

Tips on labelling nutritional mushroom products

- 1 Nutritional mushroom products are regularly marketed either as **sui generis foods** (e.g. as mushroom powder) or as **dietary supplements** (usually as mushroom extracts, often also in combination with vitamins and/or minerals). The **correct labelling of the packaging** plays an important role in the marketability of the products as this provides the consumer with relevant information about the purpose and ingredients of the product, as well as any resulting restrictions on consumption, information on recommended intake, storage, shelf life, origin, traceability or nutritional values. The legislator has governed precisely what type of labelling elements must be shown on a product depending on its respective purpose. Some of these must even be reproduced verbatim.
- 2 Every distributor of nutritional mushroom products is thus well-advised to carefully undertake product labelling and have this verified once again by means of internal quality management measures. Complaints can be made by the authorities regarding errors, which then lead to prohibition orders or fines. At the same time, competitors or competition associations can issue warnings that either end in the submission of cease-and-desist declarations by distributors and/or manufacturers or even the conducting of injunctive processes. As a rule, competition case law does consider such labelling infringements to be merely trivial offences, but rather a clear infringement against provisions governing market regulation.
- 3 As a result, such errors are not only expensive but are also associated with a significant additional workload for the affected distributor if products have to be recalled, packaging replaced or information adhered over the packaging. It is thus good to approach the subject with suitable sensitivity and seek expert advice in the event of doubt.
- 4 We have compiled a **general checklist** for you below for the nutritional mushroom products distributed in various categories, which is intended to act as a **guide** for you:
 - (a) Please note that e.g. the use of **organic raw materials** requires further labelling elements that are **not shown** here.
 - (b) **Promotional statements regarding nutritional value or health** on the packaging can also require additional mandatory information that is also not explained here.
 - (c) Other **characteristics** that can result from the use of certain ingredients (flavourings, enzymes, sweeteners) have also been intentionally excluded for the following purposes. Instead, the checklist refers to mushroom products that are currently commercially available.
- 5 We expressly indicate that **all** mandatory labelling elements must be affixed in a manner that is clear to see, easy to read and indelible and a necessary font size of 1.2 mm related to the x height in "Appendix" must be observed. If the largest surface on the packaging is <80 cm², the font size may, as an exception, also only have an x height of 0.9 mm (cf. Art. 13 para. 1 to 3 food information law). For **rectangular or cuboid packaging**, the "largest surface" is a whole side of the respective packaging (height x width). For **cylindrical (e.g. jars) or bottle-shaped packaging (e.g. bottles)**, which often have an uneven shape, determining the largest surface is more complicated. A practical solution for determining the "largest surface" of cylindrical or bottle-shaped packaging with an often uneven shape would, for instance, be to deduct lids,

bases and edges from the surface area for jars and the neck and shoulder for bottles (cf. Q&A by the EU Commission on the food information law). What's more, the **name of the food** and the **filling quantity** must appear in the **same field of view** (i.e. **ideally on a panel** on the packaging), cf. Art. 13 para. 5 food information law.

Labelling element	For dietary supplements	For sui generis foods (powder)
<p>Name of the food</p> <p>(Art. 9 para. 1 a), 17, Annex VI food information law, Section 4 para. 1 NemV regulation on food supplements)</p>	<p>Legally specified:</p> <p>"dietary supplement"</p>	<p>Conventional or descriptive name, e.g.</p> <p>"Auricularia Powder" or "Mushroom powder from Auricularia, ground"</p>
<p>Supplements to the name of the food with information about the physical state of the food or special treatment that it has undergone (e.g. pulverised, re-frozen, freeze-dried, frozen, concentrated, smoked), if the omission of such information were suitable to mislead the customer</p> <p>(cf. Art. 17 (5), Annex VI food information law)</p>	<p>N/A</p>	<p>See above</p>
<p>Name or company and address of the EU-based food company, under whose name or company the dietary supplement/food is marketed or otherwise of the importer in the EU</p> <p>(Art 9 para. 1 h) in conjunction with Art. 8 para. 1 food information law)</p>	<p>e.g.</p> <p>Distribution by:</p> <p>Pilzglück GmbH, Anbaustraße 1, 23456 Sampletown</p>	<p>Likewise</p>
<p>Name of the characteristic (nutrient) categories</p> <p>(section 4 para. 2 No. 1 NemV regulation on food supplements)</p>	<p>e.g. "with mushroom-typical polysaccharides and vitamins"</p>	<p>N/A</p>

Labelling element	For dietary supplements	For sui generis foods (powder)
<p>List of ingredients in descending order of the quantity of the ingredients contained</p> <p>(Art. 9 para. 1 b), Art. 18 ff. food information law)</p> <p><u>Please take into account:</u></p> <p>Allergen labelling (Art. 9 para. 1c), Art. 21 food information law in conjunction with Annex II food information law)*</p> <p>Labelling of additives (in accordance with Annex VII food information law)</p> <p>If applicable, special requirements on the labelling of approved, new food ingredients (if these are used in the product)</p> <p>Percentage quantity labelling of other ingredients, if these are correspondingly highlighted in the labelling (e.g. with the statement “with XY mushroom extract”) and no legal exception to the quantity labelling exists</p> <p>(cf. Art. 9 para. 1 d), Art. 22, Annex VIII food information law)</p>	<p>e.g. "Ingredients: Cordyceps extract (90%), acerola extract, soya extract*, coating agent: hydroxypropyl methylcellulose (capsule shell, plant-derived), separating agent: talc"</p>	<p>No special features with regard to list of ingredients for dietary supplements. But: If the food is only comprised of one single ingredient, e.g. a ground mushroom powder, the list of ingredients can be omitted.</p> <p>The name of the product must then be identical to the name of the ingredient (cf. Art. 19 (1) e) food information law)</p> <p>e.g. “Auricularia mushroom powder” or “100% Auricularia mushroom powder”</p>
<p>Minimum shelf life (cf. Art. 9 para. 1 f), Art. 24, Annex X food information law)</p>	<p>“Best before...” (with stating of day/month/year)</p> <p>or</p> <p>(the usual case):</p> <p>“Best before end...” (stating month/year or, for a shelf life of more than 18 months: only stating the year)</p>	<p>Likewise</p>

Labelling element	For dietary supplements	For sui generis foods (powder)
	<p>Please be sure to note the specified wording for this information</p>	
<p>If applicable, special instructions for storage and/or instructions for use (Art. 9 para. 1 lit. g) food information law)/if applicable, also directions for use (Art. 9 para. 1 j) LMIV), if it would be difficult to use the food without this (not relevant here)</p>	<p>e.g.: Stored dry and tightly closed.</p> <p>Information if certain people should avoid consumption (pregnant women, breast-feeding women, allergy sufferers, etc.) or should consult a doctor before consumption.</p> <p>Information about interactions with medications or other nutrients can also be added at this point.</p>	<p>See above.</p> <p>Additional intake recommendation, e.g.: "Add xy level tablespoons of water, juice, smoothie, cereal or other foods each day and consume."</p>
<p>The country of origin or the place of origin for a product if the consumer may be misled regarding the country of origin/place of origin without this information (Art. 9 para. 1, 26 food information law)</p>	<p>e.g. raw materials from China, processed in Germany</p>	<p>Likewise</p>
<p>Batch information (section 1 para. 1 LKV or Council Directive 2011/91/EU)</p>	<p>E.g.</p> <p>Batch number:</p> <p>PG123012016</p> <p>B. No.: PG123012016</p>	<p>Likewise</p>
<p>Net quantity</p>	<p>In a solid pharmaceutical form:</p>	<p>Likewise</p>

Labelling element	For dietary supplements	For sui generis foods (powder)
<p>(Art. 9 para. 1 e), Art. 23 para. 1 in conjunction with Annex IX food information law, Art Council Directive 76/211/EEC for the affixing and design of the “EEC mark” (the character “e” before the filling quantity information), the font size requirements for the filling quantity information in accordance with Annex I para. 3 Council Directive 76/211/EEC or responsibility regulations in accordance with Annex I para. 4 Council Directive 76/211/EEC (filling plant or importer for correct filling quantity information)</p>	<p>in grams (g, kg)</p> <p>In a liquid delivery form according to volume (l, cl, ml)</p> <p>Please observe font size information:</p> <p>2 mm for net quantity from 5 to 50 g (here: for 30 g)</p> <p>3 mm for net quantity from 51 to 200 g</p> <p>4 mm for net quantity from 201 to 1000 g</p>	
<p>Recommended daily intake in portions of the product (section 4 (2) No. 2 NemV regulation on food supplements),</p>	<p>e.g.: “Consume one capsule 2x a day”</p>	<p>Not specified but possible voluntarily</p>
<p>Warning “The stated recommended daily intake must not be exceeded” (or equivalent wording, section 4 (2) No. 3 NemV regulation on food supplements)</p>	<p>e.g. (with equivalent wording): “Abide by the stated recommended daily intake”</p>	<p>Not specified but possible voluntarily</p>
<p>Information “Dietary supplements should not be used as a substitute for a balanced and varied diet” (section 4 (2) No. 4 NemV regulation on food supplements)</p>	<p>Use statement as specified</p>	<p>N/A</p>
<p>Information “Products should be kept out of reach of small children” (section 4 (2) No. 5 NemV regulation on food supplements)</p>	<p>Use statement as specified.</p>	<p>Not specified but possible voluntarily.</p>
<p>Stating of the quantity of nutrients or other substances based on the recommended daily allowance in accordance with units of measurement as per Annex I of Directive 2002/46/EC in the current version along with</p>	<p>e.g.</p> <p>Content per 1 capsule (recommended daily allowance):</p>	<p>Not specified but possible voluntarily.</p>

Labelling element	For dietary supplements	For sui generis foods (powder)
corresponding reference value/nutrient reference value in accordance with Annex XIII, Part A of the food information law for the nutrients (section 4 (3) NemV regulation on food supplements)	16 mg Vitamin C (20% RDA) 200 mg mushroom-typical polysaccharides (from Cordyceps)	
Nutritional values (Art. 30 ff. food information law)	N/A but possible voluntarily	<p><u>Until 13th December 2016:</u></p> <p>What are known as the “Big 7” (energy, fat, saturates, carbohydrates, sugars, protein, salt) plus information about vitamins/minerals only mandatory for nutritional value or health-related statements or if the food is supplemented with vitamins/minerals, otherwise naturally also possible voluntarily.</p> <p><u>From 13th December 2016:</u></p> <p>“Big 7” mandatory for all foods.</p> <p><u>But exceptions for e.g.:</u></p> <p>Unprocessed products that only consist of one ingredient (e.g. raw mushrooms of one variety) or ingredient class; or</p> <p>Processed products that have only undergone a ripening treatment and that only consist of one ingredient (e.g. conceivable for ground mushroom powder – still needs to be clarified) or ingredient class.</p>