

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: [codex@fao.org](mailto:codex@fao.org) - [www.codexalimentarius.org](http://www.codexalimentarius.org)

Agenda Item 8

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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD LABELLING

#### Forty-fourth Session

Asunción, Paraguay 16-20 October 2017

### DISCUSSION PAPER ON CONSUMER PREFERENCE CLAIMS

*Prepared by Iran and Turkey*

#### **Background**

1. The forty-third session of Codex Committee on Food Labelling (CCFL43) 2016 agreed that the Delegations of Iran and Turkey would prepare a discussion paper on the issues surrounding consumer preference claims (within the context of the CCFL mandate) for consideration at the next session (REP16/FL, paras 62-63).

#### **Introduction**

2. As it is known, food labelling is an essential source of information for consumers to allow them to have control and choice over what they purchase.

3. A food label serves primary functions such as:

- providing basic information about food (including name of the food, list of ingredients, net quantity, date marking, country of origin and name and address of the food business operator)
- providing health, safety, and nutrition information (including instructions for use, storage conditions, allergen declaration, nutrition information such as the quantity of fats, proteins, carbohydrates, sugars, vitamins and minerals etc.)
- acting as an agent for food marketing, promotion and advertising via claims such as “low energy”, “natural”, “organic”, “no additives”, “no preservatives added”, “vegan”, “vegetarian” and so on by letting consumers differentiate among similar foods while making their purchasing decisions.

4. Food labels should be clear and understandable in order to assist consumers who want to make better-informed food and dietary choices. It should be ensured that consumers are appropriately informed as regards the food they consume.

#### **Issues/Discussion**

5. In the context of international standards or guidance on food labelling, Codex Alimentarius *General Standard for the Labelling of Prepackaged Foods* (CODEX STAN 1-1985), *Guidelines on Nutrition Labelling* (CAC/GL 2-1985), *General Guidelines on Claims* (CAC/GL 1-1979), *Guidelines for Use of Nutrition and Health Claims* (CAC/GL 23-1997) and other Codex Standards and Guidelines about food labelling are used as references worldwide. On the other hand, most countries have their own national legislation regulating mandatory information required to be on labels of the foods marketed in their country.

6. In addition to mandatory information, food business operators use some marketing terms and claims such as “low fat”, “energy-reduced”, “high fibre”, “natural”, “pure”, “no preservatives added”, “vegan”, “vegetarian” etc. Some of these claims are regulated by national legislation or international standards such as *Guidelines for Use of Nutrition and Health Claims* (CAC/GL 23-1997). On the other hand, some of them depend on national practices as their perception by the consumers who live in that country is shaped by, *inter alia*, socio-economic, environmental and other legitimate factors.

7. Consumer preference means that the consumer likes one kind of product or production method over others which are available in the market due to one or more certain characteristic/s presented in a way to make it preferable to consumer. Food package information and marketing approaches have extensive effects on consumer beliefs, preferences, and choices. Such food consumer preference claims most of the time involves higher cost compared to competitive products.

Therefore, the business operator that makes the claim should do it based on positive unequivocal objective evidence such as accredited conformity assessment activities including reports of validated test methods. Claims used for a food should not be deceptive by creating a perception of higher quality than it deserves or an erroneous impression regarding its character in any respects and should be justifiable.

### **Conclusion**

8. Food information whether mandatory or voluntary must be true, clear and easy to understand for the consumer.

9. Claims which affect the preferences of consumers should not only be justifiable based on positive unequivocal objective evidence, but also should not be deceptive or mislead consumers as to the characteristics of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, country of origin, method of manufacture etc.

10. Claims should not lead to an unfair competition by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics, in particular by specifically emphasising the presence or absence of certain ingredients and/or nutrients also by giving rise to doubt about the safety of similar foods or which could arouse or exploit fear in the consumer.

11. As stated above, food labelling is one of the most important factors which affects consumer's choices. So, claims which are used by food business operators to make a food more desirable due to one or more of its certain characteristic/s have the power to draw consumers' attention.

12. But this power is highly related to economic, environmental and legitimate factors rather than technical factors on which Codex is based and should be used in order to give detailed information about the product not to mislead consumers or lead to an unfair trade practices.

13. The *General Guidelines on Claims* (CAC/GL 1-1979) sets a general framework for how to deal with claims related to consumer preferences, thus it may be better to continue with this guidelines rather than establishing a new rule under Codex. Such work should be undertaken taking into account work done under other international organizations. But for further applications, national authorities should regulate the general principles and detailed criteria for the use of such claims by taking into account the cultural, socio-economical, demographic structure and legitimate factors in that country. And there must be a close cooperation and understanding between countries.

### **Recommendation**

14. The *General Guidelines on Claims* (CAC/GL 1-1979) originally adopted in 1979 and further revised and amended in 1991 and 2009, respectively, could be amended by adding the following:

- a) Definition of consumer preference which means that the consumer likes one kind of product or production method over others which are available in the market due to one or more certain characteristic/s in a way to make it preferable to consumer;
- b) Any consumer preference claims made by the business operators shall be based on positive unequivocal objective evidences such as accredited conformity assessment activities including reports of validated test methods; and
- c) Claims used for food should not be described or presented in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect and should be justifiable.