
CONSUMER RIGHT TO FOOD INFORMATION

Borko Mihajlović¹, Andrej Mićović²

*Corresponding author E-mail: andrej.micovic@kg.ac.rs

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ABSTRACT

The main purpose of this article is the analysis of the structure and content of food information law in the European Union law, as well as the general assessment of the harmonization of Serbian law with EU law in the field of food information law. In order to achieve these purposes, the authors employed doctrinal comparative research, which encompassed both structural analysis of the laws at issue, and the analysis of specific pre-defined questions. The questions included the subjects responsible for the provision of food information duties, the content of these duties, as well as the methods and ways of formulating and presenting information to consumers. The authors also dealt with the current role for voluntary food information in EU law. In the concluding section of the paper, authors emphasized the importance of introducing the mandatory and uniform front-of-package labeling scheme.

Introduction

Consumer right to be informed has been one of the substantial consumer rights since the global development of the consumer rights movement and accompanying legislation (Twigg-Flesner, Schulze, Watson, 2018). This right has twofold importance in contemporary consumer law (Mihajlović, 2023). Firstly, it is a prerequisite for the achievement of other basic consumer rights (primarily the right to choose, and the right to compensation and legal protection). Secondly, the right to information has been used as the most important regulatory instrument in European Union consumer law, which allows for the indirect regulation of the content of consumer contracts (Bar-Gill, Ben-Shahar, 2013). The relevance of the consumer right to information as a widespread regulatory instrument has even more contributed to the significance of

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- 1 Borko Mihajlović, Associate Professor, Faculty of Law, University of Kragujevac, Jovana Cvijića 1, 34000 Kragujevac, Serbia, Phone: +381 65 23 30 555, E-mail: bmihajlovic@jura.kg.ac.rs, ORCID ID (<https://orcid.org/0000-0002-5770-845>)
 - 2 Andrej Mićović, Associate Professor, Faculty of Hotel Management and Tourism in Vrnjačka Banja, University of Kragujevac, Vojvođanska 5a, 36210 Vrnjačka Banja, Serbia, Phone: + 381 (0)36 515 00 24, E-mail: andrej.micovic@kg.ac.rs, ORCID ID (<https://orcid.org/0000-0002-5988-4387>).

this consumer right (Howells, Twigg-Flesner, Wilhelmsson, 2018). As a consequence of the twofold role of the right to information in modern consumer law, the use of this right has proliferated in EU consumer legislation in the last decades (Hadfield, Howse, Trebilcock, 1998). This development is replicated in the consumer laws of the countries that are in the EU accession process, such as the case of the Republic of Serbia (Mićović, M., Mićović, A., 2022; Vujisić, 2011). However, the increased reliance of the European legislator on the right to information as the main regulatory technique has been followed by the long-standing critique on the effectiveness of this method and its real-life impact on consumers (Howells, 2005). The thrust of the critique lies in the consumers' limits to process and understand the large amount of information delivered to them in the pre-contractual stage. The critique mainly originates from behavioral economics research that aims to show the limited practical effects of overburdening consumers with much information (Helleringer, Sibony, 2017). The suggested alternatives are e.g. improvements in the design and presentation of information to consumers, attempts to summarize the most important information to consumers instead of providing them long lists of information, reducing the information lists to the information that consumers actually need for their economic decisions, reflecting on the most adequate moment to provide consumers with information (this is not necessarily the moment which precedes the conclusion of the contract, etc.) [De Streeel, Sibony, 2017]. Therefore, there is a discrepancy between the importance of the right to information in the legislative texts and its effects on the improvement of consumers' decision-making and enforcement of their basic rights.

Described discrepancy equally affects a specific area of food information law. Food information law encompasses the EU rules governing food information, and in particular labelling (MacMaoláin, 2015). These rules include both rules of a general nature applicable to all foods in particular circumstances or to certain categories of foods and rules which apply only to specific foods (FIR, Article 2, Paragraph 2(b)). The usage of the information as a regulatory tool is even more extensive in food information law (Gokani, 2024), while the European legislator in this field does not seem to recognize the limitations of this regulatory tool. The right to information in food law serves two main purposes. Similar to the general consumer law, it presents a 'handy' regulatory instrument which allows for the achievement of important EU internal market objectives. Hence, the primary purpose of food information law is to prevent barriers in trading between food providers originating from different EU Member States. This purpose is achieved by avoiding substantive regulation whenever possible (for instance, mandatory requirements on food ingredients), and introducing much lighter information rules (Delhomme, 2024). In addition to the internal market objective, the food information law serves as a tool for consumer empowerment. Namely, it aims to enable consumers to make informed choices in relation to the foods they consume. Recently, consumer empowerment as regards food law has begun to obtain broader meaning (Gokani, 2024). An empowered consumer is no longer only a consumer who can make informed choices based on the price and quality of the

food and his personal preferences (taste). An empowered consumer becomes an ethical and conscious consumer, who cares about the sustainability effects of the purchased food, as well as a consumer who cares about the effects of the food on his health, that is who considers dietary and nutritious effects of food products. There seems to be changing expectations of European citizens. They tend to demand healthier food, local products, food that is produced in a more environment-friendly way, they pay attention to animal welfare, etc. (Laaninen, 2017). It follows that food information law at the current moment should broaden its goals and focus more on the recent developments and needs of average consumers (Alemanno, Garde, 2013).

As a consequence of changes in consumer needs and perceptions, EU food information law is currently under revision. This revision was announced in the EU 'Farm to Fork Strategy' in 2020. The main subject of this paper is the analysis of the structure of the EU food information law, and its most relevant provisions. Particular reference will be made to the expected changes after the process of revision of current EU rules. In addition to EU law, the authors will analyze Serbian food information law, aiming to make a general assessment of its harmonization with the relevant EU provisions.

Materials and methods

The authors aim to answer the following overarching research questions: 1) What is the structure and the content of EU food information law, and 2) Is Serbian law generally harmonized with EU food information law? In order to answer these questions, the authors primarily conducted doctrinal comparative research.

The doctrinal comparative research was split into two phases: 1) structural analysis - investigation on the existence and functioning of the system of rules and mechanisms that creates a specific legal structure within EU and Serbian law, and 2) analysis of specific questions pre-defined as the most important ones for the overarching research questions. The list of these questions is as follows: a) which subjects are obliged to provide food information to consumers, b) what the content of information duties is, i.e. which food information should be presented to the consumers (mandatory food information), c) what is the method of delivering the food information, d) in which way the food information should be formulated and presented to consumers, e) what is the legal regime for voluntary food information (with special emphasis to the front-of-pack-labeling).

As the authors entirely employed the legal methodology in their research, the materials used in the analysis include the following sources of EU law: 1) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety – General Food Law Regulation (hereinafter: GFLR),³ 2) Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food

3 Official Journal of the European Communities, L 31/1, 1.2.2002.

information to consumers – Food Information to Consumers Regulation (hereinafter: FIR),⁴ 3) Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods – Food Claims Regulation (hereinafter: FCR).⁵ Besides listed sources of EU secondary law, the authors in their work analyzed the following sources of Serbian law: 1) Law on Food Safety (hereinafter: LFS),⁶ 2) Rules on Declaration, Labeling, and Advertising of Food (hereinafter: Declaration Rules),⁷ 3) Rules on Nutrition and Health Claims (hereinafter: Claims Rules).⁸

Results and Discussion

In the following text the results of the research will be discussed following the two main steps in the research and the relative prominence of the specific research questions posed in the second phase of the research.

Structure of Food Information Law

The general structure of the entire EU food law is quite straightforward (Lydgate, Anthony, 2022). The literature review showed that the food legislation can be divided into public powers of implementing the law, and the legislation addressing food businesses (Van der Meulen, 2013). The legislation addressing food businesses may be grouped into three categories: legislation on the product, legislation on the process, and legislation on the presentation of the food products (Van der Meulen, 2013). The later legislation encompasses different rules on food information and labeling. The entire body of EU food law is based on the principle *lex special derogat legi generali* (Gokani, 2024). This is particularly true for the EU food information rules.

Some general principles and objectives of food information law are contained in GFLR (Pettoello-Mantovani, Olivieri, 2022). Twofold purpose of food information law is clearly visible in the introductory article of GFLR, which provides for the overall aim of this Regulation. It is the assurance of a high level of protection of human health and consumers' interest in relation to food, as well as ensuring the effective functioning of the internal market (GFLR, Article 1, Paragraph 1). It further states that food law shall aim at the protection of the interests of consumers and shall provide a basis for consumers to make informed choices in relation to the food they consume (GFLR, Article 8). Finally, as a matter of general principle, it prohibits any form of misleading labelling, advertising, and presentation of food or feed (GFLR, Article 16). These broad general principles are further implemented in several more specific regulatory instruments. In

4 *Official Journal of the European Union*, L 304/18, 22.11.2011.

5 *Official Journal of the European Union*, L 404/9, 30.12.2016.

6 *Official Gazette of the Republic of Serbia*, No. 41/2009 and 17/2019.

7 *Official Gazette of the Republic of Serbia*, No. 19/2017, 16/2018, 17/2020, 118/2020, 17/2022, 23/2022, 30/2022 and 61/2024 – other Rules.

8 *Official Gazette of the Republic of Serbia*, No. 51/2018, 103/2018 and 110/2023

the first place, FIR is the most important source of EU food information law, containing numerous provisions discussed in the further sub-sections of this paper. Most important for the issue of structure of food information law is the distinction made in FIR between mandatory and voluntary food information. Even though the former information presents the thrust of FIR, the latter have gained more importance in current policy debates (Hersey et al., 2013), and are expected to be part of future revision of food information law. Besides FIR, which contains general principles on fair information practices, voluntary food information used in commercial communications of food business operators is subject to rules and principles contained in FCR. FCR deals with health claims and nutrition claims, thereby presenting a specific food law addition to the general consumer law principles originating from the Unfair Commercial Practices Directive (hereinafter: UCPD) [Vaqué, 2015]. Finally, the EU food information law recognizes several more specific measures related to particular sorts of food, such as organic food, genetically modified food (Vujisić, Mihajlović, 2014), food supplements, and food dedicated to specific groups (Purnhagen, Schebesta, 2019). Detailed analysis of these specific measures exceeded the subject of this article.

When it comes to Serbian food information law, its structure does not deviate from the described organization of EU law in that regard. Serbian LFS, similar to the GFLR, provides for the general principles and objectives, which are further regulated in two most important sources of food information: Declaration Rules and Claims Rules. Therefore, Serbian law follows the general structure of EU food information law.

Subjects of food information duties

A specific trait of EU food law is assigning numerous duties to food business operators concerning both food safety and food information (Schebesta, Purnhagen, 2024). Food business operators are responsible for compliance with mandatory food law provisions, while competent authorities handle situations of non-compliance (Van der Meulen, 2013). According to Recital 30 of the GFLR, a food business operator is best placed to devise a safe system for supplying food and ensuring that the food it supplies is safe. Similar to the food safety issues, the main entity responsible for compliance with food information duties in EU law is the food business operator under whose name or business name the food is marketed (FIR, Article 8, Paragraph 1).

A food business operator is the natural or legal person responsible for ensuring that the requirements of food law are met within the food business under their control (GFLR, Article 3(1)). Food business operators are natural or legal persons involved in various stages of manufacturing, processing, packaging, storage, transportation, distribution, or sale of food products (Dudeja, Singh, 2016). In practice, food business operators can be farms, factories, supermarkets, restaurants, wholesale distributors, online food retailers, etc. Consequently, the role and impact of food business operators on packaging, labeling, safety, and the integrity of food can vary.

FIR recognizes these different roles and adjusts the level of control duties accordingly, depending on the actual impact of the operator on food information. Operators who do

have such an impact must ensure the presence and accuracy of the food information in accordance with applicable food information law and relevant national provisions (FIR, Article 8, Paragraph 2). In addition to the positive obligations for these food business operators, FIR prescribes certain negative obligations for those who do not impact food information. These operators should refrain from supplying non-compliant food if they know or presume non-compliance (FIR, Article 8, Paragraph 3) and from modifying the information accompanying food if such modification would mislead the final consumer or reduce consumer protection and the possibilities for the final consumer to make informed choices (FIR, Article 8, Paragraph 4).

Finally, if the food business operator responsible for food information is not established in the Union, the importer bears the compliance obligations (FIR, art. 8, par. 1).

Serbian law generally follows the principle that food business operators are responsible for providing food information to consumers. Declaration Rules in that regard, based on the relevant provisions of FIR, distinguishes between food business operators that affect and those that do not affect the content of food information (Declaration Rules, Article 6). Yet, Declaration Rules adds another line of distinction between different food business operators. Namely, when it comes to the information concerning non-packaged food, unlike the case of packaged food where the general rule implemented from FIR applies, the subject responsible for delivering information is food business operator who packs food at the place of selling food to the final consumer (Declaration Rules, Article 6, Paragraph 2.).

The content of food information duties

The essence of FIR is its requirement concerning twelve mandatory particulars that must be indicated on food. The list of mandatory particulars is as follows: the name of the food; the list of ingredients; any ingredient or processing aid listed in Annex II or derived from a substance or product listed in Annex II causing allergies or intolerances used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form; the quantity of certain ingredients or categories of ingredients; the net quantity of the food; the date of minimum durability or the 'use by' date; any special storage conditions and/or conditions of use; the name or business name and address of the food business operator; the country of origin or place of provenance; instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions; with respect to beverages containing more than 1,2 % by volume of alcohol, the actual alcoholic strength by volume; a nutrition declaration (FIR, Article 9, Paragraph 1).

The list is followed by detailed technical rules dealing with each mandatory particular from the list, and respective Annexes that expand or limit the extent of mandatory information duties for specific food products subject to exemptions (Purnhagen, Schebesta, 2019). These additional rules have a considerable effect on the achievement of consumer information and empowerment. For instance, glass bottles for reuse, small packaging (<10cm²), and beverages containing more than 1.2% by volume of alcohol

do not need to display all mandatory particulars. The exemption of alcoholic beverages has been strongly contested for years, keeping in mind its effects on health and mortality (Gokani, 2024). Also, a nutrition declaration is unnecessary for foods listed in Annex V of FIR, while foods listed in Annex III must show additional mandatory particulars. On the other hand, non-prepacked foods are exempt from the mandatory particulars at the EU level, apart from allergens labelling (FIR, Article 44). Therefore, despite the existence of uniform rules on 12 mandatory particulars, there are many specific requirements related to specific sorts of food which make a considerable difference in the content of food information. Additionally, FIR leaves a certain level of discretion for the Member States to expand the list of mandatory particulars for specific types or categories of food justified on the grounds explicitly provided for in FIR (FIR, Article 39). These national measures may further increase the differences in the content of food information between different national laws and different sorts of food. Such expansion of the list of mandatory particulars exists in Serbian law, which requires food business operators to provide a list with fourteen mandatory particulars (in addition to EU law, the declaration must contain the designation of the series or food lot, and category of the quality or class of the food, if food, in accordance with special laws, is subject to categorization or classification) [Declaration Rules, Article 8, Paragraph 1].

The issue of food information duties content has perhaps been the most debated topic in food information law. The relevance of this issue for consumer empowerment through information justifies its longstanding presence in policy and academic debates. It is expected to be part of future revisions of food information law.

Three specific issues should be considered in future analyses of the content of food information duties.

- 1. Information Overload:** The extensive list of mandatory particulars could easily lead to the problem of information overload, which has been well-known in consumer law and behavioral economics literature for years (Bawden, Robinson, 2020). Ways of facilitating the processing and understanding of information from the list for the average consumer must be studied and implemented in the legislation. While the problem of information overload may be addressed through provisions on the formulation and presentation of information to consumers, the importance of the list of mandatory particulars should not be neglected. Finally, and most importantly, when considering the need for mandatory food information and to enable consumers to make informed choices, account should be taken of the widespread need for certain information to which consumers attach significant value, or any generally accepted benefits to the consumer (FIR, Article 4, Paragraph 2).
- 2. Obesity and Health Information:** The list of mandatory particulars also touches upon the recent debate on the need for food laws and policies to contribute to the fight against obesity, which causes numerous health issues for European citizens (Aouati et al., 2024). For example, the list could include

nutrition information per portion and/or information on the recommended portion size. The lack of an obligation for food operators to specify the exact amount of ingredients in food products negatively impacts raising consumer awareness of the nutritional features of their food intake (Gokani, 2024). According to FIR, the list of ingredients must include all the ingredients of the food, in descending order of weight, as recorded at the time of their use in the manufacture of the food (FIR, Article 18, Paragraph 1). Hence, consumers may be aware that the product contains some healthy ingredients, but they do not know the exact amount of those ingredients in the product. Even the sporadic existence of such an ingredient could justify its appearance on the label, despite its insignificant effect on the overall quality of the food product.

- 3. Sustainability Goals and Food Waste:** Sustainability goals also influence food information law, just like other areas of EU law. It has been recognized that misunderstanding and misuse of date marking ('use by' and 'best before' dates) as mandatory elements of food labels in Europe lead to food waste (European Commission, 2020). Namely, consumers often wrongly perceive food with the 'best before' mark as unsuitable for use after the expiration of that date. Therefore, clarification and clear distinction between the two forms of date marking are needed.

Method of providing food information

Regarding the method of providing food information to consumers, FIR distinguishes between on-premises selling (e.g., in supermarkets and shops) and distance selling. In both cases, it further differentiates between the rules applicable to prepacked food and non-prepacked food. The latter distinction results from exempting food business operators responsible for non-prepacked food from the obligation to provide the full list of mandatory particulars.

In the on-premises selling scenario for prepacked food, mandatory food information must appear directly on the package or on a label attached thereto (FIR, Article 12, Paragraph 2). FIR recognizes the possibility of expressing certain mandatory particulars by other means. Although FIR does not specify what could constitute 'other means of expression,' it prescribes strict conditions for their introduction. The prerequisite for their use is determining criteria for using 'other means of expression.' These criteria are to be defined by the European Commission through a delegated act, provided that evidence of uniform consumer understanding and widespread use of 'other means' by consumers justifies their application (FIR, Article 12, Paragraph 3). The Commission has not used the legislators' permission to adopt such means. Thus, it has indirectly opted for the mandatory use of packaging or labels as the only relevant method of providing food information.

Regarding non-prepacked food, FIR leaves it to the Member States to adopt national measures concerning the means through which the particulars or elements of those particulars are to be made available and, where appropriate, their form of expression and

presentation (FIR, Article 44, Paragraph 2). This is logical expansion of their discretion concerning the minimum content of information duties about non-prepackaged food. Namely, they may also expand the minimum information requirement prescribed by FIR (informing consumers only about potential allergens stemming from non-prepacked food).

In the distance selling scenario, although it is clear that any food supplied through distance selling should meet the same information requirements as food sold in shops, it is necessary to clarify that in such cases, the relevant mandatory food information must also be available before the purchase is concluded (FIR, Recital 27).

For prepacked foods offered for sale by means of distance communication, the responsible food business operator is required to provide food information to consumers at two different moments. Firstly, they must make all mandatory food information (other than the date of minimum durability) available before the purchase is concluded (FIR, Article 14, Paragraph 1). The mandatory food information must either appear on the material supporting the distance selling (e.g., webpage or catalogue) or through other appropriate means clearly identified by the food business operator without any additional costs for the final consumer (European Commission, 2024). Secondly, at the moment of delivery, the responsible food business operator must provide all mandatory particulars, including the date of minimum durability.

For non-prepacked foods, the method of providing information remains the same as for prepacked food, requiring the provision of information at two different moments: before the purchase is concluded and at the moment of food delivery. However, the content of the information duties at these two moments differs compared to prepacked food. Before the purchase is concluded, the food business operator is required to provide only allergen information unless national measures require the provision of all or some of the mandatory particulars (FIR, Article 44). Furthermore, at the moment of delivery, the responsible food business operator must make available the allergen information and any other particulars required by national law (FIR, Article 14, Paragraph 2).

As a matter of comparison, it is worth mentioning that Serbian law fully and literally implements the provisions of FIR analyzed above. It does not broaden the list of means of expression of mandatory particulars, explicitly recognizing that the mandatory particulars must be printed on the package or labels attached to the packaging (Declaration Rules, Article 10, Paragraph 2). On the other hand, it expands the list of mandatory particulars that non-prepackaged food is supposed to contain (Declaration Rules, Article 14, Paragraphs 1 and 2).

Formulation and presentation of food information

The importance of formulating and presenting information to consumers is multifaceted, as evidenced by numerous empirical and behavioral studies. It is becoming increasingly important in the era of widespread use of digital technologies (Mihajlović, 2023; Lučić, 2023). Legal literature also points out that information formulated using unfamiliar

and complex words can motivate consumers to 'knowingly fail to read the presented information' (Schaub, 2017). For those reasons, both EU consumer law and Serbian law contain rules that regulate the presentation and formulation of information.

As regards the formulation of food information, FIR requires that information shall be accurate, clear and easy to understand for the consumer (FIR, Article 8, Paragraph 2). This requirement resembles rules existing in the general consumer law on the trader's obligation to provide the consumer with the mandatory information in a clear and comprehensible manner (Consumer Rights Directive, Article 5, Paragraph 1). Some authors consider this requirement 'a bit ironic', having in mind the quantity of the different pieces of information that trader provides to the consumer (Howells, Twigg-Flesner, Wilhelmsson, 2018). This claim is even more true in the context of food information law. The mandatory particulars in food information law shall be indicated with words and numbers. They may additionally be expressed by means of pictograms or symbols (FIR, Article 9, Paragraph 2).

The presentation of foods, in particular their shape, appearance or packaging, the packaging materials used, the way in which they are arranged and the setting in which they are displayed must not be misleading (FIR, Article 8, Paragraph 4[b]). Mandatory food information shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material (FIR, Article 13, Paragraph 1). Gokani (2024) criticizes the fact that the visibility requirement did not become a noticeability requirement. Therefore, making the information visible does not mean that the information will be actually noticed by an average consumer.

In addition to general standards of presentation, several technical requirements further specify those standards. In order to ensure clear legibility of food information, minimum font size applies to the mandatory particulars. The mandatory particulars shall be printed on the package or on the label in characters using a font size where the x-height is equal to or greater than 1.2 mm. In the case of packaging or containers whose largest surface area is less than 80 cm², the x-height of the font size shall be equal to or greater than 0.9 mm (FIR, Article 13, Paragraphs 2 and 3). The name of the food, the net quantity and with respect to beverages containing more than 1.2% by volume of alcohol, the actual alcoholic strength by volume, shall appear in the same field of vision (FIR, Article 13, Paragraph 5). The name of the substance or product causing allergies or intolerances as listed in Annex II shall be emphasised through a typeset that clearly distinguishes it from the rest of the list of ingredients, for example by means of the font, style or background colour (FIR, Article 21, Paragraph 1). Nutrition declaration shall be presented in clear format and, if space permits, in tabular format with the numbers aligned and where appropriate, in the order of presentation provided for in Annex XV. Where space does not permit, the declaration shall appear in linear format (FIR, Article 34).

Voluntary food information

As a consequence of long-standing critiques of traditional forms of presenting and formulating information to consumers, there have been numerous reform proposals on the content of information duties, the methods of providing information, and their formulations and presentations to the consumers. Instead of back-of-package labeling, which has been promoted as the main source of consumer food information, the front-of-pack labeling methods gained more attention in the academic and policy debates on the specific importance has front-of-pack nutrition labeling that is ‘interpretive’, i.e. ‘that communicates an evaluative judgment on the health or nutrition effects of food products (Gokani, 2022). Nutri Score labeling system, developed in France, seems to be the best example of such interpretative nutrition labeling (Lučić, 2021). Gokani and Garde (2023) deem this labeling system as the only viable option for a mandatory, harmonized front-of pack-labeling scheme in the EU. At the moment, current EU legislation considers such schemes voluntary information, which is subject to requirements prescribed in FIR (Article 36). Those schemes must not mislead the consumer, be ambiguous or confusing for the consumer and must, where appropriate, be based on the relevant scientific data (FIR, Article 36, Paragraph 2). At the same time, when such a scheme attributes an overall positive message (for example through a green colour), it also fulfils the legal definition of a ‘nutrition claim’ (European Commission, 2020b). According to FCR (Article 2, Paragraph 2(4)), a nutrition claim is any claim which states, suggests or implies that a food has particular beneficial nutritional properties due to the energy, the nutrients or other substances it contain or does not contain. Finally, voluntary food information must not be displayed to the detriment of the space available for mandatory information (FIR, Article 37).

Conclusions

Both EU law and Serbian law pay particular attention to the consumer’s right to food information. Serbian law is generally harmonized with EU law in this regard, as it implemented the most important EU legislative instruments that deal with consumer food information. The content of the right to be informed about food has been subject to numerous provisions embedded in different legislative texts. In some of those laws, the right to information is regulated on more abstract level, while the others provide many detailed technical rules. A common trait for all these laws is the failure to duly consider the shortcomings of using information as a regulatory technique widely discussed in the academic literature. A step forward would be the harmonization of front-of-pack labeling schemes and the adoption of one universally applicable scheme across the EU.

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Conflict of interests

The authors declare no conflict of interest.

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