

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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AGENDA ITEM NO.10

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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**

CONSIDERATION OF COUNTRY OF ORIGIN LABELLING

COMMENTS FROM:

**BRAZIL
COSTA RICA
DENMARK
FRANCE
ITALY
NEW ZEALAND
SPAIN
UNITED STATES
CIAA
EUROPEAN COMMUNITY**

CONSIDERATION OF COUNTRY OF ORIGIN LABELLING

BRAZIL:

Brazil considers premature the inclusion of this issue on the CCFL mandate, since the discussions on it by the WTO has not been concluded. Moreover, we point out that the declaration of more than one Country of Origin on the label, for the same product ingredient can cause a misunderstanding instead of clarifying the consumer.

COSTA RICA:

Costa Rica is of the opinion:

1. That food safety is mainly a public health issue and, as such, its monitoring and control belong to the national health authorities before its commercialization and sale, rather than transfer the control of food to the labelling as that would increase the cost of manufacturing the labels, inventory management, suppliers control, etc. In addition, the Government is the one is responsible of protecting the safety of the population, and this responsibility can not be transferred directly into the final decision of the consumer
2. That, in the case of products that have many ingredients, the label would take much more space, and could lead to confusing the consumers due to the excess of information. For example:

FROZEN MEAT LASAGNA
CURRENT INGREDIENT LABEL

INGREDIENTS: COOKED MACARONI PRODUCT (SEMOLINA, WATER), WATER, TOMATOES, LOW-MOISTURE PART-SKIM MOZZARELLA CHEESE (PART-SKIM, CHEESE CULTURES, SALT, ENZYMES), BEEF, SPINACH, DRY CURD COTTAGE CHEESE (CULTURED SKIM MILK, ENZYMES), MODIFIED CORNSTARCH, SALT, PARMESAN CHEESE (PART-SKIM MILK, CHEESE CULTURES, SALT, ENZYMES), BLEACHED WHEAT FLOUR (WHEAT FLOUR, NIACIN, IRON, THIAMIN MONONITRATE, RIBOFLAVIN, FOLIC ACID), DEHYDRATED ONIONS, SUGAR, SPICES, BEEF FLAVOR (SALT, TAPIOCA DEXTRIN, VEGETABLE OIL, BEEF FLAVOR [CONTAINS BEEF EXTRACT, SMOKE FLAVOR], GUM ARABIC, MODIFIED CORNSTARCH, CITRIC ACID AND FLAVOR), DEHYDRATED SOY SAUCE (SOYBEANS, SALT, WHEAT) ERYTHORBIC ACID, DEHYDRATED GARLIC, CANOLA OIL, NATURAL FLAVORINGS, CULTURE WHEY, BEEF STOCK, CAMEL COLORING.

FROZEN MEAT LASAGNA
INGREDIENT LABEL (COUNTRY OF ORIGIN SPECIFIED)

INGREDIENTS: COOKED MACARONI PRODUCT (SEMOLINA, WATER) (MAY CONTAIN PRODUCT OF USA AND/OR CANADA), WATER, TOMATOES (MAY CONTAIN PRODUCT OF USA, MEXICO, ISRAEL, AND/OR CHILE), LOW-MOISTURE PART-SKIM MOZZARELLA CHEESE (PART-SKIM, CHEESE CULTURES, SALT, ENZYMES) (MAY CONTAIN PRODUCT OF USA AND/OR ITALY), BEEF (MAY BE DERIVED FROM LIVESTOCK OR BEEF PROCESSED IN USA, CANADA, MEXICO, AUSTRALIA, NEW ZEALAND, AND/OR ARGENTINA), SPINACH (MAY CONTAIN PRODUCT OF USA, CANADA, MEXICO, EGYPT, AND/OR FRANCE), DRY CURD

COTTAGE CHEESE (CULTURED SKIM MILK, ENZYMES), MODIFIED CORNSTARCH, SALT, PARMESAN CHEESE (PART-SKIM MILK, CHEESE CULTURES, SALT, ENZYMES) (MAY CONTAIN PRODUCT OF USA, FRANCE AND/OR ITALY), BLEACHED WHEAT FLOUR (WHEAT FLOUR, NIACIN, IRON, THIAMIN MONONITRATE, RIBOFLAVIN, FOLIC ACID), DEHYDRATED ONIONS, SUGAR, SPICES (MAY CONTAIN PRODUCT OF USA, INDIA, CHINA, AND/OR JAPAN), BEEF FLAVOR (SALT, TAPIOCA DEXTRIN, VEGETABLE OIL, BEEF FLAVOR [CONTAINS BEEF EXTRACT, SMOKE FLAVOR] (MAY BE DERIVED FROM LIVESTOCK OR BEEF PROCESSED IN USA, CANADA, MEXICO, AUSTRALIA, NEW ZEALAND, AND/OR ARGENTINA), GUM ARABIC (MAY CONTAIN PRODUCT OF THE SUDAN AND/OR CHAD), MODIFIED CORNSTARCH, CITRIC ACID AND FLAVOR), DEHYDRATED SOY SAUCE (SOYBEANS, SALT, WHEAT) ERYTHORBIC ACID, DEHYDRATED GARLIC, CANOLA OIL, NATURAL FLAVORINGS, CULTURE WHEY, BEEF STOCK (MAY BE DERIVED FROM LIVESTOCK OR BEEF PROCESSED IN USA, CANADA, MEXICO, AUSTRALIA, NEW ZEALAND, AND/OR ARGENTINA), CARAMEL COLORING.

Therefore Costa Rica does not support any amendments to the General Standard for Labelling of Prepackaged Foods regarding Country of Origin

DENMARK:

Consumers can have different perception of the word origin. That is important to have in mind when the definition of "origin" is discussed.

In Denmark "origin" is often understood as the place where e.g. an animal is born, and where it has lived most of its life.

The current section 4.5.2. of the General standard for Labelling of prepacked food could therefore in some cases mislead the consumer.

FRANCE:

France would like the Food Labelling Committee to address the issue of country of origin labelling.

France considers this issue could be tackled from three complementary angles:

- First, the triggering of the obligation to declare the country of origin on the label. Right now, such labelling is required only when its omission would mislead or deceive the consumer (Section 4.5 of the General Standard for the Labelling of Prepackaged Foods).
- Second, the establishment of the country of origin for consumer information purposes. The French authorities stress the fact that ongoing work in other fora on the determination of the country of origin (WTO, WCO) has as its first objective the application of non-discriminatory customs measures. It is not necessarily relevant to the work to be done within the Codex on consumer information. Moreover, France considers that the United Kingdom proposals, in particular those which establish the conditions for the use of certain declarations such as "product of..." offer an interesting basis to work from.

- Finally, the interest in requiring the declaration of origin of certain ingredients when its omission would mislead or deceive the consumer, as in the case of products that take advantage of an origin reputed for the raw ingredients they contain when such products were only made there with raw ingredients from elsewhere.

France thinks that the rules on the determination of the country of origin should apply in all cases where the country of origin is mentioned on the package, whether the declaration is voluntary or required by regulation.

ITALY:

Italy can accept the carrying out of the discussion on the country of origin labelling.

Nevertheless, in order to undertake new work on mandatory declaration of the country of origin, in view of the amendment to the Codex General Standard for the Labelling of Prepackaged Foods, Italy believes that the following elements should be considered:

- Under current Codex provisions, the labelling of country of origin is used on a voluntary basis (with a few exceptions, related to some kind of commodities): misleading or deceptive descriptions should be avoided, in accordance with the general principles of food labelling.
- Consumers need food safety and fair commercial practices, which are already provided by current provisions and being implemented through the Codex activities in progress (e.g. traceability).
- Additional labelling requirements for country of origin would not be practicable to most industries, due to the diversified and varying origins from which they purchase ingredients, on the basis of the day-by-day availability and cost of raw materials on the market.
- Additional labelling requirements for country of origin would not be practical, considerably increasing the size of ingredient panels on the labels.
- The mandatory country of origin labelling, in particular for the ingredients and components, could produce two negative effects: more expensive products, due to the higher costs faced by the food business operators in order to provide the requested additional information; and, more complex and uneasy to read labels.
- Any further new work of the CCFL should not duplicate the activities on the same subject underway in WTO and WCO.

NEW ZEALAND:

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

New Zealand remains unconvinced of the need to review existing Codex provisions relating to country of origin labelling.

New Zealand does not support any moves toward mandatory country of origin labelling of foods.

New Zealand believes the rationale for proposed changes to be mixed. Currently it is focussed very much on trade practices. Yet by singling out specific products the proposal seems to imply that food safety might be the underlying rationale. There is a range of other mechanisms available to deal with food safety.

New Zealand's main concerns with regards to country of origin labelling relate to:

- the additional burden that will be placed upon the industry with the introduction of mandatory ingredient labelling, as considered in Paragraph 23 of the discussion document, and
- the lack of clear evidence of the need for further guidance in this area in order to prevent misleading or deceptive labelling and unfair trade practices in accordance with the general objectives of food labelling, as considered in Paragraph 28.

Paragraph 29 of the Secretariat discussion paper states that requirement for country of origin labelling might be extended to specific categories of foods, as has already been addressed in some Codex documents. New Zealand supports continuing to address country of origin labelling within various committees on the basis of assessment of needs in relation to particular commodities.

We believe that the Food Labelling Committee should defer further consideration of this issue until the *WTO Committee on Rules of Origin* has finalised the *Harmonized Rules of Origin*

For the foregoing reasons New Zealand does not support, at this stage, the specific amendment proposals for Section 4.5 of the *General Standard for the Labelling of Prepackaged Foods*.

SPAIN:

The Kingdom of Spain considers the indication of the country of origin is a basic element to recognize the origin of a food, and labelling is a very useful information tool for the consumer.

The Kingdom of Spain agrees with the proposal developed by the United Kingdom regarding points 4.5.1. and 4.5.2. under the "Products" section.

Regarding the "Ingredients" section, points 4.5.3., 4.5.4. and 4.5.5., we consider the proposal of the United Kingdom for compound ingredients that constitute part of a food should be first analyzed by the specific committees, to determine if it is needed and the value of its impact before giving it a general character.

UNITED STATES:

The United States greatly appreciates the efforts of the Secretariat to develop the Discussion Paper on Country of Origin labelling. It is extremely helpful to have this comprehensive presentation of information. The United States has considered the points raised in the discussion paper and would like to express the following concerns:

1. The existing Codex General Standard for the Labelling of Prepackaged Foods¹ (General Standard) already requires country of origin labelling in cases where its omission would mislead or deceive the consumer. This requirement is appropriately focused on the objective of preventing consumer deception. Furthermore, we are not aware of a deficiency in the existing Codex general standard. We would like to emphasize that there is no evidence of needing changes to country of origin labelling requirements based on food safety issues.
2. Work on international harmonization of rules of origin has been underway for several years in the World Trade Organization (WTO), with technical assistance from the World Customs Organization (WCO) (formerly the Customs Cooperation Council). We must be careful to avoid any duplication of work or inconsistency of approaches and criteria used in Codex standards and WTO rules as they relate to determining and identifying origin of foods. Furthermore, existing international trade rules under the WTO Agreement on Technical Barriers to Trade prohibit technical regulations (including labelling requirements) from creating unnecessary obstacles to international trade. Such regulations may not be more restrictive than necessary to fulfill certain identified legitimate objectives. Expanded mandatory country of labelling requirements could create an unnecessary obstacle to trade with no legitimate or internationally recognized justification.
3. With regard to expanding country of origin labelling requirements beyond the origin of the food, to reach the origin of the food's ingredients that would be particularly troublesome. As noted in the discussion paper, ingredients may be sourced from suppliers in different countries during different times of the year, or from multiple countries and then commingled or blended. Variations in ingredient availability, as well as quality affect usage and manufacturing decisions by food companies. Ingredient manufacturers, brokers, and food processors and manufacturers would be constantly required to segregate ingredients from different countries in order to ensure proper compliance with ingredient origin labelling requirements and to maintain a myriad of labels to correspond to every possible mix or combination of sources of ingredients.

For these reasons, the United States does not support undertaking new work on country of origin labelling standards.

¹ Sec. 4.5.1 The country of origin of the food shall be declared if its omission would mislead or deceive the consumer.

Sec. 4.5.2 When a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

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

Summary:

It is the responsibility of the industry to source safe and wholesome materials and this will continue to be the primary concern of food manufacturers.

CIAA believes that existing legislation lays down sufficient obligations to avoid that consumers are misled and/or confused. CIAA believes that existing legislation also lays down sufficient obligations to meet consumers' general information requirements in respect of product origin.

The manufacturer can provide voluntary additional information concerning the origin of the product or its ingredients by an additional means providing the consumers with the information they desire. This should avoid the necessity of extraneous information on the label.

Practical difficulties in providing on-label information on the origin of ingredients of recipe products include:

- Products/ingredients bought in bulk thus blended (e.g. potatoes, cacao);
- Varying sources of supply and the need to retain flexibility of supply;
- The possibly numerous components of compound ingredients and deciding which ingredients to so label;
- The logistical difficulties of ensuring that the appropriate label is applied to each geographical variant of the product; and,
- The cost implications of shorter runs of both products and labels.

Introduction

Food issues related to specific countries have understandably increased consumer interest in the origin of foods and ingredients.

In this context, the discussion paper, and especially the Annex 1 of CL 2002/25-FL, is rather a response to a local and specific issue (identification of meat sources) than a proposal for global improvement in labelling and consumer information.

The Confederation of the European Food and Drink Industries (CIAA) fully supports efforts to ensure that misleading statements of origin are not made on products, either about the products themselves or their ingredients. When it comes to offering additional origin information, however, CIAA emphasises the substantial practical difficulties and associated costs. We support the voluntary actions of manufacturers to provide information to consumers but not a statutory approach to product labelling. If there is truly a consumer desire to know the origin of products, manufacturers will respond to that desire.

Existing Rules:

Section 4.4 of the General Standard of Pre-Packed Foods contains the following provision: “The name and address of the manufacturer, packer, distributor, importer, exporter or vendor shall be declared”. This principle is well accepted. Article 3 of Directive 2000/13/EC requires that the name or business name and address of the manufacturer or packager or of a seller established within the Community be indicated on the product, ensuring that consumers always know who is responsible for placing a product on the market.

Section 4.5.1 of the General Standard for the Labelling of Pre-Packed Foods demands that the country of origin of the food shall be declared on the label if its omission would mislead or deceive the consumer. This rule has been applied world wide, notably in the EU, and has shown to be effective.

Articles 2 and 3 of Directive 2000/13/EC on the labelling, presentation and advertising of foodstuffs, require that manufacturers ensure that consumers are not misled with regard to, inter alia, origin or provenance of a foodstuff (Article 2.1.a.i.) and, specifically, that particulars on the place of origin or provenance of a foodstuff have to be indicated whenever failure to give such particulars might mislead the consumer to a material degree as to the true origin or provenance of the foodstuff (Article 3.8.).

All these rules relate to the “foodstuff” and not to ingredients thereof.

Other rules concerning origin, are those that provide protection for food and drink names based on geographical origin. At international level, the applicable rules are Article 22 to 24 of the TRIPS agreement, which calls on the parties to provide protection against misleading labelling on geographical origin.

In the EU, EC Regulations Nos. 2081/92 and 2082/92 provide for protection for food and drink names that are based either on geographical origin or on a traditional recipe. Under these arrangements, the name of food and drink products registered at the European level will be given protection against imitation across the European Union. Such products are entitled to use Community approved logos. At the moment, there are about 500 registered products.

Further to this, manufacturers are free to make additional voluntary indications as to the origin of their products or of certain ingredients, if appropriate and not misleading. Consumers can also enquire from manufacturers additional information regarding ingredient and product origin.

Since existing rules ensure that the consumers are well informed and not misled, there is no need for undertaking new work on country of origin labelling.

Proposed Changes to Section 4.4 and 4.5 of the Standard

CIAA is of the opinion that a change to Section 4.4 as proposed in the third and fourth indent of paragraph 31 of the discussion paper is not appropriate. The aim of Section 4.4 is to ensure that the consumer knows the name and address of the person responsible for the food placed on the market and not primarily, to inform about the origin of the product or of its ingredients.

CIAA is also opposed to the changes proposed to Section 4.5 of the *General Standard for Pre-Packed Foods* by the first and second indent of paragraph 31 of CL 2002/25FL and by Annex 1 of CL 2002/25-FL. Indeed, as stated above, since existing rules ensure that the consumer is not misled, there is no need for the proposed changes.

Through the proposed paragraph 4.5.1.1, the consumer will not be provided with clear and meaningful information. Take, for instance, the example of a kiwi fruit yoghurt produced in Spain. Will it be a product of Spain or a product from the country where the kiwis that have been used come from? In all composite foods, the manufacturer and the consumer would have to ask themselves, if the significant ingredients could reasonably have been produced within that country.

Proposed paragraph 4.5.1.2 is a direct reaction to the BSE problems of recent years, which notably led to the adoption of EC Regulation 1760/2000. Article 13 of this Regulation provides that, from 01/01/02, the country of birth, fattening and slaughter shall be declared for beef and beef products. Alternatively, if the animal were born, raised and slaughtered in one country, the indication could be “origin: (name of the Member State)”. Proposed paragraph 4.5.1.2 is partly in line with this rule. It should, however, be stressed that:

- the strict labelling requirements at EC level only apply to beef and beef products and do not include any other meat products;
- it is clearly a labelling requirement and not, as the UK proposal attempts to do, to define the country of origin of meat. Given that the WTO is currently undergoing work on rules of origin, including work on food and animals born and raised in one country, it is our opinion that no work on these definitions should be undertaken at the moment. It must be avoided that international rules differ. We therefore propose not to consider questions dealing with the concept of the origin of a product until an agreement at WTO is reached, which should then be discussed and integrated into Codex rules where relevant.

If proposed paragraph 4.5.1.1 is not implemented, there is no need for proposed paragraph 4.5.1.3. The existing rule described in the Codex General Standard for the labelling of pre-packaged foods section 4.5.2 is sufficient to indicate what the country of origin shall be if the food underwent processing.

The new provisions on country of origin for products proposed in the document CX/FL 01/12 do not provide any additional benefit to consumer. They do not provide more nor clearer information to consumers and existing rules already ensure that the consumers are not misled with respect to the country of origin of products.

The changes proposed in Section 4.5.3, 4.5.4 and 4.5.5 should not be introduced.

Section 4.5.3 refers to the situation where the omission of indication of origin of an ingredient is misleading for the consumer. No example is given to justify this new provision. The issue is, in our view, already by tackled by Section 4.5.1 of the existing Standard.

Section 4.5.4 is disproportionate. Any labelling requirement as to ingredients is not practicable for the reasons given below.

Labelling a product with “origin may vary” or “produce of more than one country” as proposed under Section 4.5.5 of the document CX/FL 01/12 is feasible but useless to the consumer.

Practical Considerations

In terms of practicability, whilst providing origin information for non-processed foods, or for substantially single-ingredient foods, may seem feasible, providing such information on the label for the ingredients of composite foods may be virtually impossible. The latter are produced with ingredients of differing origin, some of which may themselves be produced

from different sources, such as milk or meat originating from different regions or Member States of the European Union or even the world. The mixing of raw materials and flexible sourcing policies generally make origin labelling of the ingredients of manufactured foodstuffs practically impossible. Examples are given in the **Annex**.

Quality and Traceability

Whereas food ingredients may come from different countries they are all sourced according to the same requirements. Companies will make all efforts to have in place the necessary arrangements to ensure the traceability of their variously sourced ingredients. Article 18 of Regulation 178/2002/EC requires food and feed business operators to be able to identify the person from whom they have been supplied with a food, a feed, a food-producing animal and to have systems in place to identify the businesses to which their products have been supplied. Article 18 goes on to request that food placed on the market shall be adequately labelled or identified in order to facilitate its traceability. This information has to be made available to the competent authorities on demand.

However, there is presently no requirement that every ingredient is labelled as to its country of origin. The legislation aims to ensure food safety and to allow authorities to react quickly to food safety issues. The labelling requirements of Article 9.4 of this Regulation are however not thought of as means of consumer information.

Conclusion

The Codex General Standard for the Labelling of Prepackaged Foods protects consumers by providing for information on country of origin to be given where its omission would be misleading. Any additional requirement to label product or ingredient origin would not only be burdensome, but also impose new obligations on producers, without providing consumers with significant additional information of general interest or having any necessary connection to the quality or safety of the product supplied.

ANNEX

EXAMPLES OF VARYING ORIGINS OF INGREDIENTS

Cocoa butter, which is supplied (mainly from Holland) without indication of the origins of the beans pressed to make the product. In most continuous roasting and milling operations, different lots of beans could be used in production, making a statement of the origin of the bulk commodity meaningless. This extends to the sourcing of chocolate as an ingredient.

Single or blended oils and fats bought on commodity markets in bulk against compositional and performance specifications but without indication of the origin(s) of the components.

Seasonal vegetables sourced according to global growing seasons (e.g. carrots or peppers or green beans in a composite ready-meal).

Fruit juices blended to give a consistent product and overcome seasonal and regional differences. Due to factors such as seasonality, character of the juice and cost, a blend may change several times throughout a year. (Juice of a stated origin would, of course, be subject to price change or non-availability, depending upon prevailing circumstances.)

Refined cane sugar refined to a consistent standard from raw cane potentially from more than 10 countries in the five main sugar cane growing areas worldwide. The refining process is continuous and involves mixing and some recycling so that the original identity is lost.

Commodities such as sugar, flour and milk powder, which are bulked once produced and could come from several sources.

Smoked pork sausage the pork ingredient alone might easily come from four different countries.

EUROPEAN COMMUNITY:

The European Community is favourable to the carrying out of the discussion on the declaration of the country of origin.

From the European Community point of view, it would therefore be necessary for reflexions and discussions to be focused first on the definition of criteria or guidelines allowing for a clear distinction of the cases where the declaration of the origin should be mandatory from those where it could be voluntary.

In this purpose, the European Community considers that the discussion document and its annex 1 constitute a useful basis for the work.