

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



JOINT OFFICE: Viale delle Terme di Caracalla 00100 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

Agenda Item 9

CX/FL 03/11

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

Thirty-first Session

Ottawa, Canada, 28 April - 2 May 2003

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

The Committee on Food Labelling discussed the Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods on Quantitative Declaration of Ingredients (QUID) at its 30th Session. The Committee recognized that there was no consensus at this stage but that further discussion was necessary, and agreed to return the Proposed Draft Amendment to Step 3 for redrafting by a Working Group coordinated by the United Kingdom and open to all interested countries. The Working Group would work by electronic mail to review the current Proposed Draft Amendment and the comments received with a view to revising the current text for further consideration at the next session (ALINORM 03/22, paras. 98-99).

The Working Group coordinated by the United Kingdom prepared a revised version of the text in the light of the comments received. The Proposed Draft Amendment is attached as Annex 1 and the Summary of Comments submitted by the members of the Working Group as Annex 2.

The Proposed Draft Amendment is hereby circulated for comments at Step 3. Governments and international organizations wishing to provide comments should do so in writing, preferably by email, to Mr. Ron Burke, Director, Bureau of Food Regulatory, International and Interagency Affairs, Health Products and Food Branch, Health Canada, Bldg No. 7, Room 2395, Tunney's Pasture, Ottawa K1A 0L2, Canada, Fax No. 613.941.3537, E-mail: codex.canada@hc-sc.gc.ca, with a copy to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Viale delle Terme di Caracalla, 00100 Rome, Italy, Fax: +39 (06) 5705 4593, E-mail: codex@fao.org **before 31 March 2003**.

**PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF
PREPACKAGED FOODS
(Quantitative Ingredient Declaration Labelling)
(At Step 3 of the Procedure)¹**

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
- (e) appears in the name of the food; or
- (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 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
- (i) commodity-specific standards of Codex Alimentarius conflict with the requirements described here.

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 large 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

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, 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.

¹ Revised version prepared by the Working Group coordinated by the United Kingdom

SUMMARY OF WRITTEN COMMENTS BY MEMBERS AND OBSERVERS ON DRAFT 1 (JUNE 2002) OF THE WORKING GROUP PAPER

PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS

**(Quantitative Ingredient Declaration Labelling)
(At Step 3)**

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

[each of the three most prevalent constituent ingredients (including ingredients of compound ingredients), by weight, of the final product,]

/ [each ingredient (including ingredients of compound ingredients) comprising more than 25% by weight of the final product]

Brazil: Suggests excluding the two first sentences between brackets, with the understanding that QUID should not be based on a minimum percentage. Suggests an approach similar to that applicable in the EU

Thailand: Thailand suggests replacing the “top 3” and “25%” criteria with “important ingredients essential to characterise the food.”

France: France opposes the use of the “25%” criterion. France prefers the EU-style trigger for QUID disclosure because it is sensitive to product features that are relevant to consumer choice. However, France believes the “top 3” criterion is clear and can be easily applied to different types of products.

Sweden: Sweden opposes the use of the “25%” and top 3” criteria because they would yield information of little interest to consumers. Sweden suggested that the requirement focus on or, at least, include an option to report QUID for “classes of ingredients” because that information is often more useful for consumers and less complicated than percentages of each individual ingredient. A simple approach might be to prescribe a standard list of defined food classes (such as meat, vegetables, fruits, etc.) for which QUID must always be reported.

Sweden supports using the “in-going percent” because it is easy to check against the recipe and is familiar to consumers from their experience with using recipes at home.

Canada: Canada opposes QUID for non-highlighted ingredients (because it claims that doing so impairs ingredient flexibility & violates proprietary formulas), but, in principle, any emphasis on an ingredient, component or substance should be accompanied by a statement indicating the amount.

Japan: Japan says that QUID should only be used this for certain foods, otherwise it may increase food prices.

IACFO: IACFO supports deleting the second clause in square brackets (i.e., the “25%” criterion) and removing all of the square brackets in the remainder of this section. The “top three” criterion is simpler to apply and enforce, and treads more lightly on intellectual property rights, if any, manufacturers have to give quantitative ingredient information.

and any other 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

Brazil: Supports this approach.

Sweden: Sweden supports the rules in Article 7 of labelling Directive 2000/13/EC and exemptions (which industry has learned to apply) and the use of ingredient classes. Sweden proposes exemptions for flavours used in small quantities.

Canada: Canada propose exemptions for: flavours used in small quantities; mixtures of ingredients when no individual ingredient is emphasised; items required to be declared by drained weight; nutrients named in the ingredient label; ingredients for which the amounts must be disclosed by commodity-specific rules.

Canada proposes deleting b), c), and d) because it believes they are redundant with f). Canada supports f) as well as a) and e).

France: France supports these criteria.

CIAA: CIAA supports these criteria. CIAA requests limiting the triggering criteria for QUID declaration to those enumerated in subsections a) through e) and incorporating exemptions from Directive 2000/13/EU. CIAA asserts that fraud prevention is accomplished better by the current Codex standards prohibiting misleading claims.

IACFO: IACFO supports these sections because believe such criteria help guard against misleading claims and are similar to provisions already in effect in several countries. IACFO contends that these provisions, however, are not sufficient because they do not permit countries to require QUID when it is important, especially for ingredients with health implications, such as added sugars, for which no claims are made.

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

Brazil: Supports this approach.

Japan: Japan supports this in principle.

France: France suggests deleting “or prevent consumer deception” because it believes that clause is redundant with subsections a through e.

IACFO: IACFO strongly supports this section. Health-related dietary needs vary among regions of the world, depending on local dietary patterns and other factors that cannot be addressed by a single international standard.

5.1.2 The information required in Section 5.1.1 shall be declared on the product label as a[n approximate] numerical percentage adjacent to each respective ingredient listed in the ingredient list.

Brazil: Suggests replacing “an approximate” with “rounded to full number”.

USA: The US suggests the standard specify that QUID appear in parentheses following the ingredient and be expressed as nearest “1%.”

Thailand: Thailand suggests deleting the square brackets in this section.

Canada: Canada supports deletion of the square brackets and use of minimum and maximum percentages. Canada proposes optionally reporting QUID for a class at end of the list of the applicable ingredients.

Sweden: Sweden suggests focussing on “classes” of ingredients.

France: France suggests deleting the square brackets and proposes that manufacturers have the option of reporting QUID for classes of ingredients instead of individual ingredients.

CIAA: This section requires clarification re application and possible exemptions.

IFU: Ingredient quantities should, where applicable, be consistent with commodity-specific definitions of ingredients to avoid exaggeration, for instance, of fruit juice content by basing QUID calculations partly on the amount of juice by-products or over-reconstituted juice.

IACFO: IACFO supports deletion of the square brackets and suggests the possibility of permitting standards to authorise the use of ranges for QUID.

5.1.3 If

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

Brazil: Suggests current draft of 5.1.3 be replaced with “The indicated quantity, expressed as a percentage, shall correspond to the quantity of the ingredient or ingredients at the time of its use.”

CIAA: CIAA believes that this section is unworkable, especially on small packages.

(b) [an express or implied claim is made about the presence of any fruits, vegetables, whole grains or added sugars by the means described in 5.1.1(b) to (f)]

Thailand: Thailand suggests deleting the square brackets in this section.

IACFO: IACFO notes that these ingredients have been recognised by the WHO as being important for health,² so there is a need to ensure that QUID has comparable prominence to marketing claims regarding these ingredients (such as “made with real fruit” or “whole wheat crackers”).

the [ingoing] percentage, by weight, or each [such] [emphasised] ingredient shall [also] be reported on the label either in close proximity to the words or images emphasising the particular ingredient, or beside the common name of the food,

France: France opposes duplicate information and recommends that QUID, when required, be reported in either place.

Sweden: Sweden opposes duplicate information. Swedish consumer groups prefer all composition information to be put in one place -- the ingredient list.

Thailand: Thailand suggests deleting the square brackets.

Canada: Canada notes that principal display panel changes require major label redesign.

CIAA: CIAA asserts that QUID information should be in the ingredient list only.

IACFO: IACFO supports deletion of the square brackets in this section.

[in lettering that is at least 50% as large as the common name].

² World Health Organisation, *Diet, Nutrition, and the Prevention of Chronic Diseases [Draft]*, (Geneva, Switzerland: WHO, 2002).

Sweden: Sweden opposes specifying the size of the lettering. Sweden notes that (1) no other Codex standards specify type size, (2) other aspects of format are also important, and (3) there is no definition of “common name” in Codex standards.

Thailand: Thailand suggests deleting the square brackets.

5.1.4 Where commodity-specific standards of Codex Alimentarius conflict with the requirements prescribed here, the commodity-specific requirements shall prevail to the extent of the conflict.

Brazil: Support.

USA: The US notes that voluntary QUID poses no conflict with commodity-specific standards

Canada: Canada proposes to exempt ingredients that are otherwise required to be declared by commodity-specific standards.

Sweden: Sweden supports this section.

IFU: IFU suggests that ingredient quantities should, where applicable, be consistent with commodity-specific definitions of ingredients to avoid exaggeration, for instance, of fruit juice content by basing QUID calculations partly on the amount of juice by-products or over-reconstituted juice.

GENERAL COMMENTS ON THE JUNE 2002 DRAFT QUID PROPOSAL

Sweden: Sweden believes that QUID is an important tool for consumers to make an informed choice, especially with increasing international trade between countries with different standards and traditions.

Canada: Canada believes that, in principle, any emphasis regarding the presence of an ingredient, component or substance should be accompanied by a statement regarding the amount of it.

USA: The US believes that the working group should consider carefully amendments to the mandatory QUID rules. The USA prefers amending the voluntary rules (i.e., mandatory format rules only) to permit national authorities to mandate uniform formats for QUID when used voluntarily by companies.

The USA prefers retaining the current text in section 5.1 – with minor clarifying revisions (i.e., specifying that special emphasis may be made by words or pictures) -- and, generally opposes giving national authorities the power to require detailed QUID information. The USA recommends that two new sections be added to the current Section 5.1 (“Additional Mandatory Requirements”) and two new subsections added to section 7 (“Optional Labelling”). These new provisions would stipulate that QUID information must be reported as a percentages rounded to the nearest whole number and written in parentheses following the respective ingredient in the ingredient list when QUID is required by national authorities (5.1.4) and when QUID is voluntarily provided by manufacturers (5.1.5 and 7.3).

CIAA: CIAA strongly opposes the QUID proposal and urged the working group to wait until the EU standard has been applied by the EU members for several years before amending the Codex standard. CIAA asserted that producers and authorities fear that EU QUID rules will not yield better, useful information for consumer, but will create difficulties in application problems in controlling the use of QUID information on labels. CIAA also asserted that quantitative information about food ingredients is not relevant to assessments of food quantity or healthfulness which depend on many other factors.