

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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Agenda Item 5

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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD LABELLING

Forty-fifth Session

Ottawa, Canada, 13-17 May 2019

#### REPORT OF THE PHYSICAL WORKING GROUP ON THE PROPOSED DRAFT GUIDANCE FOR THE LABELLING OF NON-RETAIL CONTAINERS

##### I. BACKGROUND

1. CCFL44 agreed to consider convening a Physical working Group, chaired by India and co-chaired by Costa Rica and USA, working in English and Spanish, to consider comments and to prepare a revised proposal for consideration by CCFL45 (REP 18/FL, Para 41).
2. The Physical Working Group was convened and discussed the proposed draft guidance present in the Appendix
3. The document was discussed paragraph by paragraph and suitable changes were made that are presented in tracked changes in Appendix I.

##### II. MAJOR DISCUSSION POINTS IN THE PWG

4. The following major amendments were made based on the interventions of the members:
  - i) Section 3 Definitions: Improvement were made to the two options available to more clearly identify what is included and what is excluded from the term 'Non-retail containers'. **The two amended options are included for consideration by the Committee with a view to further improve and/or choose the most appropriate option and decide whether the related Annex illustrating some examples of the non-retail containers should be retained or removed.**
  - ii) Section 4 General Principles: Some amendments were made to some of the General Principles to make them clearer. Re-sequencing of these was done to bring them into a more logical order.
  - iii) Section 5 Mandatory Information on Label: Necessary amendments were made to guidance in the Section. It was agreed in principle that the label should have minimum essential information on it and an effort was made to identify the same. In this respect there appeared to be an agreement on name of food, date marking (including storage instructions only when the validity of the date depends on any special storage conditions), and the statement to identify a non-retail container where applicable. There also appeared to be a consensus to provide information on name and address of the manufacturer, packer etc. in the accompanying documents/other means. There was, however, a mixed response as to where (on label or in accompanying document/other means) the information on net contents and lot identification should be shared. **The Committee is invited to decide on the minimum essential information that should be always provided on the label.**

Guidance in the Codex Alimentarius Commission Procedural Manual on labeling of non-retail containers and in the Codex Commodity Standards: In respect of the Codex commodity standards that are not limited to prepackaged foods, the Codex Alimentarius Commission Procedural Manual allows relevant Codex Committees to decide what information is to be included for labelling of non-retail containers in commodity standards. It also appears to provide for the label on a non-retail container to have only the name of the product and an identification mark with all other information being shared through the accompanying documents. Based on this, several commodity standards have included guidance on labelling of non-retain containers. **There appeared to be a common understanding that if the elements of information agreed to be mandatorily present always on the label of a non-retail container differ from those in the guidance in the Procedural Manual, the committee will need to request an appropriate amendment to the Procedural Manual and also need to revisit the relevant guidance in the commodity standards.**

- iv) Section 6 Sharing Information by Means Other Than Label: Members made useful comments to

improve the guidance in this Section including an amendment to indicate that all the information pertaining to the labelling of a non-retail container should be readily available in one place for reference of the relevant stakeholders.

- v) Section 8 (now Section 7) Presentation of Information: A provision has been added to address the accessibility and legibility of the information shared by means other than through the label on a non-retail container.

### **III. RECOMMENDATIONS**

5. The Committee is invited to:

- i. consider the revised document presented in the Appendix taking into account the actions for the Committee identified in the major discussion points above;
- ii. consider progressing the draft into the next stages of the Codex Step Procedure; and,
- iii. decide whether this guidance should be designated as a 'Standard' or a 'Guideline'.

## APPENDIX I

## PROPOSED DRAFT GUIDANCE FOR THE LABELLING OF NON-RETAIL CONTAINERS OF FOODS

1. **PURPOSE:** The purpose of [these Guidelines] / [this Standard] is to facilitate appropriate harmonized labelling of non-retail containers of food and to outline what information shall be presented on the label and what information, while not required on the label, must be provided with a non-retail container by other means.
2. **SCOPE:** [These Guidelines] / [This Standard][apply] /[applies] to the labelling of non-retail containers of food<sup>1</sup> (excluding food additives and processing aids)<sup>1,2</sup> not intended to be offered directly to the consumer<sup>1</sup> including the information provided in the accompanying physical documents or by other means, and the presentation thereof.
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* (CXS 1-1985) apply. In addition, the following terms have the meaning as defined below:

“**Food Business**” means an entity or undertaking, carrying out one or more activity(ies) related to any stage(s) of production , processing, packaging, storage and distribution (including trade) of food<sup>1</sup> **and includes producers, processors, wholesalers, distributors, importers, exporters, retailers and food service operators.** [“**Non-retail container**” means any container<sup>1</sup> that is not intended to be offered for direct sale to the consumer<sup>1</sup> and which, in case it contains prepackaged food, does not provide visual access to the label(s).The food<sup>1</sup> in non-retail containers is intended for further food business activities, except for direct sale/distribution/catering to the consumer<sup>1</sup> in loose/non-packaged form.]

Or,

[“**Non-retail container**” means any container<sup>1</sup> that is not intended to be offered for direct sale to the consumer<sup>1</sup>. The food<sup>1</sup> in the non-retail containers is for further food business activities before being used for sale/distribution/catering to the consumer<sup>1</sup>

Some examples of non-retail containers are illustrated in the Annex.

4. **GENERAL PRINCIPLES:** The following general principles apply to the labelling of non-retail containers:
  - 4.1 The general principles established in the *General Standard for the Labelling of Prepackaged Foods* (GSLPF) apply equally, as appropriate, to the labelling of non-retail containers of foods.
  - 4.2 The labelling requirements for non-retail containers of foods should be differentiated clearly from the labelling requirements for prepackaged<sup>1</sup> foods.
  - 4.3 The non-retail containers should be clearly identifiable as such.
  - 4.4 The non-retail status of a container shall be determined by the food business selling or distributing the container of food
  - 4.5 The labelling requirements for non-retail containers should be established taking into account the information requirements and implementation capabilities of the relevant stakeholders (food business and competent authorities).
  - 4.6 Subject to the requirements outlined in Section 5 , the information requirements in respect of non-retail containers of food may be met through means other than on a label as allowed by the competent authority in the country in which it is sold.
  - 4.7 The label and information in the accompanying documents or information provided by other means shall provide information required to enable the labelling of food, intended for sale to the consumer.
5. **MANDATORY INFORMATION REQUIREMENTS ON LABEL:** The following 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.

<sup>1</sup> As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985)

<sup>2</sup> This Guideline/Standard is not intended to apply to the labelling of food additives and processing aids for which the ‘ - *General Standard for the Labelling of Food Additives When Sold as Such* (CXS 107-1981) applies.

- 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 established or prescribed name, either a common or usual name existing by common usage as an appropriate descriptive term which is not misleading or confusing to the food business or 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.
- 5.1.1.5 Where the non-retail container contains multiple types of food, the names of all the foods contained therein and/or a commonly understood descriptor that best explains the foods present together in the container shall be provided on the label, as allowed by the competent authority in the country in which the product is sold.

## 5.2 Net Contents

- 5.2.1 The net contents<sup>3</sup> should be declared in 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;
  - (d) In addition to declaration of net contents in weight or volume, where appropriate, the number of units of the food may also be indicated.

## 5.3 Lot identification

Each non-retail container shall be marked in code or in a manner to clearly identify the producing factory and the lot.

## 5.4 Date marking and storage instructions<sup>4</sup> only when they are related to the safety and integrity of the product.

## 5.5 Identification of a non-retail container

The non-retail containers of foods shall be clearly identifiable as such. If the container is not clearly identifiable as a non-retail container in the country in which the product is sold, the container should:

- bear a statement to indicate that the food is not intended to be sold directly to consumer<sup>2</sup> or to clearly identify it as a non-retail container. Some examples of such statements are:

“NON-RETAIL CONTAINER”

“NOT FOR CONSUMER SALE”

“NOT FOR DIRECT SALE TO CONSUMER”.

“NON-RETAILCONTAINER - NOT FOR DIRECT SALE TO CONSUMER”

Or,

- carry any other mark that indicates that the container is not intended to be sold directly to a consumer

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## 5.6 Name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

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<sup>3</sup> 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.

<sup>4</sup> Information to be provided as in the relevant section of the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985)

- 5.7 [Notwithstanding the above in the present Section on the Mandatory Information Requirements on Label, an identification mark may replace the information on the label except the name of the product (Section 5.1), the date marking including the storage conditions and, where applicable the Statement/mark used for identification of a non-retail container (Section 5.5), provided such mark is clearly identifiable with the accompanying documents or other means of information exchange where all such information shall be provided.

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Some examples of identification marks are Quick Response Code, Barcode, alphanumeric identification code etc.

- 5.8 In the case of bulk transport containers such as shipping containers, tankers, barges, drums etc., that are not amenable to possess a label, all the information stipulated in section 5 shall be provided in the accompanying documents or through appropriate other means (e.g. electronically between food businesses) and shall be effectively traceable to the food in such containers.
- 5.9 Where a non-retail containers contains multiple types of food, the information in respect of all the above provisions in Section 5 should be provided for all the foods contained therein.

## **6. SHARING INFORMATION BY MEANS OTHER THAN LABEL**

- 6.1 All the information necessary to meet mandatory labelling requirements for prepackaged food in which the food from the non-retail container will be used or packaged, shall be provided in the accompanying documents or through other appropriate means (e.g. electronically between food businesses), and such documents or information should be effectively traceable to the food in non-retail container, except in cases where all such information is provided on the label of the non-retail container or on the label of the food contained in the non-retail container:
- 6.2 In cases where a non-retail container contains multiple types of foods, the above details shall be provided for each food contained in the non-retail container.

## **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 Information and the statements required to appear on the label by virtue of [these Guidelines] / [this Standard] or any other Codex Standards shall be clear, prominent, readily legible and applied in such a manner that any tampering with it will be evident.

#### 7.1.3

Where a non-retail container is transparent, the container should carry the required information, or the label of the container inside shall carry the mandatory information and be readily legible through the outer transparent container.

- 7.1.4 The mandatory information requirements on label (Section 5) shall appear in a prominent position on the non-retail container and in the same field of vision.
- 7.1.5 Information that is provided by means other than the label shall be readily accessible and discernable, clearly displayed and presented in a single location.

### **7.2 Language**

- 7.2.1 If the language in the original labelling is not acceptable to the competent authority or the food business operator in the country in which the product is sold, a translation of the information in the labelling should be provided in the required language in the form of re-labelling, supplementary label and/or in the accompanying documents or other appropriate means to meet the requirements of the country in which the product is sold.
- 7.2.2 The information provided through translation in the required language shall fully and accurately reflect that in the original labelling.



