

Labelling, a legal obligation with positive impact

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International Fetal Alcohol
Spectrum Disorders
(FASD) Awareness Day

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The situation described

- 35 to 50% of Dutch women drink during pregnancy
- In Dublin, the Coombe Women's Hospital study found that 63% of women drink during pregnancy
- A recent study in Barcelona showed that 45% of babies were heavily exposed to alcohol
- A recent and alarming study in the Lazio region of Italy showed that 20 to 40 children per thousand have FASD.

Fetal Alcohol Syndrome Disorder (FASD) is the most common and damaging birth defect in the world, affecting about 1 in 100 people in all Europe, maybe more.

A French INPES 2007 study shows the current lack of knowledge :

- For only 27% of respondents in 2007 (22% in 2004), the risk is equivalent throughout pregnancy;
- Only half people think that drinking beer or wine during pregnancy is as dangerous as drinking spirits.
- Only 30% think that the risk for the foetus starts after the first glass (vs. 25% in 2004).
- **70% of respondents are unaware there are NO safe limits of alcohol consumption during pregnancy**

Providing information is the first step toward prevention

It must be given by :

- Health professionals
- Governments
- Media

But first of all, **it is a legal obligation for producers in all our countries.**

Safety is the main aim of consumer law

Providing information is the main legal tool

The Consumer Code in France

Article L. 213-1 :

Anyone, whether or not they are party to the contract, **who may have deceived or attempted to deceive the contractor, by any procedural means** whatsoever..., shall be punished by two years imprisonment and a 37,500 fine.

1°... 2°...

3° or on the fitness for use, **the risks inherent in use of the product**, the checks carried out, the operating procedures or **precautions to be taken**.

Article L. 213-2 :

The penalties provided for in article L.213-1 are doubled:

1° if the offences provided for in said article result in use of the merchandise **being made dangerous to human or animal welfare**.

The French formal complaint was the first change of the deal

- Legal proceeding based on the fact that Government must enforce the law.
- Immediately following, there was an awareness of both the real issues and legal responsibilities.
- A **special law** was adopted in February 2005:
 - **Information given at schools** for children and teenagers
 - **Special teaching for health professionals**
 - **Regular campaigns in media**
- Since October 2006, labels are compulsory.
THIS SITUATION MAY BE EXACTLY THE SAME IN ALL EUROPE.



DIRECTIVE 2001/95/EC
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 3 December 2001 on general product safety

CHAPTER III - Other obligations of producers and obligations of distributors

Article 5

Within the limits of their respective activities, **producers shall provide consumers with the relevant information to enable them to assess the risks inherent in a product..., where such risks are not immediately obvious without adequate warnings**, and to take precautions against those risks...

The first thing that a Democratic government must do is enforce the existing law.

Examples of application of these legal texts



Information on margarine :

“This product may not be appropriate for pregnant woman because she has specific nutritional needs.”



Information on moisturizing cream

:

“This cream moisturizes only superficial skin.”

Labeling has only positive impact

- **For producers**, implementing warning labels on alcoholic drinks is a cost effective measure.
- Moreover, the use of labels can serve **as positive branding.**

- **Labeling leads consumers to take seriously the advice of abstinence given by health professionals and public information campaigns.**

