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PROPOSED DRAFT GUIDANCE FOR THE LABELLING OF NON-RETAIL CONTAINERS OF FOOD

(Prepared by India)

1. **SCOPE:** [These Guidelines] / [This Standard][apply] / [applies] to the labelling of non-retail containers of food not intended to be sold directly to the consumer¹, including the information provided in the accompanying physical/digital documents or by other means, and the presentation thereof.
2. **PURPOSE:** The purpose of [these Guidelines] / [this Standard] is to facilitate appropriate harmonized labelling requirements for non-retail containers of food, with an intention to avoid hindrance to international trade of such containers and promote fair trade practices. [These Guidelines] / [This Standard] outline what information must be on the label and what information, while not required on the label, must be provided with a non-retail container. [The document will guide the national competent authorities in laying down appropriate labelling requirements for non-retail containers of foods and the manner in which the relevant information is made available].
3. **DEFINITION OF TERMS:** For the purpose of [these Guidelines] / [this Standard], the relevant definitions in the *General Standard for the Labelling of Prepackaged Foods* (CODEX STAN1-1985) apply. In addition, the following terms have the meaning as defined below:

“Business” means any undertaking carrying out any of the activities related to any stage of production (excluding production at farm level), processing, packaging and distribution (including trade) of food¹.

“Non-retail container”: means any container¹ that is not intended to be offered for direct sale to consumer¹. The food¹ in such containers is of same kind, prepackaged¹ or not, and intended for further business operations **and/or** processing activities.
4. **GENERAL PRINCIPLES:** The following general principles apply in respect of non-retail containers:
 - 4.1 The general principles established in **Section 3 of** the General Standard for the Labelling of Prepackaged foods (GSLPF) apply [*mutatis mutandis*] / [equally as appropriate] to the labelling of non-retail containers of foods.
 - 4.2 Both the labelling requirements and non-retail containers of foods itself should be differentiated clearly from the labelling requirements and containers for prepackaged¹ foods respectively.
 - 4.3 The label along with the accompanying documents of non-retail containers provide relevant information that enable compliant labelling of food intended for sale to consumer.
 - 4.4 The labelling requirements for non-retail containers should be established taking into account the information requirements and implementation capabilities of the relevant stakeholders (business and competent authorities).
 - 4.5 Where appropriate, the information requirements in respect of non-retail containers of food may be met through appropriate means other than on a label (including accompanying documents or other globally acceptable innovative practices, for example, electronic transfer of information), as allowed for by the competent authority in the country in which it is sold.

¹ As defined in the *General Standard for the Labelling of Pre-packaged Foods* (CODEX STAN 1-1985)

5. INFORMATION REQUIREMENTS ON LABEL: The following minimum mandatory information shall appear on the label of non-retail containers of food:

5.1 The name of the food

5.1.1 The name shall indicate the true nature of the food and normally be specific and not generic.

5.1.1.1 Where a name or names have been established for a food in a Codex standard, at least one of these names shall be used.

5.1.1.2 In other cases, the name prescribed by national legislation shall be used.

5.1.1.3 In the absence of any such prescribed name, either a common or usual name existing by common usage as an appropriate descriptive term which is not misleading or confusing in the country in which the food is intended to be sold shall be used.

5.1.1.4 A “coined”, “fanciful”, “brand” name or “trade mark” may be used provided it accompanies one of the names provided in Subsections 5.1.1.1 to 5.1.1.3.

5.1.2 There shall appear on the label either in conjunction with, or in close proximity to, the name of the food, specific information related to **the true nature and physical condition of the food and the** treatment it has undergone; for example: dried, concentrated, reconstituted, smoked.

5.2 [Allergenic Foods²]

5.3 Net Contents:

5.3.1 The net³contents should be declared in either the metric system (The International System of Units, SI) or avoirdupois weight system or both the systems of measurement as required by the competent authority in the country in which the food is intended to be sold. This declaration shall be made in the following manner:

(a) for liquid foods, by volume or weight;

(b) for solid foods, by weight;

(c) for semi-solid or viscous foods, either by weight or volume;

5.4 Lot identification

5.4.1 The container should provide marking sufficient to identify production lot and, if not included in the lot marking, **producing factory**/production site.

5.5 [Date Marking²]

5.5.1 [If not otherwise determined in an individual Codex standard, the following date marking shall apply, unless clause 5.5.1 (vii) applies:

(i) When a food must be consumed/utilized before a certain date to ensure its safety and quality the “Use-by Date” or “Expiration Date” shall be declared⁴.

(ii) Where a “Use-by Date” or “Expiration Date” is not required, the “Best-Before Date” or “Best Quality Before Date” shall be declared⁴.

(iii) The date marking should be as follows:

- On products with a durability of not more than three months; the day and month shall be declared and in addition, the year when competent authorities mandate it.
- On products with a durability of more than three months at least the month and year shall be declared.

(iv) The date shall be introduced by the words:

- “Use-by <insert date>” or “Expiration Date <insert date>” or “Best before <insert date>” or “Best Quality Before <insert date>” as applicable where the day is indicated; or

² Information to be provided as per the guidance in the relevant section of the *General Standard for the Labelling of Pre-packaged Foods* (CODEX STAN 1-1985)

³ The declaration of net contents represents the quantity at the time of packaging and is subject to enforcement by reference to an average system of quantity control.

⁴ Consideration should be given to other Codex texts

- “Use-by end <insert date>” or “expiration date <insert date>” or “Best before <insert date>”; or “Best Quality Before <insert date>” as applicable in other cases.
- (v) The words referred to in paragraph (iv) shall be accompanied by:
- either the date itself; or
 - a reference to where the date is given.
- (vi) The day and year shall be declared by uncoded numbers with the year to be denoted by 2 or 4 digits, and the month shall be declared by letters or characters or numbers. Where only numbers are used to declare the date or where the year is expressed as only two digits, the competent authority should determine whether to require the sequence of the day, month, year, be given by appropriate abbreviations accompanying the date mark (e.g. DD/MM/YYYY or YYYY/DD/MM).
- (vii) Notwithstanding 5.5.1 (i) and 5.5.1 (ii), a date mark shall not be required for a food if one or more of the following criteria apply:
1. Where safety is not compromised and quality does not deteriorate because of the preservative nature of the food is such that it cannot support microbial growth (e.g. alcohol, salt, acidity, low water activity) under stated storage conditions;
 2. Where deterioration is evident to the purchaser;
 3. Where the key/organoleptic quality aspects of the food are not lost;
 4. Where the food is intended to be consumed within 24 hours of its manufacture.

For example, foods such as:

- fresh fruits and vegetables, including tubers, which have not been peeled, cut or similarly treated;
- wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;
- alcoholic beverages containing at least 10% alcohol by volume;
- bakers' or pastry-cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;
- vinegar;
- non-iodized food grade salt;
- non-fortified solid sugars;
- confectionery products consisting of flavoured and/or coloured sugars;
- chewing gum.

In such cases, the “Date of Manufacture” or the “Date of Packaging” may be provided.

- (viii) A “Date of Manufacture” or a “Date of Packaging” may be used in combination with 5.5.1 (i) or (ii). It shall be introduced with the words “Date of Manufacture” or “Date of Packaging”, as appropriate, and use the format provided in clause 5.5.1 (vi).

5.5.2 Any special conditions for the storage of the food where they are required to support the integrity of the food and, where a date mark is used, the validity of the date depends thereon]

5.6 Statement for identification of a non-retail container

The non-retail containers of foods shall bear a statement to indicate that the food is not intended to be sold directly to consumer or to clearly identify it as a non-retail container unless Section 6.2 applies. Examples of such statements are:

“NOT FOR CONSUMER SALE”

“NON-RETAILCONTAINER - NOT FORDIRECT SALE TO CONSUMER”

“NOT FOR DIRECT SALE TO CONSUMER”.

5.7 Name and address of the manufacturer packer, distributor, importer, exporter or vendor of the food etc.(Approval number of establishments, where applicable).

5.8 Notwithstanding the above in the present Section on Information Requirements on Label and if permitted by the competent authority in the country in which it is sold, an identification mark may replace the information on the label except the name of the product (Section 5.1), ingredients of hypersensitivity (Section 5.2) and the statement that it is a non-retail container (Section 5.6), provided such mark is clearly identifiable with the accompanying documents or other means of information exchange where all such information shall be provided.

6. INFORMATION REQUIREMENTS BY MEANS OTHER THAN LABEL

6.1 The following additional mandatory information, if not provided on the label, shall be provided in the accompanying documents or through appropriate other means (e.g. electronically between businesses), provided such documents or information is effectively traceable to the food in non-retail container:

- List of Ingredients² as appropriate
- Irradiated Foods-A written statement indicating that the food or its ingredient, as the case may be has been treated with ionizing radiation.
- Information necessary to meet mandatory labelling requirements for pre-packaged foods in which the food in non-retail container will be used or packaged. E.g. Country of origin², nutrition information etc.
- [Any other information required by the importing country such as Halal Certification, Kosher Certification, Vegetarian/Non Vegetarian logo etc.]

In case of loose/unpackaged food in tankers, barges or similar containers that are not amenable to possess a label, and are not likely to be confused with the containers for direct sale to consumers, the labelling information may be exclusively provided in the accompanying documents or exchanged through other means as agreed among the competent authorities, provided the identity of such containers is unambiguously traceable in the accompanying documents.

6.2 Other information: Additional information may be exchanged through supporting documents or means other than labelling of the non-retail container (e.g. electronically between businesses).

7. PRESENTATION OF INFORMATION:

7.1 General

7.1.1 Labels on non-retail containers of foods shall be applied in such a manner that they will not become separated from the container.

7.1.2 Statements required to appear on the label by virtue of [these Guidelines] / [this Standard] or any other Codex Standards shall be clear, prominent, indelible and readily legible.

7.1.3 Where the container is covered by a wrapper, the wrapper shall carry the necessary information or the label on the container shall be readily legible through the outer wrapper or not obscured by it.

7.1.4 The name of the food (Section 5.1), the statement of identification of non-retail container (Section 5.6) and the identification mark (Section 5.8), where used, shall appear in a prominent position and in the same field of vision.

7.2 Language

~~7.2.1~~ If the language in the original labelling is not acceptable to the competent authority in the country in which the product is sold, translation of the information in the required language **should be provided** in the form of re-labelling, supplementary label and/or in the accompanying documents.,

7.2.2 The information provided through translation in the required language shall fully and accurately reflect that in the original labelling.

