

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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**CODEX COMMITTEE ON FOOD LABELLING
THIRTY-FIRST SESSION
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**PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR
THE LABELLING OF PREPACKAGED FOODS:
QUANTITATIVE DECLARATION OF INGREDIENTS**

GOVERNMENT COMMENTS AT STEP 3

COMMENTS FROM:

**AUSTRALIA
CANADA
COSTA RICA
CZECH REPUBLIC
EUROPEAN COMMUNITY
CONFEDERATION OF THE FOOD & DRINK INDUSTRIES OF THE EU (CIAA)
INTERNATIONAL ASSOCIATION OF CONSUMER FOOD ORGANIZATIONS (IACFO)
INTERNATIONAL BABY FOOD ACTION NETWORK (IBFAN)
INTERNATIONAL COUNCIL OF GROCERY MANUFACTURERS ASSOCIATIONS (ICGMA)
INTERNATIONAL SOFT DRINKS COUNCIL (ISDC)**

PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS: QUANTITATIVE DECLARATION OF INGREDIENTS

GOVERNMENT COMMENTS AT STEP 3

AUSTRALIA:

Australia welcomes the opportunity to provide comments on the Proposed Draft Amendment To The *General Standard For The Labelling Of Pre-packaged Foods: Quantitative Declaration Of Ingredients At Step 3*¹

Australia uses percentage labelling of characterising ingredients in a regulatory framework which relies on minimum effective regulation where many compositional requirements for foods have been deleted. In this context, percentage labelling provides consumer information to support consumer confidence and to allow informed consumer choice.

It is not appropriate to require QUID declarations in the manner proposed. The Australian Government supports amendments to the General Standard for the Labelling of Pre-packaged Foods Codex Stan 1-1985 (rev.1 –1991), which provide appropriate information to consumers to facilitate choice and to prevent fraud and deception but which do not duplicate other requirements and which are not too onerous to implement or enforce. Consumer choice is not necessarily facilitated by numerous and duplicative QUID declarations.

Discussion of the Alternative Text proposed by the Working Group coordinated by the United Kingdom

- 5.1.1 Every food sold as a mixture or combination shall disclose the ingoing percentage, by weight, of any ingredient (including ingredients of compound ingredients) that:
- a) is emphasised on the label through words or pictures; or
 - b) is associated by consumers with the food; or
 - c) is essential to characterise the food; or
 - d) is essential to distinguish the food from others with which it may be confused; or
 - e) appears in the name of the food; or
 - f) the disclosure of which is deemed, by national authorities to enhance the health of consumers or prevent consumer deception.

Such disclosure is not required where

- g) the ingredient comprises less than 2% of the total weight of the product and has been used for the purposes of a flavouring; or
- h) the ingredient comprises less than 2% of the total weight of the product and consumers have no reasonable expectation of a nutritional or health effect related to the amount of that ingredient; or

¹ Revised version prepared by the working group coordinated by the United Kingdom

- i) commodity-specific standards of Codex Alimentarius conflict with the requirements described here.

The Australian Government considers that the trigger criteria should be limited to named ingredients (paragraph (e)), emphasised ingredients (paragraph (a)) and ingredients associated with the name of the food by the consumer (paragraph (b)). These trigger criteria are consistent with those in the Australia New Zealand Standard. The Australian Government considers that trigger criteria (paragraphs (c) & (d)) are not required because of the operation of the other criteria. The Australian Government considers that the prevention of consumer deception in (f) is unnecessary given the operation of paragraphs (a), (b) and (e).

The Australian Government is supportive of the provision of exemptions, particularly for ingredients used in small quantities for the purposes of flavouring. The Australian Government recommends that consideration be given to exempting single ingredient foods or foods comprising a single category of ingredients, as a percentage declaration for these foods would yield information of little interest to consumers.

- 5.1.2 The information required in Section 5.1.1 shall be declared on the product label as a numerical percentage rounded to the nearest percentage point or, in the case of ingredients comprising less than 5% of the total weight of the food, to the nearest one-half percentage point.

The information shall be declared on the product label adjacent to each appropriate ingredient, or general class name as described in Section 4.2.2.1, listed in the ingredient list as

- a) a minimum percentage, where the emphasis is on the larger amount of the ingredient present, or
- b) a maximum percentage, where emphasis is on the small amount of the ingredient present, or
- c) an approximate percentage in all other cases.

The Australian Government agrees with the proposed rounding requirements in clause 5.1.2, as this is consistent with the Australia New Zealand standard. However, the Australian Government is unclear about the operation of the remainder of the clause, specifically (a) & (b). Is it intended that minimum and maximum percentages be permitted only for emphasised ingredients? If so, consumers are likely to be confused and potentially misled by the declarations permitted by Clause 5.1.2.

The Australian Government does not support mandating the placement of percentage labelling information in the ingredient list. However, should a manufacturer choose to use the ingredient list, then it should appear after the name of the ingredient.

5.1.3 If

- a) *the quantity of any ingredient is emphasised on the label by words or pictures, or*
- b) *an express or implied claim is made about the presence of any fruits, vegetables, wholegrains or added sugars*

the ingoing percentage, by weight, of each such ingredient may be given on the label either in close proximity to the words or images emphasising the particular ingredient, or beside the common name of the food, or adjacent to each appropriate ingredient listed in the ingredient list.

The Australian Government is unclear of the need for this clause given the requirements in Clause 5.1.2. which mandates the disclosure of emphasised ingredients in the ingredient list. On this basis, paragraph (a) appears unnecessary. An express claim (as referred to in paragraph (b)) would constitute emphasis and a declaration in accordance with Clause 5.1.2 would already be required.

Background

In December 2002, the *Australia New Zealand Food Standards Code* (the new Code) commenced as a common set of food standards in Australia and New Zealand. A feature of the new Code is the requirement for foods sold in Australia and New Zealand to be labelled with a percentage declaration of the key or characterising ingredient/s and components of the food. The new standard for percentage labelling was specifically developed to provide consumers with more information about the ingredients in food to assist in comparative decision making between similar products.

CANADA:

GENERAL COMMENTS:

Canada supports the need to provide information to assist consumer choice between products, however, it does not support the proposal for universal QUID labelling for all multi-ingredient prepackaged foods, recognizing that a considerable amount of important and useful information is already provided to consumers in the Codex General Standard for the Labelling of Prepackaged Foods and in the Codex Guidelines on Nutrition Labelling.

It has been Canada's position that, in principle, any emphasis regarding the presence of an ingredient, component or substance should be accompanied by a statement regarding the amount of that ingredient, component or substance present in the food. Canada believes that existing Codex labelling provisions for quantitative labelling of ingredients should be rewritten to provide structure in support of this principle.

SPECIFIC COMMENTS:

5. ADDITIONAL MANDATORY REQUIREMENTS

5.1 Quantitative Ingredient Declarations

5.1.1 Every food sold as a mixture or combination shall disclose the ingoing percentage, by weight, of any ingredient (including ingredients of compound ingredients) that

(a) is emphasised on the label through words or pictures; or

~~(b) is associated by consumers with the food; or~~

~~(c) is essential to characterise the food; or~~

~~(d) is essential to distinguish the food from others with which it may be confused; or~~

Canada does not support (b), (c),(d) as these provisions are subjective and open to interpretation. This could result in many more products requiring labelling with the percentage, just because of the type of product they are, not because of any particular promotion of an ingredient. For example is a soya based loaf substituting for a cheese or vice versa,? Is a pudding a substitute for a custard or is a fat blend spread substituting for a margarine substituting for a butter? Which of these would the consumer associate with and therefore would they all require the percentage? It is clearer to require the % declaration when there is a claim, vignette, in common name, promotion etc.

(e) appears in the [common or trade] name of the food; or

Canada would also recommend the addition in (e) of the words “common name and/or trade name”.

(f) the disclosure of which is deemed, by national authorities, to be necessary to enhance the health of consumers or prevent consumer deception.

Such disclosure is not required where

(g) the ingredient comprises less than 2% of the total weight of the product and has been used for the purposes of, [and is identified as], flavouring; or

Canada recommends the addition of the words “and is identified as” as noted in (g).

5.1.3 If

(a) the quantity of any ingredient is emphasised on the label by words or pictures, or

(b) an expressed or implied claim is made about the presence of any fruits, vegetables, whole grains or added sugars the ingoing percentage, by weight, of each such ingredient may be given on the label either in close proximity to the words or images emphasising the particular ingredient, or beside the common name of the food, or adjacent to each appropriate ingredient listed in the ingredient list.

Canada suggests 5.1.3 is not necessary although it appears to focus on classes of ingredients which has already been introduced in the previous paragraph. This section could be removed if 5.1.1 was reworded as;

5.1.1 Every food sold as a mixture or combination shall disclose the ingoing percentage, by weight, of any ingredient (including ingredients of compound ingredients) or any class of ingredients that. . .

COSTA RICA:

Costa Rica considers that the list of ingredients is enough for consumer information purposes.

The implementation of any type of information implies a cost for the consumer and, therefore, it should be very carefully evaluated and justified if the information has a significant effect for consumers.

The present standard provides sufficient information for consumers regarding the ingredients in general and those that have been evaluated as allergens.

In practice, the Quantitative Ingredients Declaration means that industry would have to reveal their product formulas, thus violating the intellectual property rights guaranteed and respected in international Legislation.

CZECH REPUBLIC:

A proposal to increase requirements for Quantitative Ingredient Declaration (QUID) was introduced at the 2000 meeting of CCFL, and discussed in 2001 and again in 2002. Following an inability to reach consensus at the 2002 meeting on the fundamental question of whether or not QUID requirements should be extended, a Working Group was established to review the text and comments, with a view to preparing a new draft. Further consideration will be given at the upcoming meeting.

Position

We fully support the need for consumers to be provided with sufficient information on which to make food choices. However, we are opposed to further requirements for QUID labelling, beyond those that already exist in 5.1 of the General Standard for the Labelling of Prepackaged Foods (General Standard).

- The General Standard for the Labelling of Prepackaged Foods ensures sufficient information on which to make food choices.
- Additional QUID requirements will not help consumers determine the "quality" or "healthfulness" of foods.
- QUID is not the appropriate means for preventing deception or fraud.
- Additional requirements for QUID would create burdens on authorities and manufacturers, alike.
- Implementation of QUID labelling in the EU has proven to be far more complicated than expected. Efficient implementation on a worldwide basis could be extremely difficult.

Based on the above, further debate at CCFL must resolve the essential question on whether or not QUID requirements should be expanded. Consensus on this point should be reached before any consideration is given to the details of the text prepared by the Working Group. If consensus cannot be reached at the 2003 meeting, work on the amendment should be discontinued. This approach is particularly relevant based on the divergence of opinions that were expressed at the 2002 meeting.

Rationale

1. Ingredients must be declared by descending order of proportion (4.2.1.3 of the General Standard). This requirement is in place across the world and we believe that it is well understood by consumers. Imposition of mandatory QUID labelling would add further information to the ingredient statement, without necessarily increasing consumer understanding. It would also jeopardise the confidentiality of product formulations.
2. QUID information relates to the "quantity" of an ingredient, with many factors contributing to the final "quality" of a product. A large amount of an inferior ingredient will result in a high QUID labelling value, but not necessarily superior product quality.

Thus it is erroneous to assume that a high QUID value is always indicative of product quality.

3. Within the context of the well-founded principle that there are "no good foods or bad foods, only good and bad diets", it is completely unacceptable to associate the "quantity" of an ingredient in a food product with the healthfulness of the food.
4. Prevention of fraud and deception should be addressed through existing provisions in the Codex General Guidelines on Claims (CAC/GL 1-1979 (Rev.1-1991)).
5. Implementation of extensive QUID requirements would create additional burdens for governments across the world without any benefit to food safety or increased trade. In particular, the cost of implementing and enforcing extensive QUID requirements could be prohibitive.
6. More extensive QUID labelling would add a greater burden on manufacturers who are already challenged to provide a significant amount of required information in a manner that is "clear, prominent, indelible and readily legible" (8.1.3 of the General Standard). It would also add to the cost of label development, and quite likely lead to increases in the cost of food products. These burdens would be particularly difficult for small and medium-sized manufacturers.
7. The experience in the European Union has shown that implementation of QUID has been more difficult than expected. Both national governments and trade associations have developed extensive guidelines to address the many questions that have arisen about its application. The Codex draft, as currently proposed, would be even more difficult to comply with and enforce than the EU requirements.

Additional comments

The following comments are offered on the current text without prejudice to the position and rationale provided above. They should only be considered if consensus is reached to proceed with the QUID amendments.

- Point (f) under 5.1.1 should be removed. QUID is not a meaningful or effective way to enhance the health of consumers. Furthermore, differing requirements at the national level would very likely create barriers to trade.
- We support the indication for the precision to be applied in determining QUID values, as provided for in 5.1.2. The European Union experience has shown that the lack of clarity in this area has led to conflicting approaches across Member States.
- We do not support points (a), (b) and (c) of the second paragraph of 5.1.2 that specify the conditions for setting minimum, maximum and average percentages. This approach is in direct contradiction to the previous paragraph that specifies that rounding should be carried out to the nearest percentage point or half percentage point. Furthermore, it adds unreasonable complexity to the determination of QUID values, without any benefit to the consumer. Even with appropriate rounding, the minor differences that would result would not represent meaningful distinctions in terms of ingredient quantity, and certainly not product quality or healthfulness.
- 5.1.3, which sets the conditions for QUID labelling when word, pictures or certain foods are emphasised, is unnecessary in light of the provisions under 5.1.1(a) where requirements for "words" and "pictures" are already covered. Claims are, in fact, "words".

If fruits, vegetables, whole grains, sugars or any other ingredients were emphasised on a label, QUID labelling would be mandated by 5.1.1. Additional requirements for the placement of QUID information outside of the ingredient statement could be specified under 5.1.2, para 2.

EUROPEAN COMMUNITY:

Due to the short time allowed for comments on the proposed draft amendments related to QUID, the E.C. only submit the following preliminary comments, and could submit additional comments further.

In general, the E.C. welcomes the draft amendment, which requires a quantitative ingredient declaration in the cases where the choice of the consumer may be influenced by the quantity of one or several ingredients that are present in the food.

The E.C. fully agrees with this approach.

However, the E.C. considers that QUID should only relate to the ingredients utilised in the manufacture of foodstuffs and not to their nutritional content. The EC is therefore not in favour of requiring quantitative ingredient declaration for the reasons outlined in 5.1.1.f. There are other means of conveying information regarding nutritional content such as nutrition labelling and nutrition claims.

On the other hand, the E.C. would prefer, at 5.1.2 (c) that the word “approximate” would be replaced by “average”.

Finally, the E.C. thinks that point 5.1.3 needs clarification, on whether the intention is, for the concerned ingredients, to have the percentage by weight given twice at two different places on the label, on a compulsory basis. The E.C. would not be in favour of this.

The E.C. considers that the percentage must be declared in all cases adjacent to the ingredient in the list of ingredient, and may be also given at another place on a voluntary basis.

CONFEDERATION OF THE FOOD AND DRINK INDUSTRIES OF THE EU (CIAA):

A proposal to increase requirements for Quantitative Ingredient Declaration (QUID) was introduced at the 2000 meeting of CCFL, and discussed in 2001 and again in 2002. Following an inability to reach consensus at the 2002 meeting on the fundamental question of whether or not QUID requirements should be extended, a Working Group was established to review the text and comments, with a view to preparing a new draft. Further consideration will be given at the upcoming meeting.

CIAA believes that this is an important matter and asks your consideration with respect to our position.

Position

We fully support the need for consumers to be provided with sufficient information on which to make food choices. However, we are opposed to further requirements for QUID labelling, beyond those that already exist in 5.1 of the General Standard for the Labelling of Prepackaged Foods (General Standard).

- The General Standard for the Labelling of Prepackaged Foods ensures sufficient information on which to make food choices.
- Additional QUID requirements will not help consumers determine the "quality" or "healthfulness" of foods.
- QUID is not the appropriate means for preventing deception or fraud.
- Additional requirements for QUID would create burdens on authorities and manufacturers, alike.
- Implementation of QUID labelling in the EU has proven to be far more complicated than expected. Efficient implementation on a worldwide basis could be extremely difficult.

Based on the above, further debate at CCFL must resolve the essential question on whether or not QUID requirements should be expanded. Consensus on this point should be reached before any consideration is given to the details of the text prepared by the Working Group. If consensus cannot be reached at the 2003 meeting, work on the amendment should be discontinued. This approach is particularly relevant based on the divergence of opinions that were expressed at the 2002 meeting.

Rationale

1. Ingredients must be declared by descending order of proportion (4.2.1.3 of the General Standard). This requirement is in place across the world and we believe that it is well understood by consumers. Imposition of mandatory QUID labelling would add further information to the ingredient statement, without necessarily increasing consumer understanding. It would also jeopardise the confidentiality of product formulations.
2. QUID information relates to the "quantity" of an ingredient, with many factors contributing to the final "quality" of a product. A large amount of an inferior ingredient will result in a high QUID labelling value, but not necessarily superior product quality. Thus it is erroneous to assume that a high QUID value is always indicative of product quality.
3. Within the context of the well-founded principle that there are "no good foods or bad foods, only good and bad diets", it is completely unacceptable to associate the "quantity" of an ingredient in a food product with the healthfulness of the food.
4. Prevention of fraud and deception should be addressed through existing provisions in the Codex General Guidelines on Claims (CAC/GL 1-1979 (Rev.1-1991)).
5. More extensive QUID labelling would add a greater burden on manufacturers who are already challenged to provide a significant amount of required information in a manner that is "clear, prominent, indelible and readily legible" (8.1.3 of the General Standard). It would also add to the cost of label development, and quite likely lead to increases in the cost of food products. These burdens would be particularly difficult for small and medium-sized manufacturers.

6. The experience in the European Union has shown that implementation of QUID has been more difficult than expected. Both national governments and trade associations have developed extensive guidelines to address the many questions that have arisen about its application. The Codex draft, as currently proposed, would be even more difficult to comply with and enforce than the EU requirements.

Additional comments

The following comments are offered on the current text without prejudice to the position and rationale provided above. They should only be considered if consensus is reached to proceed with the QUID amendments.

- 5.1.1 CIAA is of the opinion that the scope of quantitative ingredient declaration should be limited to points (a) to (e) as listed in paragraph 5.1.1.
Point (f) under 5.1.1 should be removed as this provision is not clear and goes against the objective of harmonisation. Furthermore, QUID is not a meaningful or effective way to enhance the health of consumers.
Exemptions equivalent to those listed under Article 7.3 of Directive 2000/13/EC should be provided for in any proposal to modify the General Standard for the labelling of pre-packaged foods concerning QUID. In this context, we suggest to replace point 5.1.1 (g) and (h) by the wording of Article 7.3 (a) third indent of Directive 2000/13/EC: "which is used in small quantities for the purpose of flavouring,".
- 5.2.1. Again, we suggest that account is taken of the provisions of Directive 2000/13/EC, which provides under Article 7.5: "The quantity of an ingredient or category of ingredients used in the manufacture or preparation of a foodstuff shall appear either in or immediately next to the name under which the foodstuff is sold or in the list of ingredients in connection with the ingredient or category of ingredients in question."
We are of the opinion that the percentage to be indicated is an average percentage and that there is no need to define mandatory rules for rounding, for a minimum percentage or for a maximum percentage. Such rules would add unreasonable complexity to the determination of QUID values, without any benefit to the consumer.
- 5.1.2 The provision under (a), which sets the conditions for QUID labelling when word, pictures or certain foods are emphasised, is unnecessary in light of the provisions under 5.1.1(a) where requirements for "words" and "pictures" are already covered. This provision is therefore not needed and should be deleted.
As for the provision under (b), claims are, in fact, "words". If fruits, vegetables, whole grains, sugars or any other ingredients were emphasised on a label, QUID labelling would be mandated by 5.1.1. This provision is therefore not needed and should be deleted.
Additional requirements for the placement of QUID information outside of the ingredient statement could be specified under 5.1.2, para 2.

INTERNATIONAL ASSOCIATION OF CONSUMER FOOD ORGANIZATIONS (IACFO)

A. Introduction

The International Association of Consumer Food Organizations (IACFO) is encouraged by the analysis brought to bear on the issue of QUID by members of the inter-session electronic working group. An expanded Codex QUID standard (also called percentage ingredient labelling) helps to fulfil both aspects of Codex's mandate: "protecting the health of the consumer and ensuring fair practices in the food trade."²

1. Health Factors

Recent research by IACFO members reveals the continuing need for QUID requirements to fulfil the twin missions of Codex. For example, a recently purchased American brand of jelly-like fruit preserves called "Smucker's Simply 100% . . . Strawberry Spreadable Fruit" actually contains much less strawberries (only 30%) than "Smucker's Strawberry Preserves" (which contains 51%) even though the first product claims on the label to be "100% Fruit." Both of these American brand name products are sold throughout the world, but only in countries like Thailand, which have comprehensive QUID requirements in force, is the consumer informed in the ingredient list that the "Strawberry Preserves" product contains more fruit than the "100% Fruit" product.

Similarly, a recent IACFO product survey in Australia revealed that Birds Eye, (a widely recognized US brand name food distributed throughout the world) "Lightly Battered Fillets of Ocean Hake" fish fillets contained only 55% fish while a competing local Australian store brand product called "Coles Lite Fish Fillets" contained 70% fish. While consumers in Australia could see that the US brand name product had a minimum amount of fish (as a result of their national QUID law), consumers in nations that do not maintain QUID requirements are likely being deceived when purchasing processed frozen fish products that have less fish than implied on the front label.

It should be noted that IACFO representatives called these and other companies to ask for QUID information. In all cases, the companies refused to provide any information regarding ingredient composition.

Both fruit and fish are types of foods that the World Health Organization (WHO) has encouraged consumers around the globe to increase their consumption of in order to reduce the incidence of diet-related disease. However, it is difficult for consumers to follow this advice in nations that do not have QUID requirements in place. Thus, the expansion of a Codex standard for QUID is completely consistent – indeed such action is mandated – by Codex's mission of "protecting the health of consumers."

² Statutes of the Codex Alimentarius Commission, Article I, paragraph (a), Codex Alimentarius Commission Procedural Manual, 11th ed., Food and Agriculture Organization of the United Nations/World Health Organization. Requiring food companies to disclose the percentage composition of ingredients also will likely enhance competition and provide incentives for companies to produce higher quality products. For example, after nutrition labelling became mandatory in the U.S. in 1994, food manufacturers reformulated hundreds of products and introduced thousands of new foods. Similarly, requiring food manufacturers to disclose the relative amounts of ingredients in their foods will likely encourage them to provide consumers with higher quality and more nutritious foods.

2. Other Policy Concerns

IACFO is hopeful that the CCFL can revise and expand the current standard in such a way that enables national authorities to establish truly useful QUID requirements for food labels.³ An expanded Codex QUID standard would also safeguard national percentage ingredient labelling requirements already in place in many countries.⁴ Major multinational companies, as well as smaller domestic firms, already comply with percentage ingredient declaration requirements in the European Union, Australia, New Zealand and Thailand. In January of this year, Canada also proposed a national QUID requirement that is currently subject to national public consultations.

The existing and proposed national QUID standards in these countries are evidence that QUID is important to enhance the health of consumers and prevent economic fraud. Also, the prevalence of national QUID standards is evidence that implementation challenges (such as the calculation of moisture weights in ingredients, the establishment of rounding rules for percentages, enforcement, and conflicts with laws protecting trade secrets) can be overcome by national governments despite comments to the contrary by some member countries and food industry INGOs.

B. Specific Recommended Amendments to the Proposed Draft Standard for QUID

1. Ingredients Known to Impact the Risk of Chronic Disease

Recommendation:

We propose that proposed section 5.1.1 (f) be modified in the following way:

f) the disclosure of which is deemed, by national authorities, to be necessary to enhance the health of consumers (*including, but not limited to, fruits, vegetables, whole grains, or added sugars*) or prevent deception.

We urge the Committee to stipulate that national authorities may require QUID disclosure for specific classes of ingredients that are widely recognized to be of particular public health significance (primarily fruits, vegetables, whole grains, and added sugars) *whenever* they are present in a food and regardless of whether the label bears a claim about the amount of those ingredients. In its current form, the Working Group proposal would limit the capacity of national governments to ensure that consumers have this information, which is necessary to reduce their risk of diet-related disease.

The importance of providing nutrition-related label information to consumers has been recognized by several countries that have established general mandatory nutrition labelling disclosure requirements, regardless of whether nutrition claims are made. These countries include the United States, Australia, New Zealand, Brazil, Israel, and Canada. However, the World Health Organization, a parent organization of the Codex Alimentarius Commission, in its March 2003 report entitled, *Diet, nutrition, and the prevention of chronic disease*, noted that many foods contribute protective or

³ Mandatory Codex QUID standards do not oblige national governments to adopt national QUID laws. Rather, they provide a model (that is recognized as legitimate by the World Trade Organization) for countries choosing to do so.

⁴ Replacing the existing Codex mandatory rule with a “voluntary” QUID standard (as was suggested by the US delegate) would immediately expose existing national mandatory QUID laws to a WTO complaint because those national standards stipulate under what circumstances QUID must be declared on food labels – i.e., not just how it should be displayed if manufacturers voluntarily decide to disclose QUID information.

causative effects on chronic disease risk that cannot yet be reduced to the metabolic effects of particular nutrients. Thus, it is essential that food labels provide QUID information, even if they already display nutrition labels.

Proposed article 5.1.1 (f) of the current QUID proposal acknowledges the importance of this principle. However, the WHO report has already identified several types of foods that are often used as ingredients in processed products and play important roles (protective or causative) in the development of non-communicable chronic diseases. In addition to the appropriate consumption of certain nutrients, the WHO report determined that there is convincing or probable evidence of links between cardiovascular disease, cancer, or type II diabetes and the following ingredients:⁵

- (a) *protective*: fruits; vegetables (excluding tubers); whole grain cereals; legumes; fish and fish oils; unsalted nuts (provided caloric intake is not exceeded); and
- (b) *causative*: foods and drinks rich in added (free) sugars, *unfiltered* boiled coffee; some forms of salted or fermented fish; high temperature foods; preserved meats (such as sausage, salami, bacon, and ham); and salted meats, pickles, and other foods,

IACFO urges the committee to recognize the significance of the conclusions reached by WHO and specify in article 5.1.1 that the amounts of fruits, vegetables, whole grains, legumes, fish, and added sugars should always be subject to QUID requirements (regardless of whether an explicit or implicit claim is made).⁶

Finally, IACFO agrees with France and Sweden that requiring manufacturers to report the total amount of the class of ingredients (such as vegetables, not including tubers), rather than the amounts of, for instance, individual vegetables, would satisfy this health requirement, provided that the percentage by weight of any particular vegetable that is highlighted by a marketing claim is also reported.

2. Relevance of Claims for Triggering QUID Disclosures

Recommendation:

We recommend that proposed section 5.1.1 be revised by adding the following after subsection 5.1.1 (f):

(g) comprise the first and second most prevalent ingredients, by weight, in the product.

and re-designating subsections (g), (h), and (i) accordingly as (h), (i), and (j).

⁵ Alcohol is not included in this list because, while it was identified as having a protective effect (at low to moderate intake) for cardiovascular disease, the WHO did not recommend consumption of alcohol due to numerous adverse health effects from high intake (including for cardiovascular disease, cancer and osteoporosis, as well as other social problems related to alcoholism). Similarly, while hard cheeses may provide protective benefits against the risk of dental caries, those benefits may not be obtained in some multi-ingredient foods, and hard cheeses may be high in saturated fats, which increase the risks of cardiovascular disease.

⁶ These classes of ingredients constitute an important, practical, readily understandable subset of the fourteen classes of ingredients the WHO determined to be related to the risk for chronic diseases.

The current draft QUID proposal improves upon the existing Codex QUID standard by recognizing the need to furnish QUID when consumers have expectations (cultural or otherwise) of the prevalence of certain ingredients even when the manufacturer has not made an explicit or implicit claim about ingredient contents. This is an important improvement to the current Codex standard. However, in many cases, determining the ingredients that are the subject of consumer expectations may become the matter of a dispute between manufacturers and regulators. For instance, if only 45% percent of people purchasing a product called “Beef Stew” expected the product to have a high amount of vegetables, should that relieve the manufacturer of the duty to disclose the vegetable content of those ingredients? In other words, is it acceptable that a significant minority of consumers be deceived? Also, in many cases, consumers may not have specific expectations about the prevalence of, for example, water or refined flour in a product but they might be surprised to discover the extent to which a food is economically adulterated by the addition of these filler ingredients.

A clear, easily applied method for ensuring that consumers are provided at least a modicum of ingredient content information is to enable national authorities to, as France noted, require QUID for the top two or three ingredients of multi-ingredient products. The approach also addresses problems caused by manufacturers who use low quality or undesirable “filler” ingredients (such as water or refined flour) that may be relevant to consumers’ product choices but would not trigger a QUID disclosure requirement under the proposed standard, because those ingredients would certainly not be the subject of a marketing claim or qualify for any other triggering condition listed in paragraphs 5.1.1 (a) through (f).

A QUID requirement to display the percentages of the top two or three ingredients would not compel the disclosure of trade secrets because it would not reveal the formula or method of preparation of the product. Furthermore, this type of QUID requirement would not normally require the disclosure of proprietary information such as the amounts of spices and flavourings that are used in a product.

Rather than giving away trade secrets, QUID will increase marketplace competition by facilitating consumer choice and providing market incentives for producing foods that, for instance, have higher amounts of fruits and vegetables. Contrary to Japan’s submission, IACFO believes that a general requirement to report the percentages of the top two or three ingredients would not inflate food prices. By analogy, the United States requirement that labels for nearly all foods report the amounts of over ten nutrients did not inflate food prices when that requirement was put in place nearly a decade ago.

3. Ingredient Claims

Recommendation:

We recommend that proposed section 5.1.3 be revised in the following way:

If the quantity of any ingredient is emphasized on the label by words or pictures, or an express or implied claim is made about the presence of any fruits, vegetables, whole grains, or added sugars, the ingoing percentage, by weight, of each such ingredient **or class of ingredients shall be reported on the label either:**

- (a) in close proximity to the words or images emphasizing the particular ingredient,
or
(b) beside the common name of the food
- in lettering that is at least 50% as large as the common name.

Manufacturers who make explicit claims (using words or pictures) about ingredient composition, should be required to prominently display the amounts of the emphasized ingredients beside the claims in print no smaller than half the size of the claim, or if the claim is in the form of a picture, no smaller than half the size of the common name of the product. Similarly, manufacturers who make explicit or implicit marketing claims about ingredients that have a key bearing on health should be required to prominently display the quantities of those ingredients in conjunction with the claim. Such manufacturers should not be permitted to bury information in the ingredient list that may refute those claims. (Ideally, unsubstantiated claims should be prohibited completely, but enforcement by national regulators has been lax throughout most parts of the world). For non health-related ingredients subject to QUID requirements that are not also highlighted by a marketing claim, reporting the amount of the ingredient in the ingredient list alone is acceptable.

INTERNATIONAL BABY FOOD ACTION NETWORK (IBFAN)

IBFAN fully supports the proposed draft amendment to expand the quantitative ingredient declaration. We support the position of the International Association of Consumer Food Organizations (IACFO) and wish to add the following reason for the adoption of the QUID amendment:

- a) Quid would improve consumer capacity to make the most advantageous food choices especially for those with increased nutritional needs – pregnant and lactating women, young children and teenagers – and thus have a positive impact on their nutritional status and health.
- b) It would be an incentive for food manufacturers to improve the compositional quality of their products.
- c) It would ensure better nutrient consistency especially in foods for young children where compositional standards are critical. This would prevent manufacturers from fluctuating product composition to enhance textural or physical features of the product.

INTERNATIONAL COUNCIL OF GROCERY MANUFACTURERS ASSOCIATIONS (ICGMA):

The International Council of Grocery Manufacturers Associations (ICGMA) is pleased to provide input on the “Proposed Draft Amendment to the General Standard for the Labeling of Prepackaged Foods: Quantitative Declaration of Ingredients (QUID).”

ICGMA, a recognized INGO before the Codex Alimentarius Commission, represents the interests of national and regional associations who collaborate with all sectors of the consumer packaged goods industry. ICGMA promotes the harmonization of scientific standards and policies concerned with health, safety, packaging, and labelling of foods, beverages, and other

consumer packaged goods. ICGMA also works to facilitate international trade in these sectors by eliminating or preventing artificial barriers to trade.

General Comments:

ICGMA does not support mandatory requirements for quantitative declarations of ingredients. We continue to oppose all efforts to impose extraneous food labelling requirements that afford no health or safety benefit to consumers. Product composition is sufficiently declared through full ingredient labelling in order of predominance by weight. Mandatory percentage ingredient labelling as proposed requires the disclosure of proprietary information, *e.g.*, recipes protected by trademark, distracts from material information related to product safety and nutritional content, and has the potential to confuse and mislead consumers who have no numerical concept of the appropriate ingredient percentage in packaged food products.

ICGMA supports the existing Codex Standard in section 5.1 which provides for meaningful ingredient information to the consumer and opposes the proposed amendment to the Standard.

Comments to the “Proposed Draft Amendment to the General Standard for the Labeling of Prepackaged Foods: Quantitative Declaration of Ingredients (QUID)”

As stated previously, mandatory percentage ingredient labeling as proposed requires the disclosure of proprietary information, distracts from material information related to product safety and nutritional content, and has the potential to confuse and mislead consumers. The technical practicalities of accurate representation impose a significant economic burden on the food industry while simultaneously imposing onerous implementation and enforcement burdens on regulatory authorities. These labeling requirements will effectively reduce selection for consumers and market competition without increasing safety quality or consumer confidence.

Furthermore, ICGMA believes that the “Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods: Quantitative Declaration of Ingredients ” is potentially violative of the World Trade Organization’s (WTO) trade agreements. Specifically, Article 2.2 of the Agreement on Technical Barriers to Trade (TBT Agreement) provides that technical regulations shall not be “prepared, adopted, or applied with a view to or with the effect of creating unnecessary obstacles to international trade.” To ensure that no unnecessary obstacles are erected, the Agreement requires that any regulations enacted “shall not be more trade-restrictive than necessary to fulfil a legitimate objective.”

Mandatory percentage ingredient labelling as proposed is an *obstacle to trade* because the enormous compliance and regulatory costs will force many producers, especially those in developing nations, out of the market. It is *unnecessary* because it is something that could be achieved in a less trade-restrictive manner - such as through the establishment of a voluntary system for labelling. Moreover, the proposed labelling does *not fulfil a legitimate objective* because it does nothing to advance the health and safety of consumers.

Finally, ICGMA remains concerned about the impact of mandatory percentage ingredient labelling requirements on small economies and small businesses. The costs of this labelling scheme will be most onerous for small processors. With the significant expense associated with

the proposed labelling coupled with the slim profit margins inherent in the food processing industry, smaller companies will be forced out of business. Additionally, the regulatory structures in many small economies have neither the personnel nor the budget necessary to enforce such a burdensome labelling scheme, as scarce regulatory resources are focused on important food safety issues.

INTERNATIONAL SOFT DRINKS COUNCIL (ISDC):

The International Soft Drinks Council (ISDC) is a non-governmental organization representing the worldwide soft drinks industry. ISDC is pleased to provide comments on the proposed amendment to the General Standard for the Labelling of Prepackaged Foods: Quantitative Declaration of Ingredients.

ISDC is strongly opposed to the proposed amendment and requests retaining the current text in section 5.1. ISDC believes that the existing standard already provides sufficient ingredient information to consumers.

The proposed draft amendment is too far-reaching. If all the points were implemented, it could impose a significant economic burden on the industry without any health or safety benefit to the consumers. Further, it would distract from information related to product safety and nutritional content and prevent flexibility in the use of ingredients.

ISDC believes that the proposed amendment potentially violates the WTO trade agreements, especially Article 2.2 of the TBT agreement, since it would create unnecessary obstacles to international trade and would be more trade restrictive than necessary.