

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
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WORLD  
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**AGENDA ITEM NO. 5**

**CX/FL 03/5**

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

**CODEX COMMITTEE ON FOOD LABELLING  
THIRTY-FIRST SESSION  
OTTAWA, CANADA, 28 APRIL - 2 MAY 2003**

**DRAFT AMENDMENT TO THE GUIDELINES ON  
NUTRITION LABELLING  
(SECTION 3.2 LISTING OF NUTRIENTS)  
(ALINORM 03/22, APPENDIX VI)**

**GOVERNMENT COMMENTS AT STEP 6**

### **COMMENTS FROM:**

**AUSTRALIA  
BRAZIL  
COLOMBIA  
NEW ZEALAND  
INTERNATIONAL COUNCIL OF GROCERY MANUFACTURERS ASSOCIATIONS (ICGMA)  
INTERNATIONAL SOFT DRINKS COUNCIL (ISDC)  
WORLD SUGAR RESEARCH ORGANISATION (WSRO)**

**DRAFT AMENDMENT TO THE GUIDELINES ON NUTRITION LABELLING  
(ALINORM 03/22, APPENDIX VI)**

**GOVERNMENT COMMENTS AT STEP 6**

**AUSTRALIA:**

Australia wishes to provide the following comment in relation to CL 2002/37 –FL Draft Amendment to the Guidelines on Nutrition Labelling (at Step 6).

**3.2 Listing of Nutrients**

Australia agrees that the core nutrients: energy, protein, available carbohydrate and total fat be declared where a nutrient declaration is applied, as well as any nutrient for which a nutrition claim or health claim is made. The mandatory declaration of other nutrients should be as required by nutrition policy or dietary guidelines, in addition to national legislation, to reflect the public health concerns of individual countries. For Australia this also includes saturated fat, sodium and sugars.

With respect to carbohydrate, Australia permits the calculation of carbohydrate using either available carbohydrate or carbohydrate by difference.

Australia suggests alternative drafting to Section 3.2.1.4 as follows:

3.2.1.4 The amount of any other nutrient considered to be relevant for maintaining a good nutritional status, as required by national legislation, **nutrition policy or dietary guidelines.**

**3.2.2**

Australia does not support the proposed amendment to 3.2.2 because dietary fibre and sugar claims should not trigger nutrient declarations for saturated fatty acids, trans fatty acids and sodium given those nutrients share neither similar characteristics nor similar diet-disease relationships. Sodium and saturated fat are both risk factors for cardiovascular disease whereas a similar relationship has not been established for dietary fibre and sugars. As an alternative Australia proposes:

3.2.2 The amounts of ~~total sugars, dietary fibre~~, saturated fatty acids, [trans fatty acids] and sodium should be declared in addition to the requirements of section 3.2.1 where:

3.2.2.1 The amounts of one or more ~~sugars, dietary fibre~~, saturated fatty acids, [trans fatty acids] and sodium are declared voluntarily,

3.2.2.2 ~~Sugars, dietary fibre~~, saturated fatty acids, [trans fatty acids] or sodium are the subject of a nutrition claim, or

3.2.2.3 A health claim is made for the food.

### 3.2.3

Australia believes that if a claim is made about a nutrient, it should trigger the declaration of related nutrients in the cluster. The clustered nutrients refer to: 1) fatty acids; 2) carbohydrates; and 3) sodium and potassium.

Therefore, an alternative drafting to 3.2.3 is:

3.2.3 Where a claim is made regarding the amount and/or type of carbohydrate, the amount of total sugars and **dietary fibre** should be listed in addition to the requirements in Section 3.2.1. The amounts of starch and/or other carbohydrate constituent(s) may also be listed. **Where a claim is made regarding the dietary fibre content, the amount of total sugars should be declared in addition to the requirements of Section 3.2.1.**

### 3.2.4

Australia supports the inclusion of the amount of trans fatty acids and monounsaturated fatty acids where a claim is made regarding the amount and/or type of fatty acids. Therefore, the square brackets around trans fatty acids and monounsaturated fatty acids should be removed.

### 3.2.6

Australia believes that the current drafting of Section 3.2.6 requires further clarification, in light of the new criteria for vitamins and minerals claims. There appears to be an anomaly as to whether vitamins and minerals could be voluntarily declared, including in a nutrition table or panel, when their amount is above the limit proposed in 3.2.6, but below the least amount that can be claimed as 'source' (i.e. between 5 and 15% NRV per various denominators).

Under the definition of *nutrition claim* in Section 2.4 of the Codex Guidelines on Nutrition Labelling, Australia's interpretation is that the voluntary declaration of a nutrient in the nutrition information panel constitutes a nutrition claim. This is because that definition is very broad and refers to *any* representation which states, suggests or implies that a food has particular nutritional properties..... We note also that the mention of nutrients as a mandatory part of nutrition labelling is excluded from the scope of a nutrition claim, but not voluntary declaration.

The CCNFSDU has agreed that the criteria for 'source' vitamin and mineral claims are at least 15% NRV per 100 g or per serving, or 5% NRV/100kcal or 7.5% NRV/100mL (for liquids). If Australia's interpretation is correct, then 'source' is intended to describe the lowest amount of a vitamin or mineral that can be 'claimed' or declared, which means that 3.2.6 is a nonsense and should be deleted.

However, if it is intended that a voluntary declaration does not constitute a claim, then the current drafting in 3.2.6 is acceptable, but the definition of nutrition claim in both these Guidelines and in the Codex Guidelines for Use of Nutrition Claims should be amended to exclude voluntary nutrient declarations.

### 3.2.7

Australia supports the proposed drafting.

### 3.4.7

Australia supports the format proposed for the declaration of trans and monounsaturated fatty acids.

## BRAZIL:

3.2.1.3. To keep in the text the expression “or health”.

Justification: To be coherent with the mandatory nutritional labeling for the food that has nutritional claim.

3.2.2. To exclude from the text “trans fatty acids”.

3.2.2.1. To keep in the text “trans fatty acids”.

3.2.2.2 . To keep the “trans fatty acids”.

3.2.2.3. To keep the draft item as it is written.

3.2.2. To exclude the underlined text between square brackets, due to the fact that the previous draft is clearer.

3.2.3. To exclude the underlined sentence on “dietary fiber”, since the item 3.2.1.3 has already guaranteed the declaration of dietary fiber when it is effected a claim of this component.

3.2.4. To exclude the square brackets of the “trans fatty acids” and “monounsaturated fatty acids”, and to keep them in the text. To include after “type of fatty acids” the expression “**or cholesterol**”.

To include after “polyunsaturated fatty acids” the expression “**and cholesterol**”.

To add after Section 3.4.7, the expression “**and with Section 3.2.2.1**”.

The text will be like the following: “Where a claim is made regarding the amount and/or type of fatty acids “**or cholesterol**” the amounts of saturated fatty acids, “**trans fatty acids**”, monounsaturated fatty acids, and polyunsaturated fatty acids “**and cholesterol**” should be declared in addition to the requirements of Section 3.2.1 and in accordance with Section 3.4.7 **and with Section 3.2.2.1.**”

We still suggest:

-To exclude from the text the sentence between square brackets: “[The declaration of polyunsaturated fatty acids may be replaced with a declaration of n-6 polyunsaturated fatty acids and n-3 polyunsaturated fatty acids]”.

Justification: We understand that the substitution confuses the consumer’s understanding. Thus, we suggest that it’s declared the content of polyunsaturated fatty acids and below it, the n-6 polyunsaturated and n-3 polyunsaturated fatty acids.

- To exclude from the text the sentence concerning the cholesterol claim: “Where a claim is made regarding cholesterol, the amounts of saturated fatty acids [and trans fatty acids] should be declared in addition to the requirements of Section 3.2.1.”.

We propose to include the word “cholesterol” in the first sentence of the item related to the claim about the amount and/or type of fatty acids.

We propose to exclude the last underlined sentence: “[The amounts of any others fatty acid constituent(s) may also be listed]”.

3.2.6. To keep the phrase in bold: “**When nutrient declaration is applied, vitamins and minerals which are present in amounts less than 5% of the Nutrient Reference Value or of the officially recognized guidelines of the national authority having jurisdiction per 100g or 100ml or per serving as quantified on the label should not be declared**”.

- To exclude the last sentence underlined: “When nutrient declaration is applied, only those vitamins and minerals which are present in significant amounts should be listed.”<sup>13</sup>

- To exclude the footnote # 13: “As a rule, 5% of the recommended intake (of the population concerned) supplied by a serving as quantified on the label should be taken into consideration in deciding what constitutes a significant amount”.

3.2.7 To keep the sentence in bold.

## COLOMBIA:

	Comments	
<p><b>Where a claim is made regarding the amount of dietary fibre, the soluble fibre and the insoluble fibre should be declared in grams, in addition to the requirements of Section 3.2.1</b></p>	<p>Include this new clause as clause 3.2.5, and adjust the other clauses accordingly.</p> <p>-It is necessary to establish the amounts of soluble and insoluble fiber in order to be able to correctly apply the claim, as established in: 21CFR 101.81 21 CFR 101.77 21 CFR 101.78</p> <p>-This is important to allow surveillance and control bodies to</p>	

	<p>protect the consumer.                  -The USA Nutritionist Association recommends 20g to 30g of fiber per day, with a maximum of 35g, of which 25% must be soluble fiber and the rest insoluble fiber.</p>	
<p><b>3.2.7 In the case where a product is subject to labelling requirements of a Codex standard, the provisions for nutrient declaration set out in that standard should take precedence over but not conflict with the provisions of Sections 3.2.1 to 3.2.6 of these guidelines.</b></p>	<p>We agree; adjust if the clause proposed by us is accepted</p>	

**NEW ZEALAND:**

The New Zealand Government would like to make the following comments:

**Section 3.2.2**

Section 3.2.2, including 3.2.2.1, 3.2.2.2 and 3.2.2.3, is confusing to the reader. It is easily interpreted to mean that the amounts of all the nutrients listed in 3.2.2 should be declared where any one of them is declared voluntarily, or a nutrition claim of health claim is made. New Zealand does not see the justification for requiring information about, for example, the amount of sodium if a voluntary declaration is made for total sugars.

New Zealand requires mandatory declarations of seven nutrients: energy, protein, carbohydrate, total sugar, total fat, saturated fat and sodium.

New Zealand recommends the deleting all of section 3.2.2.

**Section 3.2.3**

New Zealand supports the deletion of “[Where a claim is made regarding the dietary fibre content, the amount of dietary fibre should be declared]” as this is covered under 3.2.1.3.

**Section 3.2.4**

If trans fatty acids and monounsaturated fatty acids are required to be declared when a claim is made regarding the amount and/or the type of fatty acid or cholesterol there should be a definition of trans fatty acid and monounsaturated fatty acid included under *Clause 2 Definitions*. Currently there is only a definition for polyunsaturated fatty acids.

New Zealand does not support the text in square brackets “[The declaration of polyunsaturated fatty acids may be replaced with a declaration of n-6 polyunsaturated fatty acids and n-3 polyunsaturated fatty acids.]”. All polyunsaturated fatty acids should be declared individually, which would require n-9 polyunsaturated fatty acids also to be declared. If a claim is made for either n-6 polyunsaturated fatty acids or n-3 polyunsaturated fatty acids they should be declared as a subset of polyunsaturated fatty acids unless all three subsets are shown.

**Section 3.2.6**

New Zealand does not support the 5 per cent level of NRV being set per 100 g or per 100 ml. This level should only apply to per serving. Five per cent NRV per serving in most cases will be quite a different value to 5 per cent NRV per 100 g or per 100 ml. (Not many products have a serving size of 100 g/100 ml.). Allowing the quantity to be based on a per 100 g or per 100 ml does not necessarily equate to a significant amount of a vitamin and mineral being consumed.

**Section 3.4.7**

In the format shown, the different types of fats should be aligned. Currently saturated fat is not in alignment with the other fats listed.

## **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 Codex *Guidelines on Nutrition Labelling*.

ICGMA supports nutrition labeling when it is used to provide consumers with clear, useful, and relevant information that they may use to make informed choices when purchasing products. ICGMA believes that nutrition labeling should be voluntary, as currently suggested in the *Guidelines*.

**3.2.1.2**

ICGMA requests further explanation for the definition of “available carbohydrate”. As written, 3.2.1.2 has removed a major constituent of carbohydrate, dietary fiber, as part of total carbohydrate. Carbohydrate is being qualified whereas protein and fat are not.

**3.2.2**

Although ICGMA supports the idea of providing nutrition information to consumers, label space is very valuable because it is also very limited. Space for nutrition information competes with space for ingredient information, net weight or contents, product preparation and/or storage, etc. As such, we believe that only meaningful nutrient declarations should be provided. In particular, ICGMA believes that there should be no requirement to declare component nutrients, when the main nutrient value is zero or trace, e.g., if total fat is zero then it is not necessary to declare saturated fat or trans fat.

Further, we are concerned about the requirement in 3.2.2 to declare all five proposed nutrients when the amount of only one nutrient is declared voluntarily in 3.2.2.1. Instead, we believe that the voluntary declaration of one nutrient should not automatically necessitate the declaration of the amounts of all five nutrients. We would agree,

however, that when a specific nutrient content claim (3.2.2.2) or health claim (3.2.2.3) is made on the label, its amount should be declared in conformance with 3.2.2.

### 3.2.3

We believe the term “starch” is unnecessarily vague and should be omitted. Experiences in many countries indicate it is sufficient to use only total carbohydrates, total sugar, and dietary fiber.

### 3.2.5.1

We believe this section is a trade barrier and unnecessarily restrictive. Countries deem vitamins and minerals to be of nutritional importance based on a wide range of criteria. Binding other countries to declarations of only those vitamins and minerals for which recommended intakes have been established and/or which are of nutritional importance in the country concerned subjects countries to the individual standards of other countries, even when those standards are arbitrary and not based on internationally recognized principles.

### 3.4.7

We believe the word “Total” should be inserted before “fat.” In addition, we believe the word “fat” should appear after “saturated”, “trans,” “monounsaturated,” and “polyunsaturated.”

## **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 draft amendment to the Codex *Guidelines on Nutrition Labelling*.

The goal of nutrition labelling should be to provide information that the consumer can understand and that is useful in making informed choices when purchasing products. To provide such a benefit, nutritional information should be as clear and concise as possible without unnecessary repetition or other confusing information that may provide little or no value. We note that nutrition labelling presents several challenges for implementation and enforcement resources and can be expensive. Variability in components, ingredient stability, language issues (multiple language labels in some countries), disparities in consumption amounts (nutritional comparison of products with vastly different customary consumption levels per eating occasion), enforcement practicalities, and many other practical problems arise in the course of enacting nutrition labelling. **ISDC supports the current approach of a voluntary nutrition labelling.**

### 3.2.2

ISDC shares the reservations expressed by the Regional Coordinator of Asia concerning sections 3.2.2, 3.2.2.1, 3.2.2.2 and 3.2.2.3 and would accept the deletion of these proposed sections. If they remain in the *Guidelines*, we reiterate our concern about the



requirement to declare component nutrients, such as saturated fatty acids and *trans* fatty acids, when the main nutrient value, in this case total fat, is zero or trace. We also are concerned about the provision in 3.2.2 requiring all proposed five nutrients be declared when the amount of only one nutrient is declared voluntarily. We believe that the voluntary declaration of one nutrient should not automatically necessitate the declaration of the amounts of all five nutrients, although we would agree that when a specific nutrient is highlighted on the label, its amount should be declared according to the existing provisions in 3.2.1.

While we support providing nutrition information to the consumers, the label space is very valuable for manufacturers and only meaningful nutrient declarations should be considered. Listed below are theoretical examples of how the declaration requirement, as proposed in section 3.2.2, would impact the labels of soft drinks and bottled waters that contain information or a claim about sodium:

A SOFT DRINK

Serving size 1 can (355 mL)	
Amount per serving	
Energy	156 kcal (663 kJ)
Protein	0 g
Carbohydrate	39 g
of which sugars	39 g
Fat	0 g
of which saturated	0 g
and [trans]	0 g
Sodium	50 mg
Dietary fibre	0 g

A BOTTLED WATER PRODUCT

Serving size 1 bottle (355 mL)	
Amount per serving	
Energy	0 kcal (0 kJ)
Protein	0 g
Carbohydrate	0 g
of which sugars	0 g
Fat	0 g
of which saturated	0 g
and [trans]	0 g
Sodium	0 mg
Dietary fibre	0 g

The nutrition information provided here is not meaningful and an ineffective use of valuable label space. Declaring component nutrients when the amount of the nutrient level itself is zero does not serve any legitimate purpose. We also question the need for extensive mandatory nutrient content declarations for foods such as bottled waters that generally do not contain nutrients listed in 3.2.2. If section 3.2.2 is not deleted, we request that the following language be added after 3.2.4:

***“Where one of the amounts required by 3.2.1.2 has a value of zero, there is no requirement to quantify any of that nutrients subcategories required by 3.2.2 onwards.”***

**3.2.6**

ISDC supports the proposed wording of Section 3.2.6.

## WORLD SUGAR RESEARCH ORGANISATION (WSRO):

The 30<sup>th</sup> session of the Codex Committee on Food Labelling (CCFL) advanced the Proposed Draft Amendment to the Guidelines on Nutrition Labelling from Step 3 to Step 5 in May 2002, for adoption by the 50<sup>th</sup> Session of the Executive Committee.

At the Executive Committee meeting, the Regional Co-ordinator for Asia expressed reservations about the proposed draft amendments to the Guidelines, in particular Sections 3.2.2, 3.2.2.1, 3.2.2.2 and 3.2.2.3. It was proposed that these sections be deleted and that the CCFL reconsider this issue at its next Session.

In that framework, WSRO would like to draw attention to the written and verbal comments regarding Sections 3.2.2 and 3.2.3 that were submitted to CCFL in May 2001 (see Conference Room Document CX/FL 01/09 – CRD.24.) and in May 2002 (see CX/FL 02/8).

Summarising these and supporting the points raised by the Regional Co-ordinator for Asia, WSRO would like to provide the following comments on **Section 3.2.2** and **Section 3.2.3** for consideration by the 31<sup>st</sup> Session of the CCFL (Ottawa, Canada, 28 April - 2 May 2002):

It is WSRO's view that the core information in the existing Guidelines on Nutrition Labelling, whereby energy value, protein, available carbohydrate and fat and the amount of any other nutrient for which a nutrition claim is made must be declared, provides the consumer with adequate general dietary information and therefore should remain limited.

Principally, sugars should only be listed on the nutrition label when a nutrition claim is made specific to sugar(s) – such as “low in sugar(s)” or “no sugar(s) added”. In all other cases a declaration of total carbohydrate is sufficient.

WSRO does not support **Section 3.2.2.** of the proposed draft amendment which would trigger the declaration of “sugars” in addition to carbohydrate when a claim is made for one or more of fibre, saturated fat and sodium because such labelling is not supported by current scientific research on sugars and health and there are no scientifically based public health reasons for a quantitative labelling of sugars.

The *1998 Report of the Joint FAO/WHO Expert Consultation on Carbohydrates in Human Nutrition* concluded that “there is no evidence of a direct involvement of sucrose, other sugars and starch in the etiology of lifestyle-related diseases”, including obesity, diabetes and cardiovascular diseases.

Concerning dental caries the FAO/WHO report concludes, “more and more populations are characterised by a decreasing caries prevalence in the young generation, mostly independent from intake of sugars and other carbohydrates.”

WSRO does not support **Section 3.2.3** which states that sugars content would have to be declared when any claim is made about the amount and/or type of carbohydrate, because this is also not supported by scientific evidence. There is no public health reason to

specifically declare sugars when a claim is made on carbohydrates and to distinguish sugars from other carbohydrates in the overall maintenance of health.

To conclude, the declaration of sugars should not be required in Sections 3.2.2. and 3.2.3 as this is not supported by current scientific evidence and therefore contradicts the first Statement of Principle concerning the Role of Science in the Codex Decision Making Process.