



JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON FOOD LABELLING

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CONSIDERATION OF ISSUES REGARDING THE LABELLING OF PREPACKAGED FOODS IN JOINT PRESENTATION AND IN MULTIPACK FORMATS (DISCUSSION PAPER)

(Prepared by Colombia)

BACKGROUND

At the 44th Session of the Codex Committee on Food Labelling (CCFL), held in Asunción Paraguay from October 16 to 20, 2017, in the framework of future work, the Committee agreed to the proposal of Colombia to elaborate a discussion paper, on the labelling of foods in joint presentation and multipack formats.

For the development of this document, the Codex Secretariat, with the support of the National Codex Committee of Colombia, circulated a questionnaire with the objective of identifying the current situation regarding:

- The advantages and challenges for both the consumer and the health authorities and industry, presented by the implementation of the labelling of foods in joint presentation and multipack formats.
- Current practice for the labelling of foods in joint presentation and multipack formats and if this is mandatory/regulatory or voluntary.
- Knowledge of existing international guidelines or any other relevant work carried out on this subject in other international forums.
- The problems that should be addressed in relation to this subject.
- The verification of the compliance of the labelling of foods in joint presentation and multipack formats, against the regulations/legislation in force.
- The significance of the marketing of foods in joint presentation and multipack formats (if it is done permanently or occasionally)

PRESENT SITUATION

Twelve (12) codex members and one observer organisation responded to this call: Algeria, Australia, Canada, Chile, the United States, Guatemala, India, Indonesia, Mexico, Poland, Thailand and the European Union, as well as the International Council of Beverage Associations (ICBA). From the answers provided in response to the questionnaire, the following issues were identified:

- Countries agreed that they were not aware of international guidelines or work carried out regarding the labelling of foods in joint presentation and multipack formats.
- The countries indicated that the labelling of foods in multipack formats was regulated. In the case of Canada, there is recent legislation available corresponding to the new Safe Food for Canadian Regulations (SFCR) that entered into force in January of 2019.
- Countries agreed about the mandatory nature of compliance with food labelling regulations, which have been developed mainly by governments, the government with the participation of industry and, in the case of Canada, of consumers.
- Countries highlighted the lack of harmonization of the definitions of multipack and joint presentation formats, as part of the current problems of labelling these forms of marketing food.
- The countries indicated difficulties that occurs when part of the information of the labelling of individual presentations becomes covered by the secondary packaging making it difficult to revise general and/or nutritional labelling.

- Countries emphasized that the standardization of definitions such as "multipack" and "joint presentation", would be an advantage in the implementation of the labelling of foods in joint presentation and multipack formats, as it would avoid subjective interpretations and generate an international harmonization of concepts.
- Some countries considered that industry would have no difficulty with the implementation of the labelling of foods in joint presentation and multipack formats. However, Canada stated that industry could face additional costs if new labelling requirements were applied, which would not be convenient for consumers because of the increased cost of food.
- The marketing of foods in joint presentation and multipack formats was a regular and significant practice in countries such as Chile, Guatemala, India and Mexico. The European Union states that these types of formats are common at special times such as Christmas and Easter.

JUSTIFICATION

The importance of the labelling of foodstuffs is sufficiently documented around the world as a tool for communication between manufacturer and consumer, seeking to provide sufficiently clear and understandable information about the ingredients, food additives, manufacturing process, nutritional value and shelf life of the product, among other aspects, which would not induce to deception or confusion and that would allow making an informed purchase and consumption choice.

Notwithstanding the above, although based on the information provided by countries such as Chile, Guatemala, India and Mexico indicating the regular and significant practice of marketing of foods in joint presentation and multipack formats, a trend can be inferred regarding the growth of such marketing of food in joint presentations and in multipack formats but the current standards for the labelling of foods are oriented to the requirements for individual units.

Regarding containers covered by wrapping, the health legislation refers in general to the application of the label to the container in a manner that allows easy reading of the information through this wrapping or the declaration of the information in the wrapping, which means for the first case, that the general and nutritional labelling information presents difficulties in its visibility and/or is not always available and/or is not sufficient and clear for the consumer and, therefore, the absence of regulations and harmonization of the relevant information that should be visible to the consumer of food in joint presentation and multipack formats, is limiting the possibilities of the purchaser and the consumer to make informed decisions. An example of this is that information, as relevant as the one on the general and nutrition labelling, becomes covered by the secondary packaging, thus preventing their review, as well as the limited identification of the main display panel (central panel) when several units in multipack format are labelled.

Some of the advantages of the implementation of the labelling of foods in joint presentation and multipack formats include the standardization of information, which would avoid subjective interpretations, and provide the possibility of offering clear information to the user about the contents of the food. Likewise, it would facilitate the international harmonization of the formats and of the requirements of minimum information to be included on food labels.

In addition to the aforesaid, countries that have responded to the questionnaire agree that they are not aware of international guidelines or work carried out regarding the labelling of foods in joint presentation and multipack formats and, generally, they manifest having no difficulty in its implementation.

Therefore, it is of enormous value having a standard that allow to harmonize the labelling of foods in joint presentation and multipack formats to facilitate communication between the food manufacturers and their consumers.

ANNEXES:

As support for the discussion paper and for the document proposal, Colombia has taken the liberty to attach a proposed draft of the Codex *General Standard for the Labelling of Prepackaged Foods* in Joint Presentation and Multipack Formats.

ANNEX I

PROPOSED DRAFT GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS IN JOINT PRESENTATION AND IN MULTIPACK FORMATS**1. SCOPE**

This standard will be applied to the labelling of all prepackaged foods, prepackaged foods in joint presentation and prepackaged foods in multipack formats to be offered as such to the consumer or for catering purposes and to certain aspects relating to the presentation thereof.

2. DEFINITION OF TERMS

For the purpose of this standard:

"Multipack", Secondary packaging of sale, printed or transparent, specially designed to contain and exhibit a certain number of units of the same or different products, each unit contained must be individually labelled. Optionally it could contain a promotional object (which can be a food or other element).

"Joint presentation" is one that contains two or more units of products of different nature, prepackaged individually and jointly labelled (they have a single label that relates the foods that compose it), which are complemented or mixed for consumption.

"Claim" means any representation which states, suggests or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality.

"Consumer" means persons and families purchasing and receiving food in order to meet their personal needs.

"Container" means any packaging of food for delivery as a single item, whether by completely or partially enclosing the food and includes wrappers.

"Packing": secondary or tertiary container material that allows to protect from external influence and achieve adequate maintenance and storage

For use in **Date Marking** of prepackaged food:

"Date of Manufacture" means the date on which the food becomes the product as described.

"Date of Packaging" means the date on which the food is placed in the immediate container in which it will be ultimately sold.

"Sell-by-Date" means the last date of offer for sale to the consumer after which there remains a reasonable storage period in the home.

"Date of Minimum Durability" ("best before") means the date which signifies the end of the period under any stated storage conditions during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. Beyond the date the food may still be perfectly satisfactory.

"Use-by Date" (Recommended Last Consumption Date, Expiration Date) means the date which signifies the end of the estimated period under any stated storage conditions, after which the product probably will not have the quality attributes normally expected by the consumers. After this date, the food should not be regarded as marketable.

"Food" means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drinks, chewing gum and any substance which has been used in the manufacture, preparation or treatment of "food" but does not include cosmetics or tobacco or substances used only as drugs.

"Food Additive" means any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food results, or may be reasonably expected to result, (directly or indirectly) in it or its by-products becoming a component of or otherwise affecting the characteristics of such foods. The term does not include "contaminants" or substances added to food for maintaining or improving nutritional qualities.

"Ingredient" means any substance, including a food additive, used in the manufacture or preparation of a food and present in the final product although possibly in a modified form.

"Transparent secondary packaging" is the one manufactured with a material that allows to see, clearly and without distortion, the content of the label of the product or products it contains inside.

“**Label**” means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food.

“**Labelling**” includes any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food, including that for the purpose of promoting its sale or disposal.

“**Lot**” means a definitive quantity of a commodity produced essentially under the same conditions.

“**Prepackaged**” means packaged or made up in advance in a container, ready for offer to the consumer, or for catering purposes.

“**Processing Aid**” means a substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or its ingredients, to fulfil a certain technological purpose during treatment or processing and which may result in the nonintentional but unavoidable presence of residues or derivatives in the final product.

“**Foods for Catering Purposes**” means those foods for use in restaurants, canteens, schools, hospitals and similar institutions where food is offered for immediate consumption.

3. GENERAL PRINCIPLES

3.1 Prepackaged foods, prepackaged in joint presentation or prepackaged in multipack formats shall not be described or presented on any label or in any labelling in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.

3.2 Prepackaged foods, prepackaged foods in joint presentation or in multipack formats shall not be described or presented on any label or in any labelling by words, pictorial or other devices which refer to, or are suggestive either directly or indirectly, of any other product with which such food might be confused, or in such a manner as to lead the purchaser or consumer to suppose that the food is connected with such other product.

4. MANDATORY LABELLING OF PREPACKAGED FOODS IN JOINT PRESENTATION

The label of prepackaged foods in joint presentation must comply with what has been established in Codex Stan 1 and, additionally, the following information shall appear on the label as applicable to the food being labelled, except to the extent otherwise expressly provided in an individual Codex standard.

4.1 The name of the food

4.1.2 There shall appear on the label either in conjunction with, or in close proximity to, the name of the food, such additional words or phrases as necessary to avoid misleading or confusing the consumer in regard to the true nature and physical condition of the food including, but not limited, to the type of packing medium, style, and the condition or type of treatment it has undergone; for example: dried, concentrated, reconstituted, smoked.

4.1.4 The names or denomination of all prepackaged foods contained in the joint presentation package should be listed without exception.

4.2 List of ingredients

4.2.1.1 The list of ingredients for each of the foods that integrate the joint presentation shall be headed or preceded by an appropriate title which consists of, or includes, the term ‘ingredient’.

4.3 Net contents and drained weight

4.3.1 The net contents shall be declared in units of the International Metric System.

4.3.2 The net contents shall be declared in the following manner:

- (i) for liquid foods, by volume;
- (ii) for solid foods, by weight;
- (iii) for semi-solid or viscous foods, either by weight or volume.

4.3.3 In addition to the declaration of net contents, a food packed in a liquid medium shall carry a declaration in the metric system of the drained weight of the food. For the purposes of this requirement, liquid medium means

water, aqueous solutions of sugar and salt, fruit and vegetable juices in canned fruits and vegetables only, or vinegar, either singly or in combination

Optionally, the net content of the components of the joint presentation may be described.

4.4 Name and address

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared in each of the foods that make up the joint presentation.

4.5 Country of origin

4.5.1 The country of origin of each of the foods that integrate the joint presentation shall be declared if its omission would mislead or deceive the consumer.

4.6 Lot identification

Each container of the foods that integrate the joint presentation shall be embossed or otherwise permanently marked in code or in clear to identify the producing factory and the lot.

4.7 Date marking and storage instructions

4.7.2 The date that shall be declared in the prepackaged foods contained in the joint presentation must be the date of the product closest to expiring.

4.8 Instructions for use

Instructions for use, including reconstitution, where applicable, shall be included on the label, as necessary, to ensure correct utilization of the food.

5. MANDATORY LABELLING OF PREPACKAGED FOODS IN MULTIPACK FORMAT

The following information shall appear on the food label of prepackaged foods in multipack format, except when expressly stated otherwise in an individual Codex standard and/or when the multipack is transparent and allows to see the complete information of the units it contains, according to what is established in the Codex Stan 1-1985:

5.1 The name of the food

In the multipack, the corresponding name or denomination used for all the products contained inside it must be declared.

4.1.2 There shall appear on the label, either in conjunction with, or in close proximity to the name of the food, such additional words or phrases as necessary to avoid misleading or confusing the consumer in regard to the true nature and physical condition of the food including but not limited to the type of packing medium, style, and the condition or type of treatment it has undergone; for example: dried, concentrated, reconstituted, smoked.

5.2 List of ingredients

5.2.1 Prepacked foods in multipack format: The declaration of ingredients goes in each unit that composes the multipack, and must include the legend "See list of ingredients in each product that composes the multipack ". In the labelling of the multipack those ingredients that cause hypersensitivity must be listed next to each product and must always be reported as such:

Cereals containing gluten; i.e., wheat, rye, barley, oats, spelt or their hybridized strains and products of these;

- Crustacea and products of these;
- Eggs and egg products;
- Fish and fish products;
- Peanuts, soybeans and products of these;
- Milk and milk products (lactose included);
- Tree nuts and nut products; and
- Sulphite in concentrations of 10 mg/kg or more.

When it is not possible to provide adequate information on the presence of an allergen through labelling, the food containing the allergen should not be marketed.

5.3 Net contents and drained weight

5.3.1 The net contents shall be declared in units of the International Metric System corresponding to the total of products that make up the multipack. In case of containing several types of food, the total net content must be declared for each type of food.

5.3.2 The net contents shall be declared in the following manner:

- (i) for liquid foods, by volume;
- (ii) for solid foods, by weight;
- (iii) for semi-solid or viscous foods, either by weight or volume.

5.3.3 In addition to the declaration of net contents, a food packed in a liquid medium shall carry a declaration in the metric system of the drained weight of the food. For the purposes of this requirement, liquid medium means water, aqueous solutions of sugar and salt, fruit and vegetable juices in canned fruits and vegetables only, or vinegar, either singly or in combination.

5.4 Name and address

5.4.1 The name and address of the repacker or packer of the multipacked foods.

5.5 Country of origin

5.5.3. The country where the packing of the food multipack has been carried out must be indicated.

5.6 Lot identification

Each multipack shall be embossed or otherwise permanently marked in code or in clear to identify the producing factory and the lot. For the declaration of the date, a sticker system can be used as long as it can guarantee the impossibility of removing the sticker without breaking the multipack.

5.7 Date marking and storage instructions

5.7.1 If not otherwise determined in an individual Codex standard, date marking according to the indications of Codex Stan 1-1985 shall apply.

5.7.2 The date that shall be declared in the multipack must be the date of the product closest to expiring.

5.7.3 In addition to the date **of minimum durability**, any special conditions for the storage of the food shall be declared on the label if the validity of the date depends thereon.

5.7.4 For the declaration of the date, a sticker system can be used as long as it can guarantee the impossibility of removing the sticker without breaking the multipack.

5.8 Instructions for use

Instructions for use, including reconstitution, where applicable, shall be included on the label, as necessary, to ensure correct utilization of the food. These instructions may be abbreviated as long as clarity is not missed for its use by the consumer and a legend may be added stating: More details regarding the use of the product may be found in the interior labels

6. ADDITIONAL MANDATORY REQUIREMENTS

6.1 Irradiated foods

6.1.1 The label of a food which has been treated with ionizing radiation shall carry a written statement indicating that treatment in close proximity to the name of the food. The use of the international food irradiation symbol, as shown below, is optional, but when it is used, it shall be in close proximity to the name of the food.



6.1.2 When an irradiated product is used as an ingredient in another food, this shall be so declared in the list of ingredients.

6.1.3 When a single ingredient product is prepared from a raw material which has been irradiated, the label of the product shall contain a statement indicating the treatment.

6.2 Promotional items: promotional items other than foods that are included in a Multipack shall comply with the following criteria in addition to the applicable national legislation:

6.2.1 The multipack label should include those necessary sentences that allow consumers to understand the nature and use of the promotional items without confusing or misleading them.

6.2.2. Promotional items shall not include materials that might somehow contaminate the foods contained within the multipack and alter their organoleptic or security features for the consumer.

7. EXEMPTIONS FROM MANDATORY LABELLING REQUIREMENTS

With the exception of spices and herbs, small units, where the largest surface area is less than 10 cm², may be exempted from the requirements of paragraphs 4.2 and 4.6 to 4.8.

7. OPTIONAL LABELLING

7.1 Any information or pictorial device written, printed, or graphic matter may be displayed in labelling provided that it is not in conflict with the mandatory requirements of this standard and those relating to claims and deception given in Section 3 – General Principles.

7.2 If grade designations are used, they shall be readily understandable and not be misleading or deceptive in any way.

8. PRESENTATION OF MANDATORY INFORMATION

8.1 General

8.1.1 Labels in prepackaged foods, prepackaged foods in multipack formats or prepackaged foods in joint presentations shall be applied in such a manner that they will not become separated from the container.

8.1.2 Statements required to appear on the label by virtue of this standard or any other Codex standards shall be clear, prominent, indelible and readily legible by the consumer under normal conditions of purchase and use.

8.1.3 When the prepackaged foods in multipack format or in joint presentation are covered by a wrapper, the wrapper shall carry all the necessary information or the label applied to the container shall be readily legible through the outer wrapper or not obscured by it.

8.1.4 The name and net contents of the food shall appear in a prominent position and in the same field of vision.

8.2 Language

8.2.1 If the language on the original label is not acceptable for the consumer for whom it is intended, a supplementary label containing the mandatory information in the required language may be used instead of relabelling.

8.2.2 In the case of either relabelling or a supplementary label, the mandatory information provided shall be fully and accurately reflect that in the original label.