

USAGE REGULATION FOR THE “NUTRI-SCORE” LOGO

When there is a contradiction between the present contract and the French version, it is the French version which prevails

Preamble

Regulation (EU) no. 1169 /2011 on the provision of food information to consumers requires food industry actors to label their products to guarantee a high level of protection for the health and interests of the consumer by providing the final consumer with the basic information necessary to make informed decisions and use food products in a safe manner, especially given health, economic, environmental, social, and ethical considerations.

The required labels include, for certain products, a nutritional statement (article 30) comprised of information on the nutritional characteristics of the product allowing consumers, including those who must follow a special diet, to make informed choices.

In order to facilitate customers’ understanding of this statement, European regulation (article 35) provides for the possibility of affixing complementary representations or forms of expression in the form of graphics or symbols insofar as these forms and representations follow the demanding criteria in terms of quality and ease of understanding as laid out in said article 35.

The national public health agency, hereafter referred to as “Santé publique France”, is a public administration establishment for the French government that is responsible for promoting health. Based on work by the French National Institute for Health and Medical Research (INSERM), Santé Publique France has created a sign system that meets the criteria set by the European regulation. This sign system, hereafter referred to as “Logo”, was the subject of submissions to the French National Institute for Industrial Property (INPI) and the European office for intellectual property (EUIPO) to protect industrial models and designs as well as the collective mark.

A regulation for using the Logo was created. This regulation defines the people authorised to use the Logo, the conditions for using the Logo, as well as the graphic charter to follow and the sanctions that can be applied in the event that the usage regulation is not followed.

The right to use the Logo is automatically granted to industry actors as long as they follow usage regulations throughout the time they use the Logo and as long as they are fully informed that the right to use the Logo can be taken away from them in the conditions laid out in the regulation.

The first edition of this usage regulation was approved by Santé publique France on 12 May 2017.

Santé publique France will ensure the pertinence of this usage regulation as the activity involved changes in such a way that the usage regulation may be revised.

ARTICLE 1 : DEFINITIONS

1. 1 - “European regulation”, refers to Regulation (EU) no. 1169 /2011 from the European Parliament and Council of 25 October 2011 regarding the provision of food information to consumers modifying regulations (EC) no. 1924/2006 and (EC) no. 1925/2006 from the European Parliament and Council and repealing directive 87/250/EEC from the Commission, directive 90/496/EEC from the Council, directive 1999/10/EC from the Commission, directive 2000/13/EC from the European Parliament and Council, directives 2002/67/EC and 2008/5/EC from the Commission and regulation (EC) no. 608/2004 from the Commission.

1. 2 - “INPI” refers to the French National Institute for Industrial Property [Institut national de la propriété industrielle]

1. 3 - “Santé publique France” refers to the French national public health agency, a public administration establishment for the French government (represented by its director general) the exclusive proprietor of the mark.

1. 4 - “EUIPO” refers to the European Union Intellectual Property Office.

1. 5 - “Industry actor” refers to any natural or legal person authorised to use the Logo pursuant to the Usage regulation.

1. 6 - “Mandatory nutritional statement” refers to the statement described in article 30 and those that follow from the European regulation.

1. 7 - “Logo” refers to the “Nutri-Score” sign system submitted to:

- the INPI as a collective mark on 28 April 2017 under numbers 4357857 and 4357865
- the EUIPO as a collective mark on 19 May 2017 under numbers 016762312 and 016762379 and to protect the industrial models and designs on 20 July 2017 under numbers 004112415-0001, 004112415-0002 and 004112415-0003

The Logo is composed of:

- 5 logotypes, hereafter referred to as “**Classification Logos**” that present the five categories of products on the nutritional scale along with the word “Nutri-Score”
- A neutral logotype, hereafter referred to as the “**neutral Logo**” created for generic communication purposes without any association to a specific Product; it appears with the nutritional scale along with the word “Nutri-Score”, without emphasizing a classification

1. 8 - “Products” refers to food Products that must have the mandatory nutritional statement.

1. 9 - “Usage regulation” refers to the present regulation for using the Logo as well as its appendices.

1. 10 - “Specifications booklet” refers to the specifications booklet in the appendix (Appendix 1).

1. 11 - “Graphic charter” refers to the graphic charter that formally lays out the graphic modalities for using the Logo, appearing in the appendix (Appendix 2).

1. 12 - “General communication” refers to the Industry actor's promotional communication that is either general or for their mark(s) and not specifically for one or several Products that they manufacture or distribute.

ARTICLE 2 : PURPOSE

The Usage regulation aims to define the conditions and methods for use of the Logo by industry actors.

ARTICLE 3 : IDENTIFYING THE LOGO

The “Nutri-Score” Logo was designed by Santé publique France in compliance with the prerogatives in Article 35 of the European regulation.

It is complementary to the mandatory nutritional statement and aims to help consumers assess the nutritional quality of the products they are buying with the help of the classification of foods using the 5-level scale, calculated in compliance with the provisions in the Specifications booklet, included in the appendix of the present Usage regulation.

It is made up of 5 Classification Logos and 1 neutral Logo.

Any use of the Logo is equivalent to formal acceptance of the provisions in the Usage regulation.

Only the Industry actor can apply the Logo in compliance with the methods for use defined below.

ARTICLE 4 : OWNERSHIP OF THE LOGO

The Industry actor recognises that Santé Publique France has full ownership of the Logo.

The right to use the Logo granted by the Usage regulation does not transfer any ownership rights for the Logo.

ARTICLE 5 : BENEFICIARY OF THE RIGHT TO USE THE LOGO

5.1 Eligible people

Use of the Logo is reserved for natural or legal people and manufacturers and distributors of Products on the market in France and/or Europe.

French public institutions and administrations have the right to use the Logo for public efforts in the field of health and outside of the field of competition. By way of derogation to Article 5.2.1, the institutions or administrations involved must make a request via email to Nutriscore@santepubliquefrance.fr.

Software and application publishers as well as journalists who want to use the Logo to explain the Nutri-Score programme must first email Nutriscore@santepubliquefrance.fr to receive authorisation to use the Logo for explanatory purposes, including the graphic charter associated with the Logo which must be expressly accepted by these third parties before they may use the Logo.

5.2 Procedure for obtaining the right to use the Logo

5.2.1 Registration

Any eligible person pursuant to Article 5.1 of the Usage regulation who wishes to use the Logo must register on the website: [Http://santepubliquefrance.fr](http://santepubliquefrance.fr) in the Nutri-Score section.

This registration includes:

- Identification of the requester and their business

- The details of categories of Products concerned by use of the Logo by the requester’s brand
- The commitment to use the Logo for all Products that they have on the market under their brand(s)
- The requester’s commitment to adhere to the Usage regulation

Santé publique France will confirm receipt of this registration electronically and send the Industry actor the files allowing them to use the Logo.

The right to use the Logo is obtained:

- primarily to be applied to Products as a supplement to the mandatory nutritional statement in compliance with the provisions in Article 6.2.
- additionally for the purpose of general or promotional communication about a product in compliance with the provisions in Article 6.3

Use of the Logo for general or promotional communication for a product is only granted insofar as the Industry actor uses the Logo as a supplemental presentation to the mandatory nutritional statement depending on the modalities and time frame for implementation foreseen in the Usage regulation. The industry actor is in no circumstances authorised to use the Logo only for communicating about or promoting their Products.

5.2.2 Change in circumstances affecting the Industry actor and their right to use the Logo

The Industry actor commits to informing Santé publique France of any changes that affect their quality or modify one of the characteristics declared upon registration. For this reason, they must keep the list of their brands and Products up to date (when launching or discontinuing a brand or product) and commit to reporting when they stop using the Logo.

These changes are registered with Santé publique France on the dedicated website.

It is understood that if the Industry actor no longer meets the conditions in the Usage regulation, the right to use the Logo is nullified in compliance with Article 10.2 of the Usage regulation.

5.3 Non-exclusivity

The Usage regulation does not confer any exclusive rights to use the Logo to the Industry actor.

5.4 Personal nature

The right to use the Logo is strictly personal. It cannot be ceded or transferred to another person by any means whatsoever.

5.5 Free use

The right to use the Logo is granted to the Industry actor at no cost.

ARTICLE 6 : METHODS OF USING THE LOGO

6.1 Authorised uses of the Logo

The Industry actor is authorised to use the Logo:

- as a supplement to the mandatory nutritional statement for all categories of Products, notably for packaging, that they put on the market
- for the purpose of General communication or promotional communication about Products, for typical communication tools (e.g., brochures, lists of prices, catalogues of products, posters, websites) in addition to the use described in the previous paragraph

The Industry actor commits to not using the Logo for political or controversial purposes, in ways that go against public order or common decency, or in ways that may violate legally-protected rights; more generally, the Industry actor agrees not to associate the Logo with actions or activities that may harm or otherwise be detrimental to Santé publique France.

6.2 Specific conditions for using the Logo as a supplemental presentation to the mandatory nutritional statement

6.2.1 Scope

If the Industry actor decides to use the Logo, they must use it for all categories of Products they sell under their own brand names.

The Industry actor has 24 months starting from their registration date to meet all of the measures described in the Usage regulation.

6.2.2 Choice of the Logo

- **Exclusive use of the Classification Logo**

Only the classification Logo may be used as a supplemental presentation to the mandatory nutritional statement.

The Industry actor may under no circumstances apply the neutral Logo to their Products.

- **Classification of the product on the nutritional scale: specifications**

The choice of the appropriate Classification Logo for each product is determined by the Industry actor in compliance with the Specifications booklet in Appendix 1.

Use of the Logo is indissociable from the calculation of the nutritional score of each product and its result, in compliance with the specifications booklet.

The Industry actor alone is responsible for calculating the nutritional score.

6.3 Specific conditions for using the Logo for communication purposes

6.3.1 Choice of logotype for General communication

For General communication purposes, the Industry actor may use the following in their communication tools:

- the neutral Logo

- and/or at least 3 of the 5 Classification Logos presented in such a way that they do not mislead the consumer on the classification of the Products, especially by implying that all their Products have the same classification

6.3.2 Choice of logotype for promotional communications for a product

The communication regarding a product must use the appropriate Classification Logo in compliance with the provisions in Article 6.2.

6.4 Tools of promotion of the Nutri-score

6.4.1 Tools developed by Santé Publique France

The Industry actor can use the tools of promotion of the Nutri-Score in the conditions detailed in the Regulation of use of tools Nutri-Score developed by Santé Publique France.

6.4.2 Tools developed by the Industry actor

The Industry actor can realize his own tools of promotion of the Nutri-Score. In this case, the Industry actor is invited to specify that "The Nutri-Score is developed and supported by Santé Publique France and public authorities".

6.5 Graphic charter

The Industry actor commits to reproducing the entirety of the Logo as submitted to the INPI and the EUIPO, in accordance with the Graphic charter.

The Industry actor commits not to modify, add, or remove any elements of the Logo.

The Industry actor specifically commits to:

- not reproduce a part of the Logo separately, and especially not to reproduce graphic elements alone or the denomination alone
- not modify the graphic characteristics of the Logo either in terms of shape or colour, not change the position of figurative elements in relation to one another, and not modify the typography of the Logo, notwithstanding the layouts described in the Graphic charter, particularly those related to the results of the nutritional score (see 6.2.2)
- not make additions to the Logo, particularly not including a key, text, or any other indication that is not part of the Logo

Santé publique France will electronically send the Industry actor all the tools, documents, and files necessary for using the Logo.

The Industry actor commits to only use these tools in the framework of reproducing and using the Logo.

6.6 Complying with the Logo regulation when using the Logo

The Industry actor must follow the requirements defined by the Usage regulation throughout the time they use the Logo.

6.7 Complying with the laws regarding the Logo

The Industry actor commits to not filing for any kind of rights (mark, design, industrial model, etc.) in any country or territory whatsoever to signs or logos either similar or identical to the Logo that may infringe on the intellectual property rights of Santé publique France for this Logo. They may not file for mark, design, or industrial model rights that use all or part of the Logo, for example as part of a more complex sign.

The Industry actor commits to not developing, using, or exploiting signs either similar or identical to the Logo in any country or territory whatsoever that may infringe on the intellectual property rights of Santé publique France for this Logo.

The Industry actor commits to not reserving domain names, regardless of the extension, that use or imitate verbal elements or the Logo or which could infringe on the intellectual property rights of Santé publique France.

6.8 Monitoring

The Industry actor agrees that as the title holder to the Logo, Santé publique France can conduct audits to monitor whether the Usage regulation is being followed.

6.9 Technical documentation

The Industry actor must have technical documentation available to Santé publique France and their appointed agents throughout the duration of their use of the Logo.

This technical documentation, which must be sufficient for monitoring whether the conditions of the Usage regulation are being followed, notably includes:

1. For every brand that they hold, the product list
2. For every product:
 - 2.a. The Excel file presented in Appendix 5 filled out, including with the values used to calculate the nutritional score
 - 2.b. The results for the nutritional score calculations
3. The list of communication tools bearing the Logo.

When the Logo is used in France, the file mentioned in 2.a must be sent to the Food Quality Observatory (OQALI) using the email oqali@anses.fr in the form of an Excel file within one month of the date the registration is approved for the right to use the Logo.

ARTICLE 7 : INFORMATION AND PROMOTION

Any actions where the Industry actor uses the Logo for promotional or informational purposes must be compliant with the Usage regulation as well as the laws and regulations in place and must not infringe on Santé publique France's rights to the Logo or otherwise harm the image or interests of Santé publique France.

ARTICLE 8 : DURATION

The Industry actor is authorised to use the Logo in accordance with the Usage regulation starting from the date the files allowing them to use the Logo are received (see 5.2.1) and until the end of the legal protection of the Logo granted to Santé publique France, notwithstanding any sanctions and nullifications described in Article 10.

Santé publique France will notify the Industry actor of the date when the legal protection granted to Santé publique France under intellectual property laws two months before that date by any means that allows them to confirm receipt.

ARTICLE 9 : CHANGES TO THE USAGE REGULATION

If the Usage regulation is changed, Santé publique France will inform the Industry actor by email using the email address provided by the Industry actor upon registration and which the Industry actor will always keep active; failing that, the Industry actor will inform Santé publique France when they change their email address.

The Industry actor is considered to have learned of and accepted the new provisions unless they inform Santé publique France to the contrary by all means or stop using the Logo within 60 days following notification of the changes by Santé publique France.

The Industry actor has a reasonable time frame determined if required by Santé publique France for achieving compliance with the new provisions in the Usage regulation.

The Industry actor is authorised to continue using the Logo unless they no longer meet the new conditions at the end of the reasonable time frame for achieving compliance. In such a case, authorisation is nullified in accordance with Article 10.2 of the Usage regulation.

The Industry actor may not claim any compensation because of changes to the Usage regulation.

ARTICLE 10 : NULLIFICATION OF THE RIGHT TO USE THE LOGO

10.1 General provisions

The Industry actor does not acquire any rights through maintaining their right to use the Logo.

The Industry actor cannot claim any compensation upon cancellation of the right to use the Logo for the reasons described in the present article.

10.2 Cancellation of the authorisation owing to the Industry actor

10.2.1 Change in circumstances affecting the validity of the authorisation

The right to use the Logo is nullified without notification from Santé publique France as soon as the Industry actor no longer meets the eligibility conditions laid out in Article 5.1 of the Usage regulation.

The Industry actor must stop manufacturing and marketing Products with the Logo within 3 months starting from the time the right to use the Logo is nullified. In the same time frame, they must also stop applying the Logo to their communication tools and using the Logo in general communication. In this situation, the Industry actor must sell their stocks of Products within a maximum time frame of six (6) months starting from the time the right to use the Logo is nullified.

10.2.2 Usage Regulation not followed by Industry actor

In the event the Industry actor does not adhere to the provisions in the Usage regulation, Santé publique France will notify them of the observed breaches by registered post with acknowledgement of receipt.

A non-exhaustive list of possible breaches accompanied by corresponding sanctions is included in Appendix 3 of the Usage regulation.

The notification of the breach sent to the Industry actor will include the time frame they have to comply with the provisions in the Usage regulation and will indicate if the right to use the Logo is suspended until compliance is restored.

If the Industry actor is not in compliance with the provisions within the stated time frame, their right to use the Logo is nullified simply by their failure to meet the conformity request without previous formal notice from Santé publique France.

The suspension and cancellation of the right to use the Logo signify the Industry actor’s obligation to immediately stop all use of the Logo and remove any reference to the Logo from all their Products and communication tools.

Consequently, the Industry actor must stop manufacturing and marketing Products with the Logo immediately, starting from the date the right to use the Logo is nullified. In the same time frame, they must also stop applying the label to communication tools and using the Logo in general communication.

10.2.3 Sanctions

Use that does not comply with the Usage regulation and continued use of the Logo despite a decision to nullify that right constitute illegal activities that Santé publique France may sanction and for which it may seek redress in the appropriate court.

10.3 Abusive use of the Logo

In addition to the sanctions described in the previous articles, unauthorised use of the Logo by an Industry actor or third party confers the right on Santé publique France to begin any legal action deemed suitable given the infringement and in accordance with legislation in place.

ARTICLE 11 : PROTECTING THE LOGO

The Industry actor commits to immediately reporting to Santé publique France any infringement on the rights to the Logo that they may be aware of, for example, any acts of counterfeiting, unfair competition, or free-riding.

Santé publique France can make the decision to undertake any civil or criminal proceedings at its own cost and risk.

Consequently, the damages and interest that result from the action taken by Santé publique France alone in its own name will be exclusively at their expense or gain and as a result, in this situation, the Industry actor could not claim any compensation.

ARTICLE 12 : LIABILITY AND GUARANTEES

The Industry actor alone is liable for the direct or indirect consequences that may arise from their use of the Logo.

In the event that a third party holds Santé publique France accountable for non-compliant use of the Logo by the Industry actor, the latter commits to taking on all the costs and expenses for Santé publique France who can call him in guarantee.

The Industry actor will be responsible for removing any product that does not comply with the standards in place in the territory as quickly as possible.

Santé publique France does not provide any guarantees other than the one resulting from its own acts and the material existence of the Logo and that to its knowledge, on the date the Usage regulation entered into force, the Logo was not the subject of any disputes over rights. The Industry actor recognises that they generally understand the uncertainty regarding availability and generally understand the validity of the marks & models and they consequently accept the present usage authorisation as part of an informed decision they are making while accepting the risks accompanying it. Consequently, in the event that Santé publique France loses its rights to the Logo at the request of a third party, regardless of the reasons for this loss of rights or its legal classification (nullification, counterfeiting, etc.), the Industry commits to not holding Santé publique France liable and not claiming any damages from Santé publique France.

ARTICLE 13 : APPLICABLE LAW

The present regulation falls under French law, regardless of the place the Logo is used by the Industry actor.

ARTICLE 14 : COMPETENT JURISDICTION

Any litigation resulting from the interpretation or execution of the present Usage regulation will be brought before a competent court.

ARTICLE 15 : ENTRY INTO FORCE OF THE RIGHT TO USE THE LOGO

The Industry actor is considered to have the right to use the Logo starting from the date they receive the files allowing them to use it after approval of their online registration and explicit consent to adhere to the Usage regulation, including its appendices.

LIST OF APPENDICES

APPENDIX 1: Specifications booklet: classification of the food product using the 5-colour nutritional scale

SPECIFICATIONS BOOKLET

To establish the classification of a food product, manufacturers and distributors in the food industry must comply with the following calculation rules to implement successively:

- calculating a nutritional score for the food product
- classifying the food product using the 5-colour nutritional scale based on the calculated score

1) Calculation of the nutritional score of food products.

The calculation is performed the same for all food products except cheeses, vegetable and animal fats, and drinks. For these categories of food products, the adaptations mentioned in 1-b must be taken into account.

1-a General case

The nutritional score for food products relies on the calculation of a single, overall score that accounts for the following for every food product:

- a “negative” component N
 - a “positive” component P
- The N component of the score takes into account nutritional elements that should be limited: caloric density (the calories in kJ per 100 g of the food), saturated fatty acid content, amount of simple sugars (in g per 100 g of the food) and salt content (in mg per 100 g of the food). It corresponds to the sum of the points it accumulates (from 1 to 10) based on the food product’s nutritional composition (**see. Table 1**). The grade for the N component can range from 0 to 40.
- The P component is calculated based on the amount of fruits, vegetables, legumes, and nuts in the food product by virtue of the vitamins, fibres, and proteins they contain (expressed as g per 100 g of the food product). For each of these elements, points from 1 to 5 are awarded based on the content of the food product (**see Table 2**). The P component of the nutritional score is the grade corresponding to the sum of the points defined for these three elements; the grade is therefore between 0 and 15.

↳ Calculation of the nutritional score

The final calculation of the nutritional score is reached by subtracting the positive P component from the negative N component, with a few conditions described below.

$$\text{Nutritional score} = \text{total N points} - \text{total P points}$$

The final grade for the nutritional score assigned to a food product is therefore likely to be between a theoretical value of -15 (the best according to this nutritional plan) and a theoretical value of +40 (the worst according to this nutritional plan).

↳ Application of specific rules

➤ If the total of component N is below 11 points, then the nutritional score is equal to the total N component points subtracted from the total for the P component.

➤ If the total of the N component is greater than or equal to 11 points and

↳ If the total points for “fruits and vegetables” is equal to 5, then the nutritional score is equal to the total N component points subtracted from the total for the P component.

↳ If the total points for “fruits and vegetables” is below 5, then the nutritional score is equal to the total N component points subtracted from the sum of the points for “fibres” and “fruits and vegetables”. In this case, the protein content is therefore not taken into account in the calculation of the nutritional score.

1-b Specific cases

To account for the nutritional references from the National Programme for Nutrition and Health (PNNS), some adaptations to the calculation of the score are necessary. They were established in compliance with the opinion of the French Agency for Food, Environmental and Occupational Health & Safety (ANSES) and the French High Council for Public Health (HCSP).

↳ Cheeses: The score is calculated by taking the protein content into account whether or not the total N points are ≥ 11

$$\text{Nutritional score} = \text{total N points} - \text{total P points}$$

↳ Added fats: The points table for fatty acids is calculated based on the **total saturated fatty acid/lipid component with the table for attributing points starting at 10% and increasing by steps of 6% (see Table 3)**

↳ Drinks: Scores for drinks are calculated using the criteria described in **Table 4**.

Table 1: Points attributed to each of the elements of the negative N component

| Points | Energy density (KJ/100g) | Saturated fats (g/100g) | Simple sugars (g/100g) | Sodium ¹ (mg/100g) |
|--------|--------------------------|-------------------------|------------------------|-------------------------------|
| 0 | ≤ 335 | ≤ 1 | ≤ 4.5 | ≤ 90 |
| 1 | > 335 | > 1 | > 4.5 | > 90 |
| 2 | > 670 | > 2 | > 9 | > 180 |
| 3 | > 1005 | > 3 | > 13.5 | > 270 |
| 4 | > 1340 | > 4 | > 18 | > 360 |
| 5 | > 1675 | > 5 | > 22.5 | > 450 |
| 6 | > 2010 | > 6 | > 27 | > 540 |
| 7 | > 2345 | > 7 | > 31 | > 630 |
| 8 | > 2680 | > 8 | > 36 | > 720 |
| 9 | > 3015 | > 9 | > 40 | > 810 |
| 10 | > 3350 | > 10 | > 45 | > 900 |

¹: the sodium content corresponds to the salt content mentioned in the mandatory statement divided by 2.5.

Table 2: Points attributed to each of the nutrients of the positive P component

| Points | Fruits, vegetables, and nuts (g/100g) ¹ (%) | Fibres (g/100g) | | Proteins (g/100g) |
|--------|---|-------------------------|--------------------------|-------------------|
| | | NSP method ² | AOAC method ³ | |
| 0 | ≤ 40 | < 0.7 | ≤ 0.9 | ≤ 1.6 |
| 1 | > 40 | > 0.7 | > 0.9 | > 1.6 |
| 2 | > 60 | > 1.4 | > 1.9 | > 3.2 |
| 3 | - | > 2.1 | > 2.8 | > 4.8 |
| 4 | - | > 2.8 | > 3.7 | > 6.4 |
| 5 | 80 | > 3.5 | > 4.7 | > 8.0 |

¹: fruits, vegetables, legumes and nuts contain many vitamins (especially vitamins E, C, B1, B2, B3, B6, and B9 as well as provitamin A)

²: NSP: no details on method for obtaining it

³: AOAC: content obtained using the AOAC method

Table 3: Table for attributing points for total saturated fatty acids/lipids components in the specific case of added fats

| Points | Ratio |
|--------|-------|
| 0 | < 10 |
| 1 | < 16 |
| 2 | < 22 |
| 3 | < 28 |
| 4 | < 34 |
| 5 | < 40 |
| 6 | < 46 |
| 7 | < 52 |
| 8 | < 58 |
| 9 | < 64 |
| 10 | ≥ 64 |

Table 4: Table for attributing points to drinks

| Points | Calories (kJ) | Total sugars (g) | Fruits and vegetables (%) |
|--------|---------------|------------------|---------------------------|
| 0 | ≤ 0 | ≤ 0 | ≤ 40 |
| 1 | ≤ 30 | ≤ 1.5 | |
| 2 | ≤ 60 | ≤ 3 | > 40 |
| 3 | ≤ 90 | ≤ 4.5 | |
| 4 | ≤ 120 | ≤ 6 | > 60 |
| 5 | ≤ 150 | ≤ 7.5 | |
| 6 | ≤ 180 | ≤ 9 | |
| 7 | ≤ 210 | ≤ 10.5 | |
| 8 | ≤ 240 | ≤ 12 | |
| 9 | ≤ 270 | ≤ 13.5 | |
| 10 | > 270 | > 13.5 | > 80 |

2) Classification of the food product using the 5-colour nutritional scale based on the calculated score depending on 1)

2-a General case

For the colours in the graphic representation, the following ranges are taken into account:

| Class | Score ranges | Colour |
|-------|--------------|--------------|
| A | Min - 1 | Dark green |
| B | 0 - 2 | Light green |
| C | 3 - 10 | Light orange |
| D | 11 - 18 | Orange |
| E | 19 - max | Dark orange |

2-b Specific case of drinks

For drinks, the following ranges are taken into account:

| Class | Score ranges | Colour |
|-------|----------------|--------------|
| A | Mineral waters | Dark green |
| B | Min - 1 | Light green |
| C | 2 - 5 | Light orange |
| D | 6 - 9 | Orange |
| E | 10 - max | Dark orange |

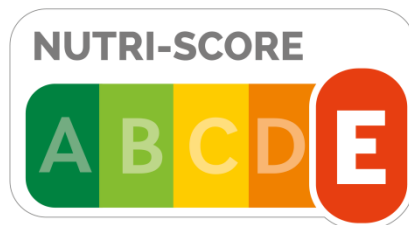
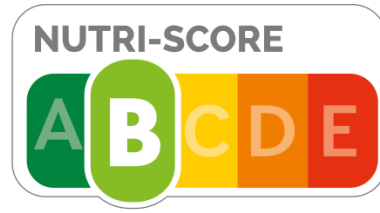
3) Placement of the graphic symbol on the packaging

The graphic symbol is placed on the lower third of the front of the packaging.

This does not apply to food products packaged in containers or packaging whose largest surface is smaller than 25 cm².

4) Graphic symbol used and characteristics

The retained graphic symbol, called Nutri-Score, is represented below:



The characteristics of the Logo, especially its size and colour, are defined in the Usage regulation of the Nutri-Score collective mark.

APPENDIX 2: Graphic charter (PDF of document attached)

APPENDIX 3: SANCTIONS

The following tables target the principal breaches in the present Usage regulation, though they are not exhaustive as Santé publique France reserves the right to sanction the Industry actor for any breach of the present Usage regulation

3.1. Sanctions - Using the Logo as a supplemental presentation to the mandatory nutritional statement

There are three levels of sanctions:

- Requesting corrective action
- Suspending the right to use the Logo until compliance is reached
- Revoking the right to use the Logo by Santé publique France for a set period of time

| NON-COMPLIANCE | SANCTION |
|---|--|
| 1: Non-compliance with the graphic charter for the Nutri-Score Logo (colour, size, or character or use of the communication mark) | Request for corrective actions within a maximum time frame of six months so stocks are sold |
| 2. Use of the Nutri-Score Logo without previously registering in accordance with Article 5.2 – | Request for immediate corrective actions: registration should be requested in accordance with Article 5.2 |
| 3. Use of the Nutri-Score Logo on Products that do not correspond to the definition of Products laid out in the Usage regulation | Request for immediate corrective actions without the opportunity to sell of the stocks not yet on the market |
| 4. Non-compliance with the rules for establishing the nutritional score leading to applying a better Classification Logo to the packaging of the product than the nutritional score that should have been applied | Suspension of the right to use the Logo until compliance is reached + Immediate repatriation of Products placed on the market or justification of informational measures for the public to correct the issue |
| 5. Recurrence of non-compliance described above | Level of sanction is immediately higher than the one described for an initial infraction |
| 6. Refusal to reach compliance / multiple recurrences of issues | Inform the appropriate supervisory authorities. Revoke the right to use the Logo for a given period; this may mean permanently revoking that right |

3.2. Sanctions – Using the Logo for communication purposes

There are three levels of sanctions:

- Requesting corrective action
- Suspending the right to use the Logo until compliance is reached
- Revoking the right to use the Logo by Santé publique France for a set period of time

| NON-COMPLIANCE | SANCTION |
|--|---|
| 1: Not complying with the graphic charter for the Nutri-Score Logo (colour, size, or character or inappropriate use of the informational mark) | Request for immediate corrective actions |
| 2. Use of the Nutri-Score Logo without previously registering – | Request for immediate corrective actions: registration |
| 3. Use of the Nutri-Score Logo on Products that do not correspond to the definition of Products laid out in the Usage regulation | Request for immediate corrective actions (no waiting until stocks are sold) |
| 5. Recurrence of non-compliance described above | Level of sanction is immediately higher than the one described for an initial infraction |
| 6. Refusal to reach compliance / multiple recurrences of issues | Inform the appropriate supervisory authorities. Revoke the right to use the Logo for a given period; this may mean permanently revoking that right |

Appendix 4: OQALI documentation (Excel file attached)