

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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Agenda Item 2, 7, 8, 9

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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD LABELLING

Forty-fourth Session

Asunción, Paraguay, 16-20 October 2017

(Comments from India, AU, El Salvador, EU, Thailand, IDF)

#### ITEM 2a: MATTERS REFERRED

##### INDIA

India supports the proposal from CCFH to merge bullets 1.1 and 1.2 as a single criterion.

##### AU

###### **Paragraph 7**

Response received from the Codex Committee for Food Hygiene (CCFH48) on the criteria for exemption from Date Marking in relation to the Revision of the GSLPF.

###### **Position:**

AU proposes a modification of the criteria as currently stated and also propose that the entire list of criteria be sent back to CCFH for additional guidance. Refer to position on "Agenda Item 5 Section 4.7.1 (vii) Criteria for Exemption from Date Marking".

###### **Rationale:**

The criteria as stated currently are ambiguous and could potentially be misinterpreted. Refer to rationale on "Agenda Item 5 Section 4.7.1 (vii) Criteria for Exemption from Date Marking".

###### **Paragraphs 9-11**

The Committee on Fats and Oils (CCFO25) has requested for guidance on the use of the term "high oleic acid" in palm oil.

###### **Position:**

Palm oil containing 48-58% should be classified as "mid oleic acid". CCFL could consider developing specific definition and/or qualifying criteria for these terms.

###### **Rationale:**

The current standard for Named Vegetable Oil (Codex STAN 210:1999) includes specifications of Oleic acid content for Safflowerseed oil - high oleic acid (70.0-83.7), Sunflowerseed oil - high oleic acid (75-90.7) and Sunflowerseed oil - mid oleic acid (43.1-71.8). It also specifies that the oleic acid content in high oleic acid safflower oil and high oleic acid sunflower oil must not be less than 70% and 75% respectively. Although the standard does not clearly define the terms "High oleic acid" and "Mid Oleic Acid", it is important that the provisions within the same standard should be harmonised and not be contradictory. Thus since the proposed range of oleic acid in palm oil is similar to that for Sunflowerseed oil - mid oleic acid, they should be in the same category (mid oleic acid).

The development of clear definition and qualifying criteria will help to avoid ambiguity and minimise confusion for both regulators and manufacturers.

**ITEM 2b: USE OF THE TERMS “FLAVOUR” AND “FLAVOURINGS” IN LABELLING****EL SALVADOR**

El Salvador no apoya este trabajo, ya que la normativa aplicable a nivel nacional y centroamericano es el Reglamento Técnico Centroamericano RTCA 67.01.07:10 “Etiquetado general de los alimentos previamente envasados (preenvasados)”, en el cual se establecen los términos “aroma” y “aromatizantes” de forma indistinta, los términos son utilizados como sinónimos.

**INDIA****General Comments**

India appreciates the work done in the preparation of this Agenda which gives a brief background of the Development of the Codex Guidelines for the Use of Flavourings, the translation of the terms “flavouring” and “flavour” in other languages and the Qualifiers for flavourings along with their history at Codex.

**Specific Comments****Paragraph 75**

India supports keeping the current text in the Section 4.2.3.4 of the GSLPF as such, thus keeping both the terms ‘Flavours’ and ‘Flavourings’

Rationale: These terms are well understood and widely in practice currently. Both the terms are used interchangeably and convey the same message.

**Paragraph 76**

For the qualifying expressions, out of the three options, India supports Option III, which reads as:

*“The expression “flavour(s)” and “flavouring(s)” may be qualified by the words “natural” in the case of natural flavourings as defined in CAC/GL 66-2008, “artificial” or “nature-identical” in the case of synthetic flavourings as defined in CAC/GL 66-2008, or a combination of these words, as appropriate”.*

Rationale: The terms used in Codex General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985), are well established and are widely understood by all stakeholders involved without any confusion and associated food safety issue.

**THAILAND****1. Thailand is of the opinion that both terms “flavour” and “flavouring” should be allowed to be used in consumer package, thus retained in Codex Stan 1-1985.**

Rationale:

Although this proposal will result in the differences between Codex Stan 1-1985 and Codex Stan 107-1981, the context of the two standards is somewhat different. While Codex Stan 107-1981 applies to the labeling of “food additives” sold as such by retail or others, including caterers and food manufacturers, Codex Stan 1-1985 applies to those prepackaged foods offered as such to consumers or for catering purposes. Therefore, Codex Stan 1-1985 needs more careful consideration on the effect of any change on label on consumer perception and understanding.

The terms, “flavour” and “flavouring”, have been used on consumer package and familiarised by consumers for some times, hence these terms are unlikely to cause any misunderstanding to them. Consumers may understand both terms are interchangeable. Allowing the use only flavouring may instead cause confusion.

In conclusion, having both terms on the label of consumer package will not have any impact on consumer understanding but use only one term may create confusion.

**2. Thailand does not object the removal of the term of “natural-identical”.**

Rationale:

**This is not the same case the “flavour” and “flavouring”, consumers understand the terms “natural”, “natural-identical” and “artificial” flavourings are different from each other. By removing the term “natural-identical” will not cause any confusion instead it reflects clearer the sources of flavourings whether they are from natural sources or chemical synthesis. With this, we agree to delete “natural-**

identical” in Codex Stan 1-1985 to be in accordance with the amended Codex Stan 107-1971 and the definition identified in CAC/GL 66-2008.

## ITEM 7: FRONT OF PACK LABELLING DISCUSSION PAPER

### EUROPEAN UNION

The European Union and its Member States (EUMS) would like to thank Costa Rica and New Zealand for the preparation of the discussion paper and its attached Draft Project Document on the Development of Guidance on Use of Simplified Nutrition Information on the Front of Pack.

The EUMS consider that the Codex *Guidelines on Nutrition Labelling* allow for the use of front of pack nutrition labelling. However, the content of the related section being limited, the EUMS support further development in this area via the inclusion of general principles for the development and implementation of front of pack labelling systems within Section 5 of the existing *Guidelines on Nutrition Labelling*. A clear definition of FOPL should also be included.

The EU Regulation (EU) 1169/2011 on foods information to consumers allows, Member States to recommend or food business operators to use additional forms of expression and presentation of the mandatory nutrition declaration on the front of pack, provided that the following requirements are met:

- (a) they are based on sound and scientifically valid consumer research and do not mislead the consumer;
- (b) their development is the result of consultation with a wide range of stakeholder groups;
- (c) they aim to facilitate consumer understanding of the contribution or importance of the food to the energy and nutrient content of a diet;
- (d) they are supported by scientifically valid evidence of understanding of such forms of expression or presentation by the average consumer;
- (e) in the case of other forms of expression, they are based either on the harmonised reference intakes, or in their absence, on generally accepted scientific advice on intakes for energy or nutrients;
- (f) they are objective and non-discriminatory; and
- (g) their application does not create obstacles to the free movement of goods.

Regarding nutritional front-of-pack system referring to the overall beneficial nutritional quality of a food as a whole, the EU Regulation (EC) 1924/2006 on nutrition and health claims made on foods also allows Member States to develop and adopt such systems provided that the general requirements of the legislation are met. However, no specific criteria have been developed at this stage for this kind of system.

To conclude, the EUMS support further development at Codex level in the area of front of pack nutrition labelling through the elaboration of a definition of FOPL and of general principles within the existing *Guidelines on Nutrition Labelling*. In case of agreement to pursue this work, further considerations will need to be given on the respective roles of CCFL and CCFNSDU in the revision of these guidelines.

### THAILAND

Thailand supports the work on Front-of-pack labeling as new work as it will increase the understanding of consumers on the nutritional labeling of food and harmonize this type of labeling in international market. We are of the view that this new work should be included in Guidelines on Nutrition Labelling (CAC/GL 2-1985) either inserted as a section or an annex. We also suggest setting a clear definition for “Front-of-pack labeling” on what is included.

### IDF

IDF supports the recommendation of the eWG Chairs on consideration of issues regarding front-of- pack nutrition labelling to develop general guidelines that provide clear and transparent guidance supported by sound science.

The overarching objective of FOP nutrition labelling should be to deliver meaningful public health outcomes and to provide consumers with accurate and transparent nutrition information labelling, based on sound science and in a format that **enables consumers to choose foods** to achieve a balanced diet.

If CCFL members agree to start new work to develop general principles for FOPL guidance, IDF would like to specify some general principles that should be followed:

#### Regarding the form and content, the FOP scheme should

- Be underpinned by **scientific evidence** and aligned to country-specific Dietary Guidelines
- Take into account the overall nutritional value and substantial scientific evidence for health benefits of a range of nutrient-rich foods with both **beneficial and detrimental nutrients** and therefore it is imperative that core food groups and **food categories be considered distinctively** (for example consider core dairy foods which are complex nutrient rich foods with well-established health benefits)
- Be **voluntary**
- Be **objective and non-discriminatory**. Stigmatization of a food product is not acceptable as any food product has its place in a balanced diet. It is the **portion size** typically consumed and the **frequency** of consumption that should be taken into account.
- Consider the diversity and the specific needs of people living in different regions of the world
- Not oversimplify, reflect dietary guidelines and should drive consumer to the full nutrition facts information

#### Regarding the groups involved in the schemes development

- **All stakeholders should be involved** in decision making as only an endorsement of all the stakeholders will encourage the use of voluntary FOP scheme on packaging.
- In addition to nutrition experts, support from experts in human and social food sciences will be also key factor for this work.

#### Regarding the implementation and follow-up, it must be ensured that

- FOP Labelling should always be accompanied by a comprehensive **educational program** as **consumer education** remains a key element to help achieving balanced diets
- Any symbol, scheme be **evaluated** in order to check the consumer understanding of the role of the food in a balanced diet.
- It would not create consumer orthorexia
- The scheme is evaluated to assess the **public health outcomes** through its impact on the incidence of non-communicable diseases

Regarding this last point, we do note that in a recent opinion published by the French food safety agency it is stated that in the current state of knowledge, the nutritional relevance for public health of the FOP labels like traffic lights “could not be substantiated”<sup>1</sup>. CCFL conclusion should encourage the scientific research on this aspect.

### AU

AU agrees with the conclusions of the eWG that although there were several different formats for presenting FOP nutrition labelling, there were still enough common elements within the schemes.

#### **Rationale:**

A stocktake of the formats revealed that the schemes were either Voluntary, Industry or Government led resulting in a wide range of available formats. However, there were some commonalities such as in terms of the criteria used to define the FOP nutrition labelling scheme, including considerations of nutrients related to NCDs. These points of cohesion could form the basis for developing general scientific principles for the application of FOP nutrition labelling.

#### **Position:**

AU supports with the conclusion that complementary education, awareness and communication is a critical success factor for any FOP nutrition labelling system.

#### **Rationale:**

The importance of concurrent consumer education and directed communication on nutrition labelling to support the use of FOP nutrition labelling cannot be overemphasised. This is because the implementation of nutritional labelling alone cannot guarantee the desired behavioural changes within the targeted consumer population. It

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<sup>1</sup> <https://www.anses.fr/en/content/nutrition-information-programmes-inadequate-evidence-substantiate-their-relevance-public>

will help in providing consumers with the appropriate understanding and application of the information presented to allow them make informed food choices.

#### **Discussion Paper, paragraph 5**

AU supports the recommendation to initiate new work to develop general guidelines on FOP nutrition labelling including definitions of what constitutes FOP nutrition labelling and options.

#### **Rationale:**

**This is an important initiative because harmonisation of the principles underlining the development of these FOP will be beneficial to consumers' understanding and potential use of this information considering the extent of the global trade of prepackaged foods. It will also help in removing potential barriers to trade as a result of lack of uniformity in national requirements for these FOP schemes.**

Item 8: Consumer preference claims discussion paper

#### **Paragraph 13**

AU supports the conclusion to continue the work using the *General Guidelines on Claims* instead of developing a new document.

#### **Rationale:**

The *General Guidelines on Claims* has the framework to deal with consumer preference on Claims with slight modifications such as introduction of definition of new terms.

#### **Paragraph 14**

Recommendation (a): Proposed Definition for consumer preference

We recommend that the proposed definition should be revised to read as follows: Consumer preference means that the consumer likes one kind of product ~~or production method~~ over others which are available in the market due to **the presentation of** one or more specific characteristic/s. ~~in a way to make it preferable to consumer.~~

#### **Rationale:**

There are other elements apart from production method (e.g. geographical origin) which could form the basis of consumer preference or selection of a particular food product. The inclusion of phrase 'specific characteristics' in the definition is a sufficient form of distinction.

#### **Position (Paragraph 14):**

Recommendation (b)

We propose to revise sentence to read as follows: Any consumer preference claims made by the business operators shall be based on positive unequivocal objective **as per the requirements of the competent authority.** ~~evidences such as accredited conformity assessment activities including reports of validated test methods~~

#### **Rationale:**

The requirement should not be prescriptive; the standard should allow for innovation. The onus is on the manufacturer to provide objective evidence, as deemed acceptable by competent authorities, to substantiate any claims made.

#### **Paragraph 14**

Recommendation (c): This recommendation is related to "false, mislead and deceptive claims" should be deleted.

#### **Rationale:**

This is already provided for in the *General Guidelines on Claims*; it is a combination of the current Principles 1.2 and 1.3.

## **ITEM 8: CONSUMER PREFERENCE CLAIMS**

## **EL SALVADOR**

El Salvador agradece a las delegaciones de Irán y Turquía la preparación del documento de debate sobre los temas relacionados a las declaraciones de propiedades de preferencia de los consumidores. Considera que este tema es complejo y que debe justificarse científicamente para no inducir a engaño o confusión al consumidor.

## **THAILAND**

Thailand does not object the work on “consumer preference claim”. However, we are of the view that the scope of this work should be limited to the amendment of CAC/GL 1-1979. One aspect of this amendment may be to consider making a clearer link between the general claim under the scope of CAC/GL 1-1979 and the specific claims, for example “halal” or “organic”, which Codex already has specific requirements for making these claims. In addition, the work on “consumer preference claim” should not be used to replace these specific claims.

## **ITEM 9: FUTURE WORK**

### **EL SALVADOR**

El Salvador agradece el documento resumen preparado por Canadá considera que es importante que el Comité de Etiquetado de Alimentos investigue la dirección y el futuro trabajo para dicho comité. En los Trabajos potenciales del comité, sobre el tema Etiquetado en la parte delantera de los envases se agradece la información generada por el Grupo de Trabajo Electrónico gestionada por Costa Rica, la información presentada sobre este tema es amplia y brinda conocimiento del tema a nivel internacional. En El Salvador estamos analizando datos y resultados de investigación sobre el impacto en la salud y la garantía de reducción de enfermedades crónicas no transmisibles, de aquellos países que ya cuentan con este sistema. Consideramos que se debe invertir en estrategias para educar al consumidor.

### **EUROPEAN UNION**

The European Union and its Member States (EUMS) support in particular the following topics:

- **Internet Sales/e-commerce**
- **Innovation – use of technology in food labelling**
- **Front of Pack Nutrition Labelling**
- **Allergen Labelling: updating food allergen labelling requirements**

**Other topics** can also be supported but are not considered as priorities for the EUMS:

- Date Marking – additional guidance:
  - Storage instructions and expected shelf life on products post opening;
  - Date marking on primary and secondary packaging.
- Alcohol Labelling and Guidance (alcohol strength and energy content as proposed in the Canadian discussion paper on future work)
- Labelling of Foods in Multipack format
- Harmonisation of criteria for the use of additional health mentions for specific types of food
- Updating of Standards
- Nutrition labelling/Ingredients labelling

### **INDIA**

India supports to start work on the following three areas:

- i.) Advertising
- ii.) Internet Sales of Food
- iii.) Criteria for the Definition of "high in" Nutritional Descriptors for Fat, Sugar, and Sodium.

## **THAILAND**

Thailand supports the current and potential works of CCFL. For future work, we have found several topics proposed by member countries are very interesting, especially the allergen labeling, innovation – use of technology in food labeling and internet sales/e-commerce.

We also would like to propose CCFL to reconsider undertaking the work on the revision of Guidelines for the production, processing, labeling and marketing of organically produced foods – organic aquaculture. Thailand believes that this is an important work that should be continued. If CCFL would continue to work on this revision, it would be very economical approach compared to setting new subsidiary body.

## **AU**

### **Paragraph 10**

AU recommends that the *General Guidelines on Claims* should be revised to include a definition of the term 'Natural'.

#### **Rationale:**

Most countries do not have guidelines or definitions on the term although it is widely used on food products.

### **Paragraph 13**

We recommend that additional clarity should be provided on the requirement on “Country of origin labelling”

#### **Rationale:**

Based on clause 4.4 of GSLPF, where any one of the ‘manufacturer, or packer, etc’ is required, the omission of country of origin can have an impact on product traceability.

### **Paragraph 15**

AU recommends that the Committee considers work on food advertisements in the future.

#### **Rationale:**

This is covered in the terms of reference of CCFL. In addition, tools or guidelines on food promotions/advertisements are needed to ensure protection of consumers from false and misleading claims.

### **Paragraph 16; Paragraph 22 (x)**

We recommend that CCFL takes up future work to develop guidelines on Internet Sales of Foods.

#### **Rationale:**

Though the physical product complies with local requirements, on social media claims are presented which are not substantiated. This poses a difficulty to regulator since there are no formal guidelines to control such activities. Additionally, it helps to protect consumers, since the risks are higher in cyberspace as compared to the traditional or conventional market space.

### **Potential Work**

A list of potential work for possible consideration by future sessions of CCFL was compiled to help in determining the future direction of the work of the Committee.

### **Paragraph 20 Front Pack Nutrition Labelling**

#### **Position**

AU supports the development of guidance on Front of Pack Nutrition Labelling.

### **Paragraph 21: Date marking – additional guidance**

#### **Position**

AU supports the areas listed for which further guidance could be provided for clarity, with special emphasis on the following specific areas:

- a. date marking on frozen foods
- c. storage instructions and expected shelf life on products post opening
- d. ethical considerations:
  - i) exportation of expired or close to expired products

- ii) tampering of date marks
- e. date marking for special situations:
  - iii) simplified date marking for small food businesses
- f. use of coded date marks and voluntary date marks

**Rationale:**

- a. Date marking on frozen foods: Absence of date marking on such products, provides an opportunity to mislead the consumer. E.g. for frozen fish, it will be difficult to assess if the expiration date has passed simply by looking at the product.
- c. Storage instructions and expected shelf life on products post opening: it will provide more guidance for consumers, especially where the product needs to be consumed within a specific time frame for safety reasons.
- d. Ethical considerations:
  - i) Exportation of expired or close to expired products: guidance is needed to clarify the length of the remaining shelf life required before a product can be allowed into a country. This will discourage 'dumping' of food products.
  - ii) Tampering of date marks: This distorts the actual shelf life of the product thus misleading both consumers and regulators as regards the quality and safety of the product.
- e. Date marking for special situations:
  - iii) Simplified date marking for small food businesses: The CCFL could consider developing a standardized approach for abbreviations for "Expiration Date" such as EXP DATE and "Best Before" such as BB to avoid confusing consumer.
- f. Use of coded date marks and voluntary date marks: voluntary date marks such as Sell by date, provides formal guidance to maintain control of the food supply chain. E.g. wholesalers can use this to properly rotate stocks and ensure that quality and safety are maintained as well as reduce food waste.

**Paragraph 22**

The following were included in the list of Emerging Issues that were highlighted as a response to a circular letter (CL 2016/31-FL) on work of relevance to the Committee.

**Paragraph 22 (i)**

**Allergen Labelling:** AU supports the request to update the current list of allergens provided in the GSLPF.

**Rationale**

It will provide consumers with better clarity and information to help them make safer food choices. Also, it will provide manufacturers with updated information to allow the formulation of more innovative products for consumers. This review will also take account of new scientific findings.

**Paragraph 22 (ii)**

**Class names and other labelling in guidelines and standards:** AU supports the suggestion to review and possibly update the class names and other labelling provisions in CCFL standards.

**Rationale:**

The GSLPF was last updated in 2010 with the exception of the section on Date Marking which is currently being revised. It is therefore important to periodically review the standard particularly the class names and confirm that no new conditions exists to either include or delete ingredients included under the specified class names.

**Paragraph 22 (iii)**

**Labelling of Foods in Multipacks Formats:** AU supports the suggestion to develop new guidelines for the labelling of multipacked prepackaged foods.

**Rationale:**

The labelling of Multipacks often tend to miss critical information on the outer packaging making it difficult to evaluate the compliance of the entire product as presented. Developing specific guidelines for these products, including promotional items will help to address these concerns.

**Paragraph 22 (iv)**

**Sugar Labelling:** AU supports the suggestion to provide further clarity on the important issue of added sugars.

**Rationale:**

Distinguishing between added sugar and inherent sugar versus consumer's expectation are important in terms of nutritional labelling. Thus providing clearer guidelines will help to better inform consumers and avoid potential misleading claims. Additional considerations should be given to the current increased usage of sweeteners in foods.

**Paragraph 22 (v)**

**Nutritional labelling/Ingredient labelling:** AU looks forward to further discussions on this topic to potentially identify new means for nutritional and ingredient labelling.

**Rationale:**

There are still technological and capacity challenges within the region in terms of analytical capability to evaluate the nutritional information. Thus, although nutritional labelling is a critical aspect of protecting the consumer, we are still not able to request that nutritional labelling be a mandatory requirement. We could therefore explore alternate means of providing the relevant nutritional information to consumers.

**Paragraph 22 (vi)**

**Criteria for the Definition of "high in" Nutritional Descriptors for Fat, Sugar, and Sodium:** AU does not support the suggestion to develop new criteria for "high in..." fat, sugar and sodium.

**Rationale:**

Foods are generally considered as constituents of balanced diets instead of being individually classified as 'good' or 'bad' foods; since they either contain and/or lack specific nutrients. Such connotations of "high in fat, sugar, sodium" could negatively impact the perceptions of consumers with regard to specific foods. E.g. milk is high in saturated fats, therefore a claim of 'high in fat' on a milk label, may influence consumers not to purchase and consume an otherwise nutritious food.

**Paragraph 22 (vii)**

**Harmonization of criteria for the use of additional health related mentions for specific types of foods:** AU looks forward to further discussions on this topic to establish general guidelines to harmonize the criteria.

**Rationale:**

These Guidelines will help to clarify the levels and harmonize the specific warning messages for consumer's safety.

**Position (Paragraph 22 (viii)):**

**Alcohol labelling and Guidance:** AU looks forward to further discussions on this topic for the possible inclusion of energy content on the labels of alcoholic beverages.

**Rationale:**

With the rise of NCDs, the declaration of energy content on alcoholic beverages would benefit the consumer by providing the relevant information to make an informed decision.

**Paragraph 22 (xi)**

**Innovation–use of technology in food labelling:** AU looks forward to further discussions on this topic on the use of technology particularly e-labelling in foods.

**Rationale:**

**Additional information on the product will be made more accessible for the consumer. However, the guidelines are needed to avoid the abuse of technological advances to mislead consumers.**