

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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WORLD
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ORGANIZATION



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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

**CODEX COMMITTEE ON FOOD LABELLING
THIRTY-THIRD SESSION
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**PROPOSED DRAFT AMENDMENT TO *THE GENERAL STANDARD FOR THE
LABELLING OF PREPACKAGED FOODS:*
QUANTITATIVE DECLARATION OF INGREDIENTS
(CL 2004/22-FL – APPENDIX VII)**

GOVERNMENT COMMENTS AT STEP 3

COMMENTS FROM:

**BRAZIL
COSTA RICA
EUROPEAN COMMUNITY
UNITED STATES
INTERNATIONAL DAIRY FEDERATION (IDF)
WORLD SUGAR RESEARCH ORGANISATION (WSRO)**

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GOVERNMENT COMMENTS AT STEP 3

BRAZIL:

Brazil thanks the opportunity to forward the following comments:

5. ADDITIONAL MANDATORY REQUIREMENTS

5.1.1

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

- To keep the item.

(b) [is essential to characterize the food; or

- To keep the item, and to exclude the square brackets.

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

- Previously Brazil agrees to keep the item; however, requests explanation about its use.

(d) appears in the common or trade name of the food; or

- To keep the item.

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

- To exclude the expression: "**or prevent to consumer deception**", and to delete the square brackets from the item. Proposed written: "the disclosure of which is deemed, by national authorities, to be necessary to enhance the health of consumers".

(f) [is the subject of an express or implied claim about the presence of any fruits, vegetables, whole grains or added sugars]

- Brazil suggests excluding the item, because it is already considered on items (a) and (d), respectively.

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 flavoring; or]

- Brazil suggests keeping the item; however, requests clarification about the used criteria for the establishment of 2%.

(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

- We propose to exclude the expression: “consumers have no reasonable expectation, since that is not possible to measure “reasonable expectation”. The text will be like the following:

(h) the ingredient comprises less than [2%] of the total weight of the product and not to add nutritional value or health effect related to the amount of the ingredient value; or

- Brazil requests clarification about the adopted criteria for the establishment of 2%.

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

- To keep the item.

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].

The ingoing percentage, by weight, of each such ingredient [may be given on the label in close proximity to the words or images emphasizing the particular ingredient, or beside the common name or class name of the food, or adjacent to each appropriate ingredient 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 average percentage in all other cases

Brazil suggests :

- to exclude the square brackets of the 1st and 2nd paragraphs, and to keep them in the text,

- to declare the percentage in the list of ingredient; and

- to exclude the items (a) e (b), and to keep item (c).

COSTA RICA:

Costa Rica considers important the opportunity to express our comments if the Codex Committee on Food Labelling (CCFL) manages, with the logistical support of the governments of Canada and Malaysia, to create a Working Group that analyzes the different points of view expressed during the last 32nd Session of the CCFL (ALINORM 04/27/22, par. 108) and the new comments that may be sent by other countries.

Our country believes that it is necessary to discuss this Draft Project Proposal in more detail and clarify the terminology used on it, as it is critical to define first what is meant by “mixed food”,

“combined food” or “mixture of foods”, “combination of foods”, and what would be the scope of these concepts.

In the information presently provided by section 5.1.1 of the Labelling General Standard, CODEX STAN 1-1985, Rev. 1-1991, the Quantitative Ingredient Declaration is clear when one or two valuable ingredients or characteristics are emphasized in the food label, or when the description of the food produces the same result. To provide our own comments, we consider that this may be expanded by certain points in section 5.1.1 of this proposal, or instead, aside from clarifying the new concepts, to indicate explicitly which are the ingredients that must be declared. We consider that the ingredients are, in themselves, the indispensable raw materials required by the manufacturer to produce a food, which may well be prepared by its mixture or combination and, therefore, an explanation in this regard would make the way easier for this project proposal.

Our understanding of the present project proposal is that it proposes that the percentage of the ingredients be declared for a “mixture or combination of foods” and, if the indicated concepts are not yet clear, that declaration could contain information regarding key ingredients for the food manufacturing. From this point of view, the percentage ingredient declaration could damage confidentiality and intellectual property aspects for the formula used by each manufacturer in the production of its foods, which could result in revealing the manufacturing formulas.

Regarding the information about health or nutritional properties, included in indents e) and f) of point 5.1.1 of this document, it is important to note that specific Directives in the Codex framework already exist in this regard, the segregation of the nutritional information in this documents already establishes the benefits of the product with this type of properties, which is the reason why we request that indents e) and f) be eliminated.

For information purposes, and to provide orientation in purchasing decisions, the General Labelling Standard already indicates the information that should prevail over the Quantitative Declaration of Ingredients without taking into account a minimum percentage, as the quantitative declaration does not provide added value for the consumer for many ingredients mentioned in the label, but it could have such value for the manufacturer, which is the reason why we request clarification about which is the justification to propose levels no higher than 2%, as indicated in indents g) and h).

Regarding point 5.1.2 we agree with the comments made by other countries regarding the clarification of the terms “in the minimum quantity” and “in the maximum quantity”.

EUROPEAN COMMUNITY:

The European Community (EC) welcomes the draft amendment, and fully agrees with its approach, since it 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.

However, the EC considers that QUID should only relate to the ingredients utilised in the manufacture of foodstuffs and not to their eventual effect on health. There are other means of

conveying information regarding possible effects of certain ingredients on health, such as nutrition labelling and nutrition or health claims.

The EC recommends to add the following wording under 5.1.1.: “*Every food sold as a mixture or combination shall disclose the ingoing percentage, by weight, of any ingredient **at the time of its/their use** (including ingredients of compound ingredients) ...*”.

Moreover, the reasons, listed in 5.1.1. (a) to (d), for triggering a quantitative ingredient declaration, seem likely to prevent all possible consumer deceptions.

Therefore, the EC is neither in favour of requiring quantitative ingredient declaration for the reasons outlined in 5.1.1.(e), nor, to be consistent, of making a case for exemption in relation with nutritional or health effects, such as in 5.1.1. (h). That is why the EC requests the deletion of points 5.1.1. (e) and (h).

Finally, the EC reserves its position on point 5.1.1 (f) because the wording and, therefore, the consequence of that provision are unclear.

UNITED STATES:

General Comments

The United States does not support universal, mandatory quantitative ingredient labelling (QUID). However, the United States does support the need to provide information on the percentage of valuable or characterizing ingredients whose presence is specifically emphasized on the label, or when the labelling of the food may otherwise create an erroneous impression that such ingredient is present in an amount greater than is actually the case

The U.S. believes that existing Section 5.1 of the *Codex General Standard for the Labelling of Prepackaged Foods* (Codex Standard 1-1985 (Rev. 1- 1991) provides important and useful information to assist consumers in comparing products with regard to valuable and/or characterizing ingredients that are emphasized on the label. The U.S. further believes that the existing requirements in Section 5.1, in conjunction with the other requirements in the *General Standard for the Labelling of Prepackaged Foods*, are sufficient to prevent misleading food labels and permit adequate product comparison. Therefore, the United States does not support the Proposed Draft Amendment to Section 5.1.

The Proposed Draft Amendment goes far beyond the labelling of emphasized ingredients by seeking to require general quantitative information on the ingredient composition of the food. Further, the Proposed Draft Amendment inappropriately refers to nutrition or health claims. These claims are not relevant in the context of ingredient labelling and are adequately addressed in the *Codex Guidelines on Nutrition Labelling* (CAC/GL 2-1985 (Rev. 1 – 1993) and the *Codex Guidelines for Use of Nutrition and Health Claims* (adopted by the 27th Session of the Codex Alimentarius Commission, see ALINORM 04/27/41, Appendix III and ALINORM 04/27/22, Appendix III). Implementation of the Proposed Draft Amendment would impose economic burdens on both industry and consumers without any health or safety benefit to the consumer.

Technical Comments

Section 5

While the United States supports retaining Section 5.1 of the Codex *General Standard for the Labelling of Prepackaged Foods*, the U.S. appreciates the concerns voiced by some delegations that the existing text could be clarified. The U.S. believes that portions of the text in the Proposed Draft Amendment could be used to clarify the requirements of Section 5.1. Specifically, the U.S. believes that amending Section 5.1 to clarify when or how the labelling may place “special emphasis” on a particular ingredient, as well as how such labelling should be accomplished, could be beneficial to member governments and consumers. Thus, the U.S. recommends revising Section 5.1 and offers the following revised text (in italic/brackets) for consideration:

Section 5 - Additional Mandatory Requirements

5.1 - Quantitative Labelling of Ingredients

- 5.1.1 Where the labelling of a food [*sold as a mixture or combination*] places special emphasis [*through written, printed or graphic matter*] on the presence of one or more valuable and/or characterizing ingredients, or where the description of the food has the same effect [*e.g., certain words in the description of the food are in different fonts*], the ingoing percentage of the ingredient (m/m) at the time of manufacture shall be declared.
- 5.1.2 Similarly, where the labelling of a food places special emphasis [*through written, printed or graphic matter*] on the low content of one or more ingredients, the percentage of the ingredient (m/m) in the final product shall be declared.
- 5.1.3 A reference in the name of a food to a particular ingredient [*e.g., macaroni and cheese*] shall not of itself constitute the placing of special emphasis. A reference in the labelling of a food to an ingredient used in a small quantity and only as a flavoring shall not of itself constitute the placing of special emphasis [*e.g., cherry flavored doughnut*].
- [5.1.4 *The information required in Section 5.1.1 and 5.1.2 shall be declared on the food label on the basis of percentage by weight (m/m) as a whole number expressed to the nearest 1 percent.*
- 5.1.4.1 *If the declaration is based on the ingoing percentage, the declaration shall appear parenthetically following the name of the ingredient in the ingredient list.*
- 5.1.4.2 *If the declaration is based on the percentage of the ingredient in the final product, the declaration shall appear in close proximity to the [words or pictures]/ [written, printed or graphic matter] emphasizing the low content of the ingredient or adjacent to the name of the food.]*

Section 7

With regard to quantitative information on the ingredient composition of a food sold as a mixture or combination, the United States understands the desire of consumers to have additional information about the ingredients used in a food product even though it does not impact on the

food's safety or nutritional quality or use in the diet. United States regulations require a specific format when percentage ingredient declarations are voluntarily included on a food label. Given the fact that a number of national governments have rules on general quantitative ingredient declaration that differ, the U.S. believes that the establishment of a uniform international format for manufacturers who choose to use QUID voluntarily could be beneficial. To facilitate uniform voluntary QUID, the United States suggests that Section 7 of the General Standard, "Optional Labelling," be revised by adding a new section 7.3 to reflect the conditions for making voluntary statements about the quantity of a food ingredient used to make a food. The following text is suggested:

7. Optional Labelling

7.3 *Quantitative Labelling of Ingredients*

7.3.1 *Information on the quantity of one or more ingredients present in a food may be declared in labelling.*

7.3.2 *When the information in 7.3.1 is declared on labelling, it shall be declared on the basis of the ingoing percentage of the ingredient (m/m) at the time of manufacture, in parenthesis following the name of the ingredient, as specified in section 4.2 of this standard, and expressed to the nearest 1 percent.]*

INTERNATIONAL DAIRY FEDERATION (IDF):

The International Dairy Federation (IDF) is of the opinion that some of the draft texts for Quantitative Ingredient Declaration creates confusion in the sector of standardized dairy products, and in some cases also in general. IDF would therefore raise questions especially in reference to subsection 5.1.1. (i) for the committees consideration.

Subsection 5.1.1.(i)

Many Dairy products are covered by commodity standards in the Codex Alimentarius System. The raw materials and composition of such products are described in the standards and so are the designations and other labelling provision. Several commodity products are described with names and designations which includes milk product names such as milk, cream, whey and cheese. For such products the question of including quantitative ingredient declaration could be raised. Some examples are; cream cheese, where cream does not have to be an ingredient or whey cheese, the whey content is not the essential part of the cheese characteristics.

IDF requests that the committee clarify the relations between Quantitative Ingredient Declaration for foods covered by a Codex Standard with regard to section 5.1.1 (i). In the opinion of IDF the best way to avoid uncertainty is that all products covered by a Codex standard should be exempt for the Quid rules, unless there are deviating labelling rules in such a standard or they are composite products where, in the case of dairy products, flavouring and other non dairy ingredients normally subject to Quid is present in the products with no fixed amounts specified in the commodity standards, such as "(cream) cheese with ham" and flavours used in fermented milks.

WORLD SUGAR RESEARCH ORGANISATION (WSRO):

WSRO does not support the Draft Amendment to the General Standard for labelling of Prepackaged Foods to include quantitative declaration of “added sugars” in the list of ingredients whenever a claim is made on added sugars.

1. Such claims on sugars are usually nutrition or health claims which are already regulated in the existing *Guidelines on Nutrition Labelling* and the *Guidelines for Use of Nutrition and Health Claims*. Whenever such claims are made, nutrition labelling is triggered according to section 3.2.1.3 of the *Guidelines on Nutrition Labelling* and therefore the total content of sugars has to be declared and quantified.

Information on “added” sugars content would not provide meaningful information to consumers as to the nutritional value or physiological influence of a food, as the human body does not distinguish whether any sugars are “added” or not.

2. Since there are no analytical methods capable of distinguishing between “added” sugars and those arising from the sugars content of a foodstuff itself, any declaration of “added” sugars would be impossible to verify in a finished product. The consumer may therefore be misled by false declarations.

Thus, the proposed QUID declaration of added sugars is both redundant and potentially misleading. WSRO recommends that “added sugars” be deleted from section 5.1.1 (f).