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CODEX COMMITTEE ON FOOD LABELLING
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Draft Revision of the *General Standard for the Labelling of Prepackaged Foods*: date marking

Comments at Step 6 (Replies to CL 2016/34-FL)

Comments of Albania, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Ecuador, Egypt, India, Indonesia, Jordan, Kenya, Malaysia, Mexico, Nicaragua, Paraguay, Peru, Samoa, Syrian Arab Republic, United States of America, IDF

Background

1. This document compiles comments received through the Codex Online Commenting System (OCS) in response to CL 2016/34-FL issued in October 2016. Under the OCS, comments are compiled in the following order: general comments are listed first, followed by comments on specific paragraphs.

Guidance for interpreting Compiled comments table

2. The comments submitted through the OCS have been compiled in the Compiled comments table, hereby attached as **Annex I**.
3. Under the OCS, each paragraph of the **draft standard** is assigned a number (i.e. the title, section, subsections, texts, footnotes and in case of tables each grid).
4. For ease of reference, the draft standard¹ has been reproduced with automatic paragraph numbers as assigned by the OCS and is hereby attached as **Annex II**.
5. Columns under **Annex I** are headed as follows:
 - **“Para”** refers to the paragraph number assigned to the draft standard by the OCS (the paragraph number can be found in Annex II).
 - **“Text”** refers to the text of the paragraph on which a proposed change or comment has been made. This text can be either the original text (if only a comment has been made), or the proposed text (if a textual modification has also been suggested).
 - **“Comment”** includes the comment category, the author and the full text of the comment.
6. It is recommended that the compiled comments table (Annex I) is read side by side or in conjunction with Annex II.

¹ REP16/FL, Appendix II

Compiled comments table for the Draft Revision of the *General Standard for the Labelling of Prepackaged Foods*: date marking

GENERAL COMMENTS		
1	Albania	OK
2	Brazil	<p>Brazil supports the revision of date marking provisions of the General Standard for the Labelling of Prepackaged Foods because the improvement of the definitions and the criteria for use of each type of date mark could assist in the reduction of food trade problems and confusion among consumers, food business operators and regulators.</p> <p>Brazil recognizes the progress that was made in the 43CCFL that allowed the document to be advanced in the Step process, especially the decision to amend the definition for “use by date” to cover both safety and quality aspects of foods.</p> <p>In this sense, our comments will focus in the draft criteria for exemption from date marking, the only issue that needed further consideration as noted in paragraph 48 of the REP16/FL.</p>
3	Canada	Generally, Canada supports the draft revision for date marking; our specific comments focus on the clarity of the criteria for exemptions, which we believe could benefit from further discussion.
4	Colombia	Colombia is grateful for the opportunity of participating in the review of this draft revision and is attaching its comments.
5	Costa Rica	Costa Rica welcomes the opportunity of commenting in the framework of this Committee. In this regard, we wish to submit the following observations:
6	Cuba	In principle, Cuba is in agreement with the document.
7	Ecuador	Ecuador appreciates the work done and considers welcoming and supporting the referred draft revision, taking into account the observations described below.
8	Egypt	Egypt supports the proposed draft revision to the General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985) to be adopted at Step 6
9	Kenya	Kenya takes note of the draft revision to the general standard for the labeling of the prepackaged foods (CODEX STAN 1-1985). However, there is need for consumer and manufacture education to create awareness on the terms at national level.
10	Malaysia	Malaysia supports the Draft Revision to the General Standard for the Labelling of Pre-packaged Foods: Date Marking.

11	Nicaragua	Nicaragua thanks the Committee for giving us the opportunity to submit comments regarding the project
12	Peru	Peru welcomes the opportunity of submitting its comments and states that it is in agreement with the proposed draft.
13	Samoa	Pre-packaged food shall not be described or presented on any label or in any labeling in a manner that is contrary to the law, false, misleading or deceptive or is likely to create an erroneous regarding its character in any respect.
14	Syrian Arab Republic	no comment
15	USA	<p>The United States believes the 43rd session of CCFL made significant progress in reaching agreement on key issues enabling the work to advance in the Step process. The final report of the 43rd session identified that the only outstanding issue remaining is drafting the criteria for exemptions from date marking. Specifically, the report noted that there was general agreement that: 1) the list of foods exempted from date marking should be illustrative; 2) the list of foods in the current standard was sufficient; and 3) criteria should be developed for exempting foods from date marking.</p> <p>The United States strongly supports the Committee's conclusions and would not support reopening the current list of exemptions for proposed amendments. This illustrative list applies to foods for which any change in quality is minimal over a long period of time. Quality in some products may actually improve based on longer storage periods. Foods such as salt, sugar and honey are not susceptible to microbial or chemical deterioration over time and were appropriately included in the list of exempted foods. Date marks would add little value beyond a simple visual inspection of the product. The list of identified foods is short and has remained unchanged for over 20 years and should be interpreted only as illustrative list of foods, not the only allowable exemptions.</p> <p>The United States recognizes that the current guidelines do not provide any criteria for how foods may be exempted from the application of a date mark and could support development of some general criteria to include in the general standard. Should the Committee decide to establish criteria, the United States strongly believes that CCFL will need to consult with other Codex committees as appropriate, including the Codex Committee on Food Hygiene (CCFH). CCFH has the appropriate technical experts needed for establishing any scientific or microbiological criteria for exemptions from the use of a safety or quality based date.</p>
16	IDF	IDF supports the criteria outlined in section 4.7.1(vii) (i.e. criteria for exemptions from date marking) and that the document advance in the Step process.

Specific comments

Comment number	para	text	comment
2. Definition of terms			
17	3		<p>Australia Suggest that this should apply specifically to an unopened package only, which is consistent with the approach taken in the definition for 'Best Before Date/Best Quality Before Date'. The shelf life of the food (and therefore the use-by date) would likely differ depending on whether or not it applied to an opened or unopened package and therefore this definition as currently worded creates uncertainty/lack of clarity. Noting the definition relies on 'the product should not be sold or consumed due....', determining an appropriate and 'safe' use-by date for an opened package (i.e. after being sold but not consumed) would be difficult as factors impacting on such a date mark would be unknown and variable, for example, the level and type of contamination by the consumer after opening the package.</p> <p>Proposed revised definition (new text in square brackets): "Use-by Date" or "Expiration Date" means the date which signifies the end of the period under any stated storage conditions, after which the [unopened] product should not be sold or consumed due to safety and quality reasons.</p>
18	4	For the purposes of the effects of this standard regarding it is understood, with the marking of the date of prepacked foods, the following definitions are understood:	<p>Ecuador <i>Category : EDITORIAL</i></p>
19	5	"Date of manufacture" means the date on which the food becomes the product as described. This is not an indication of the durability <u>period of useful life</u> of the product.	<p>Ecuador <i>Category : EDITORIAL</i></p>

20	5	<p>“Date of Manufacture” means the date on which the food becomes the product as described. This is not an indication of the durability of the product.</p> <p><i>[Comment is specific for the Spanish text adding an additional Spanish synonym]</i></p>	<p>Colombia Colombia (15 may. 2017 8:21 p. m.)</p> <p>The inclusion of the proposed synonyms in the text that has been underlined and in bold allows to clarify and to unify the terms that may facilitate the trade of the products</p> <p>Category : TECHNICAL</p>
21	6	<p>“Date of Packaging” means the date on which the food is placed in the immediate container in which it will be ultimately sold. This is not an indication of the durability of the product.</p>	<p>Jordan does it include also date of harvest for certain products such as rice?</p> <p>Category : EDITORIAL</p>
22	6	<p>“Date of Packaging” means the date on which the food is placed in the immediate container in which it will be ultimately sold. This is not an indication of the durability <u>period of useful life</u> of the product.</p>	<p>Ecuador Category : EDITORIAL</p>
23	7	<p>“Best Before Date” or “Best Quality Before Date” means the date which signifies the end of the period, under any stated storage conditions, during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption.</p> <p><u>Means the date which signifies the end of the period, under any stated storage conditions, during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption.</u></p>	<p>Nicaragua We recommend eliminating the term “Best Quality Before Date” as determining the “best quality” is subjective and could generate speculations.</p> <p>Category : EDITORIAL</p>
24	7	<p>“Best Before Date” or “Best Quality Before Date” or <u>“Minimum Durability Date”</u> means the date which signifies the end of the period, under any stated storage conditions, during which the unopened product will remain</p>	<p>Colombia Colombia (15 may. 2017 8:21 p. m.)</p> <p>The inclusion of the proposed synonyms underlined and in bold in the text</p>

		fully marketable and will retain any specific qualities for which implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption.	allows to clarify and unify the terms that may facilitate the trade of the products <i>Category : TECHNICAL</i>
25	7	“Best Before Date” or “Best Quality Before Date means the date which signifies the end of the period, under any stated storage conditions, during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption. <i>[Comment is specific for the Spanish text]</i>	Peru Peru believes that the term `limite` should be added as `“Fecha de mejor calidad” means that the date indicated in the container is the best day for the quality of the food but not the limit date of guaranteeing the quality of the food. <i>Category : SUBSTANTIVE</i>
26	8	“Use-by Date” or “Expiration Date” means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons.	Costa Rica ”, indicates that the product cannot be consumed due to safety and quality reasons. However, a product not any longer appropriate due to quality reasons is not necessary unsafe. Therefore we would like to propose the following wording: “Use-by Date” or “Expiration Date” means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and/or quality reasons. <i>Category : EDITORIAL</i>
27	8	“Use-by Date” or “Expiration Date” means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold <u>marketed</u> or consumed due to safety and quality reasons.	Nicaragua <i>Category : EDITORIAL</i>
28	8	“Use-by Date” or “Expiration Date” means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons. <i>[Comment is specific for the Spanish text]</i>	Nicaragua We recommend using the synonym "vencimiento" to improve understanding. <i>Category : EDITORIAL</i>

29	8	<p>Use-by Date” or “Expiration Date” means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons.</p> <p><i>[Comment is specific for the Spanish text]</i></p>	<p>Chile Add as a synonym of the definition “<i>Fecha de vencimiento</i>”. Chile has indicated the need to include this synonym in all comment rounds as in Chile, and in many Spanish speaking countries, this expression is extensively used by the consumers. <i>Category : EDITORIAL</i></p>
30	8	<p>Use-by Date” or “Expiration Date” means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons.</p> <p><i>[Comment is specific for the Spanish text]</i></p>	<p>Paraguay We suggest adding, as a synonym <i>[In the Spanish text]</i>, the caption “<i>Fecha de vencimiento</i>”, a term with which we are more familiar at the regional level to indicate the food expiration date in the label. <i>Category : EDITORIAL</i></p>
31	8	<p>“Use-by Date” or “Expiration Date means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to <u>safety and quality</u> reasons.</p> <p><i>[Part of this comment applies only to the Spanish text adding some synonyms. The deletion of and quality applies to all versions]</i></p>	<p>Colombia Colombia (15 May 2017 8:21 p. m.) The inclusion of the proposed synonyms in the text that has been underlined and in bold allows to clarify and to unify the terms that may facilitate the trade of the products. Likewise, in the text of “Use-by Date, it is proposed to eliminate the words "and quality" since that date is associated with those parameters that guarantee the safety of the product which, therefore, should not be consumed. On the contrary, the Best Quality Date is associated with the quality characteristics that a product has and that in the course of time could decrease, but the product could remain safe and could be consumed <i>Category : TECHNICAL</i></p>
32	8	<p>“Use-by Date” or “Expiration Date” means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons.</p> <p><i>[Comment is specific for the Spanish text]</i></p>	<p>Mexico Comment/Justification: <i>[In the Spanish text]</i> the term “<i>se entiende</i>” is eliminated to harmonize the style with the other definitions. <i>Category : EDITORIAL</i></p>
33	8	<p>“Use-by Date” or “Expiration Date” means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons.</p>	<p>Mexico 1. Comment/Justification: It is a list of definitions and in the paragraph where the list is given the preposition “<i>POR</i>” [BY] is already included <i>[in</i></p>

		<i>[Comment is specific for the Spanish text]</i>	<i>the Spanish text]</i> so it is not required to include it in each definition, or as an alternative, only in one of them. <i>Category : EDITORIAL</i>
4.7 Date marking and storage instructions			
34	9	Date marking and <u>storage conservation</u> instructions.	Colombia The amendment is to obtain clarity and consistency of terms, as storage is associated with only one stage of the process, while the term “conservation” is related to the whole chain, from storage to consumption. <i>Category : TECHNICAL</i>
4.7.1			
35	10	If not otherwise determined in an individual Codex standard, the following date marking shall apply, unless clause numeral <u>4.7.1(vii)</u> applies:	Ecuador <i>Category : EDITORIAL</i>
36	11	i) When a food must be consumed before a certain date to ensure its safety and quality the “Use-by Date” or “Expiration Date” ¹ shall be declared <i>[Comment is specific for the Spanish text]</i>	Paraguay We suggest adding, as a synonym [In the Spanish text] the statement “ <i>Fecha de vencimiento</i> ”, a term with which we are more familiar at the regional level to indicate the food expiration date in the label. <i>Category : EDITORIAL</i>
37	11	i) When a food must be consumed before a certain date to ensure its safety and quality the “Use-by Date” or “Expiration Date” ¹ shall be declared <i>[Part of this comment applies only to the Spanish text adding a synonym. The deletion of and quality applies to all versions]</i>	Colombia • For point i) it is proposed to eliminate the words “and quality” since that date is associated with those parameters that guarantee the safety of the product which, therefore, should not be consumed. . <i>Category : TECHNICAL</i>
38	11	i) When a food must be consumed before a certain date to ensure its safety and quality the “Use-by Date” or “Expiration Date” ¹ shall be declared.” ¹ .	Mexico Comments/justification: According to the space to give the lot and the commercial characteristics of each country, is requested to include the possibility of using a different type of captions in order to provide flexibility.

			<p>Comments/justification: We request to include this assumption since some imported products declare the month with three letters in another language for example: January JAN, April APR, August AUG December DEC</p> <p><i>Category : EDITORIAL</i></p>
39	11	<p>i) When a food must be consumed before a certain date to ensure its safety and quality the “Use-by Date” or “Expiration Date”¹ shall be declared.”¹.</p> <p><u>The use of abbreviations or similar captions is accepted, such as [In the Spanish text]: Caducidad”, “Fecha de caducidad”, “Fech Cad”, CAD, Cad, cad, Fecha de expiración, Expira, Exp, EXP, exp, Fecha de vencimiento, Vencimiento.</u></p> <p><u>In the case of import products, when the date mark does not correspond to the format established in paragraph 4.7.1 indent (iii)), this may be adjusted to become compliant with the established formality, or in this case, the label or the container must include the interpretation of the date indicated. In none of these cases, will the adjustments be considered a change.</u></p>	<p>Mexico <i>Category : EDITORIAL</i></p>
40	13	<p>Where a “Use-by Date” or “Expiration Date” is not required the “Best-Before Date” or “Best Quality Before Date” shall be declared.</p> <p><i>[Comment is specific for the Spanish text.]</i></p>	<p>Paraguay We suggest adding, as a synonym [<i>In the Spanish text</i>], the statement “<i>Fecha de vencimiento</i>”, a term with which we are more familiar at the regional level to indicate the food expiration date in the label.</p> <p><i>Category : EDITORIAL</i></p>
41	13	<p>Where a “Use-by Date” or “Expiration Date” is not required the “Best-Before Date” or “Best Quality Before Date” shall be declared”</p> <p><i>[Comment is specific for the Spanish text]</i></p>	<p>Colombia</p> <ul style="list-style-type: none"> • The inclusion of the proposed synonyms that have been underlined and in bold [<i>in the Spanish text</i>] allows to clarify and to unify the terms that may facilitate the trade of the products <p><i>Category : TECHNICAL</i></p>

42	13	<p>Where a “Use-by Date” or “Expiration Date” is not required” the “Best-Before Date” or “Best Quality Before Date” shall be declared.</p> <p><i>[Comment is specific for the Spanish text]</i></p>	<p>Peru</p> <p>In agreement with the previous comment</p> <p><i>Category : SUBSTANTIVE</i></p>
43	13	<p>Where a “Use-by Date” or “Expiration Date” is not required, the “Best-Before Date” or “Best Quality Before Date” shall be declared”. <u>The use of abbreviations or similar captions is accepted, such as [In the Spanish text]: “Consumir preferentemente antes del”, “Cons. Pref. antes del” and “Cons Pref”.</u></p> <p><u>In the case of import products, when the date mark does not correspond to the format established in paragraph 4.7.1 indent (iii), this may be adjusted to become compliant with the established format, or in this case, the label or the container must include the interpretation of the indicated date. In none of these cases, will the adjustments be considered an alteration</u></p> <p><i>[Comment is partially specific for the Spanish text]</i></p>	<p>Mexico</p> <p>Comments/justification: According to the space to indicate the lot and the commercial characteristics of each country, including the possibility of using a different type of captions in order to provide flexibility is requested.</p> <p>Comments/justification: We request to include this as some imported products declare the month with three letters in another language for example <i>[In the Spanish text]</i>: Enero JAN, Abril APR, Agosto AUG, Diciembre DEC</p> <p><i>Category : EDITORIAL</i></p>
44	15	<p>On products with a durability of not more than three months; the day, and the month <u>and the year</u>-shall be declared and in addition, the year when competent authorities consider consumers could be misled.</p>	<p>Peru</p> <p>Peru considers that the authority conferred to competent authorities to consider what may or may not mislead the consumer is unacceptable. This is due to the fact that government officials cannot and should not determine case by case the safety parameters, which are universal and, therefore, must not be subject to interpretations of any kind. Safety is safety, health is health. These concepts are non-negotiable.</p> <p><i>Category : SUBSTANTIVE</i></p>
45	16	<p>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 consider consumers could be misled.</p>	<p>Mexico</p> <p>Comment/Justification: We request the elimination of the requisite of declaring the year as it does not provide clarity to the user of the standard, implying uncertainty,</p> <p><i>Category : EDITORIAL</i></p>

46	16	On products <u>that have</u> with a durability of more than three months at least the month and year shall be declared.	Ecuador <i>Category : EDITORIAL</i>
47	16	On products with a durability of more than three months a <u>year</u> , at least the month and year shall be declared.	Peru Peru considers that this statement can only be valid for products with a useful life greater than one year, in order not to harm the rights of the consumer, as it involves an unacceptable risk that the consumer may consume a product that has already expired. A product with less than one year of life has a very short period of consumption to not consider including the exact date of expiration. For example: If a product life is of 4 months, made 01/03/2017 its Expiration Date would be 01/07/2017; If it is labelled only as "July/2017", one can understand that by July 31, 2017 the product is still current; This means adding an additional 30 days that are not validated (representing 25% of its total shelf life). <i>Category : SUBSTANTIVE</i>
48	17	The date shall be introduced by the words:	Australia To ensure clarity that only the date mark words are required and not the words insert date, we suggest inverted commas are placed only on the words required e.g. "Use-by" insert date or "Expiration Date" insert date. <i>Category : EDITORIAL</i>
49	18	"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 <i>[Comment is specific for the Spanish text]</i>	Paraguay We suggest adding, as a synonym <i>[In the Spanish text]</i> the statement "Fecha de vencimiento", a term with which we are more familiar at the regional level to indicate the food expiration date in the label. <i>Category : EDITORIAL</i>
50	18	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 <i>[Comment is specific for the Spanish text]</i>	Peru Peru considers this text <i>[In the Spanish version]</i> should be included, supplementing what was indicated above <i>Category : SUBSTANTIVE</i>

51	18	Use-by <insert date>" or Expiration Date <insert date>" or "Best before <insert date>" or "Best Quality Before <insert date>" as applicable <u>where the day is indicated; in terms of the previous numeral</u>	<p>Mexico Comments/justification: "As appropriate" is included in the sentence that introduces the list.</p> <p>It is requested that the differentiation between the 2 listed points be clarified, as the first indicates that it will be used "where the day is indicated" and the second one refers to "other cases". This is unclear and the distinction between the use or not use of the day is described in paragraph 4.7.1 iii).</p> <p>Category : EDITORIAL</p>
52	19	"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 <i>[Comment is specific for the Spanish text]</i>	<p>Paraguay We suggest adding, as a synonym (TN In the Spanish text), the statement "Fecha de vencimiento", a term with which we are more familiar at the regional level to indicate the food expiration date in the label.</p> <p>Category : EDITORIAL</p>
53	19	"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. <i>[Comment is specific for the Spanish text]</i>	<p>Peru Peru considers this text should be included, supplementing what was indicated above</p> <p>Category : SUBSTANTIVE</p>
54	19	"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.	<p>Mexico Category : EDITORIAL</p>
55	20	The words referred to in paragraph <u>indent</u> (iv) shall be accompanied by:	<p>Ecuador Category : EDITORIAL</p>
56	23	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	<p>Costa Rica In this case, Costa Rica wishes to point out the importance of clarifying if it is allowed the use of spaces, dashes or bars to make the separation, as some date marking equipment allows only a certain number of characters and it is not always viable to include lots of information in the equipment.</p> <p>Category : EDITORIAL</p>

		appropriate abbreviations accompanying the date mark (e.g. DD/MM/YYYY or YYYY/DD/MM).	
57	23	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). <u>AAAA/MM/DD</u> .	Nicaragua The International Standard ISO 8601 proposes a harmonized date format and therefore we propose that this format be included in the example, replacing the AAA/DD/MM format. <i>Category : EDITORIAL</i>
58	23	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) <u>AAAA/MM/DD</u>). <u>AAAA/DD/MM</u>) o <u>DD/MM/AA</u> o <u>AA/DD/MM</u> .	Mexico Comment/Justification: Include example in those cases where the year is declared with two digits. <i>Category : EDITORIAL</i>
4.7.1 (vii)			
59	24	Notwithstanding 4.7.1 (i) and 4.7.1 (ii), a date mark shall not be required for a food if one or more of the following criteria apply:	Australia The list of criteria in (vii) could potentially exempt a large number of foods from date marking requirements which is not what is intended. Comments in relation to the specific criteria are as follows: (vii) 1. As no time period is specified it is unclear at what point the safety/quality/deterioration is to be determined. In particular noting that even under stated storage conditions deterioration of quality can commence effectively from point of manufacture. (vii) 2. It is unclear what is intended by this criteria and what is meant by deterioration. The quality of many foods will eventually deteriorate to the point that deterioration is evident to the consumer. This exemption means

			<p>the consumer may not be provided with an indication of when they can expect a food to deteriorate, which is inconsistent with the intent of date marking requirements.</p> <p>(vii) 2 and 3. The situations in both 2 and 3 could potentially occur after the food has become unsafe and if so, an exemption from date marking should not be provided.</p> <p>(vii) 4. If these foods are not date marked, consumers will not know that they are intended to be consumed within 24 hours of their manufacture. The lack of a date mark on these types of foods could therefore provide uncertainty for consumers.</p> <p>If criteria approach is retained, the following are format and editorial comments</p> <p>The list format for 1 requires adjustment to make clear 1.1 and 1.2 are sub points of 1.</p> <p>(vii) 1.1. It should be made clearer that the examples in brackets are of types of preservation rather than food types.</p> <p>Proposed revised wording in square brackets: (e.g. [food preserved by alcohol or by high salt or acidity levels, or] low water activity) ;</p> <p>(vii) 3. It is unclear what is meant by the 'key' quality aspects. Is this in the context of organoleptic? Also noting this criterion appears to overlap with (vii) 1.</p> <p><i>Category : EDITORIAL</i></p>
60	24	Notwithstanding 4.7.1 (i) and 4.7.1 (ii), a date mark shall not be required for a food if one or more of the following criteria apply:	<p>Canada</p> <p>As the proposed Codex criteria states that a date mark shall not be required for a food if one or more of the criteria apply, a food that should require a food safety date could end up being exempt from the date mark, for example, it may not meet criterion 1, but could meet criterion 3. Canada believes that if a pre-packaged food must be consumed before a certain date to ensure its safety, the criterion should be designed to avoid the inadvertent exemption of such a food. Consideration could be given to either applying the criteria only to best before dating, or adding an overarching criterion that must be met, specifically that food safety cannot be compromised.</p> <p><i>Category : TECHNICAL</i></p>

61	24	(iv) Notwithstanding <u>in numeral 4.7.1 indents (i) and 4.7.1(ii)</u> , a date mark shall not be required for a food if one or more of the following criteria apply:	Ecuador <i>Category : EDITORIAL</i>
62	24	Notwithstanding 4.7.1 (i) and 4.7.1 (ii), a date mark shall not be required for a food if one or more of the following criteria apply:	Colombia It is considered that criteria 1, 2, 3 and 4, do not represent clearly the cases in which a date mark is not required. It is proposed that reference be made only to products that do not require a date mark, as it gives greater clarity. We believe that generating open aspects for the characterization of foods not subject to date marking generates a wider interpretation which is not convenient, as it is better to maintain the accuracy that has been in use in the Standard, which has not generated conflicts <i>Category : TECHNICAL</i>
63	25	Notwithstanding 4.7.1 (i) and 4.7.1 (ii), a date mark shall not be required for a food if one or more of the following criteria apply:	Mexico Mexico does not agree with the wording of the proposed criteria, as it is necessary to specify the manner through which exceptions will be established (e.g. shelf life studies), as well as indicating the reason for the inclusion of products such as wine and alcoholic beverages and fresh fruits (in bulk). <i>Category : EDITORIAL</i>
64	25	4. Where safety is not compromised and quality does not deteriorate	Brazil <i>Category : EDITORIAL</i>
65	25	1. Where safety is not compromised and quality does not deteriorate	Canada Canada supports the intention of the criterion, and the continued exemption of alcoholic beverages. It is noted, though, that any food will deteriorate at some point. If taken as presented, “quality does not deteriorate”, it could exclude all foods. A characterization of what “does not deteriorate” means, for example a timeframe, or a qualifier such as “appreciably deteriorate over several years” would make the criterion more meaningful and applicable <i>Category : EDITORIAL</i>

66	25	1. Where safety is not compromised and quality does not deteriorate : [Comment is specific for the Spanish text]	Ecuador Category : <i>EDITORIAL</i>
67	25	1. Where safety is not compromised and quality does not deteriorate :	Colombia Category : <i>TECHNICAL</i>
68	26	1.4 because of the preservative nature of the food is such that it cannot support microbial growth (e.g. alcohol, salt, acidity, low water activity); and/or	Brazil Category : <i>EDITORIAL</i>
69	26	1.4 because of the preservative nature of the food is such that it cannot support microbial growth (e.g. alcohol, salt, acidity, low water activity);	Colombia Category : <i>TECHNICAL</i>
70	27	1.2 under stated storage conditions; <u>1. Where safety is not compromised and quality does not deteriorate because the preservative nature of the food is such that it cannot support microbial growth under stated storage conditions.</u>	Brazil Rationale: Brazil supports the suggestion made by the 48CCFH to merge bullets 1.1 and 1.2 as a single criterion because, regardless of the nature of foods, the safety and quality of these foods will always be dependent on the storage conditions. However, we suggest excluding the examples of the preservative nature of the food (i.e. alcohol, salt, acidity, low water activity) because they are subjective and this section already covers examples of foods that have these characteristics. Category : <i>EDITORIAL</i>
71	27	1.2 under stated storage conditions <u>appropriate according to the characteristics of the product</u>	Chile add "stated storage conditions <u>according to the characteristics of the food product</u> " Justification: For clarification of the concept it refers to. Category : <i>EDITORIAL</i>
72	27	4.2 <u>under stated storage conditions</u> ;	Colombia Category : <i>TECHNICAL</i>
73	28	2. Where the deterioration is evident to the consumer;	Brazil Brazil supports the remaining criteria.

			<i>Category : EDITORIAL</i>
74	28	2. Where the deterioration is evident to the consumer;	<p>Canada</p> <p>This criterion, as written, may not meet the needs of consumers, who are interested in knowing how long a product they are considering purchasing will last. Many products could fall into this category, even prepackaged ones, which may show signs of deterioration, such as leaking or odours. While a consumer will not purchase a product they can see is deteriorated, they may still want to have a best before date so they know how long the product should last for and can make their purchasing decision accordingly.</p> <p>Additionally, the proposed criterion could also be applied inconsistently, based on the type of packaging a food is contained in. If the packaging does not allow the deterioration of a food to be "evident", then the food would seem to require a date mark. This could be confusing for consumers in understanding why they are sometimes given a date mark and sometimes not given one for the same type of food. For example, based on the proposed criterion, fresh fruits and vegetables in a package that does not allow a consumer to view the deterioration would require a date mark. For clarity, the illustrative example in the list below could be amended so it does not conflict with the criteria. For example, "fresh fruits and vegetables, including tubers, which have not been peeled, cut or similarly treated, and when not packaged in a container such that deterioration is not evident to the consumer".</p> <p>Consideration could also be given to how this criterion would apply to foods sold over the internet or home delivered where the consumer will not be able to inspect the pre-packaged products at time of purchase.</p> <p><i>Category : EDITORIAL</i></p>
75	28	2. Where the deterioration is evident to the consumer;	<p>Ecuador</p> <p>Ecuador considers that point 2 should be eliminated from vii), as it would be too subjective for the consumer; the criteria are different for each person and not all deteriorated foods show evident decay signs or, we suggest, to clarify this point with examples.</p> <p><i>Category : TECHNICAL</i></p>

76	28	2. Where the deterioration is evident to the consumer;	Colombia <i>Category : TECHNICAL</i>
77	29	3. Where the key/organoleptic quality aspects of the food are not lost;	Brazil Brazil supports the remaining criteria. <i>Category : EDITORIAL</i>
78	29	3. Where the key/organoleptic quality aspects of the food are not lost;	Canada This criterion may not be clear enough to be applied or measured and enforced. Like criterion 1, it may also benefit from a characterization of what "not lost" means. <i>Category : EDITORIAL</i>
79	29	3. Where the key/organoleptic quality aspects of the food are not lost;	Colombia <i>Category : TECHNICAL</i>
80	30	4. Where the food is intended to be consumed within 24 hours of its manufacture.	Brazil Brazil supports the remaining criteria. <i>Category : EDITORIAL</i>
81	30	4. Where the food is intended to be consumed within 24 hours of its manufacture.	Canada Many foods could be consumed within 24 hours of manufacture, which could lead to more products being exempted than intended. In the case of pre-packaged products with short shelf life ranging from 1 to a few days, the criterion could result in inconsistent use of date marks on the same types of products if manufacturers make different determinations on whether it should be consumed in 24 hours. Consideration to additional characterizing of this criterion may contribute to consistent interpretation, such as an indication that the quality significantly deteriorates after 24 hours, or that the durable life is not greater than 24 hours. <i>Category : EDITORIAL</i>

82	30	4. Where the food is intended to be consumed within 24 hours of its manufacture.	Colombia Category : TECHNICAL
83	31	For example, foods such as:	Colombia Category : TECHNICAL
84	31	For example the following foods <u>that are given in an illustrative but not in a limiting way</u>	Mexico Category : EDITORIAL
85	32	fresh fruits and vegetables, including tubers, which have not been peeled, cut or similarly treated;	Canada For simplification Category : EDITORIAL
86	32	fresh fruits and vegetables, including tubers, which have not been peeled, cut or similarly treated; <i>[Comment is specific for the Spanish text]</i>	Colombia • Regarding the elimination of “ <i>hortalizas frescas</i> ” <i>[In the Spanish text]</i> we propose changing it to “ <i>vegetales</i> ”, as it may include other products, such as fresh grains. Category : TECHNICAL
87	35	bakers’ or pastry-cooks’ wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;	India It is proposed to delete this example " bakers’ or pastry-cooks’ wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture", since there may be instances that such products are put to sale or are consumed by the consumer even after 24 hrs in the absence of any date marking, which may lead to a food safety issue. Category : TECHNICAL
88	35	bakers’ or pastry-cooks’ wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;	Colombia • We propose to eliminate the text “bakers’ or pastry-cooks’ wares which, given the nature of their content,” , as they are not the only type of products that may be consumed within 24 hours of their manufacture. Category : TECHNICAL

89	36	vinegar	<p>Jordan are spice or herb vinegar included? <i>Category : TECHNICAL</i></p>
90	37	non-iodized food grade salt <u>without additives, other ingredients or nutrients</u>	<p>Chile Justification: We have in Chile a compulsory iodizing program for salt marketed in the country with the objective of preventing goiter, an endemic problem in the region. <i>Category : TECHNICAL</i></p>
91	38	non-fortified solid sugars and non-centrifuged whole cane sugar or non-centrifuged cane sugar	<p>Colombia • We propose adding the text <u>non-centrifuged whole cane sugar or non-centrifuged cane sugar</u>, as there are products that cannot be called solid sugar but that, given their nature, could very well be exempt from date marking <i>Category : TECHNICAL</i></p>
92	39	confectionery products consisting of flavoured and/or coloured sugars;	<p>Indonesia Indonesia proposes to delete “confectionery products consisting of flavoured and/or coloured sugars” and “chewing gum” in the example of sub-section 4.7.1 bullet vii. Rationale: Ingredients of these products also have a shelf life and it can influence the physical and chemical properties of the product, in addition to the storage conditions can also affect. <i>Category : SUBSTANTIVE</i></p>
93	39	confectionery products consisting of flavoured and/or coloured sugars;	<p>Brazil Rationale: Brazil suggest excluding the products covered in the last bullet points. Confectionery products consisting of flavoured or coloured sugars and chewing gum lose their quality/sensorial attributes and should receive a date mark to inform consumers. These foods have the addition of several food additives that are responsible for its organoleptic attributes (e.g. flavorings, colours, sweeteners) that are subjective to degradation. <i>Category : EDITORIAL</i></p>

94	40	Chewing gum.	<p>Indonesia Indonesia proposes to delete “confectionery products consisting of flavoured and/or coloured sugars” and “chewing gum” in the example of sub-section 4.7.1 bullet vii. Rationale: Ingredients of these products also have a shelf life and it can influence the physical and chemical properties of the product, in addition to the storage conditions can also affect. <i>Category : SUBSTANTIVE</i></p>
95	40	Chewing gum.	<p>Brazil Rationale: Brazil suggest excluding the products covered in the last bullet points. Confectionary products consisting of flavoured or coloured sugars and chewing gum lose their quality/sensorial attributes and should receive a date mark to inform consumers. These foods have the addition of several food additives that are responsible for its organoleptic attributes (e.g. flavorings, colours, sweeteners) that are subjective to degradation. <i>Category : EDITORIAL</i></p>
96	40	Chewing gum. <u>honey</u>	<p>Ecuador <i>Category : TECHNICAL</i></p>
4.7.1 (viii)			
97	41	In such cases, the “Date of Manufacture” or the “Date of Packaging” may be provided.	<p>Brazil Rationale: Brazil supports the possibility to provide the date of manufacture or the date of packaging in these cases, especially for foods intended to be consumed within 24 hours of its manufacture. <i>Category : SUBSTANTIVE</i></p>
98	42	A “Date of Manufacture” or a “Date of Packaging” <u>may are recommended to be used</u> in combination with 4.7.1 (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 4.7.1 (vi).	<p>Nicaragua Nicaragua proposes the editorial modifications for comprehension purposes. <i>Category : EDITORIAL</i></p>

99	42	A "Date of Manufacture" or a "Date of Packaging" may be used in combination with <u>the indications of numeral 4.7.1 (i) in all its indents</u> 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 indent (vi) of numeral 4.7.1 (vi) .	Ecuador <i>Category : EDITORIAL</i>
100	42	A "Date of Manufacture" or a "Date of Packaging" may be used in combination with 4.7.1 (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 4.7.1 (vi). <i>[Comment is specific for the Spanish text]</i>	Colombia The inclusion of the proposed synonyms in the text that has been underlined and in bold allows to clarify and to unify the terms that may facilitate the trade of the products <i>Category : TECHNICAL</i>
101	43	Any special conditions for the storage of the food shall <u>must</u> be declared on the label if 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.	Nicaragua Nicaragua proposes the editorial modifications for comprehension purposes. <i>Category : EDITORIAL</i>
102	43	Any special <u>condition or conditions</u> for the storage of the food shall be declared on the label if where they are required to support the integrity of it the food and, where a date mark is used, the validity of the date depends thereon.	Ecuador <i>Category : EDITORIAL</i>
103	43	Any special conditions for the storage of the food shall be declared on the label if 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.	Chile Justification: to eliminate "if" as it is out of context. <i>Category: EDITORIAL</i>
104	43	Any special conditions for the storage of the food shall be declared on the label if 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. <u>In addition to the date marking, any special condition that is required for the conservation of the food shall be indicated on the</u>	Colombia The proposed text aims to give greater clarity regarding the necessary conditions for the preservation of the product, when it requires them. <i>Category: TECHNICAL</i>

		<u>label if the validity of the date depends on its implementation.</u>	
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ANNEX II

DRAFT REVISION TO THE *GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS*
(CODEX STAN 1-1985)

[2](At Step 6)

[3]2. DEFINITION OF TERMS:

[4]For use in Date Marking of prepackaged food:

[5]“**Date of Manufacture**” means the date on which the food becomes the product as described. This is not an indication of the durability of the product.[6]“**Date of Packaging**” means the date on which the food is placed in the immediate container in which it will be ultimately sold. This is not an indication of the durability of the product.[7] “**Best Before Date**” or “**Best Quality Before Date**” means the date which signifies the end of the period, under any stated storage conditions, during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption.[8]“**Use-by Date**” or “**Expiration Date**” means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons.

4.7 [9]Date marking and storage instructions

4.7.1 [10]If not otherwise determined in an individual Codex standard, the following date marking shall apply, unless clause 4.7.1(vii) applies:

[11](i) When a food must be consumed before a certain date to ensure its safety and quality the “Use-by Date” or “Expiration Date” shall be declared².

(ii) [13]Where a “Use-by Date” or “Expiration Date” is not required, the “Best-Before Date” or “Best Quality Before Date” shall be declared.

(iii) [14]The date marking should be as follows:

- [15]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 consider consumers could be misled.
- [16]On products with a durability of more than three months at least the month and year shall be declared.

(v) [17]The date shall be introduced by the words:

- [18]“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
- [19]“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.

(vi) [20]The words referred to in paragraph (iv) shall be accompanied by:

- [21]either the date itself; or
- [22]a reference to where the date is given.

(vii) [23]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).

(viii) [24]Notwithstanding 4.7.1 (i) and 4.7.1 (ii), a date mark shall not be required for a food if one or more of the following criteria apply:

[25]1. Where safety is not compromised and quality does not deteriorate

[12]² Consideration should be given to other Codex texts

- [26]1.1 because of the preservative nature of the food is such that it cannot support microbial growth (e.g. alcohol, salt, acidity, low water activity); and/or
- [27]1.2 under stated storage conditions;
- [28]2. Where the deterioration is evident to the consumer;
- [29]3. Where the key/organoleptic quality aspects of the food are not lost;
- [30]4. Where the food is intended to be consumed within 24 hours of its manufacture.

[31]For example, foods such as:

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

[41]In such cases, the "Date of Manufacture" or the "Date of Packaging" may be provided.

- (ix) [42]A "Date of Manufacture" or a "Date of Packaging" may be used in combination with 4.7.1 (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 4.7.1 (vi).

[43]4.7.2 Any special conditions for the storage of the food shall be declared on the label if 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.