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JOINT FAO/WHO CODEX ALIMENTARIUS COMMISSION

CODEX COMMITTEE ON FOOD LABELLING

FIRST MEETING

OTTAWA, CANADA
21-25 June 1965.

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Introduction

1. The Codex Alimentarius Commission at its second session held in Geneva, 28 September to 7 October, 1964, accepted the offer that Canada take responsibility for a Codex Committee with the following terms of reference:

- a. To draft provisions on labelling applicable to all foods.
- b. To draft provisions on labelling concerning products given priority by the Commission, namely products referred to specific Codex Committees for the elaboration of standards.
- c. To study specific labelling problems assigned to it by the Commission.

2. Accordingly this Committee met in Ottawa, Canada, from June 21 to 25, 1965, under the chairmanship of Dr. R.A. Chapman. It was attended by delegates and observers from ten countries. Representatives from the Food and Agriculture Organization of the United Nations and the World Health Organization of the United Nations were also present. The list of participants is attached as Appendix I. (omitted)

Definition of Terms

3. The Committee agreed to the following definitions of terms:

- a. "label" includes any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food;
- b. "labelling" includes the label and any written, printed or graphic matter relating to and accompanying the food;
- c. "container" means any form of packaging of food for sale as a single item, whether by completely or partially enclosing the food, and includes wrappers, confining bands, jars, cans and boxes;
- d. "pre-packaged" means packaged or made up in advance, ready for retail sale in a container.

General Principles of Food Labelling

4. The Committee then considered the general principles which should apply to labelling of pre-packaged foods and, in particular, the requirements necessary to give the consumer full information about the food product as well as to ensure that there be no deception. It was agreed that the primary purpose of food labelling was to inform the purchaser of the nature and amount of the food. Proper labelling should also protect honest traders but the interest of consumers should be paramount.
5. The Committee agreed that, in general, the purchaser should be provided with the following information on the label of a food:
- a. the nature of the product;
 - b. the substances contained therein;
 - c. the amount of the product present;
 - d. the name and address of a person engaged in the manufacture, distribution or sale of the food;
 - e. the facts required to demonstrate the suitability of any food offered for a special dietary purpose.
6. The Committee recognized that in the case of certain foodstuffs, exemptions from some of these requirements would be reasonable and decided to consider specific proposals at subsequent meetings.
7. It was further agreed that this information should be presented in a manner which was clear, prominent and readily discernible and in no way deceiving or misleading to the purchaser. Also, no false or misleading statements, designs or devices should be allowed to appear on labels or in labelling.

Name of the Food

8. The Committee discussed the terminology to be used in naming a food on a label. It was considered that there were three categories of foods, namely,
- a. those for which names had been established by legislation or regulations,
 - b. those for which common or usual names existed but which had not been recognized by legislation or regulations, and
 - c. those for which descriptive names have not been developed.

The Committee agreed that in general, when standards of composition and identity were established for a food, a name (or names) should be designated which should be used on the label to describe the product. In the case of foods for which a standard had not been established, the common or usual name, if one existed, should be used. Where no common or usual name existed, an appropriate descriptive name should be employed where possible, but if such a name was too long or complicated, a "coined" or "fanciful" name could be used provided that it was not misleading.

9. The Committee agreed that where a descriptive adjective was necessary to identify a product adequately, it should always be used. Normally, class names (e.g., fish, meat, fruit) were not acceptable common names for foods since they did not provide adequate information to the consumer.

List of Ingredients

10. Ingredients in general. The Committee accepted the principle that a list of ingredients should be shown on the labels of all foods including those for which standards had been established. It recognized, however, that there could be exemptions in certain specific cases. The Committee proposed to consider the question of exemptions at a future meeting and invited member countries to comment on what foods should be exempted with the reasons for their suggestions. The Committee further agreed that the declaration of ingredients should normally be required for products which were the subject of Codex Standards. If a Codex Commodity Committee considered that such a provision was unnecessary in respect to a specific food, it should make a recommendation with supporting reasons for consideration by this Committee.

11. The Committee also agreed that, when an ingredient of a food had more than one component, the components should normally be declared on the label of the food. It recognized, however, that in some cases this would be either impracticable or unnecessary. Where the ingredient was a standardised product, it would normally be sufficient to declare its name and not the name of its constituents.

12. The Committee considered that specific names would normally be preferable to class names for the declaration of ingredients but recognized that in certain cases class names would be acceptable, especially when the named ingredient formed only a minor portion of the food. It was agreed, that class names (e.g., emulsifier, colour) could frequently be used for food additives. The Committee proposed to give further consideration to the use of class names in the listing of ingredients, including food additives, and requested that member countries should forward their views, for consideration at the next meeting, on which class names should be generally permitted and which might be acceptable in special circumstances. It also requested views on whether the terms "artificial" and "natural" should be required in the declaration of certain classes of food additives and, if so, for which classes.

13. The Committee agreed that when a list of ingredients was required to appear on food labels, the ingredients should generally be listed in descending order of proportion as they occurred in the final manufactured product. In dehydrated foods, the ingredients might alternatively be shown in order of proportion of the reconstituted product, if only water was added and if the method of reconstitution is clearly indicated. If the alternative method is used, the list of ingredients should be headed by some statement such as, "ingredients in order when reconstituted".

14. The Committee agreed that it would be desirable for water, which had been added to a food product, to be declared if this would lead to a better understanding by the consumer of the product's composition. It recognized, however, that in certain instances this would be difficult or impracticable. It also agreed that declarations of such ingredients as brine, syrup or broth were normally understood to imply the addition of water and that no further declaration of water would usually be required.

15. Vitamins and minerals. The Committee considered that the previously mentioned general principle, namely, that a label should include the facts required to demonstrate the suitability of any food offered for a special dietary purpose, should apply to any claims for vitamins and minerals.

16. Ingredients of considerably different value. The Committee considered the question of possible deception which may arise from a situation where a food consists of a substantial amount of one ingredient and a small amount of another in those cases where the item present in the smallest amount is much more expensive than the other. It thought that, in general, any possible deception would be best dealt with by means of compositional standards, but that specific labelling provisions might be necessary in certain cases. The Committee believed that the question could best be considered in relation to Codex standards for individual products.

Irradiated Foods

17. The Committee was informed that the FAO/IAEA/WHO Expert Committee which met in Rome 21 - 28 April, 1964, on The Technical Basis for Legislation on Irradiated Foods had considered the labelling of irradiated foods and made the following statement:

"The Committee recommends that a coded label giving the pertinent conditions of a radiation treatment of food should be used whenever possible to assist public health control. Labelling may be desirable in certain instances to inform the consumer that the food has been irradiated and to provide instructions for its handling and storage".

The Committee thought that it did not have sufficient information on the matter to formulate a recommendation at this time and decided that the subject should be re-examined at its next meeting.

Net Contents

18. The Committee considered that labels should carry a correct declaration of net contents by volume, weight or numerical count, and noted that in some countries the method of declaration was prescribed by statute. In others, the legislation simply required that the net contents be declared according to the usual practice for such foods. The Committee agreed that normally, the net contents should be declared in fluid measure on liquids, by weight on solids, and by numerical count on foods usually sold by number. Either weight or volume measure might be used for semi-solid or viscous foods.

19. The Committee noted that certain products were packed in a liquid medium which was customarily discarded. It was agreed that in such instances a declaration of the drained weight of the product might be desirable. However, the Committee considered that in general the consumer interest might best be served by a requirement for a minimum drained weight in the standard for the food.

20. The Committee agreed that the net contents might be declared in metric or avoirdupois systems of measurement using that system which was most acceptable to the country where the product was to be sold. There was no objection to the use of both systems on the same label.

21. The Committee noted that the United States required a correct declaration of the volume of food products in aerosol containers. Canada, on the other hand, followed the procedure of stating on the label the amount delivered from such containers when directions for use were followed. The Committee requested that the two countries study this problem further and submit a joint report to the next meeting of the Committee.

Name and Address

22. The Committee reaffirmed the general principle that the purchaser should be provided with information on the label of a food to indicate the name and address of a person engaged in the manufacture, distribution or sale of the food. The Committee did not consider a registered trade mark to be acceptable in lieu of the name and address of such person.

Grade Designations

23. The Committee agreed that grade designations were not necessary for all food products. However, it was considered that where grades had been established, such designations should be readily understandable and not be misleading or deceptive in any way. Uniform nomenclature was also considered important but it was recognized that there were many practical difficulties. As far as Codex standards were concerned, Codex Commodity Committees should refer any designations of proposed grade to the Committee for review in order that uniformity should be maintained as far as practicable.

Inspection Legends

24. The Committee observed that inspection legends were useful in certifying the wholesomeness of products offered for consumption, but considered that any inspection legend implying government inspection must be officially authorized by the government of the producing country. The Committee recognized that in addition to governments there would be outside bodies which could also develop inspection legends, but considered that these legends should be so designed that they would not imply any official government inspection and would not be false or misleading in any particular. Inasmuch as inspection legends indicated procedures adopted to safeguard the health of consumers, it was agreed that this section should be drawn to the attention of the Codex Committee on Food Hygiene.

Language to be Used on the Label

25. It was agreed that, for the purpose of informing the consumer, it would be essential that mandatory information be printed in a language which was generally understood in the country in which the sale of the food product took place. The Committee agreed that it would be satisfactory, for certain food products, to apply a supplementary label which would contain the mandatory information in a language accepted by the country to which the product was exported. The Committee considered that this supplementary label would come within the definition of the term label (paragraph 3 above).

Country of Origin

26. The Committee considered the question of requiring the designation of the country of origin on the label of a food product. It was recognized that, generally, the country of origin could be defined relatively easily. However, in some cases, particularly when the product has received processing in a second country, difficulties might arise. It was agreed that when processing had taken place in such a manner as to change the nature of the product, the country in which the processing was performed should be considered the country of origin.

27. The Committee considered that, as a general principle, a declaration as to the country of origin would be necessary only if its absence would result in deception. This, of course, would not affect the obligation to state the country of origin in compliance with customs or fiscal regulations. The Committee decided to invite comments from member countries.

Date Marking

28. The Committee, considering the question of date marking on perishable and semi-perishable foods, agreed with the statement in the United Kingdom Food Standards Committee Report on Labelling ^{1/} which reads as follows:

"We have considered whether the date of manufacture, packaging or despatch should be indicated on all pre-packed foodstuffs. This is an attractive proposition which would, it is claimed, enable both retailers and consumers to determine quickly and easily whether foodstuffs are fresh or likely to be fit to eat. In our view, however, such a requirement is not practical, since so much depends not on the date the product was made but on the quality and freshness of the food from which it was prepared or on the conditions under which it is transported or stored. In certain cases a date stamp might give purchasers a sense of security which is not justified by the conditions under which the food has been kept since manufacture."

However, one delegation suggested that Codex Commodity Committees, when preparing standards for highly perishable foodstuffs, might consider whether or not the date of packaging or the date beyond which the food should not be consumed, taking into account the normal storage life of the products mentioned under prescribed storage conditions, should be indicated on the label.

^{1/} Ministry of Agriculture, Fisheries and Food. Food Standards Committee Report on Food Labelling. London, H.M.S.O., 1964. p. 42, para. 167.

Coding

29. The Committee briefly considered the marking of food containers in code to indicate the time and place of packing. It agreed that this was a desirable commercial practice to permit proper stock control and to facilitate the rapid recall of foods from the market should this become necessary.

Size of Mandatory Information

30. The Committee agreed that mandatory information should be clearly and prominently displayed in a manner readily discernible to the consumer. The Committee considered whether or not any more specific provisions were required to ensure this objective and discussed the following possibilities:

- a. to relate the size of lettering or type for the mandatory information to the size of the largest lettering or type appearing on the label;
- b. to indicate a minimum size of lettering or type for mandatory information;
- c. to relate the size of lettering or type for mandatory information to the size of package or net contents.

The Committee decided to ask for comments from member countries with as much detail as possible on each or any combination of these proposals and also on any other suitable methods for dealing with this question.

Location of Mandatory Information

31. The Committee considered that all mandatory information should be clearly and prominently displayed in a manner that is readily discernible to the purchaser and that it was desirable:

- a. to avoid interspersing mandatory and other information and, as far as practical, to print all mandatory information on the same part of the label;
- b. to avoid obscuring mandatory information by designs, written, printed or graphic matter.

32. It was further considered that there were advantages in showing the net contents on that portion of the label on which the name of the product is declared and having all mandatory information shown in the same plane. The Committee decided to invite comments of member countries on this point.

Bulk Containers

33. The Committee agreed that, in most instances, it would be desirable to provide all mandatory information on bulk containers. However, it recognized that, in certain circumstances, it would be sufficient if adequate information properly to identify a product was attached to the container, provided that all remaining mandatory information accompanied it. Such complete labelling would not be necessary on cartons or cases which were used only for the purpose of transporting or storing a number of smaller, properly labelled, retail containers.

Exemptions from Labelling Requirements

34. The Committee agreed to make no recommendation at present on the question of exempting from all or any labelling requirements, food packaged from bulk on the premises from which it was sold, but decided to invite comments on this point from member countries.

Labelling of Specific Foods

35. Powdered sugar. The Committee was informed that the Codex Committee on Sugars had requested the opinion of this Committee on its proposal to require a label declaration of the presence of anti-caking agents in powdered sugar. The Committee noted that this proposal was in accordance with the general principles adopted and that it will have an opportunity for detailed consideration of the labelling aspects of the powdered sugar standard at a later stage.

36. Processed fruits and vegetables. The Committee considered a request by the Codex Committee on Processed Fruits and Vegetables to give guidance on the following two points:

- a. whether the contents declaration should be based on drained weight, and
- b. whether the country of origin should form part of the label declaration.

The Committee agreed that the Codex Committee on Processed Fruits and Vegetables should be referred to paragraphs 19 and 26 of this report dealing with drained weight and country of origin.

37. Fruit juices. The Committee was informed that the Joint ECE/Codex Alimentarius Group of Experts on Standardization of Fruit Juices had requested the advice of this Committee on the requirements of labelling for fruit juices. Since no specific proposals were presented by that group it was suggested that this report should be brought to the attention of this Joint ECE/Codex Alimentarius Group.

Program of Future Work

38. Items referred to in this report. The Committee agreed that its programme of future work would include the following items referred to in this report:

- a. Comments received from member countries on the following topics:

- (1) Listing of Ingredients

- (a) What foods should be exempted from the listing of ingredients on the labels and for which reasons?
- (b) Which class names should generally be permitted in ingredient listing and which might be acceptable only in special circumstances?
- (c) Whether the terms "artificial" or "natural" should be required in the declaration of certain classes of food additives and, if so, for which classes?

(2) Indication of Mandatory Information

- (a) Which method among the following three is considered as the most suitable to ensure that mandatory information is clearly and prominently displayed in a manner readily discernible to the consumer:
- (i) to relate the size of lettering or type for the mandatory information to the size of the largest lettering or type appearing on the label;
 - (ii) to indicate a minimum size of lettering or type for mandatory information;
 - (iii) to relate the size of lettering or type for mandatory information to the size of package or net contents with or without a minimum size specified?
- (b) Is there any other suitable method?
- (c) Should the net contents be shown on that portion of the label in which the name of the product is declared?
- (d) Should all mandatory information be shown in the same plane?

(3) Country of Origin

Should a declaration as to the country of origin be necessary only if its absence would result in deception?

(4) Food Packaged from Bulk on the Premises where it is Sold

Should this food be exempted from any or all labelling requirements?

- b. Standards developed by Codex Commodity Committees and referred to this Committee by the Secretariat of the Commission, for consideration of labelling aspects.
- c. The joint report of Canada and the United States on the declaration of the net contents of aerosol containers.
- d. The labelling of irradiated foods.

39. Other topics. The Committee discussed other matters which might be considered for the agenda of future meetings and decided that the following items should be included:

- a. Labelling which may be necessary for foods normally sold without labels (non-pre-packaged foods).

- b. Labelling which may be necessary on food vending machines,
 - (1) where the food is in individually labelled packages, and
 - (2) where the food is not in individually labelled packages.
- c. Label statements which may be necessary to inform vendors and consumers of any special requirements for storage or preparation of the food for safety and maintenance of quality.
- d. Claims and misleading names and descriptions including pictorial representations.

This action was taken on the assumption that items a. and b. fall within the terms of reference laid down by the Commission for this Committee.

40. The Committee also agreed that the agenda of the next meeting should include a consideration of the F.A.O. paper SF 10/82 "General Food Labelling Provisions", Rome, 7 May 1962.

41. Schedule of reviewing labelling provisions of standards. The Committee considered at what stage it should deal with labelling questions arising on individual Codex Commodity standards. It agreed to recommend to the Commission that these standards should be referred to the Committee at Step 3 of the Procedure for the Elaboration of Worldwide Standards.^{1/} It recognized that where a standard was substantially revised after Step 3 it might be necessary for the Committee to reconsider labelling aspects and requested that the Secretariat of the Commission be instructed to consider in each case whether re-submission was required and to take the necessary action. The Committee further considered that its study of the labelling aspects of a standard should not be allowed to delay the progress of that standard from Step 3 to Step 4 or to any subsequent step of the procedure. For standards which have already passed Step 3, the Committee proposed that such standards be forwarded as soon as possible.

Future Meeting Dates

42. The Committee thought that it would be desirable to hold its meetings in July, in order to permit prompt action on draft standards compiled by Commodity Committees and to have its report prepared before the Commission sessions in September or October. It was considered that a meeting in 1966 would probably be necessary.

^{1/} Step 3 of the Procedure for the Elaboration of Worldwide Standards

"The proposed draft provisional Standard is sent by the Commission's Secretariat to Member States and Associate Members of FAO and WHO and to the international organizations concerned in order to obtain their comments."