



JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON FOOD LABELLING

Forty-Second Session
Rome, Italy

21- 24 October 2014

DATE MARKING (REVISION OF THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS)

COMMENTS AT STEP 3

(Comments From Brazil, Canada, Chile, Colombia, Egypt, Japan, Kenya, Saint Lucia, CEFS, ICBA, LFT)

BRAZIL

(i) General Comments:

Brazil would like to thank New Zealand and Australia for coordinating the electronic working group and for preparing draft proposals to revise the date marking provisions in the General Standard for the Labelling of Prepackaged Foods (GSLPF). We support this revision because the improvement of the definitions and the criteria for use of each type of date mark could assist in the reduction of food trade problems and confusion among consumers, food business operators and regulators.

Initially, Brazil would like to clarify that our date marking requirements are harmonized in MERCOSUR. Nine descriptors, including 'best before', 'expiration', 'valid up to' and abbreviations of these terms, are authorized for use in date marking. All the descriptors are applied with the unique purpose of indicating the end of a food's shelf life which covers both quality and safety parameters. In Brazil, the descriptor best before is not allowed in products of animal origin. Besides, the use of the descriptor 'best before' is being revised in MERCOSUR as this term lacks precision and could be misleading to consumers.

We have some indication that our approach to use one date mark to cover both quality and safety factors is effective in providing consumers with simple and useful information. Brazilian studies show consistently that date mark is the main labelling information read by consumers. Additionally, this approach facilitates enforcement actions by official bodies as foods with expired date marking are not allowed to be marketed.

In this sense, we do not support the proposal to have one date mark for a health or safety risk (Use-by Date) and other for quality parameters (Best before Date). This proposal would lead to date mark systems that exclude our regulatory approach and that have not been demonstrated to be more effective in reducing food trade problems, consumers' confusion and food waste.

Finally, we would like to note that some issues proposed to be addressed in phase 2 are clearly in the scope of this revision as they deal with date marking and storage instructions that are covered in section 4.7 of the GSLPF. Consequently, we suggest incorporating in the draft proposals the issues of date marking on frozen foods and storage instructions and expected shelf life on products post opening.

(ii) Specific Comments:

2. DEFINITION OF TERMS:

For use in **Date Marking** of prepackaged food:

"Date of Manufacture" means the date on which the food becomes the product as described. ~~This is not an indication of the durability of the product.~~

Rationale: Brazil does not support the inclusion of the last sentence because the actual definition is clear. We understand that the 'date of manufacture' and other related terms (date of production, elaboration date) could provide useful information to consumers about the freshness of the food.

The 'date of manufacture' is also mentioned in many Codex Standards¹ as an alternative date mark to the date of minimum durability for products not intended to be purchased as such by the final consumer. These requirements could be useful for stock control of prepackaged foods for catering purposes that are in the scope of GSLPF. Besides, we did not identify any other Codex text that would have a definition of 'date of manufacture'.

"Date of Packaging" means the date on which the food is placed in the immediate container in which it will be ultimately sold. ~~This is not an indication of the durability of the product.~~

Rationale: Brazil does not agree with the inclusion of the last sentence because the actual definition is clear. The 'date of packaging' could be useful to consumers and retailers when applied to prepackaged products that do not have clear date of manufacture, such as prepackaged fruits and vegetables, or products that have been manipulated and repacked. Furthermore, the Code of Practice for Fish and Fishery Products (CAC/RCP 52-2003) recommends the declaration of the date of packaging in the label of some products, but this date mark is only defined in the GSLPF.

~~**"Sell-by-Date"** means the last date of offer for sale to the consumer after which there remains a reasonable storage period in the home.~~

Rationale: Brazil supports the exclusion of this definition. We understand that date marks applied exclusively for commercial purpose, such as the control of food stock by retailers (e.g. sell-by date/display until), should have their use in food labelling reviewed. This type of information should not be applied to food labels because it could mislead consumers.

~~**("Best before Date")** means the date which signifies the end of the estimated period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond the date the food may still be perfectly satisfactory.~~

Rationale: Brazil believes that the development of a specific date mark exclusively for quality parameters is not the best approach available.

We like to point out that safety and quality parameters can influence each other and that for some foods the classification of these parameters is not straightforward. In this context, the proposed definition does not provide clear guidance for manufactures on the parameters that should be used. Furthermore, it should be noted that the possibility to estimate the 'best before date' based exclusively on subjective sensory attributes could result in the use of inconsistent and unreliable methods of date mark determination by food industry.

Brazil is also concerned about the lack of precision of the 'best before date' as it does not indicate how long the product could be marketed or consumed after its expiration. This could mislead consumers and difficult enforcement actions by regulators.

Considering the limitations mentioned above, we understand that the use of 'best before date' could result in more food trade problems, consumers' confusion and food waste. Thus, we suggest excluding this definition from GSLPF.

"Use-by Date" (Recommended Last Consumption Date, Expiration Date) means the date which signifies the end of the estimated period ~~shelf life~~, under any stated storage conditions, after which the product should not be sold or consumed ~~due to nutritional or safety reasons~~.

"Shelf life" means the estimated period during which the food maintains its safety and sensory qualities at a specific storage condition.

Rationale: Brazil understands that 'use-by date' definition should indicate the end of a food's shelf life which is based in safety and quality parameters. This approach has the advantage to provide consumers with

¹ Codex Stan 263-1966, 264-1966, Codex Stan 265-1966, Codex Stan 266-1966, Codex Stan 267-1966, Codex Stan 268-1966, Codex Stan 269-1967, Codex Stan 270-1968, Codex Stan 271-1968, Codex Stan 272-1968, Codex Stan 283-1978.

simple and useful information on how long the food could be marketed and consumed. Besides, it would provide clearer guidance for manufactures on the methodologies that should be used and could facilitate enforcement actions by regulators.

Thus, we suggest amending the definition of 'use-by date' to include de term 'shelf life' and to add a new definition of 'shelf life' that was adapted from the definitions in the Code of Hygienic Practice for Refrigerated Packaged Foods with Extended Shelf Life (CAC/RCP 46-1999) and in the Code of Practice for Fish and Fishery Products (CAC/RCP 52-2003).

4.7 Date marking and storage instructions

4.7.1 If not otherwise determined in an individual Codex standard, following date marking shall apply unless clause 4.7.1(vii) applies:

~~(i) When a food must be consumed before a certain date to ensure its safety or nutritional adequacy [for a particular population group for which the product is intended] the "Use-by Date" shall be declared.~~

~~(ii) Where a Use-by Date is not required the Best before Date shall be declared.~~

~~(iii) From the date that the date marking is applied~~ **This shall consist of:**

- ~~On products with a durability of not more than three months the day and month shall be declared; and~~ **the day and the month for products with a durability of not more than three months;**
- ~~On products with a durability of more than three months the month and year shall be declared.~~ **the month and the year for products with a durability of more than three months.** If the month is December, it is sufficient to indicate the year.

Rationale: Brazil understands that the development of a specific date mark definition for safety/nutritional parameters and other for quality parameters is not the best approach available. The application of 'use-by date' to indicate the end of a food shelf life based on both quality and safety aspects would be more effective for consumers, food business operators and regulators.

~~(iiiiv)~~ The date shall be declared by the words:

- "Use-by ..." or ~~"Best before ..."~~ as appropriate where the day is indicated; or
- "Use-by end..." or ~~"Best before end ..."~~ as appropriate in other cases.
- **Other similar terms and abbreviations could be applied by national authorities.**

Rationale: Brazil proposes to exclude the 'best before' terms as they might be confusing to consumers. Additionally, we suggest inserting a new provision to allow the use of similar terms and abbreviations because local circumstances might justify the adoption of different date marks descriptors.

~~(iv)~~ The words referred to in paragraph ~~(iiiiv)~~ shall be accompanied by:

- either the date itself; or
- a reference to where the date is given.

~~(vi)~~ The day and year shall be declared by uncoded numbers with the year to be denoted by 4 digits, and the month shall be indicated declared by letters ~~or characters~~.

Rationale: Brazil supports this proposal. However, it is not clear the rationale for the use of the word 'characters' for the declaration of the month as this could lead to coded information. Additionally, we would seek clarification about the need declare the year by 4 digits as this information is usually declared at the end of the date.

~~(vii) The declaration of the month in date marking shall be consistent with 8.2.~~

Rationale: Brazil understands that translation issues are not restricted to date marking and are outside of the scope of the work. This issue is already covered by section 8.2 of the GSLPF.

~~(viii) Notwithstanding 4.7.1 (i) and 4.7.1 (ii) a date mark shall not be required for:~~

- ~~fresh fruits and vegetables, including potatoes which have not been peeled, cut or similarly treated;~~
- ~~wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;~~

- ~~beverages containing 10% or more by volume of alcohol;~~
- ~~bakers' or pastry-cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;~~
- ~~vinegar;~~
- ~~food-grade salt;~~
- ~~solid sugars;~~
- ~~confectionery products consisting of flavoured and/or coloured sugars;~~
- ~~chewing gum.~~

Rationale: Brazil understands that exemptions to date marking should be based on clear technical or scientific criteria. List of foods should be used only as examples of products that would be covered by these criteria. As the GSLPF does not provide the rationale for this list, we propose its exclusion. It should be noted that Codex Committees may exempt specific commodities from date marking when adequate justification is presented to CCFL.

~~(ix) Where a product is not required to bear a date mark in accordance with 4.7.1(vii) the "Date of Manufacture" or the "Date of Packaging" may be used.~~ **(vi) The 'date of manufacture' or the 'date of packaging' may be applied to pre-packaged foods in addition to the 'use-by date'.**

Rationale: The use of these date marks should not be limited to foods that are exempt from date marks. These date marks are not an indication of the durability of the product and could provide valuable information about the freshness of the food and could assist in stock control.

~~[(x) Only one [type of] date mark should be used on a product at any one time.]~~

Rationale: In certain situations the declaration of date marks with clear different purposes might be useful. We do not have any evidence that these situations would represent a problem. Thus, we cannot support this provision.

4.7.2 In addition to the date mark, any special conditions for the storage of the food shall be declared on the label where they are required to support the integrity of the date mark.

Rationale: Brazil supports this provision.

CANADA

Canada would like to thank New Zealand and Australia for the discussion paper on date marking, it provides a clear summary of input from working group members.

General Comments

Generally, Canada supports the proposed approach for amending date marking. Specifically, we support the proposals to

- Differentiate between a date mark for products which may become a health or safety risk from those related to quality (para 16);
- Retain definitions, with modifications, for date of minimum durability, date of manufacture, date of packaging, and use by date, provided that all are referred to in the date marking section of the CGSLPF (para 33);
- Use format: letters for month and numbers for day and year, taking into account section 8.2 (language) of CGSLPF (para 51), Option 3; and
- Discuss criteria for exemptions to date marking (para 59).

We also support the recommendations (para 63).

Specific Comments - Proposed draft revision to GSLPF, CX/FL 14/42/5

2. Definition of Terms

The definitions for date of manufacture and date of packaging both include proposed statements: "This is not an indication of the durability of the product." With the definition for "date of minimum durability" proposed to

be revised to “best before date”, there may be a need to define “durability” or “durable life”, particularly as it is referred to in 4.7.1(iii).

Sell-by date – we support removal of this definition.

Best before date – We support the amendment of the definition to best before date. With respect to the proposal to add “estimated” to qualify the period of durability, we suggest it be removed. The period of durability should be science-based and as accurate as possible. If the basis of the determination is agreed to be an estimate, there is less consistency in the establishment of durable life and a product may be more likely to have a less reliable best before date due to the particular interpretation of “estimate”.

Additionally, “may still be perfectly satisfactory” is not clear and can be subjective. We propose for consideration the following text change.

~~“Date of Minimum Durability” (“Best before Date”)~~ means the date which signifies the end of the estimated period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond the date the food may still be perfectly satisfactory acceptable for consumption.

Use by date – we suggest that the word “estimated” also be removed from this definition. We support the proposed new text and the removal of the strike-out text. We do note, though, that there should be a characterization of what type of nutritional (or health) reasons would require a food to have an expiry date rather than a best before date as there are circumstances when the food could be perfectly acceptable for consumption and other instances when this is not the case. This may be covered in 4.7.1(i) with “nutritional adequacy”.

4.7 Date marking and storage instructions

4.7.1 The reference to the exemptions has changed to 4.7.1(viii), there is an “i” missing in the text.

4.7.1 If not otherwise determined in an individual Codex standard, the following date marking shall apply unless clause 4.7.1(viii) applies:

4.7.1 (i) Canada supports removing the text in square brackets. We support expiry date labelling for food safety issues. While these could relate to nutrition, we suggest that it would need to be clear what is included in “food safety”.

(i) When a food must be consumed before a certain date to ensure its safety or nutritional adequacy [for a particular population group for which the product is intended] the “Use-by Date” shall be declared.

(iii) The phrase: **“From the date that the date marking is applied”** is not clear. Is the intention to indicate that on products with durability of less than 3 months, there can be no change to how the date appears?

~~From the date that the date marking is applied:~~

- ~~the day and the month for~~ **On products with a ~~minimum~~ durability of not more than three months ~~the day and month shall be declared; and~~**
- ~~the month and the year for~~ **On products with a ~~minimum~~ durability of more than three months ~~the month and year shall be declared.~~ If the month is December, it is sufficient to indicate the year.**

(iv) We propose that the words “use by” be replaced with “expiry date” as it conveys a clearer message to consumers that the food should not be consumed after the expiry date. As well, because the circumstances for use of either the best before date or the use by date are defined, we suggest “as applicable” replace “as appropriate”. An example of the text is below:

(iv) The date shall be declared by the words:

- **“Use-by Expires by” or “Best before” as appropriate as applicable** where the day is indicated; **or**
- **“Use-by end Expires by end....” or “Best before end ...” as appropriate as applicable** in other cases

vi) Canada supports this proposal, combined with (vii).

ix) There is a typo in the section reference, it should be 4.7.1(viii).

x) We support this section and the text as worded and note that 4.7.1 (ii) and 4.7.1 (ix) establish the circumstances when one date or the other is used. The use by date would be applied in cases where health or safety is involved with best before being used in the other circumstances and the date of manufacture or packaging when neither of the other two apply. There could be circumstances where more than one type of date mark would appear on a label, such as a best before date and a date of manufacture and therefore, we support the use of “should”. We agree with removing all the square brackets in 4.7.1(x).

4.7.2 – The original text or the revised text both meet the objective, although the original text may be more clear in meaning with the word “validity” rather than the proposed “integrity”.

CHILE

Our country is grateful for the opportunity to submit its comments pertaining to the document referred to as Proposed Draft, Revision of the General Standard for the Labelling of Prepackaged Foods: Date Marking. With respect to this document, we would like to submit the following comments related to Appendix I of the Draft in Step 3 of the procedure:

• **Section 2: Definition of Terms**

- We agree to add the phrase “**This is not an indication of the durability of the product**” to the definition of “Manufacturing date” and “Packaging date”.
- We agree to remove the term “**Sell-by Date**”, because it is confusing to consumers.
- We agree to remove of the term “**Minimum durability**’ date” and replace it with “**Best before Date**” for optimal quality, and we would like to add the following as its definition: “meaning the date that signifies the end of the estimated period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made”.
- Use-by Date: Add as a synonym: “Expiry Date”. In this definition, we propose to change the concept of “safety” to “food safety”, so it reads “...should not be sold or consumed due to nutritional or food safety reasons.”
- Point 4.7.1 (i): We suggest changing the proposed text so it reads as follows: “When a food must be consumed before a certain date in order to ensure its safety or nutritional contribution, the 'Use-by date' shall be indicated”. The reason is that food can be intended for a specific population, but it can also be intended for a general population, and we do not agree with limiting it to a certain group, as stated in the proposed bracketed text.
- We agree with the text proposed in 4.7.1 (ii).
- In 4.7.1 (iii), we propose that the text "If the month is December, it is sufficient to indicate the year" be deleted from the second paragraph because it may mislead the consumer, and therefore, we propose that the text be left as follows: “On products with a minimum durability of more than three months, the month and year shall be indicated”.
- We agree with the proposed texts for 4.7.1 (iv), (v), (vi) and (vii).
- In 4.7.1 (viii), we agree with the proposed texts, except where they refer to pastry products, which bear a high microbiological risk from the point of view of safety; therefore, we suggest that the fourth point be removed from the list of products exempted from date marking: “~~wares from bakers or pastry cooks which, given the nature of their content, are normally consumed within 24 hours of being manufactured~~”.
- In 4.7.1 (ix), add the following to the proposed text: “Where a product is not required to bear a date mark in accordance with 4.7.1 (vii), the “Date of Manufacture”—~~or~~, the “Date of Packaging” ~~may and the “Lot Number” must be used~~**added to facilitate its traceability**”.
- With respect to 4.7.1 (x), we propose that it be removed, because it is confusing and allows for the possibility of including only a date mark, which would undermine food traceability and the provision of accurate and timely information to consumers.
- Finally, the following text is proposed for Section 4.7.2:
“~~In addition to the date of minimum durability~~ **date mark**, any special conditions for the storage of the food shall be indicated on the label if they are **necessary-required** to support the integrity of the date mark. ~~if the validity of the date depends thereon.~~”

COLOMBIA

Colombia would like to submit the following comments on the Date Marking document (Proposed Draft Revision of the General Standard for the Labelling of Prepackaged Foods) in Step 3/8 of the procedure, sent to the Codex Alimentarius Commission.

Henceforth, Appendix I of the Spanish version of the CX/FL 14/42/5 document was used as a reference.

2. DEFINITION OF TERMS:

For use in *Date Marking* of prepackaged food:

“Date of Manufacture” means the date on which the food becomes the product as described. **This is not an indication of the durability of the product.**

“Date of Packaging” means the date on which the food is placed in the immediate container in which it will be ultimately sold. **This is not an indication of the durability of the product.**

“Sell-by Date” means the last date of offer for sale to the consumer after which there remains a reasonable storage period in the home.

“Date of Minimum Durability”, (“Best before Date”) means the date that signifies the end of the estimated period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond that date, the food may still be perfectly satisfactory.

“Use-by Date” (Recommended Last Consumption Date, Expiration Date, **Expiry Date**) means the date that signifies the end of the estimated period, under any stated storage conditions, after which the product **probably will not have the safety and quality attributes that are normally expected by consumers. should not be sold or consumed due to nutritional or safety reasons.** After this date, the food should not be regarded as marketable **or suitable for consumption.**

4.7 Date marking and storage instructions

4.7.1 If not otherwise determined in an individual Codex standard, the following date marking shall apply **unless clause 4.7.1(vii) applies:**

(i) When a food must be consumed before a certain date in order to ensure its safety or nutritional adequacy [for a particular population group for which the product is intended] the “Use-by Date” shall be indicated.

(iii) The date shall be indicated by the words:

- “Best before ...” where the day is indicated;
- “Best before end of ...” in other cases.

~~**(ii) Where a Use-by Date is not required, the Best before Date date of minimum durability shall be indicated.**~~

(iii) This shall consist of at least From the date when the date marking is applied:

- the month and the year for **On** products with a minimum durability of more than three months; ~~**the month and year shall be indicated.**~~ If the month is December, it is sufficient to indicate the year. **if the month is indicated in numerical sequence, the year must be indicated using four digits**

(iv) The words referred to in paragraph (iii) shall be accompanied by:

- either the date itself; or
- a reference to where the date is indicated.

~~**(vi) The day, month and year shall be indicated in uncoded numbers numerical sequence except that with the year to be denoted by 4 digits, and the month may shall be indicated by letters or characters, in those countries where such use will not confuse the consumer.**~~

In the Use-by Date, the following should be indicated in strict sequential order: The day, month and year must be indicated as follows: the day shall be written using numbers and not letters, the month using the first three letters or using numbers, and the year shall be indicated using its last two digits

(vii) The indication of the month in date marking shall be consistent with 8.2.

(viii) Notwithstanding 4.7.1 (i) ~~and 4.7.1 (ii)~~ **a Use-by Date mark** ~~the a date of minimum mark durability shall not be required for:~~

- fresh fruits and vegetables, including potatoes that have not been peeled, cut or similarly treated;
- wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;
- beverages containing 10% or more of alcohol by volume, **except other drinks that contain protein ingredients such as milk, eggs and dairy products (creams, non-wine-based aperitif) that bear a high microbiological risk and have a different behaviour with regards to useful life.**
- wares from bakers or pastry-cooks which, given the nature of their content, are normally consumed within 24 hours of being manufactured;
- vinegar;
- food-grade salt;
- solid sugars;
- confectionery products consisting of flavoured and/or coloured sugars;
- chewing gum.

~~(ix viii)~~ **Where a product is not required to bear a date mark in accordance with 4.7.1(vii) the “Date of Manufacture” or the “Date of Packaging” may be used.**

(ix) Only one [type of] date mark should be used on a product at any one time.

4.7.2 In addition to the ~~date of minimum durability~~ **Use-by Date** ~~date mark~~, any special conditions for the storage of the food shall be indicated on the label ~~if they are required to support the integrity of the date mark~~, if the validity of the date depends thereon.

EGYPT

Introduction:

Egypt believes on the Importance of Date Marking as this supports consumers to make the optimal choice of their food, Moreover Revision of Date Marking Standard will aim to decrease consumer confusion, decrease the waste of Food Products, facilitate International trades & facilitate any challenges in this respect.

Egypt Position:

Section One -General Comments:

In light of the above, Egypt has the following General comments:

(Details will be highlighted in Section Two regarding each definition).

- **Egypt supports the retention of the following definitions:**
- **Date of Manufacture:** It should be kept as it is helpful for Stock management & traceability, However It is recommended to rephrase the definition (Highlighted in Section Three). Also worth noting that Date of Manufacture is important specifically for Perishable Food .
- **Date of Packaging:** The definition should be kept as the durability of the product may change when the product is repacked
- **Date of Minimum Durability / Best Before:**

Egypt supports to keep the definition of Date of Minimum durability /Best Before, In addition to modification to **Best before Date**

➤ **Use by date:**

Egypt supports the retention of this definition, In addition to the proposal that Use by Date can be expressed as Expiration date as this will lead to further flexibility to the Industry.

2-Egypt supports the deletion of the definition for Sell –by Date: as it leads to consumer confusion & by deletion, this will aim to further harmonization & decreasing Trade barriers. In addition, this definition has no specific Significance.

3- Egypt supports the modifications in Definitions as Highlighted in **Section Three**

4 - Egypt Supports the modification of **Section 4.7 Date Marking & Storage Instructions** to be in complete alignment with the proposed modification in the Definitions.

Conclusion:

Egypt is aligned & agrees on the Provided Point number (33) as per the proposed Draft Revision of the General Standard For The Labelling of Prepackaged Foods -Date Marking , stating the following :

It is proposed that the definition for Sell-by Date be removed from the GSLPF, the Date of Minimum Durability (Best Before)be retained but slightly modified & renamed as Best Before Date and that the Definitions for Date of Manufacture , Date of Packaging and Use –by Date be retained in GSLPF with Modifications .

Section Two : Comments for Format options:

Egypt Recommends option 2 & option 4 (comment number 43& 45) , This is to provide more understandable format to the consumer as well as flexibility to the Industry , as the letters are not recommended due to different languages in different markets so using numbers will facilitate International trade

Section Three : Comments Related to Definition of Terms

1-Date of Manufacture”

means the date on which the food becomes the product as described. **This is not an indication of the durability of the product**

Comment :Egypt agrees on the modification of the definition of Date of Manufacture , with the proposed addition that it does not indicate the durability of the product so as to decrease the confusion , & reduce the food waste .

2-Date of Packaging:

” means the date on which the food is placed in the immediate container in which it will be ultimately sold. **This is not an indication of the durability of the product.**

Comment :Egypt agrees on the modification of the definition of Date of Packaging , with the proposed addition that it does not indicate the durability of the product so as to decrease the confusion , & reduce the food waste .

3-Sell-by-Date” means the last date of offer for sale to the consumer after which there remains a reasonable storage period in the home

Comment :Egypt agrees to remove sell by date .

4-Date of Minimum Durability” (“best before Date”) means the date which signifies the end of the estimated period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond the date the food may still be perfectly satisfactory

Comment :Egypt agrees on the proposed modification of the definition .

5-Use-by Date” (Recommended Last Consumption Date, Expiration Date)means the date which signifies the end of the estimated period under any stated storage conditions, **after which the product should not be sold or consumed due to nutritional or safety reasons.** ~~After this date, the food should not be regarded as marketable.~~

Comment :Egypt agrees on the proposed modification of the definition , however Expiration date can be used as an alternative/ same meaning to Use by Date , this to provide more flexibility to the Industry & prevent trade barriers .

Also we can use Health instead of Nutritional, as Health is more widely used.

SectionFour: Comments Related to Section 4.7 –Date Marking and Storage Instructions. :

4.7 Date marking and storage instructions

4.7.1 If not otherwise determined in an individual Codex standard, the following date marking shall apply **unless clause 4.7.1(vii) applies:**

Comment: The clause is not clear , & needs further discussion to be stated in a clear visible way .

- (i) When a food must be consumed before a certain date to ensure its safety or nutritional adequacy [for a particular population group for which the product is intended] the “Use -b y D ate” shall b e declared.

Comment : Egypt agrees on the proposed text , however It is recommended to change Nutritional Adequacy to Health Aspects .

- (ii) **Where a Use-by Date is not required** ~~the~~ **Best before Date** ~~date of minimum durability~~ shall be declared.

Comment : Egypt agrees on the proposed text , however It is recommended to add Use by Date/Expiration date .

- (iii) ~~This shall consist at least of~~ **From the date that the date marking is applied:**

- ~~The date the day and the month for~~ **On** products with a ~~minimum durability~~ of not more than three months **the day and month shall be declared; and**
- ~~the month and the year for~~ **On** products with a ~~minimum~~ durability of more than three months **the month and year shall be declared.** If the month is December, it is sufficient to indicate the year.

- (iv) The date shall be declared by the words:

- **“Use-by” or “Best before” as appropriate** where the day is indicated; **or**
- **“Use-by end....” or “Best before end ...” as appropriate** in other cases.

Comment : Egypt recommends to use Numbers for Flexibility & to avoid Language Barriers .

- (vi) The day, month and year shall be declared ~~in~~ **by** ~~uncoded~~ **numbers** ~~numerical sequence except that~~ **with the year to be denoted by 4 digits, and** ~~the month may shall be indicated~~ **declared** ~~by letters~~ **or characters.** ~~in these countries where such use will not confuse the consumer.~~

Comment : Egypt recommends to use the word Numbers better than Characters for more Clarity .

4.7.2 In addition to the date of minimum durability date mark, any special conditions for the storage of the food shall be declared on the label where they are required to support the integrity of the date mark. if the validity of the date depends thereon.

Comment : Egypt recommends to use Must instead of Shall to indicate that it is mandatory , as the storage condition is a key factor for Food Safety .

JAPAN

Japan would like to thank the Secretariat for giving us the opportunity to comment on the proposed amendments to date making.

General Comment

Japan believes that it is a desirable revision to clarify the difference between “Best before Date” and “Use-by Date” in definitions and the application of date marking.

In terms of the date marking, each country has an established format with which their consumers are already familiar. Japan believes that in revising the standard, consumer understanding in each country should be carefully considered. For example, in East Asian countries including Japan, it is common to indicate the date only numerically in the order Year-Month-Day; therefore, if the month is indicated by letters, it will cause consumer confusion.

Specific Comment

Proposed amendments to section 4.7.1.(v)

The day, month and year shall be declared in uncoded numerical sequence in the order prescribed by national legislation except that the month ~~may~~ shall be indicated by letters in those countries where such use will not confuse the consumer.

Rationale

Date formats established in each country should be respected. However, such format should be prescribed by national legislation to make relabeling the products easier for the importing countries in the case of international trade of food products.

It should be carefully considered that there are countries where indicating the month by letters will confuse the consumer.

KENYA

Kenya would like to express its thanks to New Zealand and Australia for good job done and for coming up with this working document for the Codex members to comment on.

COMMENT ON THE 4TH PARAGRAPH

We would like to submit our comment on the statement mentioned below as indicated **in bold**

~~“Date of Minimum Durability” (“Best before Date”)~~ means the date which signifies the end of the **estimated** period, under any stated storage conditions, during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. **However, beyond the date the food may still be safe perfectly satisfactory.**

4.7 Date marking and storage instructions

4.7.1 If not otherwise determined in an individual Codex standard, the following date marking shall apply **unless clause 4.7.1(vii) applies: (i) When a food must be consumed before a certain date to ensure its safety or nutritional adequacy** ~~{for a particular population group for which the product is intended}~~ the “Use-by Date” shall be declared.

JUSTIFICATION

We propose to strike the word in square bracket because once the food is in the market its shelf is hard to control for a particular population group.

COMMENT ON (III) BELOW

We would like to amend the statement below as follows: ~~(iii) This shall consist at least of~~ **From the date that the date marking is applied:**

~~the day and the month for On products with a minimum durability of not more than three months~~ **the day and month shall be declared; and**

~~the month and the year for On products with a minimum durability of more than three months~~ **the month and year shall be declared.** If the month is December, it is sufficient to indicate the year.

Regardless of the product durability the day and year shall be declared in uncoded numbers with the year to be denoted by 4 digits, and the month shall be declared by letters or characters.

For example, 5 July 2015 could be expressed as 05 Jul 2015.

COMMENT ON (Viii) below

We would like to strike off the products that need date of minimum mark durability.

(viii) Notwithstanding 4.7.1 (i) **and 4.7.1 (ii)** the a date of minimum **mark** durability shall not be required for:

~~fresh fruits and vegetables, including potatoes which have not been peeled, cut or similarly treated;~~

1. Wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;

JUSTIFICATION:

This does not require date of minimum mark because the aging process which is crucial to its better taste.

2. Beverages containing 10% or more by volume of alcohol;

JUSTIFICATION:

This does not require date of minimum mark.

3. ~~Bakers' or pastry-cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;~~

4. Vinegar;

JUSTIFICATION:

This does not require date of minimum mark

5. ~~food grade salt;~~

JUSTIFICATION:

Most salts are fortified with iodine therefore; the product is bound to expire.

6. ~~solid sugars;~~

JUSTIFICATION:

their shelf life depend on the storage conditions and packaging.

7. ~~confectionery products consisting of flavoured and/or coloured sugars;~~

JUSTIFICATION:

Their shelf life depend on the storage conditions and packaging

8. ~~Chewing gum.~~

JUSTIFICATION:

Chewing gum can expire due to physical and chemical changes/reaction within the products.

COMMENT ON (X)

~~[(x) Only one [type of] date mark should be used on a product at any one time.]~~

X) We propose that (x) be deleted because it causes ambiguity, it is prescriptive and it is not consistent with clause 4.7.1

SAINT LUCIA

GENERAL COMMENTS:

Saint Lucia appreciates the work done by the Electronic Working Group led by New Zealand and Australia.

Saint Lucia supports the retention of the following in the general standard for labelling of pre-packaged foods (GSLPF)

- **Date of Minimum Durability** (best before) rename **Best Before Date**
 - Useful in distinguishing food quality
 - Useful in stock rotation and may help reduce food waste
- **Use-by-Date**
 - Use for food safety for products with high food safety risk
 - Would indicate to consumers they should not consume after that date
- **Date of Manufacture** – for foods not covered in the definitions given, manufacturers may voluntarily include this information.

Saint Lucia supports the removal of **Date of Packaging** from the GSLPF

Rationale:

- The date can be easily manipulated and can mislead consumers
- It gives no indication of the foods durability
- Too many date marks requiring consumers to remember too many definitions may cause confusion and food wastage

Regarding the Format Options Saint Lucia supports the Option 1:

Support option 1: It eliminates confusion as to USA or British format and minimizes label cost for manufacturers.

Option 1 The day and year are required to be depicted by numerical values and the month is required to be denoted by letters, with the order of the day and month to be determined by national authorities.

Proposed text

4.7.1 (v) The day and year shall be declared in uncoded numbers and the month shall be declared by letters or characters.

For example, 5 July 2015 could be expressed as 05 Jul 15

CEFS

CEFS, on behalf of the EU sugar producers, thanks the delegations of New Zealand and Australia for circulating the proposed draft revision of the date marking section of the General Standard for the Labelling of Prepackaged Foods. Please find below the general comments CEFS would like to make to the proposed text.

General comments:

CEFS does not support the proposal to add to the definition of "Use By" date the criteria of nutritional reasons in addition to food safety reasons. This is not consistent with the objective to reduce food waste, and is inconsistent with the date marking definition in the EU Regulation 1169/2011 on the provision of food information to consumers.

If the criteria of nutritional adequacy is nevertheless kept along with that of food safety for the definition of the "Use By" date, the phrase "nutritional reasons" should be clearly defined in the text to restrict its scope to exactly what is suggested in the discussion paper, i.e., "Nutritional reasons refer to instances when a food that is the sole source of nutrition and that should retain a certain minimum of vitamin/mineral content would no longer contain the vitamin/mineral content it should have after expiration of the use-by date." Such a definition could, for instance, be inserted as a footnote after the first use of the term in the text.

ICBA

The International Council of Beverages Associations (ICBA) is an international 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.

The ICBA and its members recognize the importance of providing meaningful and understandable labeling information from which consumers can make informed food and beverage decisions. ICBA members have a role, along with other food and beverage companies, in providing labeling information that motivates and empowers consumers to make choices that meet individual needs. Therefore, ICBA wishes to provide the following comments in response to CX/FL 14/42/5, the Draft Revision of the GSLPF: Date Marking.

General Comments

ICBA supports the work that has been undertaken and the approach that is outlined in the proposed draft revised standard, in particular the proposal to differentiate between a date mark for products that may become a health or safety risk by a certain date and a date mark for products where quality, such as taste or appearance, may begin to deteriorate by a certain date but the food would not present a safety risk.

ICBA also believes that guidance on the classification of foods regarding date marks for the purpose of food safety is needed and recommends that CCFL collaborate with CCFH on the matter.

Specific Comments

Text as Proposed with Additional Revisions Proposed by ICBA	ICBA Comments
Section 2: Definition of Terms	

<p>Use-by Date” (Recommended Last Consumption Date, Expiration Date) means the date which signifies the end of the estimated period under any stated storage conditions, after which the product should not be sold or consumed due to nutritional- <u>health</u> or safety reasons.</p>	<p>ICBA supports retention of the definitions for “date of manufacture”, “date of packaging”, “best before date”, and “use-by date”. However, ICBA proposes modifications to the “use-by date” definition as highlighted in the left-hand column.</p> <p>ICBA believes that the term “health” should be used instead of “nutritional”. This is consistent with the use of the term “health,” in a food safety context, in the Codex Procedural Manual, 22nd edition, page 157 (English version), which includes the nutritional aspect of food safety as detailed below.</p> <p><i>The objective of the Working Principles is “to provide guidance to the Codex Alimentarius Commission and the joint FAO/WHO expert bodies and consultations so that food safety and health aspects of Codex standards and related texts are based on risk analysis”. <u>By its reference to health aspects in addition to food safety, the objective provides clearer direction for risk analysis to apply to nutritional matters that are within the mandate of the Codex Alimentarius Commission and its subsidiary bodies.</u></i></p>
<p><u>Section 4.7 DATE MARKING AND STORAGE INSTRUCTIONS</u></p>	
<p>4.7.1 If not otherwise determined in an individual Codex standard, the following date marking shall apply <u>unless clause 4.7.1 (viii) applies.</u></p>	<p>There seems to be a typo. It should read “unless clause 4.7.1 <u>(viii)</u> applies.”</p>
<p><u>(i) When a food must be consumed before a certain date to ensure its safety or nutritional adequacy [for a particular population group for which the product is intended] the “Use-by Date” shall be declared.</u></p>	<p>ICBA supports the proposal on “use- by date” declaration. However, in line with the above rational, reference to “nutritional adequacy,” including the text in square brackets, should be deleted.</p>
<p><u>(vi) The day, month and year shall be declared in by uncoded numbers numerical sequence except that <u>with the year to be denoted by 4 digits, and the month may shall</u> be indicated declared by letters <u>or characters</u>, in those countries where such use will not confuse the consumer.</u></p>	<p>It is not clear if “characters” also refers to numbers. The obligation to write the month in letters means that different labels will have to be applied in different countries thereby hampering efforts for harmonization. We suggest that the use of letters to indicate the month should be optional and support retaining the term “may” in 4.7.1 (vi) instead of “shall.”</p>
<p><u>[(x) Only one [type of] date mark should be used on a product at any one time.]</u></p>	<p>ICBA supports the inclusion of only one type of date mark on a package. This will facilitate consumer understanding and use of the information. As such, we believe that the square brackets should be removed from the proposed text in 4.7.1.(x).</p>

With the editions suggested above, ICBA supports requesting the Codex Alimentarius Commission to adopt the revisions at Step 5/8.

IFT

The Institute of Food Technologists (IFT) exists to advance the science of food. Our long-range vision is to ensure a safe and abundant food supply contributing to healthier people everywhere. Founded in 1939, IFT is a nonprofit scientific society with individual members working in food science, food technology, and related professions in industry, academia, and government. As an international non-governmental organization with Observer Status within the Codex Alimentarius Commission, IFT appreciates the opportunity to actively participate in the Codex process as it is an important means to our mutual aims.

IFT has the following comments on the subject document.

GENERAL COMMENTS

The Institute of Food Technologists (IFT) is very supportive of the work of the committee on this important topic. Date marking is a very timely issue, as, for example, it relates to food waste arising from consumer misunderstanding about the meaning of date marks and their relationship to quality or safety. As indicated in the paper entitled “Applications and Perceptions of Date Labeling of Food,” published in the July 2014 issue of IFT’s *Comprehensive Reviews in Food Science and Food Safety*, available at <http://onlinelibrary.wiley.com/doi/10.1111/1541-4337.12086/pdf> this issue is complex.

If consumers better understood the meaning of date marking and differences between date marking for food safety and food quality, food waste could be reduced. Further, a scientific approach to the development of criteria for safety-based use-by date marking should be used.

SPECIFIC COMMENTS

Section 4.7 Date Marking and Storage Instructions:

Section 4.7.1 (i) IFT questions the relevance of the bracketed phrase “[for a particular population group for which the product is intended],” given the possibility of instances in which a consumption timeframe would be appropriate for the general population. Therefore, IFT suggests that the bracketed text not be included.

Section 4.7.1 (ii) IFT has concerns about a Best before Date being required (mandatory), rather than optional, if a Use-by Date is not required. Our concern is that if only a Best before date is applied, consumers may potentially perceive it as safety-related and possibly unnecessarily discard the food. IFT agrees that a date mark should be declared if a use-by date is not required; however, there should be an option of the type of date mark to use.

Section 4.7.1 (ix) IFT is concerned that as written, this statement could be interpreted as indicating that although a “Use-by” or “Best-before” date mark may not be required or applied, a “Date of Manufacture” or “Date of Packaging” date mark would be optional. IFT believes that a manufacturing-related date mark could be important information (e.g., for traceability and other purposes). Thus, IFT suggests that the following wording be considered:

Where a product is ~~not required to~~ **does not** bear a date mark in accordance with 4.7.1 (vii) the “Date of Manufacture” or the “Date of Packaging” ~~may~~ **shall be** used **on the packaged food**.

IFT appreciates the opportunity to submit these comments on the Proposed Draft Revision of the General Standard for the Labelling of Prepackaged Foods: Date Marking.