

# CODEX ALIMENTARIUS COMMISSION

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Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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**CL 2020/54/OCS-FL**  
**September 2020**

**TO:** Codex Contact Points  
Contact Points of international organizations having observer status with Codex

**FROM:** Secretariat, Codex Alimentarius Commission,  
Joint FAO/WHO Food Standards Programme

**SUBJECT: Request information and comments on FOPNL**

**DEADLINE: 31 October 2020**

## **BACKGROUND**

1. The 45<sup>th</sup> Session of the Committee on Food Labelling (CCFL45) agreed to continue its work on the guidance on front-of-pack nutrition labelling (FOPNL) through an electronic working group (EWG) chaired by Costa Rica and co-chaired by New Zealand.
2. In view of the postponement of CCFL46 to 2021 due to the COVID19 pandemic, and taking advantage of the additional time at our disposal, the EWG has prepared a report of their work to update members and observers on which the next round of discussions will be based.
3. To help guide more focused discussions during the next round of the EWG, a set of questions on key issues in the report, have been prepared for inputs by all interested members or observers. A request is also made to update the stocktake of FOPNL systems with a view to better inform the EWG discussions.

## **REQUEST FOR COMMENTS**

4. Member Governments and observers are invited to:
  - a. Provide information and update the stocktake on FOPNL systems (Appendix I - question 1); and
  - b. provide information and replies to the questions on the scope, definition and other aspects (Appendix I - questions 2 – 8).
5. The aforementioned questions are uploaded to the Codex Online Commenting System (OCS): <https://ocs.codexalimentarius.org/>, as per the guidance below.
6. To help guide the replies, a full report of the EWG work to date together with a proposed draft Guideline (for information only) is provided in the Annex to this CL.

## **GUIDANCE ON THE PROVISION OF COMMENTS**

7. Comments should be submitted through the Codex Contact Points of Codex members and observers using the OCS.
8. Contact Points of Codex members and observers may login to the OCS and access the document open for comments by selecting “Enter” in the “My reviews” page, available after login to the system.
9. Other OCS resources, including the user manual and short guide, can be found at the following link: <http://www.fao.org/fao-who-codexalimentarius/resources/circular-letters/en/>.
10. For questions on the OCS, please contact [Codex-OCS@fao.org](mailto:Codex-OCS@fao.org).

## PROPOSED DRAFT GUIDELINES ON FRONT-OF-PACK NUTRITION LABELLING

*(Prepared by the Electronic Working Group Chaired by Costa Rica and Co-chaired by New Zealand)*

### PURPOSE OF THIS PAPER

1. With the postponement of CCFL46 to September 2021, the Chair and Co-Chair of the EWG have met with the CCFL Chairperson and the Codex Secretariat to discuss possible options to progress this work prior to the next CCFL meeting. It was agreed to circulate this document to update Members and Observers on the status of the work in the electronic working group (EWG) and to seek comments to inform the continued the discussions in the EWG.
2. In addition the Chairs would like to draw attention to the request regarding an update of the Stocktake of FOPNL Systems. Codex standards and guidelines are developed using evidence based science. To ensure the guidance on front-of-pack nutrition labelling meets this requirement it is important to keep abreast of the current developments and scientific evidence to inform our work.
3. The delay to CCFL46 (and the associated physical working group to progress the work of the EWG) provides the opportunity to update the 'stocktake' of front-of-pack labelling systems implemented or planned to be implemented. This stocktake was originally undertaken by the electronic working group and presented at CCFL44. This will ensure that we have the most up to date information on current FOPNL systems being used globally to inform our current work.
4. Codex members and observers are invited to review the spreadsheet and update the information as necessary to reflect the current status of the FOPNL systems in their country. A question has been added regarding any recent relevant research that you may be aware of. The questions in the spreadsheet are repeated in Appendix I, noting question (1d) is a new request to members.

### BACKGROUND

5. At the 43<sup>rd</sup> Session of the Codex Committee on Food Labelling (CCFL43), Costa Rica and New Zealand presented a proposal for new work ([CRD 20](#)), which identified the lack of global consistency and guidance on simplified nutrition labelling (e.g. front-of-pack labelling) as an issue that Codex may need to consider. At that time, the Committee agreed to initiate discussions to consider whether there was a need to develop global principles to support the front of pack nutrition labelling (FOPNL). This was conducted by way of an electronic working group (EWG) chaired by Costa Rica and co-chaired by New Zealand and included the preparation of a stocktake of FOPNL systems currently in use or in the process of being developed by different countries.
6. At CCFL44, the Committee agreed to start new work to develop guidelines on FOPNL systems, through a new EWG chaired by Costa Rica and co-chaired by New Zealand; with the following terms of reference (REP18/FL para.48): Consider the *Guidelines on Nutrition Labelling* (CXG 2-1985) and any other relevant Codex guidelines with regard to any consequential changes that may be required to incorporate guidance on front of pack nutrition labelling (FOPNL) into Codex texts; prepare proposed draft guidelines for circulation for comments and for consideration at CCFL45 including four (4) key aspects: (a) purpose and scope; (b) definition of FOPNL; (c) general principles for FOPNL; and (d) aspects to consider in the development of FOPNL systems, identified under section 3 ("Main Aspects to be Covered") of the project document and make recommendations on the placement of the guidelines. The Codex Alimentarius Commission approved this new work at its 41<sup>st</sup> Session (REP18/CAC Appendix VI).
7. CCFL45 discussed the Proposed Draft Guidelines under Agenda item 6<sup>1</sup>. The Committee noted the general support for the work and its purpose. From the written comments received, there were concerns on section 5 and its appropriateness for inclusion in a Codex guideline. For the above, the Committee focused the discussion on sections 1 – 4 and will decide later whether section 5 should be maintained in the guidelines.

### TERMS OF REFERENCE OF THE EWG

8. At the 45<sup>th</sup> Session of the Codex Committee on Food Labelling (CCFL45), the Committee agreed:
  - i) to re-establish the EWG, chaired by Costa Rica and co-chaired by New Zealand, working in English and Spanish to further develop the guidelines taking into account the written comments submitted and the comments and decision made at CCFL45 to Section 1, for circulation for comments at Step 3 and consideration by CCFL46 (REP 19/FL, Para 86).

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<sup>1</sup> CL 2019/14/OCS-FL, CX/FL 19/45/6, REP19/FL.

- ii) to establish a PWG, chaired by Costa Rica and co-chaired by New Zealand, working in English, French and Spanish, to meet immediately prior to the next session, to consider comments submitted at Step 3 and to prepare a revised proposal for consideration by CCFL46.

## **EWG PARTICIPATION AND METHODOLOGY**

9. The Codex Secretariat issued an invitation to join the EWG on FOPNL in June 2019, which was conducted through the online platform; 52 Codex members and 22 observers took up the invitation to join the EWG. The detailed List of Participants is provided in Appendix III.

10. To date, the EWG has carried out two rounds of consultation. The first consultation paper was circulated in October 2019 with an eight-week consultation period and presented the amended proposed draft *Guidelines on Front-of-Pack Nutrition Labelling*. This took into account the written comments received in response to the Agenda paper for the 45<sup>th</sup> Session of CCFL and discussions during the session. A questionnaire containing 13 questions was sent to the EWG seeking their views on issues where it has been difficult to reach consensus, including: the scope, section 3.2 on the definition of FOPNL, some specific aspects of the principles and 4 questions addressing the revision of section 5: *Other Aspects to Consider in the development of FOPNL Systems* with respect to the terms of reference of this work. A total of 43 responses were received from 31 Codex members and 12 Codex observers.

11. The second document was circulated in March 2020 with a four-week consultation period. This consultation was extraordinary in that it was not planned from the outset and was intended to reach a greater degree of consensus on the approach to *Section 5: Other Aspects to Consider in the development of FOPNL Systems* within the guidelines.

12. The extraordinary consultation proposed three options:

- OPTION A. This option proposed maintaining section 5 but modified based on feedback to discussion paper 1.
- OPTION B. This option consisted of removing section 5, relocating in section 4 some considerations that many members have considered relevant and that could add value to the proposed guidelines.
- OPTION C. This option removed section 5, but captured the key elements as an Annex rather than being a section of the Guidelines.

13. A total of 45 responses were received from 32 Codex members and 13 Codex observers.

## **PROCESS OF THE EWG**

14. This paper provides the Committee an update of the current status of the work following the two EWG consultations since CCFL45. The text for Section 1: *Purpose* of the guidelines was agreed by CCFL45 and therefore this section was not discussed in the EWG. The EWG has discussed Section 2. *Scope* and section 3. *Definition* of the draft guidelines and the comments received are presented in this paper. Questions on the scope and definition sections are presented in Appendix I for the consideration by the Committee. Guidance from the Committee on these sections will assist the EWG in their work to progress the drafting of section 4: *General principles*.

15. The EWG preference of the options presented at the Extraordinary consultation was Option B - To delete section 5 *Other Aspects to Consider in the development of FOPNL Systems* and incorporate relevant considerations into section 4. The Chairs acknowledge that the Committee must decide at CCFL46 whether it agrees to this or makes an alternative decision. However the Chairs have decided to seek feedback from the members and observers in the interim on this important matter for the EWG to be able to continue the work on drafting the guidelines. This paper provides a summary of the EWG responses and views are requested on whether there is support for the EWG preference to delete section 5 and for the EWG to continue drafting of the guidelines to incorporate relevant aspects from section 5 to section 4.

16. Due to the significant number of drafting suggestions to section 4 provided by EWG members in response to the Extraordinary consultation, which the Chairs are in the process of analysing, the drafting of section 4 as well as section 5 as they were presented in the first discussion paper are provided in Appendix II to assist members and observers in forming their view.

17. The Chairs of the EWG will be circulating an additional discussion paper for comments to the members of the EWG in December 2020 which will include new proposed drafting of section 4 *General Principles* taking into account comments received in the two previous rounds of consultation within the EWG and any feedback received from the Committee to this CL. The report of the EWG will be presented to to CCFL46 for consideration following the additional round of EWG consultation.

## UPDATE ON SECTIONS OF THE DRAFT GUIDELINES

### Scope

**Section 2.1:** *These guidelines apply to front-of-pack nutrition labelling (FOPNL) to be used on pre-packaged foods<sup>1</sup> that include a nutrient declaration<sup>2</sup> subject to the section 5 of Guidelines on Nutrition Labelling (CXG 2-1985).*

<sup>1</sup>As defined in the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985).

<sup>2</sup>As defined in the Guidelines on Nutrition Labelling (CXG 2-1985).

18. Section 2.1 of the scope received general support from members at CCFL45. It was agreed to amend the text to align with section 5 of the *Guidelines on Nutrition Labelling* to allow for the use of supplementary nutrition labelling on products which may not have a nutrient declaration where appropriate. The EWG was not asked questions specific to section 2.1.

19. Members expressed different views at CCFL45 regarding the exclusions in section 2.2 of the scope and exemptions in section 2.3. Therefore these required further discussion in the EWG.

**Section 2.2:** *Alcoholic beverages, foods for special dietary uses and foods for special medical purposes as defined in Codex are excluded.*

20. The first discussion paper presented the above text for section 2.2 and asked whether they considered that alcoholic beverages should be allowed to bear any style of FOPNL, and if so they were asked to propose wording that would allow this.

21. The majority of participants did not support that alcoholic beverages could carry any form of FOPNL. They indicated that FOPNL systems could result in the involuntary promotion of alcoholic beverages over non-alcoholic foods. Other members referred to the discussion by CCFL on the labelling of alcoholic beverages and suggested that duplication and possible contradictions of work should be avoided.

22. Two observers were of the opinion that consumers would benefit from the use of FOPNL on some alcoholic beverages, for example on prepackaged mixed alcoholic beverages which can contain significant quantities of sugar. However, they highlighted that the type of FOPNL and nutrient scoring criteria used needs to be considered to ensure alcohol consumption is not promoted.

23. Some members recommended that alcoholic beverages should be exempt from displaying a FOPNL, rather than excluded, in order to allow national authorities to make the decision since a potential list of exclusions will depend on existing legislation in place. They also mentioned that since most countries exempt alcohol from mandatory nutrient declaration, its exemption from FOPNL is already captured under section 2.3 of the scope as a food exempt from nutrient declaration by the *Guidelines on Nutrition Labelling (CXG 2-1985)*.

24. Although the EWG was not asked a specific question, some members also provided comments in regard to the exclusions of “*foods for special dietary uses and foods for special medical purposes as defined in Codex*”. These EWG members general supported the intention of the Guidelines on FOPNL to apply to foods for the general population and not to foods specially formulated for the needs of different subgroups of the population. However, it was repeatedly mentioned that not all these types of foods should be excluded because some of these foods are usually consumed by the general population, such as sports foods and drinks, foods covered by the *Standard for Special Dietary Foods with Low-Sodium Content (CXS 53-1981)* and those covered by the *Standard for Foods for Special Dietary Use for Persons intolerant to Gluten (CXS 118-1979)*. Several participants suggested the addition of a footnote to refer to these foods that should not be excluded.

25. Some members also considered that food for young children should not be excluded from FOPNL. Their rationale was that although the nutritional needs of young children differ from those of the general population, consideration should be given to tailoring FOPNL to be able to meet the requirements of the child's diet, rather than excluding foods for young children. Many of these products marketed to young children contain relatively high amounts of sugar, and FOPNL could provide useful information to parents in this regard. Whereas another member considered these foods for infants and young children should be excluded from the scope of the Guidelines due to the special composition of these foods to meet the particular requirements of subgroups of the population.

26. Several participants mentioned that for a FOPNL to be effective, very limited categories of foods should be excluded and therefore Codex guidelines should allow flexibility to each country/region so that certain specific exceptions could be made depending on the FOPNL system chosen. Therefore, some members considered the guidelines should not prescribe a list of exclusions; one member suggested it would be preferable to indicate the phrase “certain foods may be excluded”. Whereas one member considered it was necessary to list the specific texts that are excluded from the guideline.

**Section 2.3:** *Additionally, certain prepackaged foods may be exempted from FOPNL such as:*

- *foods exempted from bearing a nutrient declaration by the Guidelines on Nutrition Labelling (CXG 2-1985)*

27. The first EWG discussion paper presented the above drafting for section 2.3, and members were asked to indicate whether they agreed that the products that should be exempted, (i.e. allowed but not required) to carry the FOPNL should be the same foods that are exempted from requiring nutrient declaration according to the Guidelines on Nutrition Labelling (CXG 2-1985). They were also asked whether there were other foods that should also be exempted from the FOPNL.

28. Most supported the drafting of this section and indicated that in order to ensure consistency in application and avoid ambiguity, nutrient declaration should always be the prerequisite for the use of FOPNL on prepackaged foods, as the presence of FOPNL in cases where nutritional information is not available is less useful to consumers. One member suggested that section 2.3 be deleted as it was considered to be a repetition of section 2.1. Some members considered that the specific foods exempted from bearing a nutrient declaration be repeated as a footnote in the guidelines for clarity. One member indicated that further discussion is needed on instances where FOPNL may or may not be appropriate when a nutrient declaration is not required (e.g. small package sizes). Another member indicated that exemptions from FOPNL would be best decided at the national/regional level.

29. Some members suggested that consideration be given to exempting single ingredient foods such as flour, eggs, sugar as these cannot be reformulated. Another member suggested stating that unprocessed foods such as fruit, vegetables and meat are also exempted.

30. Comments received on sections 2.2 and 2.3 highlighted that EWG members have different interpretations of the terms "exclusions" and "exemptions", and several participants requested clarification on this issue.

31. The Committee is asked to comment on the questions in Appendix I relating to exclusions from FOPNL (section 2.2) and the options for section 2.3.

#### **Definition of Front-of-Pack Nutrition Labelling (FOPNL)**

32. There were several views expressed at CCFL45 and in the EWG comments to the first discussion paper on this section that the definition should be kept broad to allow countries to decide on their own FOPNL systems to address their specific situation and meet the needs of their consumers.

33. The main issues discussed are presented below:

**Section 3.1:** *Front-of-pack nutrition labelling (FOPNL) is a form of supplementary nutrition information that presents simplified, [interpretative] nutrition information on the front-of-pack of pre-packaged foods. It can include symbols/graphics, text or a combination thereof that provide information on the overall nutritional value of the food and/or on nutrients included in the FOPNL at a national level.*

34. Although the EWG was not directly asked to provide their view on the above proposed definition presented in the first discussion paper many expressed their support for it with a couple of editorial changes. The word 'interpretative' was added to section 3.1 as a result of discussions at CCFL45. Some members provided comments on whether or not the word "interpretative" should be part of the text.

35. The following views were expressed in favour of retaining the term "interpretative":

- To assist in interpreting, consistent with *Section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985)*, it is considered that a FOPNL must be interpretative.
- Gives a more robust definition of FOPNL to underscore the importance of developing/adapting easily understandable FOPNL systems for encouraging healthier food choices.
- FOPNL must include an interpretative element (such as colour-coding). Indeed, FOPNL are designed to simplify nutritional information so that consumers are able to use it at-a-glance in a meaningful way.

36. On the other hand, the participants who expressed their view that the term "interpretative" should be deleted noted the following:

- The term may refer to a specific FOPNL category (also called "summary"). Also non-interpretative schemes are possible providing a reduced version of the nutrition information contained on the back-of-pack.
- To be in line with the decision of the committee to keep the wording of the draft guidelines at a high level so as not to limit their application and to include already existing FOPNL systems.
- It should not be left to interpretation since each country has its own criteria and these can be understood in different ways.

37. Some of the members that chose to comment on the word 'interpretative' and supported its inclusion in 3.1 proposed the addition of "and/or" between "simplified" and "interpretive" in order to enable the freedom of countries to select the FOPNL system best suited to their specific needs. Another member suggested it be replaced by 'evidence-based' as all information on the label should be scientifically supported.

**Section 3.2. This definition excludes:**

*i. Nutrition and health claims.*

*ii. The quantitative declaration of ingredients.*

38. During CCFL45, the Committee noted that there were several views on the need to retain Section 3.2 and agreed to consider this matter and the content of the list further so this point was discussed in the first EWG consultation paper. CCFL45 further noted the need to consider whether "high in" warnings should be included or excluded.

39. Following this request, members of the EWG were asked to comment on whether mandatory or "high in" warnings should be captured in the FOPNL and whether they agree with the wording proposed in 3.2. If not, they were asked to propose alternative wording.

40. Nineteen EWG members agreed with wording of section 3.2. as it is presented above and seven stated that they did not agree. Those that did not agree provided the following views: warning labels should be additionally listed as being excluded from the definition; allergens should be added as being excluded; exclusion of "quantitative ingredient" declaration was unnecessary as it referred to characterizing ingredients of the food which were not included in the *Guidelines on Nutrition Labelling (CAC/GL 2-1985)*; or that section 3.2 should be removed. An additional suggestion was made by one member to modify item (ii) to read "quantitative or qualitative declaration of nutrients or ingredients" while another member suggested it could be revised to "quantitative labelling of ingredients" to ensure the link with 5.1 of the *General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)* is made clearer.

41. Members and observers were divided on whether mandatory warning labels should be captured as FOPNL. Some members noted that in their view the definition of FOPNL in Section 3.1 implies that warning labels are included. In addition, some members were of the opinion that the guidelines should be flexible enough to let governments choose the FOPNL most suitable and appropriate for their country or region.

42. The Committee is asked in Appendix I to provide their view on whether they consider that the drafting of section 3.1 is broad enough to capture a variety of FOPNL systems to allow countries to decide on their own FOPNL systems to address their specific situation.

43. The Committee is further asked to provide their view on the word 'interpretative' in Section 3.1 of the definition taking into account the views expressed by the EWG.

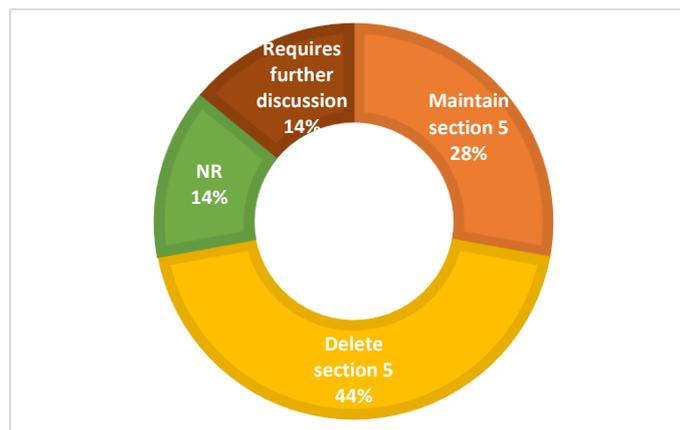
44. The comments received from the EWG in relation to the exclusions from the definition listed in Section 3.2 will be further discussed within the EWG. This will include discussion on whether warning labels should be specifically excluded.

**Other aspects to consider in the development of FOPNL systems**

45. Section 5: *Other Aspects to Consider in the development of FOPNL Systems* was not discussed in detail at CCFL45. Some members considered that the section covered aspects of implementation that may not be within the scope of the guidance document, or aspects that may be redundant with provisions included in the previous sections. In the absence of a clear consensus, CCFL45 requested that consideration be given to whether this section be retained.

46. Given the above, in the first EWG consultation paper, participants were asked whether *Section 5* should be retained or deleted.

47. From the responses obtained, 9 countries and 3 observers supported retaining the section while 13 countries, 1 member organization and 5 observers preferred that section 5 be removed from the proposed text. Four countries and two observers indicated that further discussion would be required to develop a position on this issue; and four countries and two observers did not answer the question.

**Graph N°1: EWG members' support for Section 5 of the draft guidelines**

48. Members who favored deletion of section 5 expressed the following reasons:

- Implementation and governance aspects are beyond the scope/mandate of Codex. The 'other aspects to consider' should only relate to the development of FOPNL systems and not their implementation.
- Provides details that are not necessary or appropriate in a Codex guideline especially where WHO recommendations exist on the subject.
- Best practice FOPNL implementation is rapidly evolving and is therefore not appropriate to include in an enduring document such as Codex Guidelines.
- Duplicates aspects from previous sections.
- Does not contribute to harmonization.

49. Some submitters suggested valuable aspects from Section 5 could be incorporated into previous sections.

50. On the other hand, those who expressed that section 5 should be maintained, considered that this section provides useful information for national authorities regarding the development, implementation, monitoring and evaluation of FOPNL systems. Although several submitters highlighted that the text could be further refined, such as removing duplication.

51. One member considered it premature to decide whether to retain or delete Section 5 without first determining whether the principles in Section 4 provide adequate guidance on the development and implementation of a FOPNL system.

52. The EWG were asked several questions relating to the pre-formatted final draft of the "[WHO Guiding principles and framework manual for front-of-pack labelling for promoting healthy diet](#)", including whether:

- they considered Section 4 and appendix 3 of this WHO document adequately covers the proposed section 5 of the CCFL Guidelines; and
- It is necessary to refer to relevant sections of the WHO document in the CCFL Guidelines.

53. The responses to these questions focused on the need to retain or delete section 5 (this information is summarised above) and whether it is appropriate to reference the WHO guidance in the CCFL Guidelines.

54. Of those respondents who commented on referencing the WHO document in the CCFL Guidelines there was a split on those who supported and did not support this approach. Those who did not support referencing the WHO guidance gave the following reasons:

- Aspects of the WHO guidance and Codex Guidelines are contradictory
- WHO guidance is too detailed and prescriptive and goes beyond the scope/mandate of the Codex Guidelines
- WHO guidance is not finalised nor been consulted on
- Codex Guidelines should be independent and a stand-alone document. Therefore, any relevant information should be included in the Codex Guidelines.

- Codex has the mandate to develop internationally harmonized food standards. WHO guidance should not be considered an equivalent or a replacement for Codex Guidelines. The WHO has a different focus to Codex and the two documents were developed through different procedures.

55. Those who supported referencing the WHO guidance considered that there is significant overlap with this document and the content in Section 5 and the WHO is best placed to provide information on FOPNL implementation and update it to reflect emerging evidence. To allow for updates several submitters suggested that rather than referring to specific sections of the WHO guidance, the CCFL guidelines should refer to 'relevant authoritative guidance from the WHO'. One respondent considered careful consideration is required to the value of cross-referencing between CCFL Guidelines and WHO guidance.

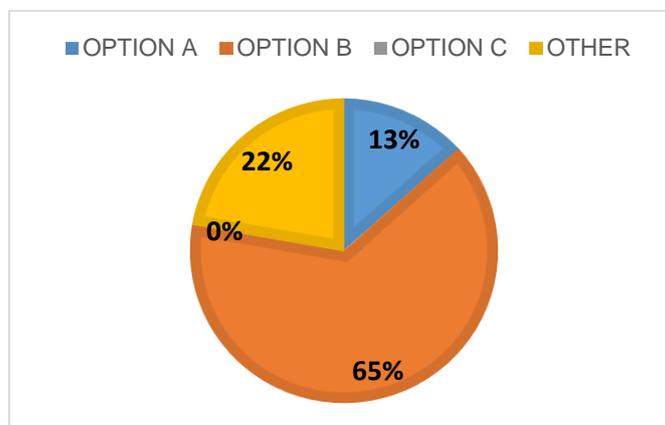
56. Some respondents considered there were gaps in the WHO guidance that should be covered in the CCFL Guidelines such as protecting FOPNL from commercial conflicts of interest, trade impacts, criteria for the underpinning nutrient profiling system, compliance, consumer safety and other issues specifically related to Codex objectives whilst others considered the WHO guidance adequately covered the necessary information.

57. The co-Chairs note that the "*WHO Guiding Principles and framework manual for front-of-pack labelling for promoting healthy diets*" maintains a "draft" status, and access to the final official version is needed to ensure relevance and consistency with the terms of reference of this work.

58. As there was no clear majority whether section 5 should be maintained or deleted the co-chairs decided to open an extraordinary consultation in which three options were presented to the members of the EWG on how to address this issue. The options presented in the Extraordinary consultation were as follows:

- *OPTION A. Retain section 5, modified.* This option consists in maintaining section 5 but with a modification in view of the comments received.
- *OPTION B. Delete section 5, integrating the most relevant aspects within section 4.* This option consists of removing section 5, relocating in section 4 some considerations that many members have considered relevant and that could add value to the proposed guidelines.
- *OPTION C. Create an Annex to the Guidelines.* This option removes section 5, but captures the key elements as an Annex rather than being a section of the Guidelines.

**Graph N°2: EWG support for the options presented at the extraordinary consultation**



59. The majority of respondents preferred Option B (65%), with the main reasons stated that implementation of the FOPNL is beyond the scope and mandate of the EWG and it would be more appropriate to integrate the most relevant aspects such as selection and development of FOPNL into Section 4 and that the WHO document is more comprehensive and covers the issues covered in section 5, and thus Codex should not duplicate efforts.

60. However, despite supporting Option B a number of these respondents provided detailed drafting suggestions on how the information in section 5 could be incorporated into the principles in section 4 of the guidance and thus did not support the drafting as presented in the consultation paper.

61. Option A was supported by six respondents. Option C as presented in the consultation paper was not supported by anyone, however one respondent expressed their support for an annex but with modifications to the text. The comments for and against options A and B are presented in Table 1.

**Table 1. Views expressed by EWG members on options A and B presented in the Extraordinary Consultation**

Comments on option A: <i>Retain section 5, modified</i>	Comments on Option B: <i>Delete section 5, integrating the most relevant aspects within section 4</i>
<p><u>For</u></p> <ul style="list-style-type: none"> <li>• Enables greatest level of detail to be provided within a clear structure as well as the most comprehensive text</li> <li>• It is important to consider country specific parameters systems and monitoring, evaluation and education options in developing FOPNL</li> <li>• Many aspects of FOPNL are contextual and related to the needs of the specific population/s in the country or region of implementation</li> <li>• Section 5 provides clear and detailed guidance to national authorities in the consideration of the selection, development, implementation, monitoring and evaluation of FOPNL systems to suit their specific context</li> </ul> <p><u>Against</u></p> <ul style="list-style-type: none"> <li>• The prescriptive level of detail does not belong in a Codex guidance document</li> <li>• Specificities are best dealt with by the decision-makers implementing the FOPNL at country level</li> <li>• Already adequately covered in WHO document</li> <li>• Including this information in Codex Guidance risks providing contradictory or competing recommendations that could cause confusion</li> <li>• Section 5 is not necessary</li> </ul>	<p><u>For</u></p> <ul style="list-style-type: none"> <li>• Will simplify and streamline the guidance and avoid duplication</li> <li>• Most of proposed text in section 5 can be integrated into existing principles</li> <li>• Level of detail in Section 5 is inappropriate for a Codex guidance document</li> <li>• Aspects of section 5 referring to implementation should not be included in section 4 as implementation is not in scope of this work nor CCFL.</li> <li>• Implementation is unique to each country and demographics</li> <li>• Most relevant aspects such as selection and development of FOPNL can be incorporated into Section 4</li> <li>• Part of section 5 redundant and unnecessary extension of the document</li> <li>• WHO Guiding principles document already covers this issue adequately and Codex should not duplicate</li> </ul> <p><u>Against</u></p> <ul style="list-style-type: none"> <li>• the integration of the extra information into section 4 reduces the clarity of this section and makes it much more difficult to identify the principles</li> </ul>

62. Eight respondents considered that none of the three options in the extraordinary consultation would be appropriate while one respondent did not comment on any of the options. One respondent commented that it was difficult to choose options without having the whole text for the guidelines and they were of the view it is premature to make a decision about Section 5 until the full text is available to the committee ahead of CCFL46.

63. Those that did not agree to any of the options proposed the following alternatives:

- Section 5 should be deleted as it goes beyond the mandate of CCFL.
- Section 5 could be replaced by a reference to the WHO Guidance as it already covers these aspects.
- Delete section 5 from these Guidelines and develop a separate document as a specific appendix to the CCFL report. There is a precedent where a document on issues related to mandatory nutrition labelling that was approved by CCFL was included as Appendix III of the [ALINORM 10/33/22](#).
- Modify section 5 to make it clear that it contains recommendations for countries to consider when implementing a FOPNL System but that they are not necessary for the development and implementation of a FOPNL.
- Postpone decision on section 5 until other sections are completed.

64. The majority of EWG respondents preferred *Option B: Delete section 5, integrating the most relevant aspects within section 4*. However, a number of these respondents provided detailed drafting suggestions on how the information in section 5 could be incorporated into the principles in section 4 of the guidance.

To enable the EWG to progress the drafting of section 4, the Committee is asked to provide their view on whether they support the EWG preference to delete section 5 and for the EWG to continue drafting of the guidelines to incorporate relevant aspects from section 5 to section 4.

65. The drafting of section 4 as well as section 5 as they were presented in the first discussion paper to the EWG are provided in Appendix II to assist the Committee in forming their view.

## CONCLUSIONS

66. This document provides an update on the status of the work of the EWG on the Guidelines on FOPNL and seeks comments on the specific questions identified in Appendix II for the EWG to continue its work.

67. 75% of the members and 68% of the observers registered in the EWG actively participated in the discussions, which indicates that there was wide participation due to the interest and relevance of this work that will serve as an international reference providing the general principles to support Codex members and observers in the development of a FOPNL system.

68. It is important to note that the project document for this work ([REP18/FL](#)- Appendix III) stated that the guidance would include at least the following aspects: Purpose and Scope, Definition of FOPNL, General principles for FOPNL and Aspects to consider in the development of FOPNL systems.

69. With the variety of views received, there are a number of areas of work that can be progressed, and the co-chairs of the EWG have completed the task according to their work programme. However, given the rescheduling of the CCFL46 to 2021, the work has been extended in order to discuss those key aspects where the EWG could make further progress.

70. Questions on the scope and definition sections are presented in Appendix I for the consideration by the Committee. Guidance from the Committee on these sections will assist the EWG in their work to progress the drafting of *Section 4 General Principles*.

71. An agreement from CCFL46 is required to delete *Section 5: Other Aspects to Consider in the development of FOPNL Systems*. However, to enable the EWG to progress the drafting of section 4, members and observers are asked to provide their view on whether they support the EWG preference to delete section 5 and for the EWG to continue drafting of the guidelines to incorporate relevant aspects from section 5 to section 4.

72. The Chairs of the EWG will be circulating an additional discussion paper for comments to the members of the EWG in December 2020 which will include new proposed drafting of section 4 *General Principles* taking into account comments received in the two previous rounds of consultation within the EWG and any feedback received from the Committee to this CL. The work of the EWG will be presented to the Committee in the Agenda paper to CCFL46 following the additional round of EWG consultation.

## RECOMMENDATIONS

73. Members and Observers are invited to:

i) answer the questions presented in Appendix I;

ii) provide updated information on the FOPNL systems and any new research as described in the "Purpose of this paper" section (paras 2 - 4) and Appendix I.

**APPENDIX I**

**QUESTIONS TO FURTHER INFORM THE WORK OF THE EWG**  
 (Note : replies should be submitted through the OCS : see paragraph 4)

**Updating the Stocktake of FOPNL Systems**

**Q1. What are the front-of-pack nutrition labelling systems (FOPNL), used or proposed (under discussion) (voluntary or mandatory), in your country? Please indicate the source (government, industry, other organization) and reference for each case including the actual model or the link to access it.**

*For each front-of pack nutrition labelling system listed in Question 1:*

*Q1a. What were the criteria used to define the nutrition labelling on the front of packaging? Please explain your answer.*

*Q1b. Was any research done in the development of the system? Where this is available, please provide a link to the report.*

*Q1c. How is the system being or planned to be monitored and/or evaluated? If you have reports or information on the monitoring and evaluation please provide a link to these.*

*Q1d. Please provide links to any recent (published over the last 4 years) relevant research that would be helpful to the work of the electronic working group.*

**SCOPE****Section 2.2**

2.2 Alcoholic beverages, foods for special dietary uses and foods for special medical purposes as defined in Codex are excluded.

**Q2. Do you agree with the majority view of the EWG that alcohol should be excluded from FOPNL? Please provide justification for you position.**

**Q3. Do you agree that the following foods should not be excluded from FOPNL?**

- *Sports foods;*
- *Foods covered by the Standard for Special Dietary Foods with Low-Sodium Content (CXS 53-1981); and*
- *Foods covered by the Standard for Foods for Special Dietary Use for Persons intolerant to Gluten (CXS 118-1979).*

**Q4. Following the discussions in the EWG and the mixed views, do you consider food for young children should be excluded from FOPNL?**

**Section 2.3**

2.3 Additionally, certain prepackaged foods may be exempted from FOPNL such as:

- foods exempted from bearing a nutrient declaration by the Guidelines on Nutrition Labelling (CXG 2-1985)

**Q5. Below are 3 alternatives for section 2.3 which include the positions of the EWG. Please indicate your preferred option and justify your position.**

- **Option A:** Retain Section 2.3

- **Option B:** Delete Section 2.3 as this is a repetition of Section 2.1

- **Option C:** Delete Section 2.3 and include the following footnote in Section 2.1:

*Guidelines CX2-1985 allow for the exemption of some foods from the mandatory nutrient declaration (e.g. on the basis of nutritional or dietary insignificance or small packaging). Such foods exempted from the mandatory*

*nutrient declaration can therefore not use FOPNL, except if the nutrient declaration is provided on a voluntary basis.*

- Other

**Definition of Front-of-Pack Nutrition Labelling (FOPNL)**

**Q6. Please indicate whether you consider that the drafting of section 3.1 is broad enough to capture a variety of FOPNL systems to allow countries to decide on their own FOPNL systems to address their specific situation.**

**Q7. Please also provide your view on the word 'interpretative' in Section 3.1.**

**3. DEFINITION OF FRONT-OF-PACK NUTRITION LABELLING (FOPNL):**

For the purposes of these guidelines:

3.1. Front-of-pack nutrition labelling (FOPNL) is a form of supplementary nutrition information that presents simplified, **[interpretative]** nutrition information on the front-of-pack of pre-packaged foods. It can include symbols/graphics, text or a combination thereof that provide information on the overall nutritional value of the food and/or on nutrients included in the FOPNL at a national level.

3.2. This definition excludes:

- i. Nutrition and health claims.
- ii. The quantitative declaration of ingredients.

**Please note that exclusions listed in 3.2 will be further discussed in the EWG.**

**Other Aspects to Consider in the development of FOPNL Systems**

**Q8. Do you support the EWG preference to delete section 5 and for the EWG to continue drafting of the guidelines to incorporate relevant aspects from section 5 to section 4? Please justify your answer.**

*The drafting of section 4 as well as section 5 as they were presented in the first discussion paper to the EWG are provided in Appendix II to assist the Committee in forming their view.*

**APPENDIX II****PROPOSED DRAFT GUIDELINES ON FRONT-OF-PACK NUTRITION LABELLING  
(FOR INFORMATION ONLY)****1. PURPOSE:**

Provide general guidance to assist in the development of front-of-pack nutrition labelling, a form of supplementary nutrition information, as a tool to facilitate the consumer's understanding of the nutritional value of the food and their choice of food, consistent with the national dietary guidance or health and nutrition policy of the country or region of implementation.

**2. SCOPE:**

2.1 These guidelines apply to front-of-pack nutrition labelling (FOPNL) to be used on pre-packaged foods<sup>2</sup> that include a nutrient declaration<sup>3</sup> subject to the section 5 of *Guidelines on Nutrition Labelling* (CXG 2-1985).

2.2 Alcoholic beverages, foods for special dietary uses and foods for special medical purposes as defined in Codex are excluded.

2.3 Additionally, certain prepackaged foods may be exempted from FOPNL such as:

- foods exempted from bearing a nutrient declaration by the *Guidelines on Nutrition Labelling* (CXG 2-1985)

*These guidelines can also be used as a guide in the case where simplified nutrition information is displayed near the food (e.g. shelf-tags or food service), for unpackaged foods or for foods sold via online (e.g. information available at point of purchase on websites).*

**3. DEFINITION OF FRONT-OF-PACK NUTRITION LABELLING (FOPNL)**

For the purposes of these guidelines:

3.1. *Front-of-pack nutrition labelling (FOPNL)* is a form of supplementary nutrition information that presents simplified, [interpretative] nutrition information on the front-of-pack<sup>4</sup> of pre-packaged foods.<sup>5</sup> It can include symbols/graphics, text or a combination thereof that provide information on the overall nutritional value of the food and/or on nutrients included in the FOPNL at a national level.

3.2. This definition excludes:

- i. Nutrition and health claims.<sup>6</sup>
- ii. The quantitative declaration of ingredients.<sup>7</sup>

**4. PRINCIPLES FOR THE ESTABLISHMENT OF FOPNL SYSTEMS**

A FOPNL should be based on the following principles in addition to the general principles in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985):

**4.1 Overarching principles**

4.1.1 (previous 4.1) Only one FOPNL system should be recommended [by government] in each country. However, if multiple FOPNL systems coexist, these should be complementary, not contradictory to each other.

4.1.2 (previous 4.3) FOPNL should only be provided in addition to, and not in place of, the nutrient declaration, subject to Section 5 of the *Guidelines to Nutrition Labelling* (CXG 2-1985).

4.1.3 (previous 4.12) FOPNL should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food [such that it represents the nature of the food as consumed/ as packaged].

4.1.4 (previous 4.6/4.7 combined) FOPNL should align with evidence-based national or regional dietary guidance or health and nutrition policies. Consideration should be given to both the nutrients

<sup>2</sup>As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985).

<sup>3</sup>As defined in the *Guidelines on Nutrition Labelling* (CXG 2-1985).

<sup>4</sup>*Front-of-pack* means the total area of the surface (or surfaces) that is displayed or visible to the consumer under customary conditions of sale or use.

<sup>5</sup>As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985).

<sup>6</sup>as defined in the *Guidelines for Use of Nutrition and Health Claims* (CXG 23 – 1997)

<sup>7</sup>As indicated in section 5.1 of the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985).

and ingredients consumption of which is discouraged by national/regional dietary guidelines or health and nutrition policies and to nutrients and ingredients the consumption of which is encouraged.

4.1.5 (new principle) [FOPNL should encourage manufacturers to reformulate products in line with national/regional dietary guidelines or health and nutrition policies].

#### 4.2 Principles for format

4.2.1 (previous 4.2) FOPNL should present information in a way that is easy to understand by consumers in the country or region of implementation. The format of the FOPNL should be supported by scientifically valid consumer research.

4.2.2 (previous 4.5) FOPNL should be clearly visible on the package at the point of purchase under normal conditions of sale and use.

4.2.3 (previous 4.8) FOPNL should allow consumers to make comparisons between foods [within a food category].

#### 4.3 Principles for development, implementation and evaluation

4.3.1 (previous 4.9) [FOPNL should be **government lead but** developed in collaboration with all interested parties including **government**, private sector, consumers, academia, public health associations among others.]

4.3.2 (previous 4.11) FOPNL should be implemented in a way that [maximizes/ encourages] food manufacturers' use of the FOPNL on food labels.

4.3.3 (previous 4.4) FOPNL should be accompanied by a consumer awareness and education/information program to increase consumer understanding and use of the system.

4.3.4 (previous 4.10) Clear targets for effectiveness should be developed for the FOPNL system and the FOPNL should be monitored and evaluated to determine effectiveness/impact.

4.3.5 (new principle) FOPNL should be based on a standard reference amount to facilitate comparisons by consumers.

### 5. [OTHER ASPECTS TO CONSIDER IN THE DEVELOPMENT OF FOPNL SYSTEMS

While the purpose, scope and principles for FOPNL aim to provide a high level of global consistency in approach to FOPNL, there remains a need for flexibility in order to tailor a FOPNL system to the needs of the specific population/s in the country or region of implementation.

Therefore, there are a number of other aspects to consider in the development and implementation of a FOPNL system. Many of these may be decided at national level to meet specific requirements of consumers in individual countries. Many of the considerations for national authorities relate to the implementation of the scope and global principles at the national level.

Some considerations for national authorities could include the following:

#### 5.1. Selection/Development of the FOPNL System

- The system must meet the global principles for a FOPNL, but the exact form of the system should be informed by local research.
- To consider whether the FOPNL should provide a summary indication of the nutritional quality of the whole food or information on separate nutrients.

#### 5.2. Implementation of the FOPNL System

- Consideration whether there are additional foods that are not be intended to have FOPNL such as:
  - Foods with minimal nutritional value
  - Foods where a nutrient declaration is not needed
  - Foods in small packages or with other packaging limitations
- Consideration may also be given at national level to potential application of a FOPNL system more broadly than pre-packaged foods. Competent authorities may also wish to consider whether FOPNL be extended to include:
  - Unpackaged foods
  - Food sold via online sales (e.g. information available at point of purchase on websites)
  - Point of purchase information not on the label (e.g. shelf signposting)

- Food sold or otherwise provided in food service institutions such as schools or hospitals
- Consideration of the need for supporting guidance documents such as style guides, calculators etc.
- Consideration will need to be given as to how to maximise uptake including whether the FOPNL should be voluntary or mandatory, including consideration of trade impacts particularly for mandatory implementation.
- Key stakeholders to be involved in the developing guidance documents (important to have end users involved in the development of the guidance).
- What governance and oversight will be required to develop and implement the system.
- How will compliance with the system be managed particularly if voluntary.

### **5.3. Presentation of the Information**

- Consumer research in the target population should underpin decisions regarding the best for of presentation of information in the FOPNL.
- Consumer understanding and use of the FOPNL used should be monitored at baseline and after implementation.
- Consider if there are occasions when the top or other surface may be the appropriate place for the FOPNL. For example, when it is displayed in a horizontal freezer or in a container in which the consumer looks down.

### **5.4. Education Programmes**

- Consumer research on the target/intended population should inform development of a consumer education programme
  - What is the best media to use?
  - What will make the message most likely to be seen and taken on board?
  - What do consumers need to know to use the FOPNL successfully?

### **5.5. Monitoring and Evaluation of the FOPNL system**

- Type of monitoring and evaluation possible to be undertaken.
- What baseline data is needed to measure impact of the FOPNL?
- Consideration should be given to monitoring:
  - Uptake of the label by industry
  - Consumer use of and understanding of the FOPNL
  - Composition of the food supply
  - Impact on nutrient intake of consumers
  - How to balance continuous improvement without constant change.]

**APPENDIX III****LIST OF PARTICIPANTS****CHAIR**

Costa Rica

**CO-CHAIR**

New Zealand

United States

**MEMBERS**

Argentina  
 Australia  
 Belgium  
 Brazil  
 Bolivia  
 Canada  
 Chile  
 China  
 Colombia  
 Ecuador  
 Egypt  
 El Salvador  
 España  
 European Union  
 France  
 Greece  
 Guatemala  
 Honduras  
 Hungary  
 India  
 Indonesia  
 Iran  
 Ireland  
 Italy  
 Jamaica  
 Japan  
 Kuwait  
 Malaysia  
 México  
 Netherlands  
 Nicaragua  
 Nigeria  
 Norway  
 Panamá  
 Paraguay  
 Perú  
 Philippines  
 Poland  
 República Dominicana  
 Republic of Korea  
 Russian Federation  
 Saudi Arabia  
 Serbia  
 Singapore  
 South Africa  
 Sweden  
 Switzerland  
 Uruguay  
 United Kingdom

**OBSERVERS**

Consumers International  
 European Association of Sugar Manufacturers (CEFS)  
 FoodDrinkEurope  
 Food Industry Asia (FIA)  
 Institute of Food Technologists (IFT)  
 International Chewing Gum Association (ICGA)  
 International Confectioners Association (ICA)  
 International Council of Beverages Associations (ICBA)  
 International Council of Grocery Makers (ICGMA)  
 International Council on Amino Acid Science (ICAAS)  
 International Dairy Federation (IDF)  
 International Food Additives Council (IFAC)  
 International Fruit and Vegetable Juice Association (IFU)  
 International Olive Oil Council (IOC)  
 International Organisation of Vine and Wine (OIV)  
 International Special Dietary Foods Industries (ISDI)  
 The European Consumer Organisation (BEUC)  
 UNICEF  
 World Federation of Public Health Associations (WFPHA)  
 World Obesity Federation  
 World Processing Tomato Council (WPTC)  
 World Public Health Nutrition Association (WPHNA)