

# codex alimentarius commission



FOOD AND AGRICULTURE  
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JOINT OFFICE: Viale delle Terme di Caracalla 00153 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

AGENDA ITEM NO. 4(C)

CX/FL 10/38/7

# E

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING  
THIRTY-EIGHTH SESSION  
QUEBEC CITY, CANADA, MAY 3 - 7, 2010

IMPLEMENTATION OF THE WHO GLOBAL STRATEGY ON DIET,  
PHYSICAL ACTIVITY AND HEALTH:  
PROPOSED DRAFT CRITERIA/PRINCIPLES FOR LEGIBILITY AND  
READABILITY OF NUTRITION LABELS  
(CL 2009/15-FL, ALINORM 09/32/22 – APPENDIX III)

### GOVERNMENT COMMENTS AT STEP 3

#### COMMENTS FROM:

AUSTRALIA  
BRAZIL  
COLOMBIA  
COSTA RICA  
EUROPEAN UNION  
INDIA  
MALAYSIA  
MEXICO  
NEW ZEALAND  
NORWAY  
UNITED STATES  
INTERNATIONAL CHEWING GUM ASSOCIATION (ICGA)  
INTERNATIONAL COUNCIL OF BEVERAGES ASSOCIATIONS (ICBA)  
INTERNATIONAL DAIRY FEDERATION (IDF)

**IMPLEMENTATION OF THE WHO GLOBAL STRATEGY ON DIET,  
PHYSICAL ACTIVITY AND HEALTH:  
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READABILITY OF NUTRITION LABELS  
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**GOVERNMENT COMMENTS AT STEP 3**

**AUSTRALIA:**

With regard to the *Proposed Draft Recommended Principles and Criteria for Legibility of Nutrition Labelling* (at Step 3 of the procedure):

**Australia's Overall Position re: Options 1 and 2**

Australia does not have a definite preference for either Option 1 or 2.

**Rationale for Position**

Australia agrees that Option 2 is simpler in that it cross-references sections 8.1.1, 8.1.2, 8.1.3 and 8.2 of the Codex GSLPF. However, Australia also notes that Option 1 (Principle 4) provides further clarity with respect to supplementary nutrition labels, which is not covered by Option 2.

**Specific Elements of Presentation**

- (6) Australia requests further information/clarification on what is meant by the terms 'formatting elements' and 'formats' and how these would be used to enhance 'legibility' or 'prominence' before we are able to comment on a preferred option.
- (8) This Section as currently worded is unclear. Australia suggests that this Section be reworded to indicate that minimum font type size should be considered in specific circumstance (e.g. certain types of labelling such as warning statements; certain modes of presentation such as display boards, small packages), as determined by national authorities.
- (10) Australia supports retaining the numerical presentation of nutrient content in accordance with the provisions of Section 3.4 of the Guidelines on Nutrition Labelling until the list of mandatory nutrients is finalised. Australia also notes that Principle 5 allows national authorities to determine any alternative means of nutrition presentation and that this would also cover numerical presentation.

**Exemptions and Special Provisions**

- (11) Australia agrees that small packages may be exempt from nutrient declaration. Australia defines a small package as a package with a surface area of less than 100 cm<sup>2</sup>

**Other Provisions for Consideration**

**Dot Point '2'**

Australia considers that further guidance is required in relation to what is an 'insignificant' amount of a nutrient for labelling purposes. Australia does not provide an exemption from nutrition labelling for nutrients that are present in 'insignificant' or 'trace amounts'.

**Dot Point '3'**

Australia considers that the words [should/may] in square brackets, in both instances where this occurs, should be ['should'].

## **BRAZIL:**

The Brazilian Delegation thanks for the opportunity to present the following comments on CL 2009/15-FL

### **GENERAL PRINCIPLES**

#### **[Option One**

**(1) Nutrition labelling shall be applied in such a manner that it will not become separated from the container.**

#### **Brazilian comments:**

We agree to apply section 8.1.1 of the GSLPF to nutrition labelling.

**(2) Nutrition labelling shall be clear, prominent, indelible, and readily legible by the consumer under normal conditions of purchase and use.**

#### **Brazilian comments:**

We support this provision as we understand that section 8.1.2 of the Codex General Standard for the Labelling of Prepackaged Foods should be applied to nutrition labelling whether mandatory or voluntary.

**(3) Where the container is covered by a wrapper, the wrapper shall carry the nutrition labelling or the existing nutrition labelling on the inner container shall either be readily legible through the outer wrapper or not be obscured by the outer wrapper.**

#### **Brazilian comments:**

We agree with the proposed principle. It will ensure nutrition labelling visibility in the moment of food purchase.

**(4) Consistent with Section 8.2 of the General Standard for the Labelling of Prepackaged Foods, if the language on the original label is not in accordance with national legislation, a supplementary label containing the nutrient declaration in the required language may be used instead of relabelling. In the case of either relabeling or a supplementary label, the information provided must be in accordance with national legislation and should accurately reflect that in the original label. Principles 1, 2 and 3 above should be applied to any supplementary nutrition labels.]**

#### **Brazilian comments:**

We agree with the proposed principle.

**Option Two**

**[In the case of nutrition labelling whether applied on a mandatory or voluntary basis, the principles of Sections 8.1.1, 8.1.2, 8.1.3 and 8.2 of the Codex GSLPF should be applied.]**

**Brazilian comments:**

As mentioned above, Brazil supports the application of the principles of Sections 8.1.1, 8.1.2, 8.1.3 and 8.2 of the Codex GSLPF to nutrition labelling. We support option two because we understand that it would be preferable to cross reference these sections instead of incorporating an edited version in Section 3.4 of the Guidelines on Nutrition Labelling. As noted in the 37<sup>th</sup> session of the Codex Committee on Food Labelling, should the text in those sections be revised at some future time it would necessitate a revision of the nutrition provisions as well.

**SPECIFIC ELEMENTS OF PRESENTATION**

**(5) These recommendations related to specific elements of presentation are intended to facilitate and enhance the legibility of nutrition labelling. However, national authorities may determine any alternative means of nutrition presentation taking into account approaches and practical issues at the national level and based on the needs of their consumers.**

**Brazilian comments:**

We agree with the text. It will provide flexibility to specific elements in order to allow national authorities to adapt the nutrition labelling to the different needs of consumers in each country.

**(6) Option One**

**Format: Nutrient content should be declared in a numerical, tabular format. Consideration may be given to other formatting elements to enhance legibility. Where there is insufficient space for a tabular format, nutrient declaration may be presented in a linear format.]**

**Option Two**

**Format: Nutrient content should be declared in a numerical, tabular format. Consideration may be given to other formats that enhance prominence. Where there is insufficient space for a tabular format, nutrient declaration may be presented in a linear format.]**

**Brazilian comments:**

Guidance on the format can ensure that nutrition information is presented within an adequate structure. Furthermore, it could contribute to nutrition labelling standardization and improve its legibility.

However, we prefer option two because it provides more flexibility at the national level for consideration of other formats that could be an acceptable and effective means of communication or enhancing prominence.

**(7) [Order –**

**(i) Nutrients should be declared in a specific order developed by competent authorities and should be consistent across food products.]**

**Brazilian comments:**

We agree with the text. The specific order of nutrient declaration should be decided by national authorities. In Brazil, for example, the order of declaration is energy, carbohydrates, protein, fat, saturated fat, *trans* fat, dietary fiber and sodium.

**(8) Font – A minimum font type size should be considered. A significant contrast should be maintained between the text and background so as to be clearly visible.**

**Brazilian comments:**

We support this provision.

~~(9) Language – The language of nutrient declaration should be according to national legislation in the country of sale. See also (4) above.~~

**Brazilian comments:**

We support the deletion of this item as it is captured within the proposed general principles.

**(10) Numerical Presentation**

**The numerical presentation of nutrient content should be in accordance with the provisions of Section 3.4 of the Guidelines on Nutrition Labelling (CAC/GL 2 - 1985).**

**Brazilian comments:**

We agree with this provision.

**EXEMPTIONS AND SPECIAL PROVISIONS**

**[(11) Small packages may be exempt from nutrient declaration, provided no nutrition or health claim is made in the labelling of that food. Small packages are defined as packages with a largest printable surface of less than XX cm<sup>2</sup> (TO BE DETERMINED)].**

**Brazilian comments:**

We agree with the proposed provision. In Brazil food packages with labels that are smaller than 100 cm<sup>2</sup> do not require nutrition labelling. The exemption does not apply to foods with nutrition claims or foods for special dietary uses. In this case, nutrition labelling could be presented in a linear format or in a simplified format.

**[(12) To accommodate nutrition labelling of small packages, national authorities may also consider the declaration of a shortened, minimum set of key nutrients.]**

**Brazilian comments:**

We support this provision.

**[OTHER PROVISIONS FOR CONSIDERATION**

~~• The contents of only those nutrients that are listed in section 7(i) may be declared within the nutrition table. Other substances or ingredients should not be declared within the nutrition table.~~

**Brazilian comments:**

We agree with the deletion of this provision.

• 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.

**Brazilian comments:**

We support this provision.

• Where the amount is considered to be insignificant, there should be a possibility to declare the value as “0” or “traces” or “as defined at the national level” or to exempt from nutrition labelling.

**Brazilian comments:**

We agree with this provision.

• Where a food should be reconstituted with water before consumption, nutrient content [should/may] relate to the proportion of the food as so reconstituted. Similarly, where the food is labeled with directions that it should be drained before consumption, the label [should/may] indicate that nutrient content relates to the drained food.

**Brazilian comments:**

We do not support this text. We understand that nutrition labelling should be declared in reference to the food as it is sold. Additionally, it could be allowed to declare the nutrient content of reconstituted food.

• With respect to small packages, consideration may be given to allowing the label to provide a website or phone number where consumers can obtain the nutrition information, or requiring that nutrition information be provided on or in connection with the display of the food or provided to the purchaser upon request.

**Brazilian comments:**

We agree with this provision.

• Alternative means of presentation of nutrition information may be considered for refillable glass containers.

**Brazilian comments:**

We support this text.

- Packages with shapes such that a label cannot be affixed may provide nutrition labelling through the use of tags, provided the tags are affixed for the life of the product and do not easily fall off or separate from the container.]

### Brazilian comments:

We agree with this provision.

## COLOMBIA:

Colombia wants to express its thanks to all countries that have worked in the development and structuring of the working document titled Proposed Draft Recommended Principles and Criteria for Legibility of Nutrition Labelling (Step 3), for which comments were requested from the countries in the Report of the Thirty-Seventh Session of the Codex Committee on Food Labelling (ALINORM 09/32/22).

Colombia would like to present its comments to the above mentioned Proposed Draft, as described in the following table:

SECTIONS	PROPOSALS	OBSERVATIONS OR COMMENTS
<p>Status of the Proposed Draft Criteria/Principles for Legibility of Nutrition Labels 71) The Committee agreed to return the Proposed Draft Criteria/Principles for Legibility of Nutrition Labels as amended to Step 3 for comments and further consideration by the next session of the Committee (Appendix III).</p> <p>Comments made regarding the following points in the guide</p> <p>TITLE: "PROPOSED DRAFT RECOMMENDED PRINCIPLES AND CRITERIA FOR LEGIBILITY OF NUTRITION LABELLING"</p> <p>GENERAL PRINCIPLES</p> <p>Two (2) options are proposed; one is to copy in the text what is described under the principles of Sections 8.1.1, 8.1.2, 8.1.3 and 8.2 of the Codex GSLPF, and the other is to only quote the numbers.</p> <p>SPECIFIC ELEMENTS OF PRESENTATION</p> <p>Two (2) options are proposed; one is</p>	<p>TITLE</p> <p>The title should be "PROPOSED DRAFT RECOMMENDED PRINCIPLES AND CRITERIA FOR LEGIBILITY AND PRESENTATION OF NUTRITION LABELLING"</p> <p>GENERAL PRINCIPLES</p> <p>In the case of nutrition labelling whether applied on a mandatory or voluntary basis, the principles of Sections 8.1.1, 8.1.2, 8.1.3 and 8.2 of the CODEX GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS, CODEX STAN 1-1985</p> <p>SPECIFIC ELEMENTS OF PRESENTATION</p> <p>Format: Nutrient content should be declared in a numerical, tabular format. Consideration may be given to other formatting elements to enhance legibility. Where there is insufficient space for a tabular format, the nutrient declaration may be presented in a linear format.</p>	<p>TITLE</p> <p>The title does not fully reflect the purpose of the draft proposal, which is to present in a unified manner the way in which the nutritional information should figure in the labelling and we propose therefore to title the guideline as "PROPOSED DRAFT RECOMMENDED PRINCIPLES AND CRITERIA FOR LEGIBILITY AND PRESENTATION OF NUTRITION LABELLING"</p> <p>GENERAL PRINCIPLES</p> <p>Taking into account the certain and constant amendments that are applied to this cross cutting standards, Colombia welcomes option two but making reference to the CODEX GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS, CODEX STAN 1-1985 and not to the GSLPF.</p> <p>SPECIFIC ELEMENTS OF PRESENTATION</p>

<p>related to the use of the word LEGIBILITY and the other one is related to the use of the word VISIBILITY in the text that indicates the nutritional information must be presented in a tabular or in a linear format depending on the surface area of the label</p>		<p>Colombia agrees with option 1, using the term LEGIBILITY, as such term implies not only to be able to be seen but also to be able to be read and understood.</p>
<p>Font – A minimum font type size should be considered. A significant contrast should be maintained between the text and background so as to be clearly visible.</p> <p>Several delegations were of the opinion that:</p> <ol style="list-style-type: none"> <li>1. The mandate should in the hands of the national authorities.</li> <li>2. One (1) mm was an adequate size and they offered to provide to the CCFL the supporting materials.</li> <li>3. An observer proposed to use the term “x height” instead of the term “font size”.</li> </ol> <p><b>EXEMPTIONS AND SPECIAL PROVISIONS</b></p> <p>Small packages may be exempt from nutrient declaration, provided no nutrition or health claim is made in the labelling of that food. Small packages are defined as packages with a largest printable surface of less than XX cm<sup>2</sup> (TO BE DETERMINED)].</p>	<p>Colombia proposes to use Arial or Helvetica fonts, with a font size of 8 points for the title of the table and 5 points for the content.</p> <p><b>EXEMPTIONS AND SPECIAL PROVISIONS</b></p> <p>When stating that "Small packages may be exempt from nutrient declaration, provided no nutrition or health claim is made in the labelling of that food" it is understood that nutritional labelling is compulsory, an issue that is still under discussion.</p> <p>In Spanish the appropriate form of using the verb is “exentos” and the Spanish version should therefore read "los envases pequeños pueden ser exentos (...)"</p>	<p>Colombia proposes to use Arial or Helvetica fonts, with a font size of 8 points for the title of the table and 5 points for the content.</p> <p>The title and the names of specific nutrients should be in bold as it considers that this is the way to present the information in compliance with the readability and legibility indications.</p> <p><b>EXEMPTIONS AND SPECIAL PROVISIONS</b></p> <p>It should be clarified that this point only applies in those countries where nutritional labelling is compulsory.</p>

## **COSTA RICA:**

Costa Rica supports the proposal that, under General Principles, reference be made to Sections 8.1.1, 8.1.2, 8.1.3 and 8.2 of the General Standard for the Labelling of Prepackaged Foods as proposed in Option Two:

Regarding point 6, Costa Rica proposes the following wording:

*“Format: Nutrient content should be declared in a numerical, tabular format. However, consideration may be given to other types of format to enhance legibility. Where there is insufficient space for a tabular format, nutrient declaration may be presented in a linear format.”*

Regarding point 7 of the Draft Proposal that reads:

*“Order.*

*(i) Nutrients should be declared in a specific order developed by competent authorities and should be consistent across food products”.*

Costa Rica considers that the order of the nutrients is not an element that adds value in terms of information to the consumer, but could instead create unnecessary restrictions for trade in the case that the Codex approves this regulation by the competent authorities, as different countries could establish the declaration based on elements that they may consider as more relevant, so it is not convenient to incorporate this issue in the standard. It should remain as it is in the present standard, in a flexible manner.

Costa Rica considers that, due to the lack of harmonization regarding this issue, we are forced to incur in higher costs to comply with the formats and order of nutrients of the different countries to which we export. However, if an harmonized specific order could be agreed to declare the nutrients, most food labels would include the same information, in the same format and with the same nutrients.

Regarding point 8.

#### *SPECIFIC ELEMENTS OF PRESENTATION*

*Font: A minimum font type size should be considered. A significant contrast should be maintained between the text and background so as to be clearly visible.*

Costa Rica considers that both issues should be debated separately as the size of the font and the contrast are two mutually independent factors and, as such, both represent legitimate interests of the consumers protecting the information required for their consuming decisions and, in others, their nutritional needs.

In this sense it is necessary that for the Codex to recommend a font size, it is important to identify which would have been the arguments used by the countries as justification for the implementation of these measures in their national regulations and, on that basis, to debate their harmonization and how pertinent would be to establish a minimum font size, which also should consider the font type.

Regarding contrast between the text and the background of the label, Costa Rica believes that it should be clarified what is meant by “significant contrast”, as what has been established in point 8.1.2 of the Codex Standard 1-1985 is clear in regards to the characters being visible and easy to read. However, we also agree that this provision could be expanded for the purpose of a better interpretation in its implementation.

## **EUROPEAN UNION:**

The European Union (EU) welcomes the opportunity to comment on the Draft Recommended Principles and Criteria for Legibility of Nutrition Labelling. The EU has considered the proposed text included in Appendix III of Alinorm 09/32/22 and provides the following comments.

### **General Principles**

The EU supports Option Two, namely a cross reference to the relevant provisions in the General Standard for the Labelling of Prepackaged Foods. The EU believes that this option avoids the possibility that over time differences could emerge between the principles that apply under the

General Standard and those that are included in the principles and criteria for legibility of nutrition labelling.

The EU proposes that the complete reference to the Codex Standard should be given, therefore, the reference to "the Codex GSLPF" should be replaced by "the Codex *Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985)*".

### **Specific Elements of Presentation**

Paragraph 6 - The EU supports the inclusion of Option Two as this option allows for aspects other than legibility alone to be taken into consideration with respect to the presentation of nutrition information.

Paragraph 7 – The EU agrees with the proposed paragraph 7.

### **Exemptions and Special Provisions**

The EU believes that paragraphs 11 and 12 should remain in square brackets until the discussions on the list of mandatory nutrition labelling particulars has been concluded.

### **Other Provisions for Consideration**

First bullet point (deleted) - The EU supports the deletion of the first bullet point.

Second bullet point – It is not clear to the EU how this proposal would interact with the specific standards that require nutrition labelling on certain foods. Some of the principles would in any case apply through the General Standard for the Labelling of Prepacked Foods that applies to mandatory labelling particulars.

Third bullet point – The EU believes that the question of declaration of insignificant amounts of nutrients could be considered further but it is not clear whether it would be necessary to include the provision in the principles and criteria for legibility of nutrition labelling. The EU has a reservation on the proposal that there could be a complete exemption from providing nutrition information on particulars that are mandatory when nutrition labelling is provided.

Fourth bullet point – The EU believes that the possibility for the nutrient declaration to relate to the food as consumed, such as after reconstitution or draining, would be a useful way of providing the nutrition information to the consumer. Again it is not clear to the EU whether this is an issue to be considered in the context of the principles and criteria for legibility of nutrition labelling or whether it should be considered as part of the Guidelines for Nutrition Labelling itself.

Fifth bullet point – The EU does not consider that the principle of the provision of nutrition information concerning products in small packages is related to the legibility of information; therefore, the EU does not consider it necessary to include the proposed provision in the text.

Sixth bullet point – The EU does not consider this is a principle or criteria for the legibility of nutrition labelling so does not consider it is necessary to include the provision in the text.

Seventh bullet point – The EU does not consider that it is necessary to include this provision in the proposed text. The EU believes that the provisions of the General Standard for the Labelling of Prepacked Foods already cover this point. Specifically, Section 2 of the Standard gives a

definition of "label" which refers to "tag" and paragraph 8.1.1 of the Standard requires that labels "shall be applied in such a manner that they will not become separated from the container".

## INDIA:

### i. General Principles

India supports Option Two as it would avoid duplicity of principles already included in the existing Codex Standard.

### ii. Specific Elements of Presentation, Paragraph 6

India supports Option two as it provides relatively more objective guidance.

### iii. Other Provisions for Consideration, Fourth bullet

- **First sentence:** There are some foods such as dried milk powder that may be used in a combination of ways, such as in the dried form as an ingredient in another food, or reconstituted with water for consumption as a beverage. Providing nutrient content of a food in reconstituted form in respect of such foods would not be useful. Therefore, it is proposed to amend the text as follows:

*“Where a food should necessarily be reconstituted with water before consumption, nutrient content [~~should/may~~] relate to .....reconstituted.”*

**Second sentence:** India supports the use of the word ‘*should*’, and suggest deletion of the word ‘*may*’ and the square brackets from the text, for the purpose of consistency in label declarations by different manufacturers.

## MALAYSIA:

### General Comments:

Malaysia supports the development of general principles and criteria for legibility of nutrition labelling to further provide guidance on the presentation of Nutrient Description which will assist consumers in further understanding of the information displayed.

Malaysia proposes that the term to describe the authority in-charge in enforcing the draft i.e. ‘National Authority’ or ‘Competent Authority’ be made consistent throughout the draft.

### Specific Comments:

Malaysia would like to make specific comments as follows:

### GENERAL PRINCIPLES

Malaysia supports Option One whereby the full text of the principles is to be contained in the document as it provides easier reference for users.

#### SPECIFIC ELEMENTS OF PRESENTATION

##### **General Comment:**

Malaysia proposes to substitute the term 'element' or 'elements' in this section with the term 'feature' or 'features' for better understanding.

##### **Specific Comments:**

##### **Title of the section**

Malaysia proposes to amend the title to read as follows;

“SPECIFIC ~~ELEMENTS~~ FEATURES OF PRESENTATION”

##### **Paragraph (5)**

Malaysia proposes to amend the paragraph to read as follows;

“These recommendations related to specific ~~elements~~ features of presentation are intended to facilitate and enhance the legibility of nutrition labelling. However, national authorities may determine any additional alternative means of nutrition presentation taking into account approaches and practical issues at the national level and based on the needs of their consumers.”

Rationale: This is to avoid national authorities in the effort to identify approaches in determining nutrition presentations which are based on their consumer needs, results in non-compliance with the other requirements of this section such as tabular format, order, font and numerical presentation

##### **Paragraph (6) Format**

Malaysia supports Option One with an amendment as follows:

Format: Nutrient content should be declared in a numerical, tabular format. Consideration may be given to other formatting ~~elements~~ features to enhance legibility. Where there is insufficient space for a tabular format, nutrient declaration may be presented in a linear format.

##### **Paragraph (7) Order**

Malaysia proposes to remove the square brackets of this paragraph.

#### EXEMPTIONS AND SPECIAL PROVISIONS

##### **Paragraph (11)**

Malaysia proposes to remove the square brackets and amends the paragraph to read as follows:

“Small packages may be exempt~~ed~~ from nutrient declaration, provided no nutrition or health claim is made in the labelling of that food. Small packages are defined as packages with a the largest printable surface of less than XX cm<sup>2</sup> (TO BE DETERMINED).”

##### **Paragraph (12)**

Malaysia proposes to remove the square brackets of this paragraph.

OTHER PROVISIONS FOR CONSIDERATION**Bullet No.4**

Malaysia proposes to reword the paragraph to read as follows:

“Where a food should be reconstituted with water before consumption, ~~nutrient content~~ ~~[should/may]~~ relate to the proportion of the food as so reconstituted nutrient content of the amount of the food taken for reconstitution should be declared. Similarly, ~~w~~Where the food is labelled with directions that it should be drained before consumption, the label should ~~may~~ indicate that nutrient content relates to the drained food.

**MEXICO:****General Comments:**

México thanks and congratulates the United States of America for the efforts made to continue with the Electronic Working Group and reiterates the importance of considering the applicability of the criteria already developed by the CCFL to avoid working once again on issues that have already been discussed.

On the other hand, there are certain numbered points, such as (5), in which the consideration of allowing the National Authority to determine certain standards results in missing the object of developing these recommendations.

Original Document	Justification	Comment
<b>GENERAL PRINCIPLES</b> <b>[Option One]</b> (1) Nutrition labelling shall be applied in such a manner that it will not become separated from the container.	(1) Already included in Section 8.1.1 of the GSLPF.	Taking into account that these points are already reflected in the Codex General Standard for the Labelling of Pre-packaged Foods, it is better to consider Option Two, with the objective of not being repetitive.
(2) Nutrition labelling shall be clear, prominent, indelible, and readily legible by the consumer under normal conditions of purchase and use.	(2) Already included in Section 8.1.2 of the GSLPF.	
(3) Where the container is covered by a wrapper, the wrapper shall carry the nutrition labelling or the existing nutrition labelling on the inner container shall either be readily legible through the outer wrapper or not be obscured by the outer wrapper.	(3) This indication is already considered under point 8.1.3 of the GSLPF.	
(4) Consistent with Section 8.2 of the General Standard for the Labelling of Pre-packaged Foods, if the language on the original label is not in accordance with national legislation, a supplementary label containing the nutrient declaration in the required language may be used instead of relabelling. In the case of either relabeling or a supplementary label, the information provided must be in accordance with	(4) Eliminate. This is already considered under point 8.2 of the GSLPF.	

national legislation and should accurately reflect that in the original label. Principles 1, 2 and 3 above should be applied to any supplementary nutrition labels.		
<p><b>Option Two</b></p> <p>[In the case of nutrition labelling whether applied on a mandatory or voluntary basis, the principles of Sections 8.1.1, 8.1.2, 8.1.3 and 8.2 of the Codex GSLPF should be applied.]</p>		<p>The General Standard contemplates the mentioned criteria, We accept Option Two. Agreed.</p>
<p><b>SPECIFIC ELEMENTS OF PRESENTATION</b></p> <p>(5) These recommendations related to specific elements of presentation are intended to facilitate and enhance the legibility and readability of nutrition labelling. However, national authorities may determine any alternative means of nutrition presentation taking into account approaches and practical issues at the national level and based on the needs of their consumers.</p>	<p>Eliminate the Word “facilitate” and “readability” and just keep it as “are intended to facilitate and enhance the legibility of nutrition labelling.”</p>	<p>Paragraph 51 of the Report of the 37th Session of the CCFL indicates that the working Group recommended referring only to “legibility”, noting that “readability” is subjective and the Committee agreed.</p> <p>Leave the determination of any “alternative means” of nutrition presentation to the National Authorities, as there is no point in limiting the format.</p>
<p>(6) <b>[Option One]</b></p> <p>Format: Nutrient content should may be declared in a numerical, tabular format. Consideration may be given to other formatting elements formats to enhance legibility. Where there is insufficient space for a tabular format, nutrient declaration may be presented in a linear format.]</p>	<p>We request that “should” be changed by “may” [N.T. “debería” by “podría” in the Spanish original] and we equally request that the same change be done in English “should be” for “could be” [N.T. Both terms given in English in the original comment. However, the term “may” is already used in the English text so it has been maintained].</p>	<p>We approve option one with the changes requested.</p>
<p><del><b>[Option two]</b></del></p> <p><del>Format: Nutrient content should be declared in a numerical, tabular format. Consideration may be given to other formats that enhance prominence. Where there is insufficient space for a tabular format, nutrient declaration may be presented in a linear format.]</del></p>		<p>Eliminate this option.</p>
<p>(7) [Order –</p> <p>(i) Nutrients should be declared in a specific order developed by competent authorities and should be consistent across food products.]</p>		<p>We approve this numbered point as long as it is understood that the declaration will be done in agreement with what is determined by each country.</p>
<p>(8) Font – A minimum font type size should be considered. A significant contrast should be maintained between the text and background so as to be clearly visible.</p>		<p>Eliminate.</p>
<p>(9) Language – The language of nutrient</p>		<p>We are in favour of</p>

declaration should be according to national legislation in the country of sale. See also (4) above.		eliminating it.
(10) Numerical Presentation The numerical presentation of nutrient content should be in accordance with the provisions of Section 3.4 of the Guidelines on Nutrition Labelling (CAC/GL 2 - 1985).		We approve this numbered point.
<b>EXEMPTIONS AND SPECIAL PROVISIONS</b>  [(11) <del>Small</del> packages may be exempt from nutrient declaration, provided no nutrition or health claim is made in the labelling of that food. <del>Small packages are defined as packages with a largest printable surface of less than XX cm<sup>2</sup> (TO BE DETERMINED)].</del>	<b>This criteria is in opposition to the exception under number 6 of the Codex Standard 1-1985</b>	It is necessary to define when a package may be considered “small” Indicating the dimensions or taking into account what was discussed during the 37th Session, where it was suggested that if the nutrient declaration may be exempted due to the size of the package, this declaration should be required in any <b>MULTIPLE OR COLECTIVE</b> packaging containing the units.  This should be taken into account together with the work regarding the list of nutrients.
[(12)) To accommodate nutrition labelling of small packages, national authorities may also consider the declaration of a shortened, minimum set of key nutrients.]		Being consistent with the comments made to the previous point, this should be taken into account together with the work regarding the list of nutrients
<b>[OTHER PROVISIONS FOR CONSIDERATION</b> • The contents of only those nutrients that are listed in section 7(i) may be declared within the nutrition table. Other substances or ingredients should not be declared within the nutrition table.		The elimination is approved.
<ul style="list-style-type: none"> <li>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.</li> </ul>	<b>This observation is already considered under point 3.2.7 of the Guidelines for Nutritional Labelling</b>	This is considered to be repetitive, as it is already included in point 3.2.7 of the Nutrition Labelling Guidelines.
<ul style="list-style-type: none"> <li>Where the amount is considered to be insignificant, there should be a possibility to declare the value as “0” or “traces” or “as defined at the national level” <del>or to exempt from nutrition labelling.</del></li> </ul>	<b>Eliminate “or to exempt from nutrition labelling.”</b>	We agree to declare the value as “0” or “trace”.
<ul style="list-style-type: none"> <li>Where a food should be reconstituted with water before consumption, nutrient content [<del>should</del> may] relate to the proportion of the food as so</li> </ul>	<b>We agree with “should”.</b>	The nutrient content should be declared regarding the portion to be consumed to avoid confusing the consumer.

<p>reconstituted. Similarly, where the food is labelled with directions that it should be drained before consumption, the label [<b>should</b> <del>may</del>] indicate that nutrient content relates to the drained food.</p>		
<ul style="list-style-type: none"> <li>• <del>With respect to small packages,</del> Consideration may be given to allowing the label to provide a website or phone number where consumers can obtain the nutrition information, or requiring that nutrition information be provided on or in connection with the display of the food or provided to the purchaser upon request.</li> </ul>		<p><b>The situation of the small packages should be defined first.</b></p>
<ul style="list-style-type: none"> <li>• Alternative means of presentation of nutrition information may be considered for refillable glass containers.</li> </ul>		<p><b>We request clarification about what is meant by “alternative means”, as if it is going to be refilled with the same product the information would not need to be changed.</b></p> <p><b>Otherwise we request to eliminate this point as, if it refers to presentation forms, those are already covered under point 6 while, if that is not the case, that it is already covered in the next point.</b></p>
<ul style="list-style-type: none"> <li>• Packages with shapes such that a label cannot be affixed may provide nutrition labelling through the use of tags, provided the tags are affixed for the life of the product and do not easily fall off or separate from the container.]</li> </ul>	<p><b>Point 8.1.1 of the GSLPF.</b></p>	<p><b>The Codex General Standard for the labelling of foods indicates that the labels to be affixed to pre-packaged foods should be attached in such a way as to prevent them falling away, so means need to be found to best comply with this regulation. It is not necessary to limit them to the use of hanging labels; there are also boxes that can contain packages with the shapes referred. We agree.</b></p>

## NEW ZEALAND:

New Zealand is pleased to respond to CL 2009/15-FL regarding the Proposed Draft Recommended Principles and Criteria for Legibility of Nutrition Labelling (at Step 3 of the procedure).

### GENERAL COMMENTS

New Zealand believes that significant progress on this agenda item was made at the last CCFL session. It is recognized that this work will be considering the issues for legibility that are

applicable in the global environment but may also consider options that allow for national governments to develop specific criteria, based on consumer research relevant to them.

Specific comments are provided on the proposed principles and criteria:

## **SPECIFIC COMMENTS ON THE PRINCIPLES AND CRITERIA**

### *GENERAL PRINCIPLES*

#### *[Option One*

*(1) Nutrition labelling shall be applied in such a manner that it will not become separated from the container.*

*(2) Nutrition labelling shall be clear, prominent, indelible, and readily legible by the consumer under normal conditions of purchase and use.*

*(3) Where the container is covered by a wrapper, the wrapper shall carry the nutrition labelling or the existing nutrition labelling on the inner container shall either be readily legible through the outer wrapper or not be obscured by the outer wrapper.*

*(4) Consistent with Section 8.2 of the General Standard for the Labelling of Prepackaged Foods, if the language on the original label is not in accordance with national legislation, a supplementary label containing the nutrient declaration in the required language may be used instead of relabelling. In the case of either relabeling or a supplementary label, the information provided must be in accordance with national legislation and should accurately reflect that in the original label. Principles 1, 2 and 3 above should be applied to any supplementary nutrition labels.]*

#### *Option Two*

*[In the case of nutrition labelling whether applied on a mandatory or voluntary basis, the principles of Sections 8.1.1, 8.1.2, 8.1.3 and 8.2 of the Codex GSLPF should be applied.]*

**COMMENT:** NZ supports option one as it reflects discussion and text agreed to at the last session of the CCFL and is more specific to nutrition labelling.

### *SPECIFIC ELEMENTS OF PRESENTATION*

*(5) These recommendations related to specific elements of presentation are intended to facilitate and enhance the legibility of nutrition labelling. However, national authorities may determine any alternative means of nutrition presentation taking into account approaches and practical issues at the national level and based on the needs of their consumers.*

**COMMENT:** NZ. supports provision (5).

*(6) [Option One Format: Nutrient content should be declared in a numerical, tabular format. Consideration may be given to other formatting elements to enhance legibility. Where there is*

*insufficient space for a tabular format, nutrient declaration may be presented in a linear format.]*

*[Option Two Format: Nutrient content should be declared in a numerical, tabular format. Consideration may be given to other formats that enhance prominence. Where there is insufficient space for a tabular format, nutrient declaration may be presented in a linear format.]*

**COMMENT:** NZ. supports Option One and agrees that tabular format for nutrient declaration is appropriate and supports the focus on enhancing legibility rather than enhancing prominence. NZ believes that prominence is but one aspect of legibility.

*(7) [Order –*

*(i) Nutrients should be declared in a specific order developed by competent authorities and should be consistent across food products.]*

**COMMENT:** NZ. supports provision (7)(i) but this may need to be reconsidered following the deliberations on mandatory nutrient declaration.

*(8) Font – A minimum font type size should be considered. A significant contrast should be maintained between the text and background so as to be clearly visible.*

**COMMENT:** NZ does not support prescribing font size and agrees that there should be appropriate contrast between text and background.

*~~(9) Language – The language of nutrient declaration should be according to national legislation in the country of sale. See also (4) above.~~*

**COMMENT:** NZ. supports the intent of provision (9) but questions whether it is already covered within provision (4).

*(10) Numerical Presentation*

*The numerical presentation of nutrient content should be in accordance with the provisions of Section 3.4 of the Guidelines on Nutrition Labelling (CAC/GL 2 - 1985).*

**COMMENT:** NZ. supports provision (10).

#### *EXEMPTIONS AND SPECIAL PROVISIONS*

*[(11) Small packages may be exempt from nutrient declaration, provided no nutrition or health claim is made in the labelling of that food. Small packages are defined as packages with a largest printable surface of less than XX cm<sup>2</sup> (TO BE DETERMINED)].*

**COMMENT:** New Zealand supports the exemption of small packages of food from nutrient declaration provided that no nutrition claim is made. Conversely, New Zealand does not support the exemption of small packages of food where a nutrition claim is made. New Zealand considers that the need for nutrition labeling should be taken into account by producers when designing the product and packaging. New Zealand agrees that where a nutrient declaration is made on small packages it may be presented in a linear rather than a tabular format. Guidance should be provided on what constitutes a small package.

*[(12) To accommodate nutrition labelling of small packages, national authorities may also consider the declaration of a shortened, minimum set of key nutrients.]*

**COMMENT:** New Zealand considers that the proposal of a declaration of a shortened minimum set of key nutrients may be subject to the determinations of any work undertaken on mandatory declaration of nutrients. We do support the notion that national authorities may determine any exemptions.

*[OTHER PROVISIONS FOR CONSIDERATION*

~~*• The contents of only those nutrients that are listed in section 7(i) may be declared within the nutrition table. Other substances or ingredients should not be declared within the nutrition table.*~~

**COMMENT:** NZ supports further discussion on this issue in regards to enhancing legibility of key nutrition information.

*• 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.*

**COMMENT:** NZ believes that this issue is adequately addressed in section 3.2.7 of the Guidelines on Nutrition Labelling. If there is a need to reiterate section 3.2.7 within this text, then it is recommended that the original text of section 3.2.7 is retained. The provision should then read as follows:

“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 Section 3.4 of these Guidelines.”

*• Where the amount is considered to be insignificant, there should be a possibility to declare the value as “0” or “traces” or “as defined at the national level” or to exempt from nutrition labelling.*

**COMMENT:** NZ supports most of this provision but does not support exemption of nutrients that should always be declared from declaration due to insignificant amounts.

*• Where a food should be reconstituted with water before consumption, nutrient content [should/may] relate to the proportion of the food as so reconstituted. Similarly, where the*

*food is labeled with directions that it should be drained before consumption, the label [should/may] indicate that nutrient content relates to the drained food.*

**COMMENT:** NZ supports this provision

*• With respect to small packages, consideration may be given to allowing the label to provide a website or phone number where consumers can obtain the nutrition information, or requiring that nutrition information be provided on or in connection with the display of the food or provided to the purchaser upon request.*

**COMMENT:** NZ. does not support this provision because in practice it could not or would not be widely used by consumers.

*• Alternative means of presentation of nutrition information may be considered for refillable glass containers.*

**COMMENT:** New Zealand acknowledges the need to provide for the recycling of containers in the interests of conserving resources but considers that that this proposal needs clarification as to the circumstance of use of the containers to be refilled.

*• Packages with shapes such that a label cannot be affixed may provide nutrition labelling through the use of tags, provided the tags are affixed for the life of the product and do not easily fall off or separate from the container.]*

**COMMENT:** New Zealand does not support the use of tags because they have the potential to be readily removed.

## NORWAY:

### NORWAY'S RESPONSE TO THE PROPOSED DRAFT RECOMMENDED PRINCIPLES AND CRITERIA FOR LEGIBILITY OF NUTRITION LABELLING

	GENERAL PRINCIPLES	NORWAY'S RESPONSE
[Option One]	(1) Nutrition labelling shall be applied in such a manner that it will not become separated from the container. (2) Nutrition labelling shall be clear, prominent, indelible, and readily legible by the consumer under normal conditions of purchase and use. (3) Where the container is covered by a wrapper, the wrapper shall carry the nutrition labelling or the existing nutrition labelling on the inner container shall either be readily legible through the outer wrapper or not be obscured by the outer wrapper. (4) Consistent with Section 8.2 of the General Standard for the Labelling of Prepackaged Foods, if the language on the original label is not in accordance with national legislation, a supplementary label containing the nutrient declaration in the required	<i>Not supported, please see below.</i>

	language may be used instead of relabelling. In the case of either relabeling or a supplementary label, the information provided must be in accordance with national legislation and should accurately reflect that in the original label. Principles 1, 2 and 3 above should be applied to any supplementary nutrition labels.]	
<u>Option Two</u>	[In the case of nutrition labelling whether applied on a mandatory or voluntary basis, the principles of Sections 8.1.1, 8.1.2, 8.1.3 and 8.2 of the Codex GSLPF should be applied.]	<i>We support this option. General principals should not be repeated in other standard.</i>
<b><u>SPECIFIC ELEMENTS OF PRESENTATION</u></b>		
(5)	These recommendations related to specific elements of presentation are intended to facilitate and enhance the legibility of nutrition labelling. However, national authorities may determine any alternative means of nutrition presentation taking into account approaches and practical issues at the national level and based on the needs of their consumers.	<i>Yes, we support the possibility of national alternative means.</i>
(6) <u>[Option One</u>	Format: Nutrient content should be declared in a numerical, tabular format. Consideration may be given to other formatting elements to enhance legibility. Where there is insufficient space for a tabular format, nutrient declaration may be presented in a linear format.]	<i>The objective is to establish criteria and principles for legibility, thus we support the use of the word "legibility".</i>
<u>Two</u>	Format: Nutrient content should be declared in a numerical, tabular format. Consideration may be given to other formats that enhance prominence. Where there is insufficient space for a tabular format, nutrient declaration may be presented in a linear format.]	<i>No, please see above.</i>
(7)	<u>[Order –</u> (i) Nutrients should be declared in a specific order developed by competent authorities and should be consistent across food products.]	<i>Yes, the order of declaration should be fixed in order to ease and enhance the consumers' use of the declaration.</i>
(8)	<u>Font –</u> A minimum font type size should be considered. A significant contrast should be maintained between the text and background so as to be clearly visible.	<i>We support this alternative but would suggest it moved to the Codex GSLPF. The size should be given as a minimum x-height not as a font type size because fonts vary a lot in size.</i>
(9)	<del>Language – The language of nutrient declaration should be according to national legislation in the country of sale. See also (4) above.</del>	
(10)	<u>Numerical Presentation</u> The numerical presentation of nutrient content should be in accordance with the provisions of Section 3.4 of the Guidelines on Nutrition Labelling (CAC/GL 2 - 1985).	<i>Yes</i>
<b><u>EXEMPTIONS AND SPECIAL PROVISIONS</u></b>		
[11)	Small packages may be exempt from nutrient declaration, provided no nutrition or health claim is made in the	<i>We believe it is inevitable not to make exemptions for small</i>

	labelling of that food. Small packages are defined as packages with a largest printable surface of less than XX cm <sup>2</sup> (TO BE DETERMINED)].	<i>packages.</i>
[(12)	To accommodate nutrition labelling of small packages, national authorities may also consider the declaration of a shortened, minimum set of key nutrients.]	<i>Yes, we support this. Gives national authorities the possibility to address national needs and challenges.</i>
<b>[OTHER PROVISIONS FOR CONSIDERATION</b>		
	<del>• The contents of only those nutrients that are listed in section 7(i) may be declared within the nutrition table. Other substances or ingredients should not be declared within the nutrition table.</del>	
	• 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.	<i>Yes, we consider this to be a commonly accepted principle</i>
	• Where the amount is considered to be insignificant, there should be a possibility to declare the value as “0” or “traces” or “as defined at the national level” or to exempt from nutrition labelling.	<i>Yes, but there might be some uncertainty regarding the “definition” of insignificant. E.g the declaration of sodium/salt in grams. How many decimals is “needed” to make the amount insignificant?</i>
	• Where a food should be reconstituted with water before consumption, nutrient content [should/may] relate to the proportion of the food as so reconstituted. Similarly, where the food is labeled with directions that it should be drained before consumption, the label [should/may] indicate that nutrient content relates to the drained food.	<i>Yes, this is important to state.</i>
	• With respect to small packages, consideration may be given to allowing the label to provide a website or phone number where consumers can obtain the nutrition information, or requiring that nutrition information be provided on or in connection with the display of the food or provided to the purchaser upon request.	<i>Yes, this is important but should it be a part of the standard? Or should it be a matter for national regulation?</i>
	• Alternative means of presentation of nutrition information may be considered for refillable glass containers.	<i>Yes.</i>

## UNITED STATES:

### GENERAL COMMENTS

The United States believes that significant progress on this agenda item was made at the last CCFL session and we support further discussion of the provisions in Appendix III of ALINORM 09/32/22.

The U.S. recognizes that previous work on this item took into account existing provisions within Codex texts to consider the need for additional provisions specific to the presentation of nutrient declaration. The U.S. reiterates that it is important to consider the global applicability of any presentation principles or criteria developed by CCFL and to permit flexibility for national governments to develop specific criteria, based on consumer research, as relevant for their consumers' use and understanding.

The U.S. also notes the Committee's decision to continue work on these provisions through an electronic working group (para. 70, ALINORM 09/32/22). The United States is pleased to continue to lead the electronic working group on the development of principles or criteria for the legibility of nutrition labelling. The U.S. looks forward to working with countries and observers in this eWG.

We provide specific comments on each of the proposed principles and criteria below.

## **SPECIFIC COMMENTS ON THE PRINCIPLES AND CRITERIA**

### *GENERAL PRINCIPLES*

#### *[Option One*

*(1) Nutrition labelling shall be applied in such a manner that it will not become separated from the container.*

*(2) Nutrition labelling shall be clear, prominent, indelible, and readily legible by the consumer under normal conditions of purchase and use.*

*(3) Where the container is covered by a wrapper, the wrapper shall carry the nutrition labelling or the existing nutrition labelling on the inner container shall either be readily legible through the outer wrapper or not be obscured by the outer wrapper.*

*(4) Consistent with Section 8.2 of the General Standard for the Labelling of Prepackaged Foods, if the language on the original label is not in accordance with national legislation, a supplementary label containing the nutrient declaration in the required language may be used instead of relabelling. In the case of either relabeling or a supplementary label, the information provided must be in accordance with national legislation and should accurately reflect that in the original label. Principles 1, 2 and 3 above should be applied to any supplementary nutrition labels.]*

#### *Option Two*

*[In the case of nutrition labelling whether applied on a mandatory or voluntary basis, the principles of Sections 8.1.1, 8.1.2, 8.1.3 and 8.2 of the Codex GSLPF should be applied.]*

**U.S. COMMENT:** The principles in Codex GSLPF were reviewed and edited by the electronic and physical working groups for the application of principles specifically to nutrition labeling. While the edits/revisions were not extensive, the edits/revisions are important to ensure that the principles are appropriately applied to nutrition labeling. For example, the last sentence in (4) under Option One is new text that does not appear in existing section 8.2 of Codex GSLPF. For

these reasons, the U.S. supports retaining Option One to retain provisions (1) through (4), rather than Option Two above.

#### *SPECIFIC ELEMENTS OF PRESENTATION*

*(5) These recommendations related to specific elements of presentation are intended to facilitate and enhance the legibility of nutrition labelling. However, national authorities may determine any alternative means of nutrition presentation taking into account approaches and practical issues at the national level and based on the needs of their consumers.*

**U.S. COMMENT:** The U.S. supports provision (5) above.

*(6) [Option One Format: Nutrient content should be declared in a numerical, tabular format. Consideration may be given to other formatting elements to enhance legibility. Where there is insufficient space for a tabular format, nutrient declaration may be presented in a linear format.]*

*[Option Two Format: Nutrient content should be declared in a numerical, tabular format. Consideration may be given to other formats that enhance prominence. Where there is insufficient space for a tabular format, nutrient declaration may be presented in a linear format.]*

**U.S. COMMENT:** The U.S. supports Option One Format of provision (6) above. We support the declaration of nutrient content in a tabular format with flexibility to apply specific formatting requirements, as needed, at the national level. We also believe that a linear format should be permitted where there is insufficient space for a tabular declaration. However, any further details such as the criterion for determining “insufficient space” should be left to national authorities.

*(7) [Order –*

*(i) Nutrients should be declared in a specific order developed by competent authorities and should be consistent across food products.]*

**U.S. COMMENT:** The U.S. supports provision (7)(i) above.

*(8) Font – A minimum font type size should be considered. A significant contrast should be maintained between the text and background so as to be clearly visible.*

**U.S. COMMENT:** The U.S. supports provision (8) above. We believe that it would be difficult for Codex to identify an appropriate minimum font type size for nutrient content declaration. Such details and specific requirements should be left to national authorities to determine, as necessary and appropriate for their consumers. CCFL may, however, recommend that a minimum font type size should be considered by governments in developing national regulations on nutrition labeling. The U.S. supports the recommendation that a significant contrast should be maintained between text and background.

~~(9) Language—The language of nutrient declaration should be according to national legislation in the country of sale. See also (4) above.~~

**U.S. COMMENT:** The U.S. supports the deletion of provision (9) above. We believe that the intent of this provision is covered within provision (4) above.

*(10) Numerical Presentation*

*The numerical presentation of nutrient content should be in accordance with the provisions of Section 3.4 of the Guidelines on Nutrition Labelling (CAC/GL 2 - 1985).*

**U.S. COMMENT:** The U.S. supports provision (10) above.

#### *EXEMPTIONS AND SPECIAL PROVISIONS*

*[(11) Small packages may be exempt from nutrient declaration, provided no nutrition or health claim is made in the labelling of that food. Small packages are defined as packages with a largest printable surface of less than XX cm<sup>2</sup> (TO BE DETERMINED)].*

**U.S. COMMENT:** With respect to provision (11) above, the U.S. supports the use of exemptions or special labeling provisions for small-sized packages with insufficient space to bear nutrition labeling, provided the package does not bear any nutrition or health claims. However, we believe that the specific criteria for such exemptions or labeling provisions (such as a definition for “small package size” or determining what constitutes insufficient surface area available to bear nutrition labeling) should be determined at the national level. Therefore, we recommend deleting the second sentence of this provision and rewording the first sentence to read as follows:

“Small-sized packages with insufficient surface area available to bear nutrition labeling may be exempt from nutrient declaration, provided no nutrition or health claim is made in any context in the labelling of that food.”

*[(12) To accommodate nutrition labelling of small packages, national authorities may also consider the declaration of a shortened, minimum set of key nutrients.]*

**U.S. COMMENT:** The U.S. believes that national authorities should have the flexibility to determine any exemptions or special labeling provisions for small-sized packages. Therefore, the U.S. supports provision (12) above.

#### *[OTHER PROVISIONS FOR CONSIDERATION*

~~*• The contents of only those nutrients that are listed in section 7(i) may be declared within the nutrition table. Other substances or ingredients should not be declared within the nutrition table.*~~

**U.S. COMMENT:** The U.S. believes that further consideration of this issue would be useful. It is important to ensure that required nutrition information is not cluttered by other pieces of information with respect to the composition of the food. This provision could help minimize clutter and ensure the prominence and legibility of nutrition information. CCFL may consider recommending that national governments should consider such limitations as appropriate for their own national context.

- *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.*

**U.S. COMMENT:** The U.S. does not believe that this provision is necessary in this section given that existing section 3.2.7 already addresses the concern with respect to specific labeling requirements listed in Codex commodity standards. If there is a need to reiterate section 3.2.7 within this text, the U.S. recommends retaining the provision, as it is currently worded in section 3.2.7. The provision should then read as follows:

“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 Section 3.4 of these Guidelines.”

- *Where the amount is considered to be insignificant, there should be a possibility to declare the value as “0” or “traces” or “as defined at the national level” or to exempt from nutrition labelling.*

**U.S. COMMENT:** The U.S. supports this provision.

- *Where a food should be reconstituted with water before consumption, nutrient content [should/may] relate to the proportion of the food as so reconstituted. Similarly, where the food is labeled with directions that it should be drained before consumption, the label [should/may] indicate that nutrient content relates to the drained food.*

**U.S. COMMENT:** The U.S. does not support this provision. We believe that such details about nutrition presentation with respect to different types of foods/food categories should be left to be determined at the national level.

- *With respect to small packages, consideration may be given to allowing the label to provide a website or phone number where consumers can obtain the nutrition information, or requiring that nutrition information be provided on or in connection with the display of the food or provided to the purchaser upon request.*

**U.S. COMMENT:** The U.S. does not support this provision. We believe that such details about nutrition presentation with respect to different types of foods/food categories or packages sizes should be left to be determined at the national level.

- *Alternative means of presentation of nutrition information may be considered for refillable glass containers.*

**U.S. COMMENT:** The U.S. does not support this provision. We believe that such details about nutrition presentation with respect to different types of foods/food categories should be left to be determined at the national level.

*• Packages with shapes such that a label cannot be affixed may provide nutrition labelling through the use of tags, provided the tags are affixed for the life of the product and do not easily fall off or separate from the container.]*

**U.S. COMMENT:** The U.S. does not support this provision. We believe that such details about nutrition presentation with respect to different types of foods/food categories or packages sizes should be left to be determined at the national level. Moreover, a portion of this provision may be redundant given provision (1) above.

## **INTERNATIONAL CHEWING GUM ASSOCIATIONS (ICGA):**

The International Chewing Gum Association (ICGA), a member of the Codex Committee on Food Labeling (CCFL) Electronic Working Group on the Legibility of Nutrition Information, hereby submits these comments on the referenced Draft Recommended Principles and Criteria for Legibility of Nutrition Labeling. ICGA, headquartered in Brussels, is the trade association of the world's leading manufacturers of chewing gum. As such, ICGA has a unique perspective on nutrition labeling as it affects products that typically are sold in very small packages with limited available labeling space.

### **1. ICGA Supports Option Two of the General Principles.**

Option Two incorporates by reference certain presentation requirements set forth in the General Standard for the Labelling of Prepackaged Foods. The proposal would maintain basic requirements regarding legibility, permanence, and language of nutrition labeling, while recognizing that nutrition information often is provided on a voluntary basis.

### **2. ICGA Supports Paragraph 6, Option One, under the Specific Elements of Presentation.**

Option One permits consideration of other *formatting elements* as opposed to *formats* to enhance legibility. ICGA supports the increased flexibility of this provision, as well as the provision in both options to permit a linear format in lieu of a tabular format when labeling space is an issue.

### **3. ICGA Supports Paragraphs 11 and 12 under Exemptions and Special Provisions.**

These provisions provide greater flexibility for nutrition labeling on small packages. In particular, Paragraph 11 exempts small packages from nutrition labeling requirements when no nutrition or health claim is made in the labeling of the food. Paragraph 12 permits national authorities to consider an abbreviated format for nutrition labeling on small packages. ICGA supports both provisions as important to address small package labeling issues where no nutrition or health claim is made and where such a claim triggers a nutrition labeling obligation, but with limited available space.

ICGA is grateful for the opportunity to participate in the Electronic Working Group, and to offer these comments. We stand ready to actively work with the other members of the eWG as this proposal progresses.

## **INTERNATIONAL COUNCIL OF BEVERAGES ASSOCIATIONS (ICBA):**

The International Council of Beverages Associations (ICBA) is a nongovernmental organization that represents the interests of the worldwide nonalcoholic beverage industry. The members of ICBA operate in more than 200 countries and produce, distribute, and sell a variety of nonalcoholic beverages, such as sparkling and still beverages such as soft drinks, juice-containing beverages, bottled waters, and ready-to-drink coffees and teas. The International Council of Beverages Associations (ICBA) is pleased to provide the following comments in response to the Circular Letter and Appendix III of ALINORM 09/32/22.

### **GENERAL PRINCIPLES**

**ICBA supports Option Two**, as provided in Appendix III of ALINORM 09/32/22: implementation of a requirement that nutrition labeling, whether voluntary or mandatory, must comply with the requirements for presentation of mandatory information, as specified Section 8.1.1, 8.1.2 and 8.1.3 of the *General Standard for the Labeling of Prepackaged Foods*, CODEX STAN 1-1985.

The *General Standard* specifies the conditions that apply to mandatory labeling information:

- 8.1.1: "Labels in prepackaged foods shall be applied in such a manner that they will not become separated from the container."
- 8.1.2: "*Statements required to appear on the label by virtue of this standard or any other Codex standards shall be clear, prominent, indelible and readily legible by the consumer under normal conditions of purchase and use.*"
- 8.1.3: "*Where the container is covered by a wrapper, the wrapper shall carry the necessary information or the label on the container shall be readily legible through the outer wrapper or not obscured by it.*"

Where possible, requirements for nutrition labeling should be incorporated into existing requirements that apply to the labeling of prepackaged foods, rather than creating duplicative requirements that are exclusive to nutrition labeling.

SPECIFIC ELEMENTS OF PRESENTATION

Appendix III	ICBA position
(5) These recommendations related to specific elements of presentation are intended to facilitate and enhance the legibility of nutrition labeling. However, national authorities may determine any alternative means of nutrition presentation taking into account approaches and practical issues at the national level and based on the needs of their consumers.	<b>ICBA agrees</b> with the proposed text.
(6) [Option One <u>Format:</u> Nutrient content should be declared in a numerical, tabular format. Consideration may be given to other formatting elements to enhance legibility. Where there is insufficient space for a tabular format, nutrient declaration may be presented in a linear format.]  (6) [Option Two <u>Format:</u> Nutrient content should be declared in a numerical, tabular format. Consideration may be given to other formats that enhance prominence. Where there is insufficient space for a tabular format, nutrient declaration may be presented in a linear format.]-	<b>ICBA does not support either of the options</b> in para (6). We believe that the format for the nutrient content should be left to national discretion to accommodate the unique characteristics of language and presentation.  <b>Suggested alternate text:</b>  <i>Nutrient content should be declared in a manner that that is determined by national authorities, ensuring that the format or formats that are used provide consumers with consistent and prominent nutrition information on food labels.</i>
(7) [Order – (i) Nutrients should be declared in a specific order developed by competent authorities and should be consistent across food products.]	<b>ICBA agrees</b> with this statement on order of nutrients.
(8) Font – A minimum font type size should be considered. A significant contrast should be maintained between the text and background so as to be clearly visible,	ICBA agrees with the proposed text, recommends that it be divided into a statement on font in section 8 and a statement on contrast in new section 9.  <b>ICBA does not advise that the CCFL attempt to define what constitutes a minimum font size</b> , as this will vary depending on the unique characteristics of the various languages used in nutrition labeling.
<del>(9) Language – The language of nutrient declaration should be according to national legislation in the country of sale. (See also (4) above.</del>	<b>ICBA agrees to delete</b> this text, as it is already stated in section 8.2 of the General Standard.

<p>(10) Numerical Presentation – The numerical presentation of nutrient content should be in accordance with the provisions of Section 3.4 of the Guidelines on Nutrition Labeling (CAC/GL 2 – 1985)</p>	<p><b>ICBA agrees</b> that the numerical presentation of nutrient content should be in line with section 3.4 of the Guidelines on Nutrition Labeling (CAC/GL 2-1985), <b>with the following exceptions.</b></p> <ul style="list-style-type: none"> <li>• <b>Section 3.4.2 should be modified</b> to allow <b>energy value</b> to be expressed as kilocalories, calories <u>or</u> kilojoules, depending on the approach that is most familiar to consumers at the national level.</li> <li>• <b>A new section should be added</b> specifying that <b>sodium</b> should be declared as milligrams or grams, depending on national practices,</li> <li>• <b>A new section should be added</b> specifying that <b>sodium</b> should always be declared as the nutrient (sodium), and not as the ingredient (salt).</li> </ul>
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#### EXEMPTIONS AND SPECIAL PROVISIONS

**We believe that this section should be merged with OTHER PROVISIONS FOR CONSIDERATION with the deletion of the title of the last section.** As part of the overall revision of the Guidelines on Nutrition Labeling, **exemptions from nutrition labeling should be implemented for small or misshapen packages, refillable containers and products with minimal or no nutritional value.** Thus we support the proposed paras (11) and (12) and including the last five bullets under this section.

### **INTERNATIONAL DAIRY FEDERATION (IDF):**

The International Dairy Federation (IDF) appreciates the opportunity to provide comments for consideration on the Proposed Draft Recommended Principles and Criteria for Legibility of Nutrition Labelling (at step 3).

#### **General remarks:**

IDF has concerns that the criteria for legibility must be flexible to accommodate alternative means of presentation of nutrition information on small packages or types of packages where it is impracticable to print or affix a label. We believe as the Committee and electronic working group continue work these issues can be addressed under the Other Provisions for Consideration. IDF supports the draft Other Provisions for Consideration in Appendix III with some additional modifications as follows:

1. Accommodation must be made for packaging materials other than glass that are used for refillable bottles which a label cannot be affixed with nutritional information.

The dairy industry has historically used refillable glass bottles for the sale of fluid milk. The use of refillable milk bottles has declined over the past decades, but there is renewed interest as refillable bottles conserve energy and natural resources, and reduces waste at the source compared to non-refillable containers. Today modern packaging technology has developed high quality food grade plastics such as polyethylene terephthalate (PET) and Lexan resin that can be used for refillable milk and beverage containers that are almost identical to glass. The washing and sanitizing steps needed to prepare refillable bottles mean that neither affixed labels of permanent printing of nutrition information are feasible.

IDF believes that additional edits are needed to address refillable containers that are made from containers other than glass that a label cannot be affixed to. We suggest the following bullet be edited to:

- Alternative means of presentation of nutrition information may be considered for refillable ~~glass~~ containers.

2. IDF would like the committee to consider that the some foods such as milk powder may be used in different ways, such as in the dried form as an ingredient in another food or reconstituted with water for consumption as a beverage. IDF believes that providing nutrient content of a food in reconstituted form should be optional due to various uses of the dried or condensed product and different proportions of water that may be added to reconstitute the product. Therefore, IDF respectfully request the consideration of removal of the square brackets and retaining the words "may" and edits to the text in the bullet below.

- Where a food ~~should~~ may be reconstituted with water before consumption, nutrient content [should/may] relate to the proportion of the food as so reconstituted.