

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
HEALTH  
ORGANIZATION



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**AGENDA ITEM NO. 5 (A)**

**CX/FL 01/06-ADD.1**

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## **JOINT FAO/WHO FOOD STANDARDS PROGRAMME**

**CODEX COMMITTEE ON FOOD LABELLING  
TWENTY-NINTH SESSION  
OTTAWA, CANADA, 1 - 4 MAY 2001**

**DRAFT RECOMMENDATIONS FOR THE LABELLING OF FOODS  
OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC  
MODIFICATION/GENETIC ENGINEERING  
(DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE  
LABELLING OF PREPACKAGED FOODS):**

### **DEFINITIONS**

**(ALINORM 01/22, APPENDIX V)**

**GOVERNMENT COMMENTS AT STEP 6**

### **COMMENTS FROM:**

**CANADA  
INDIA  
SOUTH AFRICA  
SWITZERLAND  
THAILAND  
EUROPEAN COMMUNITY**

**49<sup>TH</sup> PARALLEL BIOTECHNOLOGY CONSORTIUM  
DRAFT RECOMMENDATIONS FOR THE LABELLING OF FOODS  
OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC  
MODIFICATION/GENETIC ENGINEERING  
(DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE  
LABELLING OF PREPACKAGED FOODS): DEFINITIONS**

**(ALINORM 01/22, APPENDIX V)**

**GOVERNMENT COMMENTS AT STEP 6**

**CANADA:**

**Definition of Terms: Government Comments at Step 6**

**“Food and food ingredients obtained through certain techniques of genetic modification/genetic engineering” and “Genetically modified / engineered organism”**

- Canada notes that there are a number of definitions now being used in different fora when referring to foods and food ingredients derived from biotechnology.
- While the CCFL is considering the linked definitions of “food and food ingredients obtained through certain techniques of genetic modification/genetic engineering” and “genetically modified / engineered organism,” the Codex ad hoc Intergovernmental Task Force on Foods From Biotechnology, at its March 2001 meeting, advanced the definition of “modern biotechnology” from the Cartagena Protocol on Biosafety to Step 5. The Task Force also considered the CCFL proposal, but rejected it, largely because of its length and awkwardness.
- Canada believes it is essential that the CCFL and the Task Force foster the use of common terminology in referencing these foods and particularly, to choose definitions that accurately and succinctly describe them. This could be achieved either through an agreement to adopt the current CCFL definitions, or the definition of “modern biotechnology” that has been advanced Step 5 by the Task Force.

**“No longer equivalent”/ “differs significantly”**

- Canada suggests the following text for the definition of “no longer equivalent”/ “differs significantly” to improve its clarity:

*means where a scientific assessment demonstrates, through an appropriate analysis of data, that the composition and/or nutritional value*

*and/or intended use of the food and food ingredients are different in comparison to those of the corresponding existing food and food ingredients, having regard to accepted limits of natural variation for that food and food ingredients.*

- Canada notes that these changes are consistent with the use of the terms throughout the guideline and in particular that:
  - (i) the terms “no longer equivalent”/”differs significantly” are not referred to in the provisions for method of production labelling (Section 3.4) and
  - (ii) there is a linkage of this concept with the scientific assessment of health and safety matters that must be carried out before a food can be marketed
- Canada further suggests that the term “differs significantly” should be used without the additional term “no longer equivalent,” as the meaning of “no longer equivalent” is unclear and therefore open to a wide range of interpretations by consumers.

## **INDIA:**

### **Item No. 4    Definition of Terms**

Attention is drawn to our comments on the use of the term “food and food ingredients obtained through certain techniques of genetic modification / genetic engineering “ in Item No. 1. Recognising the need to have a definition for purposes of labelling that will be easily comprehended by consumers, it is suggested that the above term may be substituted by the words “genetically modified food and food ingredients and products obtained therefrom.” The definition itself may remain unchanged except for the insertion of the words, and products obtained therefrom between the words “food and food ingredients” and “produced from”.

### **Item No. 5**

India’s stand on the phrases “no longer equivalent / differs significantly” has been given in detail in response to Item No. 3. We support the use of the term “not equivalent” in place of “no longer equivalent”. We also find that the common definition given for both the terms does not accurately apply to both, as they are not synonymous. Accordingly, the two terms may be defined “separately” as follows

“**not equivalent**” means food and food ingredients obtained through certain techniques of genetic modification / genetic engineering where a scientific assessment demonstrates, through an appropriate analysis of data, that the characteristic (s) assessed are different in comparison to those of the corresponding existing food and food ingredients.

“differs significantly” means food and food ingredients obtained through certain techniques of genetic modification / genetic engineering where a scientific assessment demonstrates, through an appropriate analysis of data, that the characteristic (s) assessed are different in comparison to those of the corresponding existing food and food ingredients, having regard to accepted limits of natural variation for that food and food ingredients.

## **SOUTH AFRICA:**

### **2.0 Definition of Terms**

The phrase “no longer equivalent” is not specific but rather a nebulous indication open to different interpretations. This could easily lead to trade barriers. On the other hand “differs significantly” is an accepted scientific way of determining differences and South Africa supports the latter definition.

## **SWITZERLAND:**

### **(4), Definition of terms**

The definition of “...*food and foods ingredients*..” is not very clear in its wording. It should be replaced by a general term like “...*food and food ingredients composed of, containing of or derived from genetically modified/ engineered organisms*”.

### **(5)**

Does the demonstration of a new protein / DNA or other substance in a genetically modified food renders the food to “*no longer equivalent*”? We would prefer to have a more precise definition of the term “*no longer equivalent*”.

## **THAILAND:**

Thailand agrees in principle with the draft amendment.

## **EUROPEAN COMMUNITY:**

(5) The European Community supports the term «no longer equivalent», and proposes the term «or differ significantly» to be deleted. The term “differ significantly” would be defined by “different in comparison” which seems illogical. “Equivalence”, however, is a term widely used in the safety evaluation of genetically modified foods. This also affects item (7) 3.1. .

## **49<sup>TH</sup> PARALLEL BIOTECHNOLOGY CONSORTIUM:**

2.0 - The three accepted definitions are clear and sound..

However, the paragraph (5) in square brackets offering a purported definition of “no longer equivalent”/”differs significantly” fails in both clarity and objectivity. The language used in this paragraph itself requires definition in order to be meaningful. The term “scientific assessment” does not carry a self-evident meaning: the precise method and criteria of assessment must be specified. Otherwise there is nothing substantial about these terms.

Further, without specific definitions, the term “corresponding existing food and food ingredients” lacks any meaningful content. Since the intent is to use the term in the context of labelling of genetically engineered foods (“food and food ingredients obtained through certain techniques of genetic modification/genetic engineering”) it must be specified that the “corresponding existing food and food ingredients” CANNOT refer to anything that has been genetically engineered. To be scientifically sound, if a comparator is to be used at all, then its character must be specifically defined. “Corresponding existing” is simply too vague and subjective to be valid in the context of these guidelines.