany the name in the list of ingredients;
- d) the words referred to in a) shall accompany the name of irradiated ingredients used in compound ingredients in foods, regardless of their weight in the finished product.

In addition, the indication of treatment must appear on the documents accompanying the irradiated food or relating to them.

⁷ According to Article 6(5) of G.R. no. 256/2006 on genetically modified food and feed

Penalties applicable to infringements of food labeling provisions

Several examples of contraventions applicable in the food labeling sector are presented below, by the side of the amount of contraventional fine and other applicable measures, by case:

1. According to Article 50 of G.O. no. 21/1992 a penalty from 2,000 lei to 20,000 lei is applicable in the situation of changes the expiration date/the date of minimum durability on the product, the labeling, packaging or, where appropriate, the accompanying documents, by case;
2. According to Article 55 of G.R. no. 857/2011, a penalty of 1,000 lei to 2,000 lei for individuals, respectively a penalty of 5,000 lei to 10,000 lei for legal persons is applicable in the situation of altering the composition, quality, labeling and packaging of dairy and bakery products distributed to pupils and preschoolers under the rules in force.
3. According to Article 42 of G.R. no. 857/2011, a penalty from 800 lei to 1,600 lei for individuals, respectively a penalty of 3,000 lei to 6,000 lei for legal persons is applicable in the situation of violating the rules in force regarding the labeling of food additives, colorings, supplements, special purpose foods.
4. According to Article 2(1)a) of G.R. no. 131/2013 for the establishment of measures and sanctions necessary to comply with the provisions of Regulation (EC) no. 834/2007 of 28 June 2007 on organic production and labeling of organic products and repealing Regulation (EEC) no. 2.092/91, fraudulent use of the terms “organic”, “biological”, “organic” or their abbreviations, such as “bio”, “eco” as trademarks or practices used in the production, processing, packaging, transportation, storage and distribution of products, including product labeling, advertising and commercial documents, which may mislead the consumer and are not produced in accordance with organic production rules laid down by Article 23 to 26 of Regulation (EC) no. 834/2007 - constitutes a contravention. The appropriate sanction under Article 2a) a penalty of 20,000 lei to 30,000 lei, besides administrative measure consisting of temporarily stop the marketing of the products concerned until remedying the deficiencies.
5. According to Article 47 of G.R. no. 857/2011, a penalty from 1,500 lei to 2,500 lei for individuals, respectively a penalty from 6,000 lei to 50,000 lei for legal persons is applicable in the situation of the lack of claims and/or warnings on the label of food additives regarding their scope and directions for their use.
6. According to Article 48(1)e) of G.R. no. 857/2011, a penalty from 1.000 lei to 2.000 lei p for individuals, respectively a penalty from 4.000 lei to 8.000 lei for legal persons, applicable in the situation of the violating the rules in force regarding the labeling of food treated with ionizing radiation and of genetically modified food.

Conclusions

Being sometimes the single interface manufacturer - product - consumer, packaging and labeling should be able, through the message provided, to guide the consumer purchase process, which is multi-determined. Beyond economic, social and psychological considerations, in the case of food, convenience is inseparable from food safety and nutritional quality.

The need to regulate food labeling is a matter of public interest due to its implications on consumer rights and interests. Responding to the need to meet an important consumer right – the right to be informed - food labels represent, both in legal and practical terms, an essential tool for consumers, helping them to protect their health and interests, by granting access to relevant information about the origin, nature, content, composition of products, manufacture process and potential risks.

Currently, the Romanian legislation covers all relevant aspects of foodstuffs labeling, as they are set at the European level. The evolution of regulations on food labeling indicates an increased preoccupation to limit the impact of risk factors (unhealthy food, allergens, food additives, genetically modified organisms etc.) and will allow the future orientation of production and consumption towards safe and healthy food in the context of sufficient, accurate, correct and complete information given to consumers.

References⁸

1. *** United Nations, *United Nations Guidelines for Consumer Protection*, Department of Economic and Social Affairs, (as expanded in 1999), New York, 2003
2. Ene, C., *Protecția consumatorului în sfera mărfurilor alimentare - 200 de întrebări și răspunsuri*, Petroleum-Gas University of Ploiești Publishing House, Ploiești, 2014.
3. Joint Order no. 438/295 din 2002 for approving the norms on food additives for use in foods intended for human consumption (with subsequent modifications and completions)
4. Joint Order no. 855/98/90 din 2001/2002 approving the norms on food and food ingredients treated with ionizing radiation
5. Joint Order no. 368/1.160/212 din 2008 approving the norms on definition, description, presentation and labeling of Romanian traditional spirits
6. Joint Order no. 417/110/2002 approving specific rules on organic food labeling (republished, with subsequent modifications and completions)
7. Năstase, C., Popescu, M., Scutariu, A.L., *Sustainable development of nature based tourism services. Lesson learnt from INNO NATOUR Project*, LAP Lambert Academic Publishing, Saarbrücken, Germania, 2012.
8. Order of the Minister of Health and Family no. 932/2002 approving the norms on the manufacture, transportation, storage, sale and temperature control of quick-frozen foods, intended for human consumption.
9. Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, Official Journal of the European Union, 22.11.2011, L 304/18
10. Romanian Government, *G.O. no. 21/1992 on consumer protection* (republished, with subsequent modifications and completions)
11. Romanian Parliament, *Law no. 150/2004 on food and feed safety* (republished in 2006)
12. Romanian Government, *E.G.O. no. 97/2001 regulating the production, circulation and sale of food*, (republished in 2012)
13. Romanian Government, *G.O. no. 99/2000 on the selling of market goods and services* (republished,
14. Romanian Government, *G.R. no. 256/2006 on genetically modified food and feed*
15. Romanian Government, *G.R. no. 857/2011 on establishing and sanctioning contraventions to public health rules*
16. Romanian Government, *G.R. no. 131/2013 on the establishment of measures and sanctions necessary to comply with the provisions of Regulation (EC) no. 834/2007 of 28 June 2007 on organic production and labeling of organic products and repealing Regulation (EEC) no. 2.092/91*
17. Romanian Government, *G.R. no. 568/2002 on universal salt iodization for human consumption, animal feed and food industry* (republished in 2009)
18. Stancu, A., Lukač, V., *Evolution of Food Chemical Stability according to Quality Grades*, International Scientific Meeting *Sustainable Agriculture and Rural Development in Terms of the Republic of Serbia Strategic Goals Realization within the Danube Region - Preservation of Rural Values*, Thematic Proceedings, Institute of Agricultural Economics Belgrade, Hotel "Omorika", Tara - Serbia, December, 6-8th 2012, pp. 55-7.
19. <http://www.anpc.gov.ro/>
20. <http://ec.europa.eu/food/food/labellingnutrition/foodlabelling>

⁸ The form of all regulations included in the bibliographical references is updated, consolidated or republished with subsequent modifications and completions, where applicable, valid at the date of March 1st 2014