

Conclusions 29/09/2017

Product selection

Industry and retailers consider the option to identify branded products which are different
DIFFICULT;

Option to create a pan-European market basket could be an option (could be built on Eurostat data or Nielsen). In addition, brands that have been the subject of consumer complaints could supplement the list of products, but be kept separate.

A minimum number of MS to be sampled shall be agreed, which should represent different geographical regions.

Once market basket and products therein sold in several MS are defined, the concerned FBOs should be consulted to verify that products selected are the right ones for making comparisons, taking, amongst others, national legislation and reformulation activities into consideration.

Seek engagement of companies at that stage, collecting available information on possible product differences.

More clarity regarding level of differentiation of branded products with respect to packaging, format, shape, etc, would be needed.

Sampling

Sampling should be done at retail level, if product is different, FBO shall be contacted for explanation and further investigation started, re-testing upstream the supply chain if necessary.

Ideally testing should be done at different stages of the supply chain and at different time points and geographies (however, limited by available resources).

Consider setting a minimum number of samples to be taken.

Testing

First tier should be a comparison of label of branded products plus sensory discrimination testing.

ISO standards or other appropriate standards should form the basis for sensory testing. Triangle test would be sufficient for first tier testing.

In second tier the reason for the sensory difference should be explored by using more targeted sensory testing techniques (profiling).

Interpretation

FBO shall have the opportunity to respond to the testing outcome. Further testing might be required to explain the difference and in case of disagreement between competent authority and FBO.

All stakeholders including authorities and consumer associations need to agree on a list of legitimate reasons which can explain differences encountered on a case by case basis.

Confidentiality of information provided by industry shall be respected in respect of competition and IPR law for the entire process.