



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

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PROPOSED DRAFT REVISION OF THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS: DATE MARKING (at Step 3)

Prepared by New Zealand and Australia

Governments and international organizations wishing to provide comments on the proposed draft revision of the GSLPF (Appendix 1) should do so **no later than 29th September** in writing **preferably by email** to the Secretariat for CCFL (E-mail: Codex_Canada@hc-sc.gc.ca), with a copy to the Secretariat, Codex Alimentarius Commission (E-mail: codex@fao.org).

In order to facilitate the compilation of comments and prepare a more useful comments document, Members and Observers are requested to provide their comments under the following headings:

- (i) General Comments
- (ii) Specific Comments

Specific comments should include a reference to the relevant section and/or paragraph of the document that the comments refer to.

When changes are proposed to specific paragraphs, Members and Observers are requested to provide their proposal for amendments accompanied by the related rationale. New texts should be presented in underlined/**bold** font and deletion in strikethrough font.

In order to facilitate the work of the Secretariats to compile comments, Members and Observers are requested to refrain from using colour font/shading as documents are printed in black and white and from using track change mode, which might be lost when comments are copied/pasted into a consolidated document.

Comments should be sent only in word to facilitate compilation of comments with limited use (where necessary) of tables and/or grids. Members and Observers are requested not to reproduce the completed document but only those parts of the texts for which any change and/or amendment is proposed.

I. Introduction/Background

1. Date marking is a key element of food labelling, which aims to help consumers make safe and optimal use of a food (including the reduction of food waste). For date marking to be effective, it needs to be properly applied by the food business operators, correctly understood by consumers and monitored and enforced by regulators.
2. With the increasingly global nature of the food industry, where companies produce food for many countries not just their local market, harmonisation in labelling is becoming increasingly important. Date marking has been highlighted as an aspect of labelling where a wide range of terms is currently used. This proliferation of terms has led to confusion at both international trade and consumer levels as different countries and companies use different terms. Harmonising date marking at a global level could help address this confusion. There is also potential to reduce food wastage as a consequence of consistent use and understanding of date marking terms at a global level. reducing confusion
3. At the 41st session of the Codex Committee on Food Labelling (CCFL) the Committee unanimously agreed to propose new work to the Codex Alimentarius Commission to review the

General Standard for the Labelling of Pre-packaged Foods (GSLPF) (CODEX STAN 1-1985) to address the issue on date marking and forwarded the proposal to the Commission for approval. Subject to the approval of the Commission, the Committee agreed to establish an electronic working group (eWG) chaired by New Zealand and co-chaired by Australia.

4. The terms of reference for the eWG were:
 - Based on the review of the relevant sections of the GSLPF that relates to date marking the eWG will prepare draft proposals to revise as required text relevant to date marking in the GSLPF.
 - Consider the need for additional guidance for date marking to support the GSLPF.
 - Develop a draft revised standard to incorporate the proposed date marking modifications.
5. The 36th Session of the Codex Alimentarius Commission (July 2013) approved this new work (N10-2013)
6. Thirty-five (35) member countries, one (1) member organization and ten (10) Codex observers accepted the invitation to participate in the eWG (Appendix II). The first discussion paper was circulated in November 2013 and the second discussion paper was circulated in April 2014. Twenty-nine (29) responses were received to the first discussion paper and twenty (20) responses were received to the second discussion paper.
7. This paper draws on the information provided in those responses.

II. Scope of Review

8. The scope of the review included consideration of the *General Standard for the Labelling of Pre-packaged Foods* (Codex Stan 1-1985)
 - a. 2. Definitions relevant to date marking
 - b. 4.7 Date marking and storage instructions
9. Preliminary analysis also identified a number of other Codex texts that have either general or specific reference to date marking, for example some commodity texts, and whilst it was important to keep these in mind, they did not form part of this review.

III. Discussion

A. Different Date Marks for different purposes

10. In responses to Discussion paper one many respondents considered that clearly differentiating between different date marks, their meanings and how they were to be used, was one of the most important date marking issues to be addressed within Codex, particularly citing a differentiation between date marking for food safety reasons and date marking for food quality attributes.
11. Most countries have a date mark that relates to food quality attributes. The majority refer to this date mark as 'Best before' or 'Date of Minimum Durability'. A notable exception to this was the Mercosur countries where 'Best before' is not permitted as a descriptor.
12. Ten (10) countries, one (1) member organisation and five (5) observers agreed there was a need for a date mark to be defined for food safety purposes. Three (3) countries did not support the use of date marking for food safety purposes and therefore saw no need to define one.
13. Those respondents who supported defining a date marking term specifically for food safety, suggested that it would remove ambiguity, would help consumers respond appropriately, and would distinguish those foods which may pose an immediate health or safety risk if consumed beyond a specified date/period of time. A number of respondents stated that differentiating between a date mark for food safety and food quality would both protect consumers and reduce food waste.
14. An argument for not defining a date marking term for food safety was that there is no scientific evidence to show that a date mark is a good indicator of food safety for most foods. It has also been suggested that the CCFL should not duplicate the work done in other Codex Committees (for example, some commodity hygiene texts already provide guidance); that consumers may get

confused when more than one date mark is used, and that one date mark should cover both quality and safety, as both quality and safety influence each other.

15. One country suggested that 'health' should be included in the purpose for a definition for 'food safety' purposes. This would apply to foods, particularly where they may be the sole source of nutrition and where the vitamin or mineral content is essential to be at minimum levels. These foods could be date marked to indicate the time before which these foods would be expected to maintain this minimum level of nutrients. Including both food safety and health criteria in the one date mark would allow differentiation of foods where consumption after the date marked would be deleterious to the consumer, either by means of food safety or nutritional adequacy, from those foods where consumption past the date marked would not be deleterious.
16. This paper proposes to differentiate between a date mark for products which may become a health or safety risk by a certain date (namely Use-by Date) and a date mark for products where quality, such as taste or appearance, may deteriorate by a certain date but the food not present a health or safety risk (namely Best before Date).

B. Definitions – which should stay and which should go

17. There was general consensus among respondents that the greater the number of terms defined for date marking the higher the risk of creating confusion and lack of understanding. Therefore limiting the number of terms defined in the GSLPF is an appropriate consideration. This would require a clearly articulated purpose for each term defined. Where there was less agreement was in which terms should remain defined in the GSLPF. The counter argument was also presented by one respondent that clearly defining a wider number of terms within the GSLPF would allow for flexibility, while ensuring that when different terms were used that they were used consistently.

Date of Manufacture

18. Eight (8) countries were supportive of retaining this definition, three (3) countries and three (3) observers supported removing this definition and two (2) countries, one (1) member organisation and two (2) observers did not have a strong view either way.
19. Key reasons stated for retaining the definition were that it provides an indicator of freshness; is helpful for stock rotation/traceability; and in some countries the Use-by Date relies on this (e.g. use-by 20 days from date of manufacture). A number of respondents saw potential benefit in the date of manufacture being able to be used when a product was exempt from a durability date mark such as best before or Use-by Date.
20. Key reasons stated for removing the definition included that it gave no indication of durability of the product and therefore could confuse consumers potentially leading to increased food wastage. Additionally concern was raised that consumers have no expertise in determining durability. Other reasons stated included that the use of this term was deemed to be more helpful for retailers (stock rotation) than consumers; that the simultaneous use of this term with other date marking terms was confusing; and that no description of how or when to use this term was given in section 4.7.
21. Respondents generally were of the opinion that the definition as written was clear, however there was the suggestion that if the definition was to be retained it could be clarified to state that Date of Manufacturing is not an indicator of the durability of the product. There were a number of responses stating that only one date mark should be used at a time and that perhaps the Date of Manufacture could be used voluntarily when a product is exempt from date marking. This would allow those countries that use date marking for stock rotation to still have this available when another date mark is not required.

Date of Packaging

22. Seven (7) countries supported retaining this definition while five (5) countries and three (3) observers supported removing it. One (1) country, one (1) member organisation and one (1) observer did not have a strong view either way.
23. Rationale for retaining the definition included that the durability of products may change when the product is repacked; that it would aid traceability of products; and that it is being referenced in national regulations and being referred to in the Codex Food Hygiene standards.

24. Rationale for removing the definition included that it could be easily manipulated by manufacturers or retailers; that it could be misinterpreted and therefore mislead consumers which may increase food waste; that it gave no indication of durability; that no reference is made regarding how or when to use Date of Packaging in section 4.7; and that it was seen as a stock management tool and not useful for consumers. A number of respondents stated that while this information could be useful for stock management, the term should not appear on the consumer facing label.
25. The definition was generally considered to be clear as written however it was noted that if the definition was to be retained, section 4.7 should make reference to when and how the Date of Packaging marking should be used. The view that only one date mark should be used at any one time was also raised in relation to Date of Packaging and the suggestion made that this information could be in business to business communications (documentation) rather than on the label.

Sell-by-Date

26. All respondents agreed that this definition could be removed from the GSLPF. Rationale for this was that it gave no indication of durability; that there was no clear purpose for this date mark; and that it was of no relevance to consumers and therefore could potentially be confusing, leading to unnecessary food waste. Having a Sell-by Date in addition to another date mark could exacerbate consumer confusion.

Date of Minimum Durability ("best before")

27. Nine (9) countries, one (1) member organisation and four (4) observers agreed that this definition should remain in the GSLPF.
28. Key reasons for this were that "best before" dates contribute to the consumer being guided as to optimum quality of the food; that it was an important date mark to brand owners for brand protection; that it aimed to distinguish quality from safety by stating the product was 'best' before rather than indicating it must be consumed before the stated date; and that it was useful in stock rotation and therefore may reduce food waste.
29. Four (4) countries felt this definition was not necessary in the GSLPF. Key reasons stated for removing the definition were that it did not give a clear instruction to consumers; it lacked precision; and was potentially misleading to consumers.
30. Of note, a number of respondents, while supporting the retention of the definition, supported a change in the term from Date of Minimum Durability ("best before") to simply Best before. Some respondents stated that consumer education on the purpose/meaning of "best before" was needed and that authorities (national authorities) should be responsible for providing such supportive consumer education to improve consumer understanding of the term.

Use-by Date

31. All but one respondent supported retaining a definition for Use-by Date in the GSLPF. The rationale included it was a date mark for food safety and could be used for products with a higher food safety risk and for traceability. Eleven (11) respondents referred to the Use-by Date as a date mark for food safety. One country supported removing this definition but did not elaborate on a rationale for this.
32. One country noted that there is a definition for Use-by Date in the *Code of Hygienic Practice for Refrigerated Packaged Foods with Extended Shelf Life* (CAC/RCP 46-1999). 'Shelf life' is also defined in this Code, as well as in specific commodity standards and while this term is not used in the GSLPF, both these definitions¹ have been taken into account in the proposed draft definition for Use-by Date.
33. In summary, from the responses received to this section it is proposed that the definition for Sell-by Date be removed from the GSLPF, the Date of Minimum Durability ("best before") be retained

¹ *Shelf life*: The period during which the product maintains its microbiological safety and sensory qualities at a specific storage temperature. It is based on identified hazards for the product, heat or other preservation treatments, packaging method and other hurdles or inhibiting factors that may be used.

Use-by Date: The date after which the product should not be consumed. It is determined from the date of production, utilizing the product shelf life, building in a margin of safety as determined by the manufacturer.

but slightly modified and renamed as Best-before Date and that the definitions for Date of Manufacture, Date of Packaging and Use-by Date be retained in the GSLPF with modifications.

C. Format options

34. Some respondents (six countries) to the first discussion paper considered the format of date marks to be one of the most important issues to be addressed within Codex. Formatting issues raised in response to the first discussion paper included standardising the size and font required for date marks and the positioning of the date mark on pack, to improve visibility and prominence of the date mark. However this could pose significant practical issues with respect to application to different pack types.
35. The most common formatting issue raised in response to discussion paper one was the order of the day/month/year when an all numerical date mark was used. This was particularly due to the fact that some countries typically write and refer to dates as day/month/year while others refer to dates as month/day/year. Using letters (or characters) to indicate the month (or a three letter abbreviation) was suggested as one solution to this. This is currently an option within the GSLPF (clause 4.7.1(v)). The second discussion paper sought views on whether this option should be the default option. Most respondents agreed that this would reduce confusion regarding day and month, however, there would be inconsistencies in the letters or characters used to denote the months in different languages. This would require different labels for foods sold internationally. There is already a requirement under clause 8.2 of the GSLPF that food labels be in a language that is acceptable to the consumers for whom the product is intended and relabeling or supplementary labelling is common for other elements of food labelling, where the product is to be sold internationally in markets with different languages. This issue is not therefore peculiar to date marking.
36. Despite agreeing with the advantages of denoting the month with letters, a number of respondents expressed a clear preference for an all numerical date marking. It was noted that the majority of countries use the order day/month/year and therefore this could be the default.
37. Another suggestion proposed in discussion paper two to overcome the confusion created by fully numerical date marks was to require the order of the components of the date mark to be shown alongside the date mark e.g. (dd/mm/yy), (mm/dd/yy) etc. However, most respondents agreed that this would not be practical as it would impose additional cost on manufacturers and increase the label space required.
38. Requiring the year to be denoted by four digits was also suggested as a way to ensure the day, month and year contained in a date mark were distinguishable from each other. This is of particular importance in the early years of a new century. Most responses agreed with this approach.
39. Three (3) responses noted the global standard on representation of dates that has been prepared by ISO: **ISO 8601** Data elements and interchange formats – Information interchange – Representation of dates and times. This requires dates to be represented as YYYY/MM/DD and is intended for use very broadly and across a variety of businesses. Whilst adopting this approach would align with the ISO Standard, from the analysis of date marking regulations in the different countries participating in the eWG it does not appear to be commonly used by countries for date marking of food.
40. As a result of responses to the discussion paper a number of possible options for modifying the current text of 4.7.1 to harmonise the format of a date mark were identified. These are outlined below:

Options

Current text

41. 4.7.1 (v) The day, month and year shall be declared in uncoded numerical sequence except that the month may be indicated by letters in those countries where such use will not confuse the consumer.

Alternate proposed texts

42. **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

43. **Option 2** The day, month and year are required to be depicted by numerical values in the order day/month/year.

Proposed text

4.7.1 (v) The day, month and year shall be declared in uncoded numerical sequence in the order day/month/year.

For example, 5 July 2015 could be expressed as 05 07 15

44. **Option 3** Date denoted as for option 1 but year must be denoted by 4 digits.

Proposed text

4.7.1 (v) 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

45. **Option 4** Date denoted as for option 2 but year must be denoted by 4 digits.

Proposed text

4.7.1 (v) The day, month and year shall be declared in uncoded numerical sequence in the order day/month/year and the year shall be denoted by 4 digits.

For example, 5 July 2015 could be expressed as 05 07 2015

Proposed consequential amendment

46. If either Options 1 or 3 above are preferred, it is recommended that a new section is also inserted at 4.7.1 (vi) to refer to 8.2 Language, specifically 8.2.1, which states that:
47. *“If the language on the original label is not acceptable, to the consumer for whom it is intended, a supplementary label containing the mandatory information in the required language may be used instead of relabeling.”*
48. Respondents to the second discussion paper generally interpreted 8.2.1 as a requirement that the mandatory information on a food label must be presented in the language of the market in which the food is being sold. Based on this interpretation, a new section 4.7.1 (vi) could read:

Proposed text

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

49. The current section 4.7.1(vi) would become a new section 4.7.1(vii) but would otherwise remain unchanged.
50. If there are concerns that 8.2.1 is not explicit enough in requiring the mandatory information on food labels to be in an appropriate language, further work may need to be considered to include such a statement in 4.7 or to revise 8.2.
51. In summary, we propose that for maximum clarity of format Option 3 is adopted into the proposed drafting and to remove any doubt reference is made in the drafting to clause 8.2 regarding the use of letters/characters appropriate to the country of sale. Furthermore, 4.7 (iv) be edited to clarify its intent.

D. Exemptions/Exclusions

52. The issue of exemptions/exclusions from date marking was not included specifically in the terms of reference for the eWG, however, exemptions from date marking are part of the GSLPF under review (4.7.1 (vi)) and were raised by a number of countries in response to the first discussion paper. Exemptions refer to foods for which date marking is not mandatory (i.e. is optional) and exclusions refer to foods which must not carry a date mark.

53. The second discussion paper sought comments on the need for exemptions or exclusions; the current list of exemptions in GSLPF 4.7.1 (vi) and whether exemptions or exclusions should be included as either a list of foods or be based on a timeframe or criteria.
54. Almost all responses agreed that date marking is not relevant for all foods. Most responses supported having exemptions and agreed with the current list in the GSLPF. Responses were generally not supportive of exclusions (a date mark must not be used) although some did note that excluding certain foods from date marking could potentially reduce food waste. However, these responses also noted that it would be problematic to restrict the provision of information to consumers. Therefore, exclusions were not further considered.
55. There was a large degree of support for a list of exemptions and criteria for exemptions, with many responses advocating a combination of both. The advantages noted in relation to a list were the ease of adopting the requirements into national legislation and for business to comply with them, particularly for countries that may not have the necessary data and competence to apply criteria for exemptions. Most respondents agreed that the current list of exemptions GSLPF 4.7.1 (vi) was appropriate. The few responses that disagreed with a list cited difficulties in maintaining the currency of the list as the reason.
56. Most respondents supported the development of criteria that would be used to determine and justify the list of exemptions.
57. The second discussion paper also asked what factors should be considered in criteria to determine when date marking should and should not apply. There was general agreement that these criteria should be based on food safety factors, for example, whether a product is shelf stable in its natural state without special handling, or has been processed or packaged to result in a shelf stable product, growth of pathogens and expected turnover time for foods.
58. However it was also noted that the scope of this eWG does not include the development of such criteria and a number of responses indicated that technical expertise from outside of CCFL would be required to assist. For example, it was suggested that technical experts to the Food Hygiene Committee would be better positioned to provide guidance and undertake work in this area.
59. Therefore it is proposed that the list of exemptions as currently expressed in 4.7.1 (vi) is retained and that the Committee discuss the need to develop criteria for exemption from date marking which could then be used to review the current list of exemptions.

IV. Conclusion

60. To date the eWG has addressed the following two points of the Terms of Reference:
 - Based on the review of the relevant sections of the GSLPF that relates to date marking the eWG will prepare draft proposals to revise as required text relevant to date marking in the GSLPF.
 - Develop a draft revised standard to incorporate the proposed date marking modifications.
61. The remaining point from the terms of Reference is still to be considered, namely;
 - Consider the need for additional guidance for date marking to support the GSLPF.
62. A number of issues relating to date marking were identified from responses to the first discussion paper that were not addressed in that paper. The second discussion paper prioritised issues based on responses to what were seen as the most important issues relating to date marking. The second discussion paper also proposed a two phase approach to the undertaking of this work. The majority of respondents agreed to this two phase approach. This left a list of issues to be dealt with once the issues covered in this Agenda Paper are completed. The remaining (phase two) issues are listed here:
 - a. *Date marking on frozen foods*
 - b. *Date marking and storage instructions to reflect a wide variation in climatic conditions.*
 - c. *Storage instructions and expected shelf life on products post opening.*
 - d. *Ethical considerations i) Exportation of expired or close to expired products and ii) Tampering of date marks*

- e. *Date marking for specific situations: i) Date marking on primary and secondary packaging. ii) Date marking on foods which will be processed further and iii) Simplified date marking for small food businesses.*
- f. *Use of Coded date marks and voluntary date marks.*
- g. *Inclusion of general principle statements*

63. Recommendations:

- (1) Consider the proposed draft revision.
- (2) Recommend a process for consideration of additional guidance materials.
- (3) Consider the process for addressing the issues raised by the eWG to be addressed in phase two (see para 62 and Appendix IV)

Proposed draft revision to GSLPF

(Step 3)

Proposed changes are indicated as additions in **bold underlined text** or for deletions as ~~strikethroughs~~.

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 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.~~

“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.~~

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.**

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

(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.

(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.

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

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

(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 those countries where such use will not confuse the consumer.~~

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

(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;
- 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.

(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.

[(x) 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~~ **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.~~

Appendix II

Electronic working group members

Argentina
Australia
Belgium
Brazil
Canada
Chile
The European Union (representing 28 Member States)
Federated States of Micronesia
Fiji
France
Ghana
India
Iraq
Ireland
Malaysia
Mauritius
Mexico
Netherlands
New Zealand
Norway
Pakistan
Philippines
Poland
Russia
Saint Lucia
Samoa
Serbia
Singapore
Solomon Islands
Spain
Thailand
Uganda
Uruguay
United States of America
Vanuatu
Viet Nam

FAO Sub-regional Office
Food Drink Europe
Institute of Food Technologists (IFT)
International Alliance of Dietary/Food Supplement Association
International Association of Consumer Food Organisations (IACFO)
International Council of Beverages Association (ICBA)
International Dairy Federation (IDF)
International Frozen Food Association
European Association of Sugar Producers (CEFS)
Grocery Manufacturers Association (ICGMA)
Yoghurt and Live Fermented Milks Association (YLFA)

Appendix III**Respondents to Discussion Papers****Respondents to the First Discussion Paper**

Comments on the first discussion paper were received from: Argentina, Australia, Brazil, Canada, Chile, The European Union (representing 28 Member States), Federated States of Micronesia, Fiji, India, Iraq, Malaysia, Mauritius, New Zealand, Norway, Pakistan, Philippines, Russia, Saint Lucia, Singapore, Solomon Islands, Thailand, Uruguay, United States of America, Food Drink Europe, International Council of Beverages Association (ICBA), European Association of Sugar Producers (CEFS), International Association of Consumer Food Organisations (IACFO), Grocery Manufacturers Association (ICGMA) and Institute of Food Technologists (IFT).

Respondents to the Second Discussion Paper

Comments on the second discussion paper were received from: Argentina, Australia, Brazil, Canada, Chile, The European Union (representing 28 Member States), India, Iraq, Mauritius, New Zealand, Pakistan, Thailand, Uruguay, United States of America, Food Drink Europe, International Council of Beverages Association (ICBA), European Association of Sugar Producers (CEFS), Grocery Manufacturers Association (ICGMA), International Dairy Federation (IDF) and Institute of Food Technologists (IFT).

Appendix IV

Issues to be addressed in Phase 2

The issues given below are all important issues. However, as outlined in Discussion Paper 2, these were not identified as the most important date marking issues by the eWG. Given the need to resolve the issues covered in the agenda paper in a timely manner and to also ensure the work associated with date marking remained manageable, it was suggested that CCFL take a two phase approach. This meant focusing on the issues identified as being the most important (those discussed in the agenda paper) this year. The second phase to be as future work to fully address issues identified here and any other issues identified.

Date marking on frozen foods. A number of countries rely heavily on imported or locally produced frozen foods. Date marking and/or storage instructions may need special consideration where there is the potential for prolonged storage or thawing and re-freezing or, as noted in the first discussion paper, the date marks applied to the original produce become irrelevant due to subsequent freezing of the food.

Date marking and storage instructions to reflect a wide variation in climatic conditions. In a global trade environment (and domestically, in countries that experience a wide range of climatic variations), foods may be subject to a wide range in climatic conditions that may influence the shelf-life of a product and therefore the date mark applied maybe incorrect. The current GSLPF text includes a requirement to declare any special conditions for the storage of food (4.7.2). However, further detail in this section maybe required and the requirement to factor in variations in climatic conditions when determining the shelf life may need to be considered.

Storage instructions and expected shelf life on products post opening. A number of responses identified that confusion exists on how long a product can be kept post opening of a food package. This applies to both quality and safety date marks and it is noted that the date mark may change once the package is opened. The current Codex date marking definitions do not clarify if the date applies pre product opening – or if it also applies post opening. However, the inclusion of ‘marketable’ in both definitions, seem to suggest that the definitions were developed for foods prior to opening. Consideration may need to be given to require labelling on the expected shelf-life post opening, and any associated storage instructions. Alternatively, the Codex texts may be able to be clarified as to the intended application.

Ethical considerations i) Exportation of expired or close to expired products and ii) Tampering of date marks. The first point in this group is covered by the Codex Code of Ethics (CAC/RCP 20-1979 (revised in 1985 and 2010), where it is stated ‘No food (including re-exported food) should be in international trade which: ...f) has an expiration date, where applicable, which does not leave sufficient time for distribution in the importing country’. It is noted that the date of minimum durability is not included in this statement. A request to the Codex Committee on General Principles (CCGP) to amend this text to reflect the revised definitions in GSLPF could potentially be considered. The second point is also covered by the Codex Code of Ethics and General Principles of the GSLPF in that false, misleading and deceptive labelling is prevented. However, additional specific text to address this issue may warrant consideration.

Date marking for specific situations: i) Date marking on primary and secondary packaging. ii) Date marking on foods which will be processed further and iii) Simplified date marking for small food businesses. For each of these scenarios the need for date marking will need to be considered and thought be given to the best approach to manage the associated concerns. It is also noted that additional specific situations maybe identified and will also need to be considered.

Use of Coded date marks and voluntary date marks. Several responses noted that coded date marks cause confusion in both consumers and regulators as they are often difficult to use and their meaning is unclear. The use of voluntary date marking, particularly by retailers, importers and other stakeholders, to assist in stock control was also noted. To review this issue, there is a need to determine the range of coded date marks, what these provide in addition to the different date marks discussed in GSLPF (or the revised GSLPF) and the needs of the different stakeholders.

Inclusion of general principle statements. While this was not raised as an additional issue, it was identified in responses on approaches taken with regard to date marking. In several instances it was noted that legislation clarifies that date marking and determining if a quality or safety date mark is required is the responsibility of the manufacturer. Consideration may need to be given if this and

other general principle statements (such as, obligations of authorities as exporting and importing countries) need to be added to the General Principles section of GSLPF.