

codex alimentarius commission



FOOD AND AGRICULTURE
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**CODEX COMMITTEE ON FOOD LABELLING
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**CONSIDERATION OF COUNTRY OF ORIGIN LABELLING
(CL 2004/56-FL)**

GOVERNMENT COMMENTS

COMMENTS FROM:

**ARGENTINA
AUSTRALIA
COSTA RICA
EUROPEAN COMMUNITY
GUATEMALA
IRAN
MEXICO
NEW ZEALAND
PANAMA
PARAGUAY
UNITED STATES
VENEZUELA**

CONSIDERATION OF COUNTRY OF ORIGIN LABELLING (CL 2004/56-FL)

GOVERNMENT COMMENTS

ARGENTINA:

Argentina would like to thank Canada for the summary included in the circular letter, outlining the positions of every group of countries in this regard, and for the possibility of submitting comments and answering the questions made by the Commission in the letter.

General Comments:

Argentina considers that Codex should base its decisions on technical and scientific principles so that its standards meet the primary objectives of preserving consumer health and ensuring fair trade practices.

In Argentina's view, the idea of generalizing the labeling of raw materials and ingredients on a country-of-origin basis does not provide consumers with valuable information in terms of product quality, security and health guaranties and would imply delegating the national government's responsibility to it.

Alternatively, it should be stated that the trade supply from different raw material producers encourages the diversified use of inputs for food production, thereby it is quite possible for a producer buying raw material from a certain country to do so eventually from another.

In this sense, it should also be mentioned that there are some raw materials with seasonality problems, which forces producers to buy from other suppliers not necessarily in the same area or country, as the provision to satisfy the production needs may be discontinuous.

On the effectiveness of the product register, this is based on inputs provided that there are no public health restrictions barring the entry into the national territory. The statement of the origin of each raw material in the label would lead to the multiplication of labels, turning it into a highly expensive operation with no profits at all.

Specific Comments to the Questions Made by the Commission:

- a) Whether the current provisions in sections 4.5.1 and 4.5.2 for Country of Origin Labeling contained in the Codex General Standard for the Labeling of Prepackaged Foods were adequate to address Members' needs with respect to country of origin labeling.

Argentina believes that the provisions in sections 4.5.1 and 4.5.2 for Country of Origin Labeling contained in the Codex General Standard for Food Labeling have not led to any confusion or misunderstanding in their implementation. In fact, their application in our country is long-standing, and no disputes as to the registration of food products have

arisen in the register because the purpose of the text as well as that of the indication of countries where substantial transformations occur are clear. Neither are there any trade dispute antecedents that may have resulted from a mistaken or different interpretation of the norm concerned.

It should be highlighted that these very sections allow Members to include in their national labeling-related laws any specific requirement necessary when the lack of such information proves to be misleading or ambiguous for consumers.

b) Whether countries have encountered difficulties with the interpretation of those provisions.

Argentina repeats the view expressed in the first part of this document and restates that the interpretation of sections 4.5.1 and 4.5.2 is clear. Therefore, as no related disputes have arisen so far and since, to our knowledge, there are no well-grounded reasons for their amendment, any modification to them will not contribute to the improvement in the level of information but rather delegate to consumers possible interpretations on the product safety whose guaranty should be the responsibility of national public health authorities.

Finally, as Coordinator of the Codex Regional Committee for Latin America and the Caribbean, Argentina would like to refer to the position of these countries during the 14th CCLAC Meeting held last November, transcribing paragraphs 100, 101 and 102 in document ALINORM 05/28/36 below:

“100. The Committee considered the issue of country of origin labelling that had been discussed at the 27th Session of the Commission and noted that the issue was important for the countries in the Region.

101. The Committee recalled that the Commission had agreed to ask the following questions for subsequent consideration of the answers in the Committee on Food Labelling: whether current provisions were adequate to address Members’ needs with respect to country of origin labelling; and whether countries had encountered difficulties with interpretation of these provisions. The Committee noted that Circular Letter CL 2004/56-FL had been circulated for this purpose. The Committee therefore encouraged its Members to reply in a timely manner to CL 2004/56-FL to the effect that current provisions were sufficient and adequate and did not pose problems of interpretation; that additional requirements would imply additional barriers to trade, in particular for processed foods; and that the safety of a product was not linked to its country of origin.

102. The Committee concluded by unanimously agreeing to confirm its historical position that there was no need for further elaboration of the provisions related to country of origin labelling in the Codex General Standard for the Labelling of Prepackaged Foods, which were considered sufficient to provide adequate information to consumers.”

AUSTRALIA:

The Commission has forwarded the following questions to the Committee on Food Labelling for comment:

- (a) whether the current provisions in section 4.5.1 and 4.5.2 for Country of Origin Labelling contained in the Codex General Standard for the Labelling of Pre-packaged Foods are adequate to address Member's needs with respect to country of origin labelling.
- (b) whether countries have encountered difficulties with the interpretation of those provisions.

Australia is pleased to comment on the above questions

- (a) Australia considers the current provisions in section 4.5.1 and 4.5.2 in the Codex General Standard for the Labelling of Pre-packaged Foods are adequate to address the primary requirements for providing consumer information and can accommodate the Australian domestic requirements.
- (b) Australia has not encountered any difficulties with the interpretation of these provisions.

Summary Comments

There is no justification for extending the current provisions in section 4.5.1 and 4.5.2 in the Codex General Standard for the Labelling of Pre-packaged Foods.

Australia is concerned that extending country of origin labelling requirements down to the ingredient level will be onerous and costly both to industry and to government and may also serve to confuse consumers rather than assisting them to make informed choices. Australia does not consider country of origin labelling an appropriate tool for managing food safety risks.

Australia does not support further work on country of origin labelling being carried out.

COSTA RICA:

After a wide debate during the 32nd Session of the Codex Committee on Food Labelling (CCFL), that took place in Montreal, Canada, May 10 – 14, 2004, this Committee recognized that there was no consensus about the need to initiate new work about Country of Origin Labelling (ALINORM 04/27/22, paragraph 116), which was the reason for which it was decided to request guidance from the Codex Alimentarius Commission during its 27th Period of Sessions, which took place in Geneva, Switzerland, in July of last year.

The Codex Commission (ALINORM 04/27/41, paragraphs 165-170), also recognizing that the countries still had extreme differences regarding the proposal of some countries

to initiate work revising and modifying Section 4.5 on Country of Origin Labelling of the General Standard for Labelling of Prepackaged Foods (CODEX STAN 1-1985, Rev. 1-1991 and amended in 1999 and 2001), decided to send the issue to the CCFL for consultation with the member countries about two specific questions:

- a) If the present provisions of sections 4.5.1 and 4.5.2 regarding country of origin labelling, which were present in the Codex General Standard for the Labelling of Prepackaged Foods, were adequate to address the needs of the Members regarding country of origin labelling;
- b) If the countries had had problems interpreting those provisions.

Point 4.5.1 indicates that: “The country of origin of the food shall be declared if its omission would mislead or deceive the consumer.”

Point 4.5.2 indicates that: “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.”

Regarding these two questions Costa Rica wants to state that:

1. That the subject of Country of Origin Labelling has been widely discussed in the international fora of the Codex Committee on Food Labelling (CCFL), and that those discussions have been the cause of a large investment of resources with a strong impact on the budget of the institutions of developing countries that have made an effort to participate in these fora without reaching so far any agreement on this issue.
2. For our country, the discussion about Country of Origin Labelling has been clear in the sense that the initial intention is labelling the country of origin of the ingredients of a food.
3. To include in the label the country of origin of the ingredients would generate for many countries, and most particularly for developing countries, high manufacturing costs. If we take any food with an ingredients content that varies from country to country, it may require investing in different labels to indicate the country of origin of the same ingredients that come from different countries. Logically, this would not provide the food with any value added that the producer, or consumer, need to know specifically about the food.
4. To label the country of origin of the ingredients does not add relevant nor additional information for health protection or for the protection of the right of the consumers. This measure does not cover at all the food safety aspects, for which purpose this is an essentially public health question whose monitoring and control falls under the competence of the national sanitary authorities.
5. To label the country of origin of the ingredients for a food composed of more than one ingredient, would significantly increase the size of the label, causing a visual

distortion in the image of the product that, rather than provide additional and clear information, could instead create confusion in consumers if they do not understand why such information is required.

6. The present country of origin labelling is enough. An additional indication covering this issue does not create any benefit for consumers or for the producers or governments. A future standard to label ingredients would create non tariff barriers to trade for developing countries.
7. The information presently offered by points 4.5.1 and 4.5.2 is completely clear and concise. Point 4.5.1 clearly defines country of origin to inform consumers of the origin of a whole food as such, not of the ingredients. Point 4.5.2 defines the responsibility of the country that has changed the nature of the product and, therefore, that country responds to the questions about the origin of the product.
8. Regarding the first question, we have enough information to address our needs, both for the officers in charge of food control as well as for the information offered to consumers and for trade negotiations of industrialists and merchants, which means that they fully supply information regarding country of origin for consumers, merchants, distributors, importers, producers, researchers and government.
9. Regarding the second question it should be emphasized that Costa Rica has had no difficulty to interpret these dispositions, to the point that since 1997 it has adopted its own Technical Regulations for the Labelling of Prepackaged Foods, and the dispositions of points 4.5.1 and 4.5.2 have been adopted word by word from the Codex without having experience to date any confusion in the interpretation or the application of the national regulations. In the same way, in the international marketing of our products or in the importation of pre-packaged foods, the international regulations have been strictly observed.

Through the aforesaid, we clearly state that the country of origin labelling dispositions indicated in Section 4.5, points 4.5.1 y 4.5.2 of the Codex General Standard for the Labelling of Prepackaged Foods, fully address the needs of our country and, therefore, Costa Rica does not agree with the proposals advanced to generate additional work regarding this issue.

EUROPEAN COMMUNITY:

The European Community welcomes the possibility to reply to the questions forwarded by the Codex Commission to the Codex Committee on Food Labelling regarding country of origin labelling.

From the European Community point of view, while a systematic indication of origin of foodstuffs would be neither justified nor necessary, mentioning the origin of the food or of certain ingredients in the labelling could be valuable information for the consumer under certain circumstances, especially in order to avoid misleading the consumer as to the true origin of the product.

The European Community considers that the current provisions contained in sections 4.5.1. and 4.5.2. of the Codex General Standard for the Labelling of Prepackaged Foods are not sufficient to address the need to reach the objective mentioned above, because:

- The provision in section 4.5.1. is too vague and likely to give rise to subjective interpretation.
- The provision in section 4.1.2. could be inadequate for the purpose of consumer information.

The European Community is therefore in favour of the continuation of discussions on the declaration of the country (or place) of origin in the labelling of food within Codex Alimentarius, in the Codex Committee on Food Labelling (CCFL), and is therefore suggesting that the CCFL begins work, with the purpose of, if appropriate, amending Section 4.5 of the Codex General Standard for the Labelling of Prepackaged Foods in respect of:

- specifying circumstances under which the declaration of the country (or place) of origin should be mandatory in order to avoid consumers being misled to a material degree as to the true origin or provenance of the food;
- defining conditions for the voluntary use of the term 'produce of' and other similar terms used for indicating the origin or provenance of a food or a food ingredient.

GUATEMALA:

Guatemala offers the following comments regarding the **CL 2004/56-FL on Country of Origin Labelling**:

a) Whether the current provisions in sections 4.5.1 and 4.5.2 for Country of Origin Labelling contained in the Codex General Standard for the Labelling of Prepackaged Foods were adequate to address Members' needs with respect to country of origin labelling;

Regarding indent 4.5.1, Guatemala is of the opinion that it does not address the country needs and that country of origin declarations should always be indicated on foods. At the same time, we request a joint CODEX/WTO work to arrive to a consensual definition of Country of Origin and that such definition should be part of the Standard.

Regarding indent 4.5.2 of the standard being discussed, we request that the concept be widened to define what is meant by "change in nature" in a food and what would happen if a change takes place in a third, or fourth, etc, country.

b) Whether countries have encountered difficulties with the interpretation of those provisions.

Regarding question b): Guatemala has had difficulty in interpreting those dispositions, for example, reconstituted milk, coffee grains imported from one country, covered in chocolate in another country and manufactured in a third country. We request a clear definition of the "change in nature", as well as guidelines in the case that several countries are involved in the transformations.

IRAN:

Iran believes that the current provisions in sections 4.5.1 and 4.5.2 for Country of Origin Labelling contained in the Codex General Standard for the Labelling of Prepackaged Foods are adequate in addressing the needs with respect to country of origin labeling

MEXICO:

The standards branch, as official contact point for the codex alimentarius in México, appreciates the opportunity to comment regarding Country of Origin Labelling (CL 2004/56-FL)

The Commission recognized the impossibility of reaching a conclusion at this stage about the need to undertake, or not to undertake, new work regarding country of origin labelling. The Commission agreed to send the following questions to the Food Labelling Committee to examine the results and reach a decision on this issue:

a) If the present provisions of sections 4.5.1 and 4.5.2 regarding country of origin labelling, which were present in the Codex General Standard for the Labelling of Prepackaged Foods, were adequate to address the needs of the Members regarding country of origin labelling;

Mexico maintains that the present provisions of the above mentioned sections ARE sufficient to address the needs of country of origin labelling, and for this reason Mexico is against the need to undertake new work covering the declaration of country of origin.

Furthermore, considering the General Standard as a whole, for example points 3.1 and 3.2, Mexico considers that the present text provides sufficient tools to satisfy the information needs of the consumer, as well as the right of the sanitary authorities to minimize the sanitary risks arising from the importation of foods from around the world

b) If the countries had had problems interpreting those provisions.

Mexico has had NO difficulty in interpreting sections 4.5.1 and 4.5.2 of the General Standard; on the contrary, Mexico is concerned that a new work on this issue may be used unilaterally to create or justify non tariff barriers to trade in foods.

NEW ZEALAND:

New Zealand is pleased to provide the following comments in response to circular letter CL 2004/56-FL on country of origin labelling:

New Zealand considers the current provisions in sections 4.5.1 and 4.5.2 for Country of Origin Labelling contained in the Codex General Standard for the Labelling of Prepackaged foods to be entirely adequate to meet members' needs with respect to country of origin labelling and do not see any need for revision.

New Zealand believes that there are no valid food safety reasons for seeking more elaborate provisions on country of origin labelling. More detailed labelling requirements are likely to impose additional costs on producers and consumers without any commensurate benefits.

New Zealand also believes that new work on country of origin labelling would not be consistent with the Commission's criteria for new work and not in line with the Commission's stated commitment to focus on work that contribute to food safety and consumer health protection.

New Zealand is therefore not in favour of any new work on country of origin labelling.

PANAMA:

Panama does not support initiating new work regarding the origin of the ingredients.

Regarding the two questions that should be answered by the countries and international organizations, based on the dispositions of sections 4.5.1 and 4.5.2 of the Codex General Standard for the Labelling of Prepackaged Foods (origin labelling), as during the 32nd Session of the Committee there no consensus was reached regarding the need of new work on the issue in question, our comments are as follows:

1. Point 4.5.1 must be modified indicating, as a compulsory standard, that the country of origin of the product must always be declared in the label, because the point, as presently worded, is understood to be subject to the subjective interpretation of each country, which is the reason why it indicates that the country of origin should be declared if its omission would mislead or deceive the consumer, creating that way a vacuum about when should the country of origin be truly declared and who should really determine that some information affecting the consumer has been omitted.

We do not have any comments regarding point 4.5.2 and we consider it adequate as presently worded.

2. Regarding the second question, there have not been any mayor discrepancies in our country regarding this issue, as Panama has a legal basis, of a general nature, that establishes the Duties of the Provider in relation to the consumer, and among those duties is the origin of the product (Law 29, of 1st of February 1996, Article 31), in spite of the fact that having a (Codex) standard that would establish, in a more restricted manner, the obligation of indicating in the label the country of origin of a product would strengthen support for the indications of the national legislation.

PARAGUAY:

Paraguay would like to ratify its position, previously stated, that it is not necessary to initiate new work on country of origin labelling.

Regarding the questions posed by the Circular Letter, we want to point out that the present provisions are sufficient to provide adequate information to consumers; we also want to point out that the present provisions do not present any problem of interpretation, and that imposing further requirements would create more obstacles to trade and more confusion for consumers, particularly in the case of manufactured foods. It is also relevant to highlight that product SAFETY should not be linked to country of origin.-

UNITED STATES:

The United States is pleased to respond to the request for comments to CL 2004/56-FL regarding Country of Origin Labelling. Specifically, the Committee on Food Labelling was asked by the Commission to answer two questions about the existing provisions in sections 4.5.1 and 4.5.2 of the General Standards for the Labelling of Prepackaged Foods.

The provisions of 4.5.1 and 4.5.2 are as follows:

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

Section 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.

The CL posed the following two questions:

- a) Whether the current provisions in sections 4.5.1 and 4.5.2 for Country of Origin Labelling contained in the Codex General Standard for the Labelling of Prepackaged Foods were adequate to address Member's needs with respect to country of origin labelling?
- b) Whether countries have encountered difficulties with the interpretation of those provisions?

General Comments

The United States believes that the existing provisions in the *Codex General Standard for the Labelling of Prepackaged Foods* are adequate to address country of origin, and no further work is necessary. The United States has encountered no difficulties with the interpretation of these provisions. Moreover, 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). The United States believes that 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. Accordingly, to the extent that others may believe that additional work by CCFL is needed, the United States believes it would be better to wait until after WTO and WCO complete their current efforts.

Specific Comments

Section 4.5.1: The United States agrees that the country of origin of the food should be declared if its omission would mislead or deceive the consumer. This requirement is appropriately focused on the objective of preventing consumer deception.

Country of origin labelling is not related to food safety. Member countries control the safety of imported foods by establishing science-based standards that such products must meet. Because issues relating to consumer health and safety should be given first priority in Codex work, the United States believes that country of origin labelling should not be a priority for the Committee on Food Labelling to pursue.

Section 4.5.2: The United States agrees with the concept, expressed in this section, that when a food undergoes processing in a second country, and that processing changes the food's nature, the country in which the processing is performed should be considered as the country of origin for the purpose of labelling.

To extend country of origin labelling requirements to reach the origin of the food's ingredients would be impractical for industry and difficult to enforce by government officials. These challenges would be even more difficult for industry and government officials in developing countries. 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 and quality affect usage decisions by food companies. Ingredient manufacturers, brokers, and food processors 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.

VENEZUELA:

Venezuela has the following comments regarding the document: "Country of Origin Labelling".

- The current provisions in section **4.5.1** for Country of Origin Labelling contained in the Codex General Standard for the Labelling of Prepackaged Foods **were adequate**, meaning they **do not** present problems as they address the needs of the country and are in agreement with national legislation.
- Regarding the current provisions in section **4.5.2** for Country of Origin Labelling contained in the Codex General Standard for the Labelling of Prepackaged Foods, we analyzed them and, taking into account that what must be guaranteed is the **safety** of the product, the country where a manufacturing process that changes its nature and/or any further manipulation such as packaging takes place shall be declared as the country of origin.

In addition, to avoid making claims that may be misleading or deceiving for the consumer, the declaration of country of origin must be adjusted to the other legal texts, such as the name of the product.