

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of  
the United Nations

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## Agenda Item 5



World Health  
Organization

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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD LABELLING

44<sup>th</sup> Session

Asuncion, Paraguay, 16 – 20 October 2017

Date marking

**Summary of work identified as “Phase Two” in date marking work**

(New Zealand)

#### Background

At the 41st session of the Codex Committee on Food Labelling (CCFL) the Committee unanimously agreed to propose new work to the Codex Alimentarius Commission (the Commission) to review the General Standard for the Labelling of Pre-packaged Foods (GSLPF) to address the issue of date marking and forwarded the proposal to the Commission for approval. Subject to the approval of the Commission, the Committee agreed to establish an electronic working group (eWG) chaired by New Zealand and co-chaired by Australia.

The eWG identified a number of significant issues relevant to date marking in the first consultation paper. These issues were prioritised into the most important for the eWG to consider and additional issues (not identified by the eWG as the most important issues relating to datemarking). The second discussion paper focused on those issues seen by eWG members to be the most important issues relating to date marking and it was suggested that a two phase approach was taken, focussing on those issues identified as the most important in phase one.

While the issues identified as part of a “phase two” to this work are all important issues, given the need to resolve the issues identified as a priority for date marking in a timely manner and to also ensure the work associated with date marking remained manageable, it was agreed at CCFL42 that the Committee undertake the suggested two phase approach to the work, with the second phase to be undertaken at the completion of phase one.

At CCFL43 significant progress was made in reaching agreement on drafting for the majority of the text relating to date marking. The only area outstanding was the criteria for exemption from datemarking and the list of examples of such foods at section 4.7.1(vii). If this section can be agreed by the Committee at CCFL44 this will complete phase one.

At this point it would be timely for the Committee to consider the issues identified as phase two and to decide whether new work needs to be proposed to address these issues.

It is recommended that the Committee discuss whether or not the issues identified as “phase two” should be progressed at this stage noting that this would need to progress as new work.

#### Phase two issues for date marking:

Issues identified as phase two are listed below and are further described in the following text:

- Date marking on frozen foods
- Date marking and storage instructions to reflect a wide variation in climatic conditions.
- Storage instructions and expected shelf life on products post opening.
- Ethical considerations i) Exportation of expired or close to expired products and ii) Tampering of date marks
- Date marking for specific situations: i) Date marking on primary and secondary packaging. ii) Date marking on foods which will be processed further and iii) Simplified date marking for small food businesses.
- Use of Coded date marks and voluntary date marks.
- Inclusion of general principle statements

*Date marking on frozen foods.* A number of countries rely heavily on imported or locally produced frozen foods. Date marking and/or storage instructions may need special consideration where there is the potential for prolonged storage or thawing and re-freezing or, as noted in the first discussion paper, the date marks applied to the original produce become irrelevant due to subsequent freezing of the food.

*Date marking and storage instructions to reflect a wide variation in climatic conditions.* In a global trade environment (and domestically, in countries that experience a wide range of climatic variations), foods may be subject to a wide range in climatic conditions that may influence the shelf-life of a product and therefore the date mark applied maybe incorrect. The current GSLPF text includes a requirement to declare any special conditions for the storage of food (4.7.2). However, further detail in this section maybe required and the requirement to factor in variations in climatic conditions when determining the shelf life may need to be considered.

*Storage instructions and expected shelf life on products post opening.* A number of responses identified that confusion exists on how long a product can be kept post opening of a food package. This applies to both quality and safety date marks and it is noted that the date mark may change once the package is opened. The current Codex date marking definitions do not clarify if the date applies pre product opening – or if it also applies post opening. However, the inclusion of ‘marketable’ in both definitions, seem to suggest that the definitions were developed for foods prior to opening. Consideration may need to be given to require labelling on the expected shelf-life post opening, and any associated storage instructions. Alternatively, the Codex texts may be able to be clarified as to the intended application.

*Ethical considerations i) Exportation of expired or close to expired products and ii) Tampering of date marks.* The first point in this group is covered by the Codex Code of Ethics (CAC/RCP 20-1979 (revised in 1985 and 2010), where it is stated ‘No food (including re-exported food) should be in international trade which: ....f) has an expiration date, where applicable, which does not leave sufficient time for distribution in the importing country’. It is noted that the date of minimum durability is not included in this statement. A request to the Codex Committee on General Principles (CCGP) to amend this text to reflect the revised definitions in GSLPF could potentially be considered. The second point is also covered by the Codex Code of Ethics and General Principles of the GSLPF in that false, misleading and deceptive labelling is prevented. However, additional specific text to address this issue may warrant consideration.

*Date marking for specific situations: i) Date marking on primary and secondary packaging. ii) Date marking on foods which will be processed further and iii) Simplified date marking for small food businesses.* For each of these scenarios the need for date marking will need to be considered and thought be given to the best approach to manage the associated concerns. It is also noted that additional specific situations maybe identified and will also need to be considered.

*Use of Coded date marks and voluntary date marks.* Several responses noted that coded date marks cause confusion in both consumers and regulators as they are often difficult to use and their meaning is unclear. The use of voluntary date marking, particularly by retailers, importers and other stakeholders, to assist in stock control was also noted. To review this issue, there is a need to determine the range of coded date marks, what these provide in addition to the different date marks discussed in GSLPF (or the revised GSLPF) and the needs of the different stakeholders.

*Inclusion of general principle statements.* While this was not raised as an additional issue, it was identified in responses on approaches taken with regard to date marking. In several instances it was noted that legislation clarifies that date marking and determining if a quality or safety date mark is required is the responsibility of the manufacturer. Consideration may need to be given if this and other general principle statements (such as, obligations of authorities as exporting and importing countries) need to be added to the General Principles section of GSLPF.

#### **Recommendation:**

At this point it would be timely for the Committee to consider the issues identified as phase two and to decide whether new work needs to be proposed to address these issues.

It is recommended that the Committee discuss whether or not the issues identified as “phase two” should be progressed at this stage noting that this would need to progress as new work.