



**Position paper – labelling of defrosted butter –
February 2011**

EUCOLAIT strongly opposes the amendment introduced by the Council to Annex VI Part A of the proposal for a Regulation on the provision of food information to consumers. The newly added paragraph 2 explicitly requires that all foods that have been frozen before sale and which are sold defrosted, shall bear the indication “defrosted” next to their name.

If adopted, this provision would create unmanageable difficulties and significant costs for butter manufacturers and trade. Furthermore, there is no sound reason for providing that information on the packaging of butter.

No quality difference

There is absolutely no difference in terms of quality let alone safety between fresh and defrosted butter. Freezing is common storage practice and storage is necessary due to the seasonality of production. The EU financially supports this practice with the private storage scheme that has attracted from 80 000 to 160 000 tons of butter per year over the past years. The stocks bought by the Commission under public intervention are also stored frozen until they are sold and released again on the market, often years later.

Impracticability

We estimate that yearly about 600 000 tons or 30% of the butter produced in the EU is being frozen. Given this huge volume, the additional labelling requirement would obviously lead to a significant cost increase. This negative impact is multiplied if the word “defrosted” also has to figure in the list of ingredients of a processed product in which defrosted butter is used, in accordance with article 19 (2) of the proposal. The labels would need to be constantly adapted due to the interchange between fresh and frozen butter depending on the supply and stock situation. It should be noted in this context that cheese is sometimes also frozen for use as an ingredient.

Disruption of the market and false information to the consumer

The obligation to differentiate between “normal” and “defrosted” butter would create two categories of butter to the detriment of the latter. The consumer would be misled to think that butter that has been frozen is of lower quality. In fact, two separate markets would be created for one and the same product.

Trade restriction

The measure would establish a barrier to intra-EU trade as most butter transported from one Member State to another is frozen and would thus be disfavoured. All butter imported from outside the EU would equally be affected.

False instrument

It seems that the proposed measure is based on hygiene considerations. We therefore believe it would be more appropriate to address the issue within the hygiene Regulation 853/2004 for those sectors where the differentiation between fresh and defrosted is deemed necessary. For instance, the obligation to indicate that a cheese is made from raw milk is also laid down in the hygiene rules because the primary aim is food safety, not consumer information.

Conclusion

In our view, the consumer is not misled if the fact that butter has been defrosted is not indicated on the packaging since freezing and defrosting are part of the normal manufacturing process. In any case, any potential interest in this information is clearly outweighed by the additional costs and the damage it would create to the sector. As noted, the proposed requirement would also undermine the benefits of the private storage scheme and the intervention policy run by the Commission.