

Classification of Caramel Colours for Labelling Purposes

Caramel colours, like other food additives, are regulated at the EU level principally according to Regulations (EC) 178/2002 on general food law and (EC) 1333/2008 on food additives. Further provisions on the labelling to the final consumer are laid down in Directive 2000/13/EC on food labelling and Regulation (EC) 1924/2006 on nutrition and health claims. These EU legislative texts do not contain any legal definitions of “natural”, “free from artificial...”¹ and similar terms which are increasingly used as voluntary labelling on food colours across the EU member states in response to evolving consumer preferences. In the absence of clear legal definitions on “natural”, the general provisions in Article 16 of Regulation (EC) 178/2002 on general food law and Article 2 Directive 2000/13/EC on food labelling apply, which stipulate that the presentation and labelling of food shall not be misleading to the consumer.

EUTECA members note that marketing practice and the regulatory approach of authorities on terms such as “natural” in relation to food colours vary across EU member states, and that several member states are currently working on definitions and/or guidelines for the proper use of such terms. EUTECA members have also noticed an increased volume of requests from customers looking for clarification on what they can state on their finished product. When establishing guidelines or similar documents on the use of terms such as “natural” in relation to food colours, EUTECA believes that it is desirable to take a specific approach towards the labelling of caramel colours, since these food colours cannot easily be classified in terms of “artificial”² or “natural”³.

Caramel colours are all made from edible carbohydrates, which are heated and sometimes mixed under controlled conditions with approved liquid reactants (specified acids or salts). The food colours obtained are not “artificial” in the sense that they are not chemically synthesised, nor are they perceived as such by consumers. Raw materials are derived from sugars and they are physically modified through a traditional food preparation process (heating)⁴ but when the end product is also subject to some chemical modification, caramel colours are

¹ Regulation (EC) 1924/2006 on nutrition and health claims does allow for natural/naturally nutrition claims under certain conditions, but only on foods which are naturally rich in nutrient x, which is of no relevance for the topic discussed in this position paper.

² Understood as colour substances produced entirely by chemical synthesis and not identical to substances found in nature

³ Understood as colour substances occurring in nature or nature-derived

⁴ Traditional food preparation processes are listed in Annex II of Regulation (EC) 1334/2008

not considered “natural” in the sense of occurring in nature or being directly derived from substances occurring in nature. Against this background, (chemically modified) caramel colours cannot be labelled as "natural" for marketing purposes.

EUTECA therefore concludes that, when classifying food colours for labelling purposes, caramel colours, with chemical modification, need to be considered as a separate group of colours, which are neither artificial nor natural.