

Current Developments on Food Industry and Consumer Law in Brazil

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In the past few years, there has been greater attention in Brazil to promoting policies for social well-being and health protection of the population. Discussions about society's eating patterns and in its main factors, such as the importance of a balanced diet are increasing subjects.

In this regard, Brazil's most recent legal, political and regulatory debates are highlighting the need for effective measures to promote the duty of information of suppliers and contribute to costumer's choice of food by providing clear information in the product's packaging, inspired by new guidelines on the regulation of labels implemented in Europe in 2016.

Food labels in Brazil are regulated by the National Health Surveillance Agency (Anvisa), which issues specific guidelines through normative acts to guarantee the quality and safety of the products that will be put on the market.

Some examples of mandatory requirements imposed by Anvisa are: **(i)** the prohibition of false or misleading information; **(ii)** a list of all ingredients in descending order by quantity; **(iii)** nutritional information and warnings about allergenic foods, and **(iv)** specification of the product's expiry date.

While Brazilian legislation requires the specification of an exact date on which the product is *no longer suitable* for consumption - frightening consumers and possibly causing food waste - US legislation indicates a suggestive date on which the product is *most suitable* for consumption ("*best before*").

Due to the publication of new regulations on food labeling, there has been a wide-ranging debate between various players in the consumer chain about what should be considered relevant information to the final recipient of the products. Therefore, this issue is also getting attention from the Legislative and Judicial Branches.

As an example, Public Civil Actions have been filed to discuss issues such as greater specificity of the percentage of whole ingredients in foods containing cereals, and warnings about allergenic components. As in Europe, Brazil has precise rules on warning about allergenic foods, such as wheat, soy and gluten. However, regarding to gluten, there is still a debate about the necessity to indicate that its consumption would be harmful to the health of celiacs.

Another hot topic is the process of "reduflation" in the food sector, characterized by reducing the quantity of a product while its price remains unchanged or increases. Similar discussion was raised in United States when fast food companies used reduflation of packages to contain historic inflation in 2022.

Considering its social impact, "reduflation" is the subject of Bill 6122/2023, which establishes that when the reduction is over 10% of the original quantity of the product it must be indicated on the package, for a minimum period of two years.

As seen, Brazil is currently concerned into applying measures to improve the food consumption market. The expectation is that the proposed changes achieve its goals to promote transparency on relevant information for consumers, and also be viable for the food industry, in order to benefit and harmonize the whole society.