

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

JOINT OFFICE: Via delle Terme di Caracalla 00100 ROME Tel.: 52251 Telex: 625825-625853 FAO I Cables: Foodagri Rome Facsimile: (6)5225.4593

ALINORM 97/22

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Twenty-second Session
Geneva, 23-28 June 1997

REPORT OF THE TWENTY-FOURTH SESSION OF THE
CODEX COMMITTEE ON FOOD LABELLING

Ottawa, Canada, 14-17 May 1996

Note: This document incorporates Codex Circular Letter 1996/18-FL

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CX 4/15

CL 1996/18-FL
June 1996

TO: - Codex Contact Points
- Interested International Organizations
- Participants at the 24th Session of the Codex Committee on Food Labelling

FROM: - Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, 00100 Rome, Italy

SUBJECT: Distribution of the Report of the 24th Session of the Committee on Food Labelling (ALINORM 97/22)

A. MATTERS FOR ADOPTION BY THE 22nd SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Draft Guidelines at Step 8 of the Procedure

1. Draft Guidelines for Use of Nutrition Claims (para. 28 , Appendix II)
2. Draft General Guidelines for Use of the Term "Halal" (para. 31, Appendix III)

Governments wishing to propose amendments or comments on the above documents should do so in writing in conformity with the Guide to the Consideration of Standards at Step 8 (see Procedural Manual of the Codex Alimentarius Commission) to the Secretary, Joint FAO/WHO Food Standards Programme, FAO, via delle terme di Caracalla, 00100, Italy before 15 December 1996.

B. REQUEST FOR COMMENTS AND INFORMATION

Proposed Draft Standard at Step 3 of the Procedure

3. Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (Recommendations for the Labelling of Foods and Ingredients that can cause Hypersensitivity) (para. 39, Appendix IV)

Governments and interested organizations are invited to submit comments on the Recommendations, especially on the foods and ingredients included in the list and the criteria, in the light of the recommendations of the FAO Technical Consultation on Food Allergies.

Comments should be sent in writing to the Secretary of the Committee, Mr. Ron B. Burke, Deputy Director, Bureau of Food Regulatory International and Interagency Liaison, Food Directorate - Health Protection Branch, Health Canada, H.P.B. Building, Room 200, Tunney's Pasture, Ottawa, Ontario K1A 0L2 Canada (Fax. No. 613.941.3537), with a copy to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, via delle Terme di Caracalla, 00100 Rome, Italy, before 15 December 1996.

Proposed Draft Amendment at Step 3 of the Accelerated Procedure

4. Proposed Draft Amendment to the Standard for Quick Frozen Fish Sticks (Fish Fingers) Fish Portions and Fish Fillets - Breaded or in Batter (CODEX STAN. 166-1989-Rev 1. 1995) (para. 5, Appendix V)

Subject to confirmation by the 22nd Session of the Commission, the Proposed Draft Amendment is hereby circulated for comments at Step 3 of the Accelerated Procedure, for consideration at Step 4 by the next session of the Committee. Governments wishing to submit comments on all aspects of the Amendment, including possible implications for their economic interests should do so in writing to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, via delle Terme di Caracalla, 00100 Rome, Italy, **before 15 December 1996.**

Note

5. **Draft Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods**

A Circular Letter requesting additional comments at Step 6 on the Draft Guidelines will be circulated separately.

SUMMARY AND CONCLUSIONS

The summary and conclusions of the 24th Session of the Committee on Food Labelling are as follows:

Matters for adoption by the Commission:

The Committee:

- agreed to advance to Step 8 the Draft Guidelines for Use of Nutrition Claims (para 28, Appendix II)
- agreed to advance to Step 8 the Draft General Guidelines for the Use of the Term "Halal", subject to the advice of the Executive Committee (para. 31, Appendix III)
- agreed to use the Accelerated Procedure for a Proposed Draft Amendment to the Standard for Quick Frozen Fish Sticks (Labelling Section) (para. 5, Appendix V)

Other Matters of Interest to the Commission

The Committee:

- returned to Step 6 the Draft Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods for additional comments (para. 10)
- returned to Step 3 the Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods for additional comments (para. 39)
- agreed to ask the advice of the Executive Committee on the elaboration of Guidelines for the labelling of foods produced through biotechnology (para. 45)

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INTRODUCTION

1. The Codex Committee on Food Labelling held its Twenty-Fourth Session in Ottawa, from 14 to 17 May 1996, at the kind invitation of the Government of Canada. The meeting was attended by 217 delegates and observers representing 42 Members and 16 international observer organizations. The meeting was chaired by Dr. Anne MacKenzie, Director-General, Food Inspection Directorate, Agriculture and Agri-Food Canada. The complete list of participants is included as Appendix I to this report.

OPENING OF THE SESSION (Agenda Item 1)

2. The Session was opened by Mr. Kent R. Foster, Assistant Deputy Minister, Health Protection Branch, Health Canada, who welcomed delegates and called attention to the key role played by the Committee in implementing the Medium-Term Plan of the Commission in key areas. He also referred to the difficult choices before the Committee in communicating information on diet and health and influencing the consumer to make wise choices among a variety of foods in line with national dietary guidelines.

ADOPTION OF THE AGENDA (Agenda Item 2)¹

3. The Committee adopted the Provisional Agenda as the Agenda for the Session.

MATTERS REFERRED TO THE COMMITTEE BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES (Agenda Item 3)²

4. The Committee noted that while discussing the Standard for Quick Frozen Fish Sticks (Fish Fingers), Fish Portions and Fish Fillets - Breaded or in Batter (subsequently adopted at Step 8 by the Commission), the Committee for Fish and Fishery Products had discussed a proposal to require that the proportion of fish core in those products be declared in the labelling, and referred this question to the Committee for advice. The Committee had an exchange of views on this question and, while noting that the percentage of fish core itself was a matter for the CCFPP to discuss, agreed that the labelling should include this declaration in order to provide clear information to the consumer.

Status of the Proposed Draft Amendment to the Standard for Quick Frozen Fish Sticks

5. As it was noted that the Accelerated Procedure was applicable in the case of the revision of standards, and in view of the non-controversial nature of the amendment, the Committee agreed to circulate the Proposed Draft Amendment, as included in Appendix V, at Step 3 of the Accelerated Procedure, subject to confirmation by the Executive Committee and the Commission.

CONSIDERATION OF LABELLING PROVISIONS IN CODEX STANDARDS (Agenda Item 4)³

6. The Committee was informed that the draft standards including the labelling sections presented for endorsement were scheduled for further consideration and review at the forthcoming session of the

¹ CX/FL 96/1

² CX/FL 96/2; CRD 12 (Comments of Consumers International).

³ CX/FL 96/3

Committee on Milk and Milk Products (May 1996), as well as a number of other drafts. It was therefore agreed to defer consideration of the labelling sections relating to milk and milk products until the next session of the Committee.

DRAFT GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS (Agenda Item 5)⁴

7. The Committee recalled that the last session had returned the draft at Step 6 for further consideration and agreed that the *ad hoc* Working Group continue its work, in order to facilitate discussions. Mrs. R. Lovisolo (Australia), Chairperson of the Working Group which met prior to and during the session, presented its conclusions in the light of the extensive comments received, including inter alia:

- Definitions were expanded and aligned with current Codex definitions;
- It was considered to prohibit the labelling of products as organic if less than 70% of ingredients were obtained from organic product systems;
- Specific provisions were drafted for the labelling of products obtained from systems in conversion; Consumers International was in favour of prohibiting any claim for such products since this could be misleading for consumers;
- A revision of the criteria for including substances in the lists of permitted substances was initiated;
- The terms used in relation to inspection systems were aligned with the Principles for Food Import and Export Certification and Inspection elaborated by CCFICS;
- Certification was defined in the specific context of organic production, in order to avoid any confusion with requirements for export/import purposes; and
- Revision of the Principles of Organic Production (Annex 1) was initiated.

8. Due to the extent and complexity of the issues involved, the Working Group was only able to complete its review partially. The Committee had a general exchange of views on the proposals and identified a number of issues which would require further consideration: the requirements for "organic" labelling, as some delegations felt that the current level of 70% was too restrictive; the reference to genetically modified organisms, where a more general wording was proposed; the delegation of approval of inspection bodies to a private or public third party.

9. The Committee expressed its appreciation to the host government for allowing the Working Group to meet prior to the session and thanked Mrs. Lovisolo and the countries involved in the Working Group for their extensive work and the significant progress achieved. It was agreed that the amendments proposed to the text required thorough consideration and that the section on animal production, the criteria for including substances in the lists, and the lists themselves, needed to be further developed.

⁴ ALINORM 95/22, Appendix II; CX/FL 96/4 (Comments of Costa Rica, South Africa, Spain, Association of Manufacturers of Fermentation Enzyme Products); CX/FL 96/4-Add. 1 (Japan, International Federation of Organic Agriculture Movements); CX/FL 96/4-Add. 2 (Hungary, Sweden, European Community); CX/FL 96/4-Add. 3 (Australia; Canada; France; United States of America); CX/FL 96/4-Add.4 (Austria); CX/FL 96/4 - Add.5 (Consumers International); CRD. 2 (Thailand).

Status of the Draft Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods

10. The Committee agreed that the draft Guidelines, as amended at the present session, should be returned to Step 6 for further comments and redrafted in the light of the comments, for consideration by the next session. It was further agreed that the Working Group would pursue its work at the 25th Session, with the practical arrangements for its operation to be determined by the Canadian and Codex Secretariats.

DRAFT GUIDELINES FOR USE OF HEALTH AND NUTRITION CLAIMS (Agenda Item 6)⁵

General

11. The Committee recalled that the last session of the Commission had adopted the draft Guidelines at Step 5, including the Table of Conditions for Claims. It was noted that the values in the Table were under the responsibility of the Committee on Nutrition and Foods for Special Dietary Uses, whereas the decision to include any specific claim rested with the CCFL. The Committee considered the Guidelines section by section and made the following amendments.

Preamble and Scope

12. In order to clarify the purpose of the Guidelines, as suggested by the Delegation of Norway, the Committee agreed to include a Preamble indicating that health and nutrition claims should be consistent with national nutrition policy.

13. With reference to the Scope, some delegations and the Observer from IDF suggested that specific exceptions be made to the application of the Guidelines for products with a natural high content in a nutrient, especially fat. They pointed out that in practice, although nutrient content might be significantly reduced, such foods would not comply with the requirements for a "low" claim, thereby preventing reference to useful nutrition information in the labelling.

14. The Committee however agreed that no exceptions should be made to the application of the Guidelines and reasserted its earlier decision that the provisions should cover all foods, while noting that reference to a reduction in nutrient contents was allowed as a comparative claim. The Delegations of Germany, Malaysia, the Netherlands expressed their reservation on this decision.

15. The Committee had an extensive discussion on the extent to which health-related claims should be permitted and included in the Guidelines. Some delegations were of the view that reference to the reduction in risk of a disease could be allowed under certain conditions, while other delegations did not accept any reference to disease. There was consensus to exclude claims relating to the prevention, cure and treatment of disease and adverse health-related condition, but the Committee could not come to an agreement on other health claims. It was therefore agreed that health claims would not be included in the Guidelines at this stage;

⁵ CL 1995/26-FL, CX/FL 96/5 (comments from Finland, New Zealand, South Africa, Spain, European Dairy Association (EDA), European Federation of Health Products Manufacturers (EPHM), European Heart Network (EHN), International Federation of Margarine Associations (IFMA) and International Dairy Federation (IDF)), Add.1 (Germany, Netherlands), Add.2 (International Special Dietary Foods Industries (ISDI), Add.3 (France, Ivory Coast), Add.4 (IDF), Add.5 (Canada, Denmark, USA), Add.6 (Australia, Malaysia, Mexico), Add.7 (Sweden), CRD 1 (Thailand), CRD 7 (International Life Science Institute (ILSI))

all references to health claims throughout the text were therefore deleted, including the Definitions. The Committee agreed that further consideration could be given to this issue in the future in the light of additional information.

Definitions

16. The Committee agreed that the definition of **Nutrition Claim** should follow the General Guidelines on Nutrition Labelling. It was further agreed to include the "reduced" and "increased" claims in the examples of **Comparative Claims** (2.1.2) for clarification, and consequently to delete section 5.4 (see para.).

17. The Committee had an extensive exchange of views on the definitions of nutrient function claims and health claims, as some delegations felt that the definitions should be merged as no clear distinction existed between them, and they were likely to confuse consumers, while other delegations felt that a clear distinction could be made between them and between different types of health claims (See also para. 15, above).

18. The Committee agreed to clarify the definition of **Comparative claim**, to retain the definition of **Nutrient Function Claim** with an additional example referring to folic acid for clarification purposes.

Nutrition Claims

19. In order to achieve consistency throughout the text especially with reference to Nutrient Reference Values (NRVs), the Committee agreed to specify that nutrition claims were allowed only for certain nutrients and vitamins and minerals with corresponding NRVs. It was noted that the list of NRVs was under regular review by the CCNFSDU on the basis of available scientific information.

Comparative Claims

20. The Committee confirmed that the claim applied to the food as sold, while indicating that instructions for use should be taken into account.

21. The Delegation of Japan pointed out the difficulties of achieving a 25% reduction of sodium content in soy sauce, naturally high in salt, and suggested an exception be made in such cases. The Committee however reasserted its earlier decision that the guidelines should apply horizontally to all foods and it was emphasized that the reduction should be significant from the nutritional point of view. In this perspective, the Committee also agreed to delete the reference to factual numerical statements about smaller changes as these could be misleading for consumers.

22. The Committee agreed to include a specific provision for the term "light", to the effect that the same conditions as "reduced" applied and the nutrient concerned should be specified. Some delegations expressed the view that the term "light" should reflect a higher reduction in nutrient content.

23. Notwithstanding the view of the Delegation of France that paragraphs on the presentation of claims (formerly paras. 6.6 and 6.7) should be retained in order to ensure consumer information, the Committee agreed to delete them as such requirements were covered elsewhere including in Section 8.

Table of Conditions

24. Some delegations and observers pointed out that the Table included only the quantity of nutrient per 100 g or 100 ml whereas reference was made to the serving in many countries, and the Committee agreed to ask the CCNFSDU to consider establishing conditions for the expression of nutrients on the basis of servings, portions or reference amounts in addition to 100 g, 100 ml or 100 kcal. Clarification was required on the definitions relating to "fibre" as the values per 100 g and per 100 kcal did not appear to be consistent, especially concerning the fibre contents of fruit and vegetables.

25. While noting that the conditions for claims had been considered in detail by the last sessions of CCNFSDU, the Committee had an exchange of views on the claims to be included in the Table. Some delegations suggested to reintroduce the claim for "free" in relation to cholesterol, as well as the claim for "low" in relation to sugars, which had been deleted earlier. It was also proposed to include claims for "energy free" and "saturated fat free" as such claims were currently used in trade. The Committee agreed to ask CCNFSDU to establish conditions for the use of these claims. The Committee noted the proposal of the Delegation of Malaysia that claims for cholesterol should not be linked to saturated fats in the Table.

26. The Committee recalled that the CCNFSDU had considered the conclusions of the FAO/WHO Consultation on Fats and Oils in Human Nutrition⁶ in relation to the labelling of saturated fatty acids and the proposal to include trans-fatty acids in the labelling, and that specific comments had been requested on this issue.

27. Some delegations supported the proposal of the Delegation of Malaysia to include a declaration of trans-fatty acids components in the Table, while others felt that it was premature at this stage as further scientific data would be required to reach a decision. The Committee concluded that no separate claim should be made for trans-fatty acids at this time. The Delegation of Malaysia expressed its reservation on this decision. It was further suggested that they be included as a component of saturated fats for the purpose of making claims. It was agreed to ask the CCNFSDU for further advice on the relevant nutrition aspects of this issue.

Status of the Draft Guidelines for Use of Nutrition Claims

28. The Committee agreed to forward the Draft Guidelines for Use of Nutrition Claims to the Commission for adoption at Step 8, as included in Appendix II, with the understanding that the Table of Conditions would be considered by the next session of CCNFSDU for finalization of the values in the Table.

DRAFT GENERAL GUIDELINES FOR THE USE OF THE TERM "HALAL" (Agenda Item 7)⁷

29. Some delegations questioned whether or not it was appropriate for the Committee to proceed with the elaboration of the General Guidelines, expressing the opinion that they fell outside of the mandate of the Commission and were contrary to the statements of principles adopted by the Commission at its 21st Session concerning the Role of Science in the Codex Decision-Making Process and the Extent to which Other Factors are Taken into Account⁸. Other delegations and observers including India stated that the Guidelines were intended to ensure fair practices in international trade, in accordance with the Statutes of the Commission and that similar texts designed to protect the interests of consumers, such as those on "Organic Foods", in their opinion were not necessarily science-based. The Committee agreed to seek the guidance of the Executive Committee in this matter.

30. The Committee revised the Draft Guidelines in the light of comments received. It noted that in relation to the prohibition on the use of hazardous and intoxicating plants in the preparation of food additives, such plant products could be used when the toxin or hazard was eliminated by further processing and the text was amended accordingly. The Delegation of Sweden reserved its position on the deletion of the requirement that the head and front of the animal should be directed towards qibla.

⁶ ALINORM 95/26 (para.87-88 and CRD 14)

⁷ ALINORM 95/22, Appendix IV; CL 1995/26-FL; CX/FL 96/6 (Comments of Germany; Indonesia; South Africa); CX/FL 96/6-Add.1 (Comments of Côte d'Ivoire); CX/FL 96/6-Add.2 (Comments of Canada, USA); CX/FL 96/6-Add.3 (Malaysia; Mexico).

⁸ ALINORM 95/37, Appendix 2.

Status of the Draft General Guidelines for the Use of the Term "Halal"

31. The Draft Guidelines for the Use of the Term "Halal" were advanced to Step 8 of the Procedure, subject to the advice of the Executive Committee (see para. 29, above)⁹. The revised Draft Guidelines are contained in Appendix III to this report.

PROPOSED DRAFT RECOMMENDATIONS FOR THE LABELLING OF FOODS THAT CAN CAUSE HYPERSENSITIVITY (Agenda Item 8)¹⁰

32. The Committee recalled proposals made at its 23rd Session to amend the Codex General Standard for the Labelling of Prepackaged Foods so as to provide improved information on the labelling of potential allergens (ALINORM 95/22, paras 98-112 and Appendix V). The proposals concerned an amendment of the so-called "25% rule" under which the ingredients of foods present at less than 25% in any compound food did not need to be labelled, and the establishment of a list of potential allergens which would need to be labelled at all times. Several delegations had also called for the establishment of criteria for evaluating substances to be included in such a list.

33. The Chairperson informed the Committee of the conclusions of the FAO Technical Consultation on Food Allergies (Rome, 13-14 November 1995). On labelling, the Consultation had agreed to the practical approach of listing those foods "generally recognized by experts to be frequent causers of severe systemic reactions", proposed some changes to the current list proposed by the Committee and suggested criteria to select the major foods causing hypersensitivity. It had also been recommended to amend the 25% rule.

34. The Observer from the EC informed the Committee that a report of the Scientific Committee for Foods on this issue agreed that the priority was to develop a list of major foods causing hypersensitivity; however, the reduction of the 25% rule, which was currently applied in EC legislation, had not been considered at this stage. There were no proposals to amend it and therefore the EC was opposed to deleting the figure of 25% in square brackets in Section 4.2.1.3.

35. The Delegation of Norway recalled that it had been originally proposed to delete any reference to a percentage and supported the reduction to 5% as a practical compromise, while recognizing that this did not solve all problems for hypersensitive consumers; however, it would significantly reduce the risks through improved information, especially for those substances which were not included in the list. Several delegations supported this view and the reduction to 5%. The Observer from the Association of European Coeliac Societies expressed appreciation for the consideration being given to the labelling of gluten-containing foods and the hope that the recommendations of the FAO Technical Consultation would be implemented.

⁹ The 43rd Session of CCEXEC stressed that the Statements of Principle were intended for the guidance of all Codex Committees, especially when establishing standards and related texts directed towards the protection of consumers' health, but agreed that other factors concerning fair trade practices were within the mandate of the Commission. The Committee decided not to intervene in the matter of the Draft Guidelines, noting that they had been developed in the interest of promoting fair practices in the food trade (ALINORM 97/3, para. 27-28).

¹⁰ CX/FL 96/7 (Comments of Costa Rica; South Africa; United Kingdom; International Council of Grocery Manufacturers' Associations); CX/FL 96/7-Add.1 (Norway, Hungary, Association of European Coeliac Societies); CX/FL 96/7-Add.2 (France, International Dairy Federation); CX/FL 96/7-Add.3 (Canada, Denmark, Sweden, USA); CX/FL 96/7-Add.4 (Australia, Mexico, European Dairy Association); CX/FL 96/7-Add.5 (International Cooperative Alliance); CX/FL 96/7-Add.6 (Germany); CRD 8 (International Life Sciences Institute); CRD 10 (European Dairy Association); Dutch Food Intolerance Databank-ALBA (Un-numbered document, distributed separately); Report of the FAO Technical Consultation on Food Allergies (Un-numbered Document, FAO, Rome, 1996).

36. Other delegations expressed the view that the amendment of the rule would not address the problem entirely, as hypersensitivity reactions were related to small percentages of an ingredient, and solutions other than labelling might also be considered. Attention was drawn to the Dutch Food Intolerance Databank in this regard. It was suggested that a wider debate on the opportunity of amending the rule for the general purposes of consumer information might be considered, but that this was not relevant to the present issue.

37. After extensive discussion, the Committee agreed to amend the 25% rule by referring to 5% only in square brackets and to ask for further comments on this issue.

38. As regards the list, the Committee expressed general agreement with the approach followed, in the light of the recommendations of the Consultation; it was however noted that more time and further discussion would be needed to consider thoroughly both the list and the criteria for it, taking into account all available scientific data. It was agreed that countries wishing to propose additional foods or ingredients to the list should present relevant scientific evidence concerning the incidence of hypersensitivity reactions. The Delegation of the United Kingdom expressed the view that the list should contain only those allergens which were potentially life-threatening.

Status of the Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods

39. The Committee agreed to incorporate the changes proposed by the Consultation in the list and return the amended section 4.2.1.3, as included in Appendix IV to the report, to Step 3 for further comments and consideration by the next session.

IMPLICATIONS OF BIOTECHNOLOGY FOR FOOD LABELLING (Agenda Item 9)¹¹

40. The 23rd Session of the Committee (1994) had considered a discussion paper prepared by the authorities of the United States on the implications of biotechnology for food labelling¹². The Committee had agreed that additional comments should be sought on the paper including recommendations on how the Committee should proceed in this area. The Commission, at its 21st Session (1995), had approved a Project Plan for Biotechnology developed by the Executive Committee, which called for the establishment of guidelines for labelling of foods derived from biotechnology¹³.

41. The Committee noted that subsequent to the 21st Session of the Commission, FAO and WHO had agreed to convene a Second Joint FAO/WHO Expert Consultation on the Food Safety Aspects of Biotechnology, to be held in Rome, 30 September to 4 October 1996. The Consultation would not discuss labelling issues *per se*, but would be invited to consider such labelling matters as may be necessary on the grounds of food safety or nutritional value.

¹¹ CL 1995/29-FL; CX/FL 96/8 (Comments of Denmark, France, Iran, Norway, Switzerland, Association of Manufacturers of Animal-Derived Food Enzymes, Consumers International, European Commission, International Federation of Organic Agriculture Movements, International Food Additives Council); CX/FL 96/8-Add.1 (Germany, Sweden); CX/FL 96/8-Add.2 (Ethiopia, Hungary, European Natural Heritage Fund, World Wildlife Fund); CX/FL 96/8-Add.3 (Canada); CX/FL 96/8-Add.4 (Australia, Mexico); CRD 3 (Thailand); CRD 6 (USA); CRD 9 (International Life Sciences Institute); CRD 11 (Consumers International).

¹² See ALINORM 95/22, paras. 113-119 and CX/FL 94/8.

¹³ Report of the 21st Session of the Commission, ALINORM 95/37, paragraph 12. The approved Project Plan is contained in ALINORM 95/6.

42. Extensive comments had been received in response to CL 1995/29-FL. The Committee noted the opinions of many delegations and observers which called for the mandatory and comprehensive labelling of all foods prepared with the aid of biotechnology on the basis of the consumer's right to know the origin and nature of the foods which they purchased and the right to make informed choices based on a variety of considerations and personal values.

43. Many other delegations and observers stressed that labelling should address the specific concerns of safety (including potential allergenicity), nutrition and food composition, all of which could be subject to scientific study and evaluation, and that labelling should be considered on a case-by-case basis taking these considerations into account. In such cases, the provision of consumer information other than that required for the purposes of safety, nutrition and food composition could be considered by means other than labelling.

44. The Committee was informed that the European Community was unable to take a definitive position on the issue; a draft regulation concerning novel foods and novel food ingredients (which included foods derived from biotechnology) being the subject of discussions between the relevant European Union and EC institutions. Several delegations stated that the situation in their countries was also still under review and that taking a position on the matter would be premature. One delegation drew attention to current discussions on the trans-boundary movement of genetically-modified organisms in the context of the Convention on Biological Diversity. The Observer from IFOAM suggested that a difference in labelling should be made between genetic engineering and classical or modern biotechnology.

45. The Committee agreed to seek the advice of the Executive Committee on how the guidelines foreseen in the Project Plan should be formulated, especially in view of the four statements of principle on the Role of Science in the Codex Decision-Making Process and the Extent to which Other Factors are Taken into Account¹⁴. It agreed that, based on the advice of the Executive Committee, the Secretariat should initiate the preparation of proposed draft guidelines as provided for at Step 2 of the Uniform Procedure for the Elaboration of Codex Standards and Related Texts¹⁵. It suggested that the Secretariat should also take into account the findings of the Joint FAO/WHO Expert Consultation mentioned above.

REVIEW OF GOVERNMENT COMMENTS ON NUTRITION LABELLING (Agenda Item 10)¹⁶

46. The Committee recalled that its last session had agreed to collect information on national provisions for nutrition labelling, with a view to determining whether a revision of the Guidelines on Nutrition Labelling needed was required, and noted that the CCFNSDU was currently reviewing the NRVs for vitamins and minerals.

47. Some delegations pointed out that national provisions for nutrition labelling still differed widely from one country to another and that harmonization would be necessary, especially in order to facilitate export/import inspection. Support was also expressed for retaining voluntary nutrition labelling, and require it on a mandatory basis only when a claim was made.

¹⁴ ALINORM 97/35, Appendix 2.

¹⁵ Procedural Manual of the Codex Alimentarius Commission, Ninth Edition, FAO/WHO, Rome, 1995.

¹⁶ CX/FL 96/9 (Comments of South Africa, European Community); CX/FL 96/9-Add.1 (Comments of The Netherlands); CX/FL 96/9-Add.2 (Comments of Norway); CX/FL 96/9-Add.3 (Comments of Denmark, USA); CX/FL 96/9-Add.4 (Comments of Australia), CRD 4 (Thailand), CRD 5 (Sweden)

48. It was suggested that the Secretariat undertake a comparison of the data presented to the current session on nutrition labelling provisions, in relation to the Codex Guidelines, for consideration by the next session and the Committee accepted this proposal.

**OTHER BUSINESS, FUTURE WORK AND DATE AND PLACE OF NEXT SESSION
(Agenda Item 11)**

49. In addition to its on-going work, the Committee agreed to continue its consideration of **Health Claims**, and requested that information be provided on national regulations controlling such claims as well as national experience in relation to the type of health claims occurring in commerce.

50. The Committee noted that its next session was scheduled to be held in Canada from 15 to 18 April 1997.

SUMMARY STATUS OF WORK

Subject Matter	Step	Action by	Document Reference in ALINORM 97/22
Draft Guidelines for Use of Health and Nutrition Claims	8	Governments 22nd CAC	para. 28 Appendix II
Draft General Guidelines for the Use of the Term <i>Halal</i>	8	CCEXEC Governments 22nd CAC	para. 31 Appendix III
Draft Guidelines for Organically Produced Foods	6	Governments 25th CCFL	para. 10
Proposed Draft Amendment to the General Labelling Standard	3	Governments 25th CCFL	para. 39 Appendix IV
Implications of Biotechnology	3	CCEXEC Secretariat 25th CCFL	para. 45
Proposed Draft Amendment to the Standard for Quick Frozen Fish Sticks	3	Governments 25th CCFL 22nd CAC	para. 5 Appendix V
Guidelines on Nutrition Labelling	-	Secretariat 25th CCFL	para. 48

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DRAFT GUIDELINES FOR USE OF
NUTRITION CLAIMS
(At Step 8 of the Procedure)¹

Nutrition claims should be consistent with national nutrition policy and support that policy. Only nutrition claims that support national nutrition policy should be allowed.

1 **SCOPE**

- 1.1 These guidelines relate to the use of nutrition claims in food labelling.
- 1.2 These guidelines apply to all foods for which nutrition claims are made without prejudice to specific provisions under Codex standards or Guidelines relating to Foods for Special Dietary Uses and Foods for Special Medical Purposes.
- 1.3 These guidelines are intended to supplement the Codex General Guidelines on Claims and do not supersede any prohibitions contained therein.

2 **DEFINITIONS**

- 2.1 *Nutrition claim*² means any representation which states, suggests or implies that a food has particular nutritional properties including but not limited to the energy value and to the content of protein, fat and carbohydrates, as well as the content of vitamins and minerals. The following do not constitute nutrition claims:
 - (a) the mention of substances in the list of ingredients;
 - (b) the mention of nutrients as a mandatory part of nutrition labelling;
 - (c) quantitative or qualitative declaration of certain nutrients or ingredients on the label if required by national legislation.

¹ The Draft Guidelines were advanced to Step 8 of the Procedure subject to confirmation by the Codex Committee on Nutrition and Foods for Special Dietary Uses of the information contained in the Table.

² This definition is identical to the definition in the Codex Guidelines on Nutrition Labelling (CAC/GL 2-1985, Rev.1-1993).

2.1.1 **Nutrient content claim** is a nutrition claim that describes the level of a nutrient contained in a food.

(Examples:³ "source of calcium"; "high in fibre and low in fat";)

2.1.2 **Comparative claim** is a claim that compares the nutrient levels and/or energy value of two or more foods.

(Examples: "reduced"; "less than"; "fewer"; "increased"; "more than".)

2.1.3 **Nutrient function claim** is a nutrition claim that describes the physiological role of the nutrient in growth, development and normal functions of the body.

(Examples: "Calcium aids in the development of strong bones and teeth";
"Protein helps build and repair body tissues";
"Iron is a factor in red blood cell formation";
"Vitamin E protects the fat in body tissues from oxidation".
"Contains folic acid: folic acid contributes to the normal growth of the fetus.")

3 **NUTRITION LABELLING**

Any food for which a nutrition claim is made should be labelled with a nutrient declaration in accordance with Section 3 of the Codex Guidelines on Nutrition Labelling.

4 **NUTRITION CLAIMS**

4.1 The only nutrition claims permitted shall be those relating to energy, protein, carbohydrate, and fat and components thereof, fibre, sodium and vitamins and minerals for which Nutrient Reference Values (NRVs) have been laid down in the Codex Guidelines for Nutrition Labelling.

5 **NUTRIENT CONTENT CLAIMS**

5.1 When a nutrient content claim that is listed in the Table to these Guidelines or a synonymous claim is made, the conditions specified in the Table for that claim should apply.

5.2 Where a food is by its nature low in or free of the nutrient that is the subject of the claim, the term describing the level of the nutrient should not immediately precede the name of the food but should be in the form "a low (naming the nutrient) food" or "a (naming the nutrient)-free food".

³ Examples included for clarification of definitions.

6 COMPARATIVE CLAIMS

Comparative claims should be permitted subject to the following conditions and based on the food as sold, taking into account further preparation required for consumption according to the instructions for use on the label:

- 6.1 The foods being compared should be different versions of the same food or similar foods. The foods being compared should be clearly identified.
- 6.2 A statement of the amount of difference in the energy value or nutrient content should be given. The following information should appear in close proximity to the comparative claim:
 - 6.2.1 The amount of difference related to the same quantity, expressed as a percentage, fraction, or an absolute amount. Full details of the comparison should be given
 - 6.2.2 The identity of the food(s) to which the food is being compared. The food(s) should be described in such a manner that it (they) can be readily identified by consumers.
- 6.3 The comparison should be based on a relative difference of at least 25% in the energy value or nutrient content, except for micronutrients where a 10% difference in the NRV would be acceptable, between the compared foods and a minimum absolute difference in the energy value or nutrient content equivalent to the figure defined as "low" or as a "source" in the Table to these Guidelines¹.
- 6.4 The use of the word "light" should follow the same criteria as for "reduced" and include an indication of the characteristics which make the food "light".

7 NUTRIENT FUNCTION CLAIMS

Claims relating to the function of a nutrient in the body should be permitted provided the following conditions are fulfilled:

- 7.1 Only those essential nutrients for which a Nutrient Reference Value (NRV) has been established in the Codex Guidelines on Nutrition Labelling or those nutrients which are mentioned in officially recognized dietary guidelines of the national authority having jurisdiction, should be the subject of a nutrient function claim;
- 7.2 The food for which the claim is made should be a significant source of the nutrient in the diet;
- 7.3 The nutrient function claim should be based on the scientific consensus which is supported by the competent authority.
- 7.4 The claim should not imply or include any statement to the effect that the nutrient would afford a cure or treatment for or protection from disease;

8 CLAIMS RELATED TO DIETARY GUIDELINES OR HEALTHY DIETS

Claims that relate to dietary guidelines or "healthy diets" should be permitted subject to the following conditions:

- 8.1 Only claims related to the pattern of eating contained in dietary guidelines officially recognized by the appropriate national authority.
- 8.2 Flexibility in the wording of claims is acceptable, provided the claims remain faithful to the pattern of eating outlined in the dietary guidelines.
- 8.3 Claims related to a "healthy diet" or any synonymous term are considered to be claims about the pattern of eating contained in dietary guidelines and should be consistent with the guidelines.
- 8.4 Foods which are described as part of a healthy diet, healthy balance, etc., should not be based on selective consideration of one or more aspects of the food. They should satisfy certain minimum criteria for other major nutrients related to dietary guidelines.
- 8.5 Foods should not be described as "healthy" or be represented in a manner that implies that a food in and of itself will impart health.
- 8.6 Foods may be described as part of a "healthy diet" provided that the label carries a statement relating the food to the pattern of eating described in the dietary guidelines.

TABLE⁴

COMPONENT	CLAIM	CONDITIONS
A. NOT MORE THAN		
Energy	Low	40 kcal (170 kJ) per 100 g (solids) or 20 kcal (80 kJ) per 100 ml (liquids)
Fat	Low	3 g per 100 g (solids) 1.5 g per 100 ml (liquids)
	Free	0.15 g per 100 g/ml
Saturated Fat	Low	1.5 g per 100 g (solids) 0.75 g per 100 g (liquids) and 10% of energy
Cholesterol	Low	20 mg per 100 g (solids) 10 mg per 100 ml (liquids) 10% of energy and less than: 1.5 g saturates per 100 g (solids) 0.75 g saturates per 100 g (liquids) and 10% of energy
Sugars	Free	0.5 g per 100 g/ml
Sodium	Low	120 mg per 100 g
	Very Low	40 mg per 100 g
	Free	5 mg per 100 g
B. NOT LESS THAN		
Fibre	Source	[3 g per 100 g or 1.5 g per 100 kcal]
	High	[6 g per 100 g or 3 g per 100 kcal]
Protein	Source	[10% of NRV per 100 g (solids)] [5% of NRV per 100 ml (liquids)] [5% of NRV per 100 kcal]
	High	[20% of NRV per 100 g (solids)] [10% of NRV per 100 ml (liquids)] [10% of NRV per 100 kcal]
Vitamins and Minerals	Source	[15% of NRV per 100 g (solids)] [7.5% of NRV per 100 g (liquids)] [or 5% of NRV per 100 kcal]
	High	[2 or 3 times the values for "source"]

⁴ Subject to confirmation by the Codex Committee on Nutrition and Foods for Special Dietary Uses.

DRAFT GENERAL GUIDELINES FOR USE OF THE TERM "HALAL"
(At Step 8 of the Procedure)¹

The Codex Alimentarius Commission accepts that there may be minor differences in opinion in the interpretation of lawful and unlawful animals and in the slaughter act, according to the different Islamic Schools of Thought. As such, these general guidelines are subjected to the interpretation of the appropriate authorities of the importing countries. However, the certificates granted by the religious authorities of the exporting country should be accepted in principle by the importing country, except when the latter provides justification for other specific requirements.

1 SCOPE

- 1.1 These guidelines recommend measures to be taken on the use of *Halal* claims in food labelling.
- 1.2 These guidelines apply to the use of the term *halal* and equivalent terms in claims as defined in the General Standard for the Labelling of Prepackaged Foods and include its use in trade marks, brand names and business names.
- 1.3 These guidelines are intended to supplement the Draft Revision of the Codex General Guidelines on Claims and do not supersede any prohibition contained therein.

2 DEFINITION

- 2.1 ***Halal Food*** means food permitted under the Islamic Law and should fulfil the following conditions:
 - 2.1.1 does not consist of or contain anything which is considered to be unlawful according to Islamic Law;
 - 2.1.2 has not been prepared, processed, transported or stored using any appliance or facility that was not free from anything unlawful according to Islamic Law; and
 - 2.1.3 has not in the course of preparation, processing, transportation or storage been in direct contact with any food that fails to satisfy 2.1.1 and 2.1.2 above.
- 2.2 Notwithstanding Section 2.1 above:
 - 2.2.1 *halal* food can be prepared, processed or stored in different sections or lines within the same premises where non-halal foods are produced, provided that necessary measures are taken to prevent any contact between halal and non-halal foods;

¹ The Draft Guidelines were advanced to Step 8 subject to the advice of the Executive Committee on whether they fall outside of the mandate of the Commission and are contrary to the statements of principles adopted by the Commission at its 21st Session concerning the Role of Science in the Codex Decision-Making Process and the Extent to which Other Factors are Taken into Account.

- 2.2.2 *halal* food can be prepared, processed, transported or stored using facilities which have been previously used for non-halal foods provided that proper cleaning procedures, according to Islamic requirements, have been observed.

3 CRITERIA FOR USE OF THE TERM "HALAL"

3.1 LAWFUL FOOD

The term *halal* may be used for foods which are considered lawful. Under the Islamic Law, all sources of food are lawful except the following sources, including their products and derivatives which are considered unlawful:

3.1.1 Food of Animal Origin

- (a) Pigs and boars.
- (b) Dogs, snakes and monkeys.
- (c) Carnivorous animals with claws and fangs such as lions, tigers, bears and other similar animals.
- (d) Birds of prey with claws such as eagles, vultures, and other similar birds.
- (e) Pests such as rats, centipedes, scorpions and other similar animals.
- (f) Animals forbidden to be killed in Islam i.e., ants, bees and woodpecker birds.
- (g) Animals which are considered repulsive generally like lice, flies, maggots and other similar animals.
- (h) Animals that live both on land and in water such as frogs, crocodiles and other similar animals.
- (i) Mules and domestic donkeys.
- (j) All poisonous and hazardous aquatic animals.
- (k) Any other animals not slaughtered according to Islamic Law.
- (l) Blood.

3.1.2 Food of Plant Origin

Intoxicating and hazardous plants except where the toxin or hazard can be eliminated during processing.

3.1.3 Drink

- (a) Alcoholic drinks.
- (b) All forms of intoxicating and hazardous drinks.

3.1.4 Food Additives

All food additives derived from Items 3.1.1, 3.1.2 and 3.1.3.

3.2 SLAUGHTERING

All lawful land animals should be slaughtered in compliance with the rules laid down in the Codex Recommended Code of Hygienic Practice for Fresh Meat² and the following requirements:

- 3.2.1 The person should be a Muslim who is mentally sound and knowledgeable of the Islamic slaughtering procedures.
- 3.2.2 The animal to be slaughtered should be lawful according to Islamic law.
- 3.2.3 The animal to be slaughtered should be alive or deemed to be alive at the time of slaughtering.
- 3.2.4 The phrase "Bismillah" (In the Name of Allah) should be invoked immediately before the slaughter of each animal.
- 3.2.5 The slaughtering device should be sharp and should not be lifted off the animal during the slaughter act.
- 3.2.6 The slaughter act should sever the trachea, oesophagus and main arteries and veins of the neck region.

3.3 PREPARATION, PROCESSING, PACKAGING, TRANSPORTATION AND STORAGE

All food should be prepared, processed, packaged, transported and stored in such a manner that it complies with Section 2.1 and 2.2 above and the Codex General Principles on Food Hygiene and other relevant Codex Standards.

4 ADDITIONAL LABELLING REQUIREMENTS

- 4.1 When a claim is made that a food is *halal*, the word *halal* or equivalent terms should appear on the label.
- 4.2 In accordance with the Draft Revision of the Codex General Guidelines on Claims, claims on *halal* should not be used in ways which could give rise to doubt about the safety of similar food or claims that *halal* foods are nutritionally superior to, or healthier than, other foods.

² CAC/RCP 11, Rev.1-1993.

PROPOSED DRAFT AMENDMENTS TO CODEX GENERAL STANDARD FOR THE
LABELLING OF PRE-PACKAGED FOODS¹
(At Step 3 of the Procedure)

Section 4.2.1.3

Where an ingredient is itself the product of two or more ingredients, such a compound ingredient may be declared, as such, in the list of ingredients, provided that it is immediately accompanied by a list, in brackets, of its ingredients in descending order of proportion (m/m). Where a compound ingredient (for which a name has been established in a Codex standard or in national legislation) constitutes less than [5%] of the food, the ingredients, other than food additives which serve a technological function in the finished product and ingredients known to cause allergic or intolerance reactions, need not be declared.

The following foods and ingredients are known to cause hypersensitivity and shall always be declared as such:

Cereals containing gluten; i.e., wheat, rye, barley, oats, spelt or their hybridized strains and products of these;

Crustacea and products of these;

Eggs and egg products;

Fish and fish products;

Peanuts, soybeans and products of these;

Milk and milk products (lactose included);

Tree nuts and nut products; and

Sulphite in concentrations of 10 mg/kg or more.

Section 4.2.2.1

Except for those ingredients listed in section 4.2.1.3, and unless a general class name would be more informative, the following class names may be used (remainder of section as is)

Section 4.2.3.2

A food additive carried over into foods at a level less than that required to achieve a technological function, and processing aids, are exempted from declaration in the list of ingredients. The exemption does not apply to food additives and processing aids listed in section 4.2.1.3.

¹ Proposed additions underlined.

**PROPOSED DRAFT AMENDMENT TO THE STANDARD FOR QUICK FROZEN
FISH STICKS (FISH FINGERS) FISH PORTIONS AND
AND FISH FILLETS - BREADED OR IN BATTER**
(At Step 3 of the Accelerated Procedure)

6. LABELLING

In addition to Sections 2, 3, 7 and 8 of the Codex General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985) the following specific provisions apply:

6.1 The Name of the Food

6.1.1 The name of the food to be declared on the label shall be "breaded" and/or "battered", "fish sticks" (fish fingers), "fish portions", or "fillets" as appropriate or other specific names used in accordance with the law and custom of the country in which the food is sold and in a manner so as not to confuse or mislead the consumer.

6.1.2 The label shall include reference to the species or mixture of species.

6.1.3 The proportion of fish core shall be declared on the label.

6.1.4 In addition there shall appear on the label either the term "quick frozen" or the term "frozen" whichever is customarily used in the country in which the food is sold, to describe a product subjected to the freezing processes as defined in subsection 2.2.

6.1.5 The label shall show whether the products are prepared from minced fish flesh, fish fillets or a mixture of both in accordance with the law and custom of the country in which the food is sold and in a manner so as not to confuse or mislead the consumer.

6.1.6 The label shall state that the product should be maintained under conditions that will maintain the quality during transportation, storage and distribution.