Standard Reference document

For voluntary undertakings charters of commitments to nutritional improvement
drawn up by food sector operators
under the National Health and Nutrition Programme 2
Foreword

On 14 December 2006, the Ministries of Agriculture, Consumer Affairs and Health commissioned a committee to draw up a reference document to help operators in the food sector to draw up charters of commitments to nutritional improvement, under the National Health and Nutrition Programme.

On the basis of the discussions between members of the committee and the meetings it arranged with food sector operators, it highlighted the following background information:

- Each consumer freely chooses his behaviour as regards food and daily nutritional intake and the role of the State is to enable him to make enlightened choices. In order to take action on the nutritional quality of products or their consumption, the State may encourage operators in the competitive sector to apply self-discipline. The charters are consistent with that policy;

- In order for the initiative to eventually apply to all products sold on national territory, to anticipate possible undesirable consequences as regards competition, and finally, because the commitments are designed to help resolve public health problems which go far beyond the confines of national borders, the State should promote this initiative throughout the EU and internationally.

The relationship between the charters and other PNNS tools:

- The charters are merely an addition to other PNNS measures. In particular, consumers’ level of knowledge as regards nutrition is improved by general educational measures, training and providing information. Accordingly, the charters are designed to coexist with the existing procedure of awarding the PNNS logo to advertising campaigns.

The scope of the charters:

- The commitments to improve nutrition must change nutritional intake as a whole for the better. They must therefore seek to improve the contribution of a maximum number of products to nutritional intake;

- The commitments must relate both to the nutritional components and amounts of products consumed as it is the combination of these two factors that determines nutritional intake. There is no need to establish a hierarchy between these two possible aspects of the commitments. Accordingly, nutritional improvement, as understood in the reference document, includes intervention as regards the nutritional content of existing products, the creation of alternative products with an optimised nutritional content, intervention as regards the consumption of products, for example at the places where they are sold or through marketing for them. In theory, no product is excluded from the improvement campaign on the ground that its initial profile and/or current level of consumption are optimal;

- In accordance with the Ministries’ request, the objective is to improve the nutrition of the whole population, including the disadvantaged, without taking into consideration very specific needs that require the consumption of dietetic products. Accordingly, the initiatives must concentrate on the priority objectives defined by the PNNS for the population as a whole: consumption of salt and simple carbohydrates, full fats, saturated fatty acids, complex carbohydrates and fibre, fruit and vegetables;
They must not medicalise food: they must not adopt a purely functional approach to food, reducing it to its physiological role;

The success of the campaign presupposes that the commitments are sufficiently strong and that they are followed up in the long term: with the first objective in mind, the standard reference document makes State approval of a charter contingent on whether it covers a sufficient number of the applicant’s products or a wide enough section of the business represented by the organisation that is submitting the charter; with the second objective in mind, the standard reference document provides for regular monitoring of charters and the ability to adjust them.

The content, approval and verification of the commitments:

- taking into account the extreme diversity of food products, the heterogeneity of the economic fabric of the food industry and the very different margins for manoeuvre between one actor and another, the committee considered that the only possible method was to draw up general principles that the operators could more easily adapt to their business. In addition, it has provided the possibility that the commitments made could be individual or joint;

- the principle is that of the applicant’s freedom to choose the actions and levels of commitment. However, this freedom also involves the assessment of their expected effectiveness by a committee of experts. It is also contingent on various provisions that seek to ensure that the commitments are sufficiently strong;

- the procedure for assessing applications must not be too onerous for the government or the scientific bodies and the deadlines for examining them must be as short as possible;

- the food quality watchdog, which the PNNS plans to establish, is the most suitable tool for monitoring the implementation of the commitments and measuring their impact as a whole. The applicant’s systematic provision of the relevant data to this watchdog is suited to this objective.

The approval of the commitments:

- a principle whereby consumers are informed about the operators’ commitments has been laid down. When the commitments to improve a company or brand are directly stated on a product, the information must not mislead consumers and nutritional labelling must also be provided.

The implementation of the experiment:

- since the selected approach is new, it must be deemed to be progressive and experimental. On the one hand, the ability to submit a charter must therefore be permanently available. On the other, a report must be drawn up at the end of the first year to examine together whether any adjustments should be made to the campaign;

- now that a very high number of meals are eaten outside the home, in institutional and corporate restaurants, the running of which public or private bodies have outsourced to catering companies, it is very desirable that charters can be drawn up in partnership between these companies and the contracting bodies.
I. Preamble

The second National Health and Nutrition Programme (PNNS 2) encourages market operators, in particular food sector\(^1\) companies and collective professional organisations, to sign voluntary nutritional improvement charters of commitments on the basis of specific, quantified, dated and measurable targets.

The Government instructed a committee chaired by Mr Christian Babusiaux to draw up a reference document that will serve as a framework for companies and professional organisations to draw up charters of commitments to nutritional improvement on a voluntary basis.

It is not a matter of assigning a public health mission to operators in the competitive sector but rather of considering that they begin a process of nutritional improvement, which would provide consumers with a more satisfactory offer, in a better environment so that everyone is in a position to make enlightened choices. The charters, which are completely new, are not designed to replace other PNNS actions but to supplement them and their full impact will be found in the context of the whole. Obviously, in addition to food sector operators, actors in the fields of consumer affairs, education and health, especially local and community actors, play a crucial role in public health nutritional policy. It is by everyone being committed to the same general movement that the nutritional status of the French people will begin to improve.

If, in order to optimise the nutritional intake of the French people, a change in the whole market is sought, there are many avenues for improvement: plant or animal selection, research on farming methods, animal nutrition or growing techniques at the agricultural production stage; improving the formulae for compound products, creating new highly nutritious products by the industry in all product ranges; reducing portion size; improving recipes and menus in the catering and food industry; marketing, advertising, presentation at the point of sale that takes into account the nutritional characteristics of products in order to guide consumers towards healthy choices etc.

This reference document is the result of a concerted effort involving the authorities, numerous professional and cross-professional organisations in the food sector, several companies, consumer organisations and the National Food Council, scientists who specialise in nutrition, food technology and economics, the French Association for the Food Safety (Association Française de la Sécurité Sanitaire des Aliments or ASSA) and the French National Institute for Agricultural Science Research (Institut National de la Recherche Agronomie or INRA). All these players are supporting the initiative and will give positive backing to these commitments.

This reference document is based on the health objectives of the French public health policy Act of 9 August 2004 and on the PNNS 2’s general principles, priority objectives and consumption guidelines.

The State will approve the validity of the charters submitted by the market operators on the basis of the opinion of a committee of experts. This committee will ensure that the charters comply with this reference document.

\(^1\) The committee has accepted the definition given by Regulation (EC) no. 178/2002. These are companies that produce, process or distribute foodstuffs or animal feeds.
2. Scope of the Reference document

2.1. Eligible areas for action

Since the public authorities wish to create the conditions for improving the nutritional intake of the French people in line with the PNNS 2 objectives and the Public Health Act, there are three major areas of activity which the commitments to improvement may endorse:

**Action on the nutritional composition of existing products:**

- the composition and nutritional characteristics of products, in particular, changes to formulae designed to reduce the salt, added simple carbohydrates\(^2\), total fat and saturated fatty acid content and increase the complex carbohydrate and fibre content in composite products;

- new formulae other\(^3\) than those referred to above, which rely on relationships or opinions of scientific authorities that are used in the policies issued by the authorities or on the nutritional objectives appended to the public health act (for example iodine);

- devising menus that comply with the PNNS 2 consumption guidelines in both social and commercial catering.

**Creating alternative products:**

- developing products that could replace food products for which moderate consumption is recommended, particularly where it appears to be too difficult to take action on the nutritional composition of existing products.

- increasing the consumption of fruit and vegetables by making them more accessible and diversifying ways of using them;

- organising points of sale: putting specific signs on the shelves; improving the arrangement of fruit and vegetable sections; reducing the number of sugary products at tills; adapting the display area provided for categories of products according to their nutritional value; promoting the cheapest fruit and vegetables;

- improving communication and information at the points of sale and in other places including door-to-door sales: arranging product presentations by a dietician; broadcasting a radio message; distributing leaflets that bear the PNNS logo and improving nutritional information;

- marketing\(^4\), advertising and promoting sales: marketing that takes into account the need to consume a reasonable amount of certain foods; reducing advertising and promotion for products for which moderate consumption is recommended, removing it from screens that are intended for children; providing information about the most suitable conditions for using products and on the appropriate combinations, according to the meal (breakfast, tea); providing information to encourage the consumption of products when eating more of them is recommended; etc.

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\(^2\) Including those of oligosaccharides, which behave as simple carbohydrates in the body.

\(^3\) Applicants who are offering an action(s) in this field without relying on those in the first paragraph must give reasons for doing so.

\(^4\) To be considered in the wide sense: packaging, price, distribution channel and advertising.
There is no hierarchy in the three areas to which the commitments may relate. If no action on the nutritional composition of staple foods is proposed, the applicant must nevertheless state its reasons.

Other so-called additional areas of action are also deemed to be eligible. These are:

- actions within the company: implementing practical measures that comply with the PNNS within the company; action on the nutritional health of employees in order to become a “company that is implementing the PNNS”.

- external actions: technical or financial support for actions that bear the PNNS logo for education, training and prevention by appropriate eating behaviour; support for research in these fields; support for initiatives that are designed to promote physical exercise for leisure or sports activities etc.

2.2. Applicants

Companies or professional and cross-professional organisations shall submit the charters of commitments to nutritional improvement directly to the State.

If a charter has been signed or is in the process of being reviewed by the committee of experts, a professional or cross-professional organisation, a company in the relevant sector may submit an individual charter if the objectives it sets are different from or significantly wider or higher than those proposed by the existing joint charter or charter that is under review. This assessment will be made by the committee of experts.

Several companies or trade federations may submit a joint charter of commitments to nutritional improvement. The same may apply to an institutional and corporate catering firm and the public or private body that outsources the preparation of meals to it.

3. General principles for drawing up charters of commitment to nutritional improvement

Principle of compliance: the commitments proposed in the charters must comply with the general principles, objectives and consumption guidelines of the PNNS 2 or to the objectives appended to the Public Health Policy Act or to the recommendations in reports or opinions of scientific authorities that are applied in the policies issued by the authorities, without interpreting, adapting or rewording them. The products in question must not undergo changes that would run counter to any of these principles, objectives and guidelines.

See page 24 of the framework document for PNNS 2 for the period 2006-2010.

Committee of experts appointed by cross-departmental decree.

Company charters may be combined with a professional charter. For example, the professional charter may make general commitments to the composition of a product or form of nutritional labelling and the company charters may make commitments relating to marketing and advertising.

Provided that the expected effectiveness is considerably greater than that of the charters that are specific to a professional body. It may be a matter of actors who are at different stages of the production, preparation and supply of meals, for example between production and a communal restaurant.
**Principle of honesty:** On the whole, the commitments must be strictly related to the jobs, activities, products and services offered by the applicant.

**Principle of hierarchy:** The commitments must relate primarily to the main areas of action listed in point 2.1. In addition, they may include supplementary commitments (see point 2.1).

**Principle of effectiveness:**

**Choice of actions:** the actions proposed must help to achieve at least one of the PNNS 2’s objectives. In order to do so, they must relate to products for which an improvement in composition, promotion or sales presentation is relevant in relation to the particular objective, and technically and economically feasible. In addition, the actions proposed must be defined in such a way that the results can be reasonably expected to improve the nutritional quality of the product(s) in question and/or change the consumption thereof.

For each action listed in the charter of commitments, the applicant must explain the technological, economic and/or commercial variables on which the applicant intends to act. It must also set out the technological, economical and commercial constraints to which the action is subject.

For a sector, a commitment to improve the nutritional quality of products on the basis of an amendment (which might be an improvement) to the Code of Practices may be deemed to be an eligible action.

**Levels of commitment:** these levels are determined and quantified by the applicant, having regard to the companies’ and sectors’ safety constraints, the technological feasibility and the economic viability of the products. They must be sufficiently strong. If the applicant is a company or brand name user, its objective must be to position itself higher than the average in the market for the technological, economic and/or commercial variables on which it intends to act.

**Deadlines for achievement:** The expected changes in technological and/or commercial variables must be significant during the current phase of the PNNS, i.e. 2006-2010, even if not all the effects are expected during this period. By reference to the duration of the PNNS, it can be accepted that the quantitative objectives will be achieved approximately four years after signing the commitment. The applicant must propose appropriate indicators to monitor this improvement.

**Principle of retroactive effect:** the applicant may submit commitments that are consistent with actions in progress. It may also propose improvements that have already been made, after the PNNS 2 has been launched, if they provide the applicant with a nutritional advantage that clearly distinguishes it on the market. The rights to provide information, as stipulated in point 5, are open to it for eighteen months, subject to the committee’s prior consent. This period may be extended if the initiative for nutritional improvement continues after the charter has been signed.

**Principle of fairness:** the commitments to nutritional improvement must not affect the accessibility of the products, particularly by an excessive price increase. The actions must relate to all segments of the ranges of products to which the PNNS objectives apply and, in particular, those that are accessible to the greatest number of people: any proposed charter that only relates to the high-end of a range of the applicant’s products would not be eligible.

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9 Longer deadlines for achievement may be accepted for upstream sectors.
**Principle of transparency:** the commitments must be verifiable. To that end, the applicant must suggest means whereby a third party may verify its commitments, without prejudice to the official audits that the State itself may conduct in the event that a charter is obviously being misused.

The third party must be a body that is independent from the applicant and whose methods must be in writing and capable of being forwarded to the committee and the government services.

In the case of a joint commitment from very small enterprises (VSE) or several sectors, the third party must spot check the signatories thereto using the spot-checking methods provided to the committee and the government services.

The third party must inform the committee where a non-compliance has not been remedied within the prescribed deadlines.

In addition, the collective professional bodies must propose indicators that measure how far their members are implementing their commitments.

**Principle of monitoring:** The general impact of commitments made under the charters for the nutritional quality of food must be assessed. To that end, signatories of a charter shall provide the results of the annual review of its commitments to the committee of experts and to the food quality watchdog.\(^{10}\) If the signatory so wishes, the committee will review it in a spirit of partnership.

The watchdog will provide the data used to enlighten the committee of experts, third parties and the signatories of the charters.

**Principle of updating:** A signatory’s request to revise the content of a charter may be accepted if there are valid reasons for doing so, particularly of a scientific, economic, technological or regulatory nature or in order to change the level of the initial objective. A signatory of a charter shall inform the committee whenever it considers that it is unable to meet a commitment.

The committee may request that a charter be amended or withdrawn if scientific, economic or regulatory information that was not available at the time when it was signed needs to be taken into consideration.

**Principle of confidentiality:** The State shall strictly comply with and protect industrial confidentiality throughout the term of the commitment, particularly during the application examination process. Members of the committee shall sign confidentiality undertakings and declare any conflicts of interests. In consideration, the application shall provide them with the necessary information for approving and verifying its commitments.

**Principle of providing consumers with information:** the signatory shall be entitled to mention its commitments to nutritional improvement.

4. **Approval of charters of commitments to nutritional improvement**

4.1. **General terms and conditions for approving charters**

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\(^{10}\) The applicant must provide the Watchdog with all the raw data it possesses relating to its commitments.

\(^{11}\) This may be a downturn in the market that is directly related to a commitment.
the commitments must be explained by the applicant in accordance with the appendix hereto.

All applications must be accompanied by a schedule that sets out the duration of the commitment.

When the applicant is a company, at least two thirds\(^{12}\) of its turnover or advertising and promotional expenses\(^{13}\) for the products\(^{14}\) that it produces, processes\(^{15}\) or distributes, must be taken into consideration in its charter, that is to say, that at least one specific, quantified, dated and verifiable commitment that falls within the key areas listed in point 2.1 must apply to them.

For small companies, SME and VSE, the proportion may be reduced to half.\(^{16}\)

Where the applicant operates in a significant product sector, at least two thirds\(^{17}\) of its turnover or advertising and promotional\(^{18}\) expenses for the products\(^{19}\) in this sector must be taken into consideration in its charter, that is to say, that at least one specific, quantified, dated and verifiable commitment that falls within the key areas listed in point 2.1 must apply to them.

Where the applicant is a professional or cross-professional body, its objective must be that at the end of its commitment, two thirds of its members that are directly involved or a proportion thereof representing two thirds of the national turnover of the business in question, have subscribed to it.

**4.2. Examination of the application by the committee of experts**

The committee of experts shall check that the commitments proposed comply with the general principles outlined in point 3 of the reference document. It may ask the applicant to provide it with further information and arrange a discussion with it.

In order to assess the overall effectiveness of the commitments, if necessary, the committee of experts shall question the relevant scientific\(^{20}\) authorities in order to evaluate the effectiveness of certain actions.

The committee of experts will assess the pertinence of each action chosen by the applicant and the proposed level of commitments, in the light of changes to the contribution that the product(s) in question make/s to nutritional intake, on the basis of the information provided by the applicant or information that is in the public domain or from the opinions sought from the appropriate scientific bodies. The committee will take into account any secondary effects of changes to formulae, as explained by the applicant.

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\(^{12}\) The committee will assess the relevance of this ratio according to experience.

\(^{13}\) Relating only to foodstuffs that are sold in France.

\(^{14}\) These are only products to which at least one of the PNNS objectives and consumption guidelines applies.

\(^{15}\) On its own behalf and not, for example, on behalf of a distributor.

\(^{16}\) The same as note 12.

\(^{17}\) For small businesses and SME, the proportion may be reduced to half.

\(^{18}\) The same as note 12.

\(^{19}\) relates only to foodstuffs sold in France.

\(^{20}\) These are only the products to which one of the PNNS objectives and consumption guidelines apply.

\(^{21}\) AFSSA, InVS, INPES, Research Institutes (INRA, INSERM) and the food quality Watchdog when it is set up.
The committee will check whether the commitments require a waiting period, within the limits stated in point 5, before consumers can be informed about them.

4.3. Decision

Unless the applicant has been notified that its application requires a scientific opinion or further information to be obtained or that the government services have raised an objection to it, the application shall be deemed to have been approved at the end of a period of two months as from the date on which the committee acknowledged receipt of the application.

If further information or the opinion of scientific bodies is necessary, the committee shall inform the applicant accordingly and immediately provide it with the information received from these bodies. After reviewing this information and, within a maximum of two months, the committee shall notify the applicant and the government services of its opinion, otherwise the application shall be deemed to have been approved.

5. Procedures for providing information about the commitments to nutritional improvement

It is possible to provide consumers with information when all the applicants’ commitments in its charter have been approved, if the actions are implemented immediately or have already been implemented. Said information cannot continue to be provided beyond the applicant’s term of commitment.

Where the applicant is a company, the statement “Company implementing a nutritional initiative encouraged by the State (PNNS)” may be used. This statement may be used, on any medium that it chooses that creates a direct link with only those products to which the approved commitments apply. It may be placed on a product for which there is a commitment, provided that it is accompanied by nutritional labelling.

Where the applicant is a brand name user, it may use the statement: “Brand name implementing a nutritional initiative encouraged by the State (PNNS)” . This statement may be used on any medium that it chooses that creates a direct link with only those products to which the approved commitments apply. It may be placed on a product for which there is a commitment, provided that it is accompanied by nutritional labelling.

Where the applicant is a professional or cross-professional organisation, it may make use of the statement: “Organisation implementing a nutritional initiative encouraged by the state (PNNS).” This statement may be used on any medium of its choosing.

Any member of a professional or cross-professional organisation that has an approved charter, whether it be a company or brand name user, may make use of the statement “Company [or Brand Name] implementing a joint nutritional initiative”, provided that it has expressly subscribed to the commitments in the charter, under the terms and conditions laid down in the first paragraph of point 5. This statement may be used on any medium that it chooses that

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22 If it is a distribution company, it may only make use of this statement if the commitments are made for the products sold under its own brand and for the company where it is sold.

23 Possibly written in full where the packaging so permits.

24 If it is a distribution company, it may only make use of this statement if the commitments are made for products sold under its own brand and for the company where it is sold.
creates a direct link with only those products to which the approved commitments apply. It may be placed on a product for which there is a commitment, provided that it is accompanied by nutritional labelling.

If the products to which an individual or joint charter for nutritional improvement apply are marketed without a brand name or labelling, the following statement: “The recipes X (or menus Y) are part of a nutritional improvement initiative” may be used on any appropriate medium (backing card or menu at the point of sale) that is in close proximity to the products or menus, without creating confusion in the minds of consumers about the products or menus in question. The words “Encouraged by the State (PNNS)” may be added at the end of the statement.

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The reference document may be reviewed within one year, according to the results of the first experiments.
Guide for drawing up a charter of voluntary commitments to nutritional improvement

1. General information

1.1. Applicant’s name and business name

1.2. Description of the business

- Products manufactured or distributed (type and proportion of turnover)
- Brand names used (including own brands)
- Current means of promotion, advertising, labelling or providing information at the point of sale

1.3. Nature of the commitments

- Action relating to the nutritional composition of the products. If there is no commitment in this respect, provide reasons.
- New product formulae to replace current products
- Action relating to the consumption of products
- Commitments in related fields

1.3. Objectives of the PNNS 2 (or other public objectives) targeted

Give details of the PNNS 2 objectives targeted for each of the proposed commitments. Is the commitment designed to help:

- Increase the consumption of fruit and vegetables in order to reduce the number of low consumers of fruit and vegetables by at least 25%
- Increase the consumption of calcium in order to reduce the number of people with calcium intakes that are below the recommended nutritional intake by 25%
- Reduce the average contribution of total fat content to at least 35% of the daily energy requirements, reducing the average person’s consumption of saturated fatty acids by a quarter
- Increase the consumption of carbohydrates so that they provide more than 50% of the daily energy requirements, by encouraging the consumption of foods that contain starch and reducing the current consumption of added simple sugars by 25% and increasing fibre consumption by 50%.
- Reducing the average consumption of sodium chloride to less than 8g per person per day
Other objectives of the PNNS of the Public Health Act or other recommendations from a public body mentioned in the policies issued by the authorities.

1.5 Third party(ies) proposed

- Name and business name

1.6 Joint commitments

- Proposal of indicators to measure implementation by members
- Monitoring procedures

2. Form for each commitment

For each commitment, draw up a form which:

- Specifies the products, brands, ranges or family of products chosen
- If the applicant is not a small enterprise, assesses the contribution of the product(s) to nutritional intake
- Determines the technological or commercial variables for each product
- Quantifies the final improvement objective and, where appropriate, any intermediate objectives and quantifies the proportion of the commitment in the business in question in terms of volume and/or cost
- Specifies the initial nutritional composition of the product(s) and the final nutritional composition of the product(s) if the change in composition also relates to ingredients other than those to which the commitment applies
- Specifies the deadlines for achieving each of the commitments and any stages for gradual procedures. Due dates for records of achievement and any adjustments
- Specifies any foreseeable problems or potential undesirable effects
- Describes the progress already made: date on which the action commenced, nature and quantification of the results obtained, quantification and schedule for the results that are still to be achieved
- Where appropriate, requests the use of a statement. Proposed procedures (on products, documents, displaying at the point of sale etc.).
- States the confidential information that cannot be published