

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS



WORLD  
HEALTH  
ORGANIZATION

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**ALINORM 05/28/22**

## **JOINT FAO/WHO FOOD STANDARDS PROGRAMME**

### **CODEX ALIMENTARIUS COMMISSION**

Twenty-eighth Session  
Rome, Italy, 4 – 9 July 2005

### **REPORT OF THE THIRTY-THIRD SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING**

Kota Kinabalu, Malaysia, 9 – 13 May 2005

Note: This document incorporates Circular Letter CL 2005/24-FL

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**CX 5/15**

**CL 2005/24-FL  
May 2005**

**TO:** - Codex Contact Points  
- Interested International Organizations

**FROM:** - Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, 00100 Rome, Italy

**SUBJECT:** **Distribution of the Report of the 33<sup>rd</sup> Session of the Codex Committee on Food Labelling (ALINORM 05/28/22)**

## **A. MATTERS FOR ADOPTION BY THE 28<sup>th</sup> SESSION OF THE CODEX ALIMENTARIUS COMMISSION**

### **Proposed Draft Standard at Step 5 of the Procedure**

1. Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods: Quantitative Declaration of Ingredients (para. 80, Appendix II)

Governments wishing to submit comments on the implications which the Draft Amendment may have for their economic interests should do so in writing in conformity with the Procedure for the Elaboration of World-wide Standards at Step 5 to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Viale delle Terme di Caracalla, 00100 Rome, Italy **before 15 June 2005**.

## **B. REQUEST FOR COMMENTS AND INFORMATION**

### **Proposed Draft Guidelines at Step 3 of the Procedure**

2. Proposed Draft Amendment to the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Proposed Draft Revised Annex 2 – Permitted Substances : Table 1 (para. 37, Appendix IV)

Governments and international organizations wishing to submit comments should do so in writing to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Viale delle Terme di Caracalla, 00100 Rome, Italy, with a copy to Mr. Ron B. Burke, Director, Bureau of Food Regulatory International and Interagency Affairs, Health Products and Food Branch, Health Canada, Bldg No. 7, Room 2395, Tunney's Pasture, Ottawa K1A 0L2, Canada, Fax No. 613.941.3537, E-mail: [codex\\_canada@hc-sc.gc.ca](mailto:codex_canada@hc-sc.gc.ca), **before 15 November 2005**.

## SUMMARY AND CONCLUSIONS

The summary and conclusions of the 33<sup>rd</sup> Session of the Codex Committee on Food Labelling are as follows:

### **Matters for adoption by the 28<sup>th</sup> Session of the Codex Alimentarius Commission:**

The Committee:

- agreed to advance to Step 5 the Proposed Draft Amendment to the *General Standard for the Labelling of Prepackaged Foods: Quantitative Declaration of Ingredients* (para. 80, Appendix II);
- agreed to discontinue work on the Draft Amendment to the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Annex 2 – Permitted Substances : Table 4* (para. 33);
- agreed to undertake new work on the Definition of Trans Fatty Acids (Proposed Draft Amendment to the *General Standard for the Labelling of Prepackaged Foods* and the *Guidelines on Nutrition Labelling*) (para. 96);

### **Other Matters of Interest to the Commission**

The Committee:

- agreed not to undertake new work on country of origin labelling (para. 85);
- endorsed the labelling provisions in several Draft Standards and returned the other labelling provisions for further consideration by the Codex Committees concerned (paras. 14-28);
- agreed to return to Step 6 for redrafting the Draft Amendment to the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Annex 2 – Permitted Substances :Table 3*, and to return to Step 3 the Proposed Draft Amendment to Table 1 on Natural Sodium Nitrate (paras. 32 and 37, Appendix IV);
- agreed to retain at Step 7 the Draft Amendment to the *General Standard for the Labelling of Prepackaged Foods* (Draft Recommendations for the Labelling of Foods Obtained through Certain Techniques of Genetic Modification/Genetic Engineering): Definitions and to return for redrafting and comments at Step 3 the Proposed Draft Guidelines for the Labelling of Food and Food Ingredients Obtained through Certain Techniques of Genetic Modification/Genetic Engineering: Labelling Provisions (paras. 61 and 64, Appendix III);
- agreed to consider further the issue of advertising at its next session (para.90).

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## INTRODUCTION

1) The Codex Committee on Food Labelling held its Thirty-third Session in Kota Kinabalu, Malaysia from 9 to 13 May 2005, at the kind invitation of the Government of Malaysia. The Session was chaired by Dr. Anne MacKenzie, Senior Science Advisor, Science Branch, Canadian Food Inspection Agency. The Session was attended by 243 delegates representing 64 Member countries, one Member Organization (EC) and 20 international organizations. A complete list of participants is attached as Appendix I to this report.

## OPENING

2) The Session was opened by Dato' Dr. Shafie B. Ooyub, Deputy Director General of Ministry of Health Malaysia who welcomed the participants to Kota Kinabalu. Dr. Shafie B. Ooyub noted the importance of Codex work to protect consumers' health and ensure fair practices in food trade. He recalled the importance of the general principles in the General Standard for the Labelling of Prepackaged Foods and stressed the need to ensure accurate and clear information on food labelling to allow consumers to be able to choose appropriate foods for their diets. In this regard, Dr. Shafie B. Ooyub mentioned that scientific research should be promoted so that information on food labelling could be based on the latest scientific evidence. Noting the substantial agenda items under consideration, he encouraged the Committee to take an innovative approach to address challenging issues and wished delegates all success in their work.

## ADOPTION OF THE AGENDA (Agenda Item 1)<sup>1</sup>

3) The Committee adopted the Provisional Agenda with modifications in the order of some items; Item 9 to be considered immediately after Item 4, and Item 6 to be considered before Item 7, in order to allow enough time for the consideration of these items. It was further agreed to consider Item 4c) prior to Item 4a) and 4 b) in order to facilitate the discussion on Agenda Item 4.

4) The Delegation of the European Community explained to the Committee the division of competence between the European Community and its Member States according to Rule II.5 of the Rules of Procedure.

## MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES (Agenda Item 2)<sup>2</sup>

### Committee on Fats and Oils

5) The Committee noted that the 18th Session of the Committee on Fats and Oils (CCFO) had discussed the labelling section in the Draft Standard for Fat Spreads and Blended Spreads in response to the request from the 32<sup>nd</sup> Session of the Committee and agreed to insert a new paragraph to declare names of fats and oils in a generic or specific manner for "fat spreads" or "blended fat spreads". The Delegation of India proposed to refer to the name of fats and oils in a generic and/or specific manner in order to facilitate consumer choice. The Committee, however, agreed to retain the text in section 7.1.2 as the labelling provisions had been extensively discussed at the last meetings of the Committee on Food Labelling and the Committee on Fats and Oils.

### Committee on Processed Fruits and Vegetables

6) The Committee noted the request from the Committee on Processed Fruits and Vegetables (CCPFV) to consider the appropriate terms for sweeteners as foodstuffs and sweeteners as food to establish a clear distinction between these two terms used in the Codex standards.

7) For the term to be used for sweeteners as foodstuffs, the Committee noted that several delegations and one observer supported "foodstuffs with sweetening properties" as an appropriate term. Some other delegations pointed out the difficulty of making a clear decision at the current session due to the complicated nature of the issue and proposed to make a comprehensive list of the terms aimed at expressing sweeteners in all Codex standards for consideration at the next session. Furthermore, the Committee recognized that the request from the CCPFV was not clear as to whether the requested term would be used for labelling purposes or for description of the ingredients in the standards.

<sup>1</sup> CX/FL 05/33/1, CRD 1 ((Division of competence between the European Community and its Member States)

<sup>2</sup> CX/FL 05/33/2, CRD 5 (WHO), CRD 15 (India)

8) The Committee, however, noting the necessity to provide appropriate guidance to the CCPFV, agreed that “foodstuffs with sweetening properties” was the most appropriate term, with the understanding that this term would be used only for description of ingredients in the standards and not for labelling purposes.

9) For the appropriate term to be used for sweeteners as food additives, the Committee, recognizing that the 37<sup>th</sup> Committee on Food Additives and Contaminants (CCFAC) had agreed to start new work on the revision of “Codex Class Names and International Numbering System”, decided to ask the CCFAC to consider whether the term “artificial and/or synthetic sweetener” could be used.

### **Executive Committee**

10) In addition to the matters mentioned in the working document, the Committee also noted that the 55th Session of the Codex Executive Committee, for the first time, had conducted a critical review to monitor the progress of all standard setting activities in Codex. The Executive Committee recommended to Codex Committees to make all efforts to facilitate consensus and to consider the following options: redefining or narrowing the scope of the text; concentrating on the areas where consensus could be reached; suspending consideration of the issue for a period of time; or discontinuing the work (ALINORM 05/28/3, para. 41).

### **Codex Committee on Methods of Analysis and Sampling**

11) The Committee noted that the Committee on Methods of Analysis and Sampling was currently working on the development of criteria for the methods of analysis for the detection and identification of foods derived from biotechnology as a follow up of the initial request of the CCFL in this area.

### **Matters referred from WHO**

12) The Representative of WHO informed the Committee about a joint WHO/FAO Workshop, held 2-6 May 2005, on nutrient risk assessment, aiming at the development of an internationally applicable model/approach intended to specify the scientific process of nutrient risk assessment. The workshop did not include the identification of upper levels of intakes, nor did it address risk management or policy setting issues. The Committee noted that the report would be sent to all Codex Contact Points.

13) The Representative of WHO invited delegates to become familiar with the Global Strategy on Diet, Physical Activity and Health ([www.who.int/dietphysicalactivity/strategy/en](http://www.who.int/dietphysicalactivity/strategy/en)), endorsed through resolution WHA 57.17 and to consider it in further work undertaken at the national level and in this or other Codex Committees. This Global Strategy requests the Codex Alimentarius Commission to consider action it could take to improve health standards of foods to support the implementation of this Strategy. The Committee noted that the 55<sup>th</sup> Session of the Executive Committee (February 2005) had asked WHO to prepare a document for the Commission to highlight actions the Commission could take in this respect. WHO was presently developing this document and would provide it to Codex Contact Points in advance of the 28<sup>th</sup> Session of the Commission to be held in July 2005.

## **CONSIDERATION OF LABELLING PROVISIONS IN DRAFT CODEX STANDARDS (Agenda Item 3)<sup>3</sup>**

### **Committee on Milk and Milk Products**

#### Draft Standard for a Blend of Evaporated Skimmed Milk and Vegetable Fat

#### Draft Standard for a Blend of Skimmed Milk and Vegetable Fat in Powdered Form

#### Draft Standard for a Blend of Sweetened Condensed Skimmed Milk and Vegetable Fat

14) The Delegation of Australia pointed out that these standards had many common elements and could be grouped into a general standard. The Committee however noted that the Committee on Milk and Milk Products (CCMMP) had reached consensus on the development of three separate standards following extensive discussions in its earlier sessions.

15) The Delegation of India proposed to replace the current declaration of “total fat content” with the declaration of “fat content” and to declare the content of milk fat and vegetable fat in order to provide clear information to consumers, since the products concerned are a mixture of milk fat and vegetable fat. The Committee however agreed to retain the current text, as it resulted from detailed discussion in CCMMP.

<sup>3</sup> CX/FL 05/33/3, CX/FL 05/33/3-Add.1, CRD 6 (comments of Indonesia), CRD 12 (comments of Bolivia), CRD 15 (comments of India), CRD 16 (comments of Malaysia)

16) Some delegations expressed the view that there was an error in Appendices III, IV and V of ALINORM 04/27/11 as paragraph 2 of section 7.2 should not require the declaration of “the common name of the fat or oil from which the food is derived” but “the common name of the vegetable from which the fat or oil is derived”. The Secretariat indicated that the text of section 7.2 in the Appendices corresponded to the explanation given in the report of the discussion in para. 35 of ALINORM 04/27/11, that recognized “the importance of informing the consumer as to the presence of edible vegetable fat/oil”. The Chairperson pointed out that Codex standards defined common names for fats and oils, not for vegetables and also noted that oils were mostly derived from oilseeds, not from vegetables.

17) Some delegations expressed the view that the Committee should not reopen the discussion but refer this matter back to the CCMMP. The Delegation of Malaysia recalled that these standards had been discussed extensively in earlier sessions of the CCMMP and supported the endorsement of labelling provisions. As an alternative, the Delegation proposed to refer to “vegetable fats and oils” in order to clarify the text if required. Many delegations supported the endorsement of the labelling provisions as proposed by the CCMMP without change.

18) After some further discussion, the Committee endorsed the labelling provisions as proposed in the three draft standards and asked the CCMMP to consider whether the second paragraph of section 7.2 required further clarification or amendment, with the understanding that any amendment would be referred back to the CCFL for endorsement.

19) The Observer from AO ECS noted that there were inconsistencies in the reference to the General Standard for the Labelling of Prepackaged Foods in the draft standards proposed for endorsement in CX/FL 05/33/3, and expressed the view that either a second revision should be inserted or the year of latest amendment should be mentioned after “Rev.1-1991” in order to avoid confusion. The Secretariat informed the Committee that all Draft Standards under consideration for endorsement should be corrected to refer to CODEX STAN 1-1985, Rev. 1-1991 as the standard practice for FAO publications was to refer to the number of the standard or related text followed by the year of revision, understood as a comprehensive revision, and not as an amendment. The reference of the Standard therefore included only the year of its latest revision (1991), while the footnote to the Title mentioned the later amendments (1999, 2001 and 2003). It was also noted that the correct version of any Codex standard was the text adopted by the latest session of the Commission that had amended the text. The Secretariat also indicated that in order to address the risk of confusion created by this practice, some proposals to amend the reference system had been made in the document on the structure and content of the Procedural Manual prepared for the last session of the Committee on General Principles (CX/GP 05/22/8), and would be considered further at its next session in 2006.

#### Draft Revised Standard for Cheddar

#### Draft Revised Standard for Danbo

20) Some delegations expressed the view that the mandatory declaration of country of origin in the Draft Standards was not consistent with the General Standard and proposed to replace the current text of section 7.2 with the text of section 4.5.1 of the General Standard. Other delegations pointed out that the declaration of country of origin should be retained as it was required in all individual cheese standards in order to provide clear information to consumers. The Committee could not come to a conclusion on this question and asked the Committee on Milk and Milk Products to reconsider section 7.2, and in particular to clarify the mandatory country of origin labelling provisions.

21) The Committee endorsed all other labelling provisions in both Draft Standards.

#### Draft Revised Standard for Whey Cheese

22) The Committee endorsed the labelling provisions as proposed by the CCMMP.

### ***Ad Hoc Intergovernmental Task Force on Fruit and Vegetable Juices***

#### Draft General Standard for Fruit Juices and Nectars

23) The Delegation of India, referring to its written comments (CRD 15) and supported by the Observer from Consumers International, proposed to refer to “artificial sweeteners” instead of sweeteners in order to clarify the nature of the sweeteners, and to specify that “the product is not recommended for phenylketonurics” when fruit juices and nectars contained aspartame. As an alternative, the Delegation

proposed to indicate that advisory provisions should be in accordance with the practice in the country where the product is sold.

24) Several delegations however supported the endorsement of the current labelling section and noted that additional proposals had been discussed in the Task Force but had not been accepted. After some discussion, the Committee endorsed the labelling provisions as proposed in the Draft Standard.

25) The Committee agreed that paragraph 8.1.2.1 should be consistent with paragraph 8.1.2.3 and refer to the “Annex for reconstituted juice”, as both paragraphs referred to the same Annex.

### **Committee on Cereals Pulses and Legumes**

#### Draft Standard for Instant Noodles

26) The Committee noted that the Draft Standard was being elaborated by correspondence and endorsed the labelling provisions as proposed in CL 2005/5-CPL.

### **Committee on Fresh Fruits and Vegetables**

#### Draft Standard for Tomatoes

#### Draft Standard for Grapes

#### Proposed Draft Standard for Rambutan

27) Some delegations questioned the need for mandatory declaration of country of origin in the Draft Standard for Tomatoes. The Chairperson recalled that this was a standard provision included in all standards for fresh fruits and vegetables developed by the CCFFV and endorsed so far by the CCFL. The Committee endorsed all labelling provisions in the three standards under elaboration as proposed.

28) The Delegation of Australia proposed to delete the footnote referring to acceptance as the Committee on General Principles had proposed the abolition of the Acceptance Procedure. The Secretariat indicated that this would be possible only after the acceptance procedure had been abolished by Commission and recalled that a similar footnote appeared in the General Standard for the Labelling of Prepackaged Foods. It was also noted that the deletion of all such references in Codex standards would be a consequential amendment to the abolition of the Acceptance Procedure. The Committee agreed to draw the attention of the Commission to the reference to acceptance in Codex standards, in order to amend them as required, following the abolition of the Acceptance Procedure.

## **GUIDELINES FOR THE PRODUCTION PROCESSING LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS (Agenda item 4)<sup>4</sup>**

### **DRAFT REVISED ANNEX 2: TABLES 3 AND 4 (Agenda Item 4a)**

29) The Committee recalled that its last session had returned the Draft Revised Tables 3 and 4 to Step 6 for revision by a Working Group led by the Delegation of Canada, circulation for comments and consideration at the next session. The Committee noted that as document CX/FL 05/33/4 (Revised Tables 3 and 4) had not been prepared, no comments had been requested and therefore document CX/FL 05/33/4-Add.1 was not available. The Delegation of Canada presented the progress report of the electronic working group in CRD 14, and proposed that it should continue its work to complete the reformatted Table 3 : Ingredients of Non-Agricultural Origin referred to in Section 3.

30) Due to time constraints the Committee did not discuss the revision of the Tables and agreed that the terms of reference for the electronic working group would be revised during the session by the Delegation of Canada with the assistance of interested delegations.

The Committee noted that the terms of reference for the electronic working group would be as follows:

- a) To complete the reformatted Table 3 for those food additives already in the General Standard for Food Additives.
- b) To develop a recommendation as to how to proceed with those food additives that are at Step 3 and Step 6.
- c) To develop a recommendation as to how to proceed with those food additives not already on the GSFA or not in the approval process.

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<sup>4</sup> CRD 14 (Electronic Working Group Progress Report, prepared by Canada), CRD 15 (comments of India)

- d) The working group, chaired by Canada will work electronically. An invitation will be extended, through Codex Canada for participation in the electronic working group. The language of the e-working group will be English.
- e) The e-working group will prepare a document by November 30, 2005, for circulation to CCFL.
- f) The document will be discussed at the next meeting of the Ad-hoc working group on the Draft Guidelines to be held immediately prior to the next CCFL meeting. The Ad Hoc working group will work in English, French and Spanish

31) The Committee also noted the proposal in CRD 14 to discontinue the revision of Table 4 listing Processing Aids in view of the discussions underway in the Committee on Food Additives and Contaminants on processing aids. The Chairperson proposed to discontinue work on Table 4 and the Committee agreed with this proposal.

#### **Status of the Draft Revised Annex 2: Tables 3 and 4**

32) The Committee agreed to return Table 3: Ingredients of Non-Agricultural Origin referred to in Section 3 to Step 6 for redrafting by the above mentioned working group, comments and consideration at the next session.

33) The Committee agreed to propose to the Commission to discontinue work on the Draft Revised Annex 2: Table 4. Processing Aids.

#### **PROPOSED DRAFT REVISED ANNEX 2: TABLE 1 (NATURAL SODIUM NITRATE) (Agenda Item 4b)<sup>5</sup>**

34) The Committee recalled that its last session had returned Natural Sodium Nitrate to Step 3 due to lack of consensus on its inclusion in the list.

35) The Delegation of Chile pointed out that all necessary information had been provided to the Committee including an assessment against the criteria set in the Guidelines and therefore supported its advancement to Step 5. Several delegations and the observers from IFOAM and IACFO expressed their objections to the inclusion of this substance in Table 1 for the following reasons: it did not comply with the principles of organic agriculture, in particular as regards its action as a plant fertilizer rather than a soil fertilizer, it could have a negative impact on the quality of the soil; and it was not a renewable resource.

36) These delegations and observers also expressed their concern that the inclusion of this substance in the list of permitted substances would mislead the consumer as to the nature of the organic process. The Delegation of the United States proposed to postpone a decision on this substance and to use it to test the new process that was to be developed for the evaluation of substances to be included in the list.

#### **Status of the Proposed Draft Revised Annex 2: Table 1: Natural Sodium Nitrate**

37) The Committee agreed to return the Proposed Draft Revised Table 1: Natural Sodium Nitrate to Step 3 for further comments and consideration at the next session (see Appendix IV). It was also noted that this substance could be used as an example to test the new evaluation process to be developed (see Agenda Item 4c).

#### **CONSIDERATION OF THE PROCESS FOR THE INCLUSION OF THE SUBSTANCES IN ANNEX 2 (Agenda Item 4c)**

38) The Committee recalled that its last session had agreed that an electronic working group coordinated by the Delegation of the United States would prepare proposals on a process for the inclusion of substances in the Tables in Annex 2. It was noted that document CX/FL 05/33/6 had not been prepared. The Delegation of the United States presented the progress report of the electronic working group in CRD 17 and indicated that few comments had been received and there appeared to be little interest to develop a process for substance review, and therefore no specific proposals had been prepared. The Delegation however noted that it appeared from later consultations with other delegations that there was some interest in further work.

39) Some delegations and the Observer from IFOAM noted that CRD 17 contained interesting proposals but that more time would be required to consider this question and supported further work on the process for

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<sup>5</sup> CX/FL 05/33/5 (comments of the EC, Norway, Switzerland, United States, IFOAM), CX/FL 05/33/5-Add.1 (comments of Canada), CX/FL 05/33/5-Add.2 (Chile), CX/FL 05/33/5-Add.3 (Kenya, IACFO), CRD 6 (Indonesia), CRD 15 (India)

the inclusion of substances at the next session, in order to facilitate consideration of the substances for inclusion in the revised Annex 2. The Observer from IFOAM, supported by the Observer from IACFO, expressed the view that the nature of the list should be indicative and restrictive, and that substances should only be added after achieving world-wide consensus.

40) Several delegations supported the proposal to convene a physical working group prior to the next session of the CCFL in order to address all outstanding issues concerning organically produced foods in order to facilitate the revision of the *Guidelines*. The Committee therefore agreed in principle to continue work in this area and the Delegation of the United States agreed to prepare revised terms of reference for further work in an electronic working group.

41) The Committee was subsequently informed that the Delegation of the United States, with the assistance of some interested countries, had prepared the terms of reference for an electronic working group that would consider a process for evaluating substances.

42) Several delegations pointed out that they could not approve new terms of reference that had not been made available in writing and without appropriate discussion of their contents. The Chairperson indicated that this was not possible due to time constraints but that members and observers would have the opportunity to provide their views in the working group.

43) Some delegations expressed their concern with the reference to the Statements of Principle, as stated in the Procedural Manual, in the mandate of the working group as it was not advisable to single out one Statement of Principle and to exclude the others, and the terms of reference were amended accordingly.

44) The Committee noted that the terms of reference of the electronic working group would be as follows:

- a) To develop a defensible and transparent process for evaluating substances for inclusion in Annex 2 of the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (CAC/GL 32-1999, Rev. 1-2001);
- b) To develop a process that will ensure substances meet the general criteria in section 5 and principles of organic production as per the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods;
- c) To ensure that the process will meet the requirements of Codex for establishing provisions for food additives;
- d) The working group, chaired by the United States will work electronically. An invitation will be extended, through the US Codex Office for participation in the electronic working group. The language of the e-working group will be English;
- e) The e-working group will prepare a document by November 30, 2005;
- f) The document will be discussed at the next meeting of the Ad hoc working group on the revision of the Guidelines to be held immediately prior to the next CCFL meeting. The Ad Hoc working group will work in English, French and Spanish.

45) The Committee agreed that a physical working group would be held immediately prior to the 34<sup>th</sup> Session to address all outstanding issues related to organically produced foods and the revision of the Guidelines, as considered at the present session under Agenda Item 4a), b) and c).

**DRAFT RECOMMENDATIONS FOR THE LABELLING OF FOODS OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC MODIFICATION/GENETIC ENGINEERING (DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS): DEFINITIONS (Agenda Item 5a)<sup>6</sup>**

**PROPOSED DRAFT GUIDELINES FOR THE LABELLING OF FOODS AND FOOD INGREDIENTS OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC MODIFICATION/GENETIC ENGINEERING: LABELLING PROVISIONS (Agenda Item 5b)<sup>7</sup>**

<sup>6</sup> ALINORM 04/27/22, Appendix V, CRD 2 (Brazil, Canada, European Community, Kenya, Unites States), CRD 6 (Indonesia), CRD 11 (Philippines), CRD 12 (Bolivia), CRD 16 (Malaysia), CRD 18 (Peru)

<sup>7</sup> ALINORM 04/27/22, Appendix VI, CL 2004/22-FL, CX/FL 05/33/7 (Argentina, brazil, Costa Rica, European Community, Mexico, IFOAM), CX/FL 05/33/7-Add.1 (Canada, Kenya, United States, CI, IFT), CRD 4 (Mexico), CRD 6 (Indonesia), CRD 8 (Zimbabwe), CRD 11 (Philippines), CRD 12 (Bolivia), CRD 18 (Peru)

46) The Committee recalled that the 32<sup>nd</sup> Session of the Committee had decided to return the Proposed Draft Guidelines to Step 3 for comments and consideration at the next session. The Committee exchanged general views on the proposed draft guidelines and considered Item 5b) before Item 5a).

47) Many delegations and observers supported retaining the current structure of the Proposed Draft Guidelines which had both provisions for health and safety-related labelling and for method of production labelling. These delegations and observers stressed that the purpose of food labelling is to provide consumers not only with health and safety information but also various useful information, as required. They also noted that when products had been subject to safety evaluation prior to authorization on the market, this did not preclude their declaration on the label, as in the case of food additives. In view of this, the Proposed Draft Guidelines needed to include method of production labelling since there was a strong demand from consumers to label genetically modified foods based on method of production, in order to allow informed choices. It was also pointed out that many provisions in the General Standard for the Labelling of Prepackaged Foods were not related to health and safety and the Committee had already established method of production labelling such as organic and halal labelling.

48) Some delegations and observers recalled that the mandate given to the Committee by the Commission in 1991 was “to provide guidance on how the fact that a food was derived from “modern” biotechnologies could be made known to the consumers” (ALINORM 91/40, para. 90) and narrowing the scope would be against the Commission decision.

49) The Delegation of the European Community, supported by other delegations, proposed to restructure the guidelines into two parts; one for mandatory labelling provisions relevant to changes in nutrient content, product composition, end use and the other for optional labelling provisions linked to labelling of method of production, following the proposal by Canada (CRD 2). Several delegations also expressed the view that progress had been made as a result of earlier discussions in the Committee and stressed the need to continue work to achieve consensus.

50) Some delegations pointed out that clear labelling on the method of production would facilitate consumer acceptance of biotechnology and would ensure fair practices in international trade.

51) Several other delegations and some observers expressed their opposition to the inclusion of method of production labelling in the Proposed Draft Guidelines for the following reasons: such labelling did not address food safety issues and was not based on scientific evidence; it would not provide useful information to consumers but rather increase confusion; and it would create barriers to trade. These delegations proposed to focus on the provisions that reflected consensus on the need for mandatory labelling in cases where significant changes in the product composition, nutritional value or intended use existed. In this context, the Committee was reminded of the recommendation of the 55<sup>th</sup> CCEXEC to redefine or narrow the scope of the work when consensus was deemed difficult to achieve (see para. 10). Some delegations also indicated that in case of a possible dispute in the World Trade Organization, the Dispute Settlement Body would not establish any distinction between mandatory and voluntary provisions contained in a Codex standard. In this respect, the Delegation of Argentina pointed out that when mentioning mandatory and voluntary provisions in a Codex standard, reference is not made to the Codex standard per se, but to the modalities of its implementation at the national level in the countries that decide to adopt it. Consequently, the objective sought by including voluntary labelling provisions in these Guidelines would not be met.

52) Some of these delegations stated that the 43<sup>rd</sup> Session of the Executive Committee (1996) had expressed the view that the Four *Statements of Principle* should be closely adhered to in considering the guidelines for labelling of foods derived from biotechnology and that the consumers’ claimed right to know was ill defined and could not be used by Codex as the primary basis for decision-making on appropriate labelling.

53) Several delegations and some observers stressed that the information on labelling should be accurate, verifiable and should not mislead consumers. In this respect, it was pointed out that labelling two identical products based only on method of production would convey misleading message that these products were different and many consumers would perceive this as a safety warning although safety evaluation had been conducted before these products were placed in the market. Some delegations also raised a question on the practicality of implementing method of production labelling, especially in developing countries.

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54) With respect to the cost implications of method of production labelling, the Committee noted that different views were expressed. Some delegations indicated that mandatory method of production labelling would not result in an increase in the prices of the products. However, some other delegations pointed out that the method of production labelling might entail additional cost necessary to comply with the labelling requirements which would finally result in the increase in food prices, without providing additional benefits to consumers.

55) After a general exchange of views, the Committee considered how to proceed. Several delegations expressed their preference for considering the text section by section in detail. However, the Committee noted the difficulty to achieve agreement on the text in the present situation as major differences existed in the basic stance taken by members.

56) Several delegations supported the proposal made in the comments of Canada to consider two levels of labelling, including mandatory provisions in relation to changes in nutrition content, composition, end use, or concerns with allergens; and optional provisions linked to voluntary labelling of the method of production by the industry. The Delegation of the EC stated that the EC and its member states were prepared to assist Canada in “reconstructing” the Proposed Draft Guidelines provided that they remained at Step 3 until the Committee had decided to replace it with the “reconstructed” Proposed Draft Guidelines to be provided by Canada.

57) After some further discussion, the Committee decided that the text should be reconstructed, taking into account the discussion held at the present session and the comments received including those of countries not present in the session (Bolivia, Costa Rica, Peru and Zimbabwe) and considered at the next session. The Committee also confirmed that the revised text would include the same contents as the current Proposed Draft Guidelines, including provisions for both health and safety-related labelling and method of production labelling.

58) For this purpose, the Committee decided to establish an electronic working group led by Canada with the assistance of Argentina, Australia, Austria, European Community, Brazil, Germany, Ghana, Guatemala, India, Indonesia, Japan, Kenya, Malaysia, Norway, Papua New Guinea, Paraguay, Sweden, Switzerland, Thailand, United States, Bio and Consumers International. The Committee also noted that the working group would be open to all members and observers.

59) The Delegation of Mexico expressed its reservation on this decision as it objected to the Committee’s decision to continue work on method of production labelling provisions, considering the implications that this would have in international trade. In addition, the Delegation pointed out that the decision had not been taken by consensus as several delegations had expressed contrary views and as all the recommendations of the 55<sup>th</sup> Session of the CCEXEC had not been considered. The Delegation highlighted the necessity to analyze the impact of this decision in trade and in particular in the relation of the Codex Alimentarius with WTO. The Delegation of Argentina supported the views of Mexico, and expressed its reservation on the possibility for a Codex standard to include a mandatory and a voluntary part, since this would not make any significant distinction in the context of the World Trade Organization. The Delegation of the United States supported the reservations expressed by the delegations of Mexico and Argentina.

60) The Delegation of Malaysia expressed its reservation on the decision not to consider the current text section by section at the present session as it was noted that many delegations wanted to proceed with the discussion of the current text.

**Status of the Proposed Draft Guidelines for the Labelling of Foods and Food Ingredients Obtained through Certain Techniques of Genetic Modification/Genetic Engineering : Labelling Provisions**

61) The Committee agreed to return the Proposed Draft Guidelines for redrafting by the above mentioned working group, comments at Step 3 and consideration at its next session.

## Definitions

62) The Committee noted that the Draft Definitions at Step 7 had been retained as a draft amendment to the General Standard for the Labelling of Prepackaged Foods because the recommendations had been developed initially as an amendment to the General Standard. The recommendations had subsequently been redrafted as independent Proposed Draft Guidelines, that also included a section on definitions.

63) The Committee noted that in order to delete the Draft Definitions as Draft Amendment to the General Standard from the Agenda, discontinuation of work should be proposed to the Commission. Several delegations supported discontinuation of work and consideration of the text of the definitions only as part of the Proposed Draft Guidelines at Step 3. Other delegations and observers proposed to retain the Draft Definitions as a separate text at Step 7 and not to discontinue work at this stage, with the understanding that this question would be considered further at the next session.

### **Status of the Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (Draft Recommendations for the Labelling of Foods Obtained through Certain Techniques of Genetic Modification/Genetic Engineering : Definitions.**

64) The Committee agreed to retain the Draft Definitions at Step 7 for consideration at the next session (see Appendix III) and recalled that no comments were requested on draft texts at Step 7.

### **PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS: QUANTITATIVE DECLARATION OF INGREDIENTS (Agenda Item 6)<sup>8</sup>**

65) The Committee recalled that the 32<sup>nd</sup> Session had returned the Proposed Draft Amendment to Step 3 for further comments and consideration at the next session. The Committee had also agreed to hold a Working Group immediately prior to the next session to facilitate the discussion on this item.

66) The Chair of the Working Group, Ms Alette Addison (United Kingdom), presented CRD 19, the Report of the Working Group which included the revised Proposed Draft Quantitative Ingredient Declaration Labelling. The Committee considered the revised text submitted by the Working Group section by section.

#### **Section 5.1.1: Introductory Statement**

67) The Committee agreed with the Working Group proposal to amend the introductory statement of Section 5.1.1 to include “at the time of the manufacture of the food” after “of any ingredient” for clarity.

68) The Committee considered the proposal from the Working Group to refer to declaration “or by volume if the product is sold by volume” which had been put in square brackets to give delegates further time to consider this proposal. The Delegation of Japan pointed out that the insertion of this phrase would cause a problem when an ingredient should be expressed by weight while a final product was sold by volume. The Committee, recognizing this issue, agreed to modify this phrase to “or by volume as appropriate” so that the most appropriate form could be adopted for the calculation of the percentage of ingredients.

69) The Delegation of Malaysia expressed concern with the inclusion of “class of ingredients” proposed by the Working Group since this term is not clearly defined in the General Standard for Labelling of Prepackaged Foods. In view of this, an alternate proposal was made to use “class name of ingredients” as appeared in the General Standard. However, this was not accepted by several delegations since this term narrowed the scope of the original intention. After some discussion, the Committee decided to use the term “categories of ingredients” with a footnote clarifying the meaning of that term.

#### **Section 5.1.1: Subsections**

70) In subsection (a), the Committee noted the Working Group proposal to include “or graphics” at the end of the sentence. The Delegation of Mexico proposed to include “as present” before “on the labelling” and to delete “through words or pictures” to make the application of this provision more flexible as different means of emphasis on labelling may be used in various regions. Several delegations supported the retention

<sup>8</sup> ALINORM 04/27/22 Appendix VII, CL 2004/22-FL, CX/FL 05/33/8(Brazil, Costa Rica, European Community, United States, IDF, WSRO), CX/FL 05/33/8-Add.1 (Canada, Norway, ICBA), CX/FL 05/33/8-Add.2 (Kenya, IACFO), CRD 6 (Indonesia), CRD 7 (Norway), CRD 10 (Thailand), CRD11 (Philippine), CRD 13 (Malaysia), CRD 15 (India), CRD 18 (Peru)

of these illustrative terms. Therefore the Committee agreed to retain the current text with the addition of wording proposed by Mexico and the Working Group.

71) The Committee noted that the Working Group could not reach consensus on subsections (b), (c) and (d). Many delegations proposed to delete the square brackets and retain the text in (b) and (c). Several other delegations were opposed to retaining (b) and (c) since in the views of these delegations these were not clear and already covered by other subsections. Some delegations opposed retaining (d) as it was their view that, consistent with section 5.1.3 of the General Standard for the Labelling of Prepackaged Foods, a reference to an ingredient in the name of the food in and of itself should not trigger mandatory QUID. The Delegation of the United Kingdom clarified that the proposed text as set out in Appendix II of ALINORM 04/27/22, was intended to replace paragraphs 5.1 to 5.1.3 inclusive of the existing standard, therefore the existing section 5.1.3 would no longer exist.

72) The Delegation of Canada proposed to delete (b) and to add an additional phrase in subsection (d) which referred to the case where special emphasis is made on characterizing ingredients. In this respect, the Delegation of the EC proposed to include “is emphasized” as an alternative term to “appears”, as a compromise. However, the Delegation of Malaysia, supported by some delegations, expressed the view that “is emphasized”, was difficult to interpret and would give rise to implementation problems, and supported retaining the original term “appears” on the label.

73) The Committee decided to delete the reference to “common or trade” from (d) so that the text could simply refer to “the name of food” since there was no Codex definition for “common or trade name”.

74) The Delegation of New Zealand proposed to delete subsections (b), (c), (d) and modify (e) as new subsection (b) to read “is deemed, by national authorities, to be necessary to prevent consumer deception”. The Delegation explained that with this modification, a national authority could take necessary measures in a more flexible manner to protect consumers from deceptive practices. Several delegations expressed their opposition to this proposal in view of the purpose of QUID to also provide information to consumers. The Delegation of Mexico further amended this proposal so that it could read “the disclosure is deemed, by national authorities, to be necessary to facilitate consumer choice or to prevent consumer deception”. This proposal was supported by several delegations. However, the Committee could not reach consensus since several other delegations expressed their preference to retain (b), (c), (d).

75) The Committee noted the difficulty to reach consensus on the structure of subsections from (b) to (d) since there were still differences in the opinions of member countries. In view of this and recognizing that the need to consider subsections (a) to (d) simultaneously, the Committee decided to retain (b), (c) and (d). For subsections (b) and (c), it was agreed to delete the square brackets and replaced “or” in (b) with “and”. For subsection (d), the Committee agreed to replace the original text with the modified version, “appears/is emphasized in the name of the food unless deemed not appropriate by national authorities” and put it in square brackets for consideration in the next session.

76) The Committee noted that in the Working Group many delegations proposed to delete subsection (e) since provisions related to health were already covered by other Codex texts while a few delegations and observers proposed to retain it. The Committee could not reach consensus on this item due to lack of time for discussion and decided to retain this subparagraph in square brackets. The Committee also did not have sufficient time for discussion of subparagraph (f) and also decided to retain this in square bracket.

77) The Committee considered the appropriate level for threshold in subsection (g) and (h), and whether or not these subsections would be retained. Many delegations proposed to use 5% to maintain consistency with the threshold in section 4.2.1.3 in the General Standard. Other delegations proposed to retain 2%. Therefore, the Committee left both 2% and 5% in square brackets for further consideration. The Committee could reach consensus on the deletion of square bracket in (g) and the deletion of (h).

78) The Delegation of Malaysia proposed to add a paragraph for mandatory declaration of the use of pork fat, lard, and beef fat regardless of the quantity, at the end of Section 5.1.1. However, the Committee noted that the General Standard already covered this issue in Section 4.2.3.2 and did not adopt this proposal. The Delegation of Malaysia made a reservation to this decision.

### **Section 5.1.2**

79) The Committee agreed to change the introductory statement of Section 5.1.2 in line with the modifications made in Section 5.1.1 by inserting “or by volume as appropriate” and “pictures or graphics” and replacing “the common name or class name of the foods” with “the name of the food”. The Committee

agreed to delete subsection (a) and (b) in Section 5.1.2. The Delegation of Japan, supported by the Delegation of Thailand, expressed the view that subsections (a) and (b) should be retained in order to allow governments to choose options.

**Status of the Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods: Quantitative Declaration of Ingredients**

80) The Committee agreed to forward the Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods: Quantitative Declaration of Ingredients with the modifications made in this session to the 28<sup>th</sup> Session of the Codex Alimentarius Commission for adoption at Step 5 (see Appendix II).

**CONSIDERATION OF COUNTRY OF ORIGIN LABELLING (Agenda Item 7)<sup>9</sup>**

81) The Committee recalled that the 32<sup>nd</sup> Session of the Committee had agreed to ask the advice of the Commission since there was no consensus on the need to undertake new work on country of origin labelling. The 27<sup>th</sup> Session of the Commission, after a long discussion, recognized that no conclusion could be reached at that stage on whether or not to undertake new work on country of origin labelling and agreed to forward the following questions for consideration by the Committee on Food Labelling:

- a) *whether the current provisions in sections 4.5.1 and 4.5.2 for Country of Origin Labelling contained in the Codex General Standard for the Labelling of Prepackaged Foods were adequate to address Members' needs with respect to country of origin labelling*
- b) *whether countries have encountered difficulties with the interpretation of those provisions*

82) The Committee considered the above two questions and the replies received from members and observers. Many delegations opposed new work on country of origin labelling by the Committee since the current provisions sufficiently addressed consumer concerns, they had experienced no difficulties in their application at the national level and there was no need to further change the provisions.

83) Many other delegations and observers expressed their regrets that there was no consensus to support new work, however, they expressed the view that it would be necessary to initiate new work on country of origin labelling in the Committee since the current provisions were insufficient and impractical and their application could cause practical difficulties both for regulators and for food manufactures. These delegations also stressed the need to clarify current provisions in order to provide clear information to consumers. Some delegations pointed out that the confusion between country of origin and country of manufacture was likely to mislead consumers.

84) The Delegation of the European Community stated that it remained of the opinion that it was desirable to complement the general provisions of section 4.5 of the General Standard by specifying circumstances under which the declaration of the country (or place) of origin should be mandatory in order to avoid consumers being misled to a material degree as to the true origin or provenance of the food and by defining conditions for the voluntary use of terms, such as "produce of", used for indicating the origin or provenance of a food or ingredient; whilst it was of course possible to develop provisions to this effect at EC level, the European Community would have preferred for such work to be undertaken within Codex.

85) The Committee recognized that there was no consensus on the need for new work on country of origin labelling at this stage. Therefore, the Committee agreed that no new work should be started and that consideration of this Agenda Item should be discontinued.

**DISCUSSION PAPER ON ADVERTISING (Agenda Item 8)<sup>10</sup>**

86) The Committee recalled that the 26<sup>th</sup> Session of the Commission, while considering the Draft Guidelines for Use of Nutrition and Health Claims, had requested the Committee on Food Labelling to consider the development of a definition for advertising as related to health and nutrition claims. The

<sup>9</sup> CX/FL 05/33/9 (comments of Argentina, Australia, Costa Rica, EC, Guatemala, Iran, Mexico, New Zealand, Panama, United States, Venezuela), CX/FL 05/33/9-ADD.1, CX/FL 05/33/9-Add.2 (comments of Canada, Norway and CI), CX/FL 05/33/9-ADD.3 (comments of Kenya), CRD3 (comments of Brazil, Japan, Norway and South Africa), CRD6 (comments of Indonesia), CRD10 (comments of Thailand), CRD11 (comments of Philippines), CRD15 (comments of India)

<sup>10</sup> CL 2004/54-FL (comments of Argentina, Australia, Brazil, Costa Rica, Guatemala, Mexico, New Zealand, United States, Venezuela, CRN, IACFO, ICBA, ICC, ICGMA, WFA), CX/FL 05/33/10-Add.1 (Canada, CI, WSRO), CX/FL 05/33/9-Add.2 (comments of European Community), CRD6 (comments of Indonesia), CRD10 (comments of Thailand), CRD11 (comments of Philippines), CRD15 (comments of India)

Committee, at its 32<sup>nd</sup> Session, had considered this issue, as complementary to labelling, in view of the terms of reference of the Committee and recognized that no conclusion could be reached and further discussion of advertising was needed in order to reply to the request of the Commission. Therefore the Committee had agreed to circulate the Discussion Paper prepared by Canada for comment and to consider advertising with priority being given to the development of a definition for advertising as it relates to nutrition and health claims.

87) The Delegation of the United States expressed the view that it would not be appropriate to discuss issues of advertising at this Committee since the Committee needed to confirm whether or not the terms of reference of the Committee could permit to elaborate a definition of advertising. The Delegation was of opinion that there was no need to consider a definition of advertising in the Committee as advertising would be best regulated at the national level. Some Delegations and observers expressed the same opinion that advertising should be left to national authorities, in view of differences in regulatory, social and cultural environments in regions and countries.

88) Several other delegations expressed the view that the Committee should discuss issues of advertising taking into account the current situation on globalization of advertising and marketing of food. They also expressed the view it would be useful to develop a definition for advertising in Codex in light of the interest in international harmonization and consumer protection and since advertising should be consistent with labelling in order to prevent confusion to consumers. These delegations and observers further felt that work on advertising could be initiated within the current terms of reference of the Committee. It was pointed out that the definition of advertising related to nutrition and health claims and should not be broadened.

89) Some delegations and observers recalled that “advertising” was already mentioned in some Codex texts<sup>11</sup> and therefore a definition would be useful in the framework of Codex.

90) Due to time constraints, the Committee could not discuss the details of a definition for advertising, ways to address advertising issues and other relevant aspects and, therefore, the Committee decided that its next Session should further discuss this issue as a specific agenda item, taking into consideration comments received on advertising and discussion at the present Session.

#### **CONSIDERATION OF THE DEFINITION OF TRANS-FATTY ACIDS (Agenda Item 9)<sup>12</sup>**

91) The Committee recalled that the 26<sup>th</sup> Session of the Commission had requested the Committee on Food Labelling to continue its work on trans-fatty acids in cooperation with the Committee on Nutrition and Foods for Special Dietary Uses to provide a definition for the purpose of the Codex Guidelines on Nutrition Labelling. In response to this request, the 26<sup>th</sup> Session of the Committee on Nutrition and Foods for Special Dietary Uses considered the proposed definition of trans-fatty acids, based on their chemical structure and the AOCS method of determination and decided to send the definition (as described in para. 145, ALINORM 05/28/26) to the Committee on Food Labelling for use in the Codex Guidelines on Nutrition Labelling and other related Codex Standards and Guidelines.

92) The Delegation of Malaysia proposed to make several editorial changes for clarification purposes and to delete (-CH<sub>2</sub>-CH<sub>2</sub>-) from the text of the proposed definition, the latter in response to a question by the Delegation of Indonesia. The Delegation also proposed to initiate new work to include the definition into the Section 2 of the Codex General Standard for the Labelling of Prepackaged Foods as well as into two relevant labelling texts: Codex Guidelines on Nutrition Labelling and Codex Guidelines for Use of Nutrition and Health Claims.

93) Many delegations supported the proposals and the Committee agreed that the definition of trans-fatty acids should read:

*For the purpose of the Codex Guidelines on Nutrition Labelling and other related Codex Standards and Guidelines, trans fatty acids are defined as all the geometrical isomers of monounsaturated and polyunsaturated fatty acids having non-conjugated, interrupted by at least one methylene group, carbon-carbon double bonds in the trans configuration.*

<sup>11</sup> General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Uses (CODEX STAN 146-1985), 3.1, Section 3 (General Principles) and Codex Standard for the Labelling of and Claims for Foods for Special Medical Purposes (CODEX STAN 180-1991) Section 3 (General Principles)

<sup>12</sup> CX/FL 05/33/11, CX/FL 05/33/11/-Add.1 (comments of Canada), CRD 6 (comments of Indonesia), CRD 9 (comment of IDF), CRD15 (comments of India), CRD16 (comments of Malaysia)

94) The Observer from IDF expressed the view that this definition would cover a wide range of trans-fatty acids stemming from very different origins and processes and, therefore the definition should be considered on a temporary basis until further scientific data is obtained from clinical studies being initiated with the aim of better understanding the benefits of certain trans-fatty acids to human health.

95) The Delegation of India proposed that quantitative ingredient declaration of trans-fatty acids should be labelled, in view of several evidences on adverse effects of trans-fatty acids to human health. However, the Committee was reminded that the 26<sup>th</sup> Session of the Codex Alimentarius Committee had agreed to leave such declaration to national legislation and the Committee agreed that only the definition should be considered at this stage.

96) The Committee agreed to propose to the Commission to undertake new work through the Accelerated Procedure on the amendment to the General Standard for the Labeling of Prepackaged Food and to the Guidelines on Nutrition Labelling to include the above definition of trans-fatty acids. The Committee noted that as this new work was undertaken at the direct request of the Commission, no project document was required, and that the Proposed Draft Amendment would be circulated at Step 3 of the Accelerated Procedure following approval as new work by the 28<sup>th</sup> Session of the Commission.

**OTHER BUSINESS, FUTURE WORK AND DATE AND PLACE OF THE NEXT SESSION**  
**(Agenda Item 10)**

97) The Delegation of Kenya, speaking on behalf of the delegations of the African Region present at the session, expressed its thanks to FAO, WHO, the Codex Secretariat and donor countries for the opportunity to participate in the session through the FAO/WHO Trust Fund and expressed the hope that they would pursue their efforts to facilitate the participation of developing countries in Codex sessions, as this was an important aspect of capacity building.

98) The Committee noted that its next session was tentatively scheduled to be held in Ottawa, Canada, from May 1<sup>st</sup> to May 5<sup>th</sup> 2006, the final arrangements to be determined between the host country and Codex Secretariat.

## SUMMARY STATUS OF WORK

<b>Subject Matter</b>	<b>Step</b>	<b>Action by</b>	<b>Document Reference in ALINORM 05/28/22</b>
Proposed Draft Amendment to the General Standard (Quantitative Declaration of Ingredients)	5	Governments 28 <sup>th</sup> CAC	para. 80 Appendix II
Guidelines for Organically Produced Foods: Draft Revised Annex 2 : Table 3	6	Governments 34 <sup>th</sup> CCFL	para. 32
Guidelines for Organically Produced Foods: Draft Revised Annex 2 : Table 4 (discontinuation of work)	6	28 <sup>th</sup> CAC	para. 33
Guidelines for Organically Produced Foods: Proposed Draft Revised Annex 2: Table 1 (Natural Sodium Nitrate)	3	Governments 34 <sup>th</sup> CCFL	para. 37 Appendix IV
Draft Amendment to the General Standard (Draft Recommendations for the Labelling of Foods obtained through certain techniques of GM/GE): Definitions	7	34 <sup>th</sup> CCFL	para. 64 Appendix III
Proposed Draft Guidelines for the Labelling of Foods obtained through certain techniques of GM/GE: Labelling Provisions	3	Governments 34 <sup>th</sup> CCFL	para. 61
Definition of Trans Fatty Acids (Proposed Draft Amendment to the <i>General Standard</i> and <i>Guidelines on Nutrition Labelling</i> )	1/2/3	28 <sup>th</sup> CAC Governments 34 <sup>th</sup> CCFL	para. 96
Country of Origin Labelling		28 <sup>th</sup> CAC	para. 85
Consideration of Advertising		34 <sup>th</sup> CCFL	para. 90

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**PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF  
PREPACKAGED FOODS****(Quantitative Ingredient Declaration Labelling)  
(At Step 5 of the Procedure)****5. ADDITIONAL MANDATORY REQUIREMENTS****5.1 Quantitative Ingredient Declarations**

5.1.1 Every food sold as a mixture or combination shall disclose the ingoing percentage, by weight or volume as appropriate,, of any ingredient at the time of the manufacture of the food (including ingredients of compound ingredients or categories of ingredients<sup>1</sup>) that

- (a) is emphasised as present on the label through words or pictures or graphics; or
- (b) is essential to characterise the food and

is essential to distinguish the food from others with which it may be confused; or

- (c) [appears/is emphasized in the name of the food unless deemed not appropriate by national authorities]; or
- (d) [the disclosure of which is deemed, by national authorities, to be necessary to enhance the health of consumers or prevent consumer deception].
- (e) [is the subject of an express or implied claim about the presence of any fruits, vegetables, whole grains or added sugars]

Such disclosure is not required where

- (f) the ingredient comprises less than [2%/5%] of the total weight of the product and has been used for the purposes of flavouring; or
- (g) commodity-specific standards of Codex Alimentarius conflict with the requirements described here.

5.1.2 The information required in Section 5.1.1 shall be declared on the product label as a numerical percentage.

The ingoing percentage, by weight or volume as appropriate, of each such ingredient shall be given on the label in close proximity to the words or pictures or graphics emphasising the particular ingredient, or beside the name of the food, or adjacent to each appropriate ingredient listed in the ingredient list as an average percentage.

For foodstuffs which have lost moisture following heat treatment or other treatment, the quantity shall correspond to the quantity of the ingredient or ingredients used, related to the finished product. The quantity shall be expressed as a percentage. However, when the quantity of an ingredient or the total quantity of all the ingredients expressed on the labelling exceeds 100%, the percentage shall be replaced by the weight of the ingredient(s) used to prepare 100g of finished product.

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<sup>1</sup> **Explanatory Note for Category of Ingredients:** For the purposes of Quantitative Ingredient Declaration, category of ingredients means the generic term which refers to the class name of an ingredient and/or any similar common term(s) which are used in reference to the name of a food

**DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF  
PREPACKAGED FOODS**

**(DRAFT RECOMMENDATIONS FOR THE LABELLING OF FOODS OBTAINED THROUGH  
CERTAIN TECHNIQUES OF GENETIC MODIFICATION/GENETIC ENGINEERING)**

**DEFINITIONS**

**(At Step 7 of the Procedure)**

**SECTION 2. DEFINITION OF TERMS<sup>2</sup>**

For the purpose of the General Standard:

**“Food and food ingredients obtained through certain techniques of genetic modification / genetic engineering”** means food and food ingredients composed of or containing genetically modified / engineered organisms obtained through modern biotechnology, or food and food ingredients produced from, but not containing genetically modified / engineered organisms obtained through modern biotechnology.

**“Organism”** means any biological entity capable of replication, reproduction or of transferring genetic material.

**“Genetically modified / engineered organism”** means an organism in which the genetic material has been changed through modern biotechnology in a way that does not occur naturally by multiplication and/or natural recombination.

**“Modern biotechnology”** means the application of:

- a. In vitro nucleic acid techniques<sup>3</sup>, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles, or
- b. Fusion of cells<sup>4</sup> beyond the taxonomic family,

that overcome natural physiological, reproductive or recombination barriers and that are not techniques used in traditional breeding and selection

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<sup>2</sup> **The terminology used in this section on definitions should not determine the terminology which is appropriate for use on food labels**

<sup>3</sup> These include but are not limited to: recombinant DNA techniques that use vector systems and techniques involving the direct introduction into the organism of hereditary materials prepared outside the organism such as micro-injection, macro-injection, chemoporation, electroporation, micro-encapsulation and liposome fusion

<sup>4</sup> Fusion of cells (including protoplast fusion) or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells/protoplasts do not fall within the same taxonomic family

**PROPOSED DRAFT AMENDMENT TO THE GUIDELINES FOR THE PRODUCTION,  
PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS:  
PROPOSED DRAFT REVISED ANNEX 2 – PERMITTED SUBSTANCES  
(At Step 3 of the Procedure)**

## ANNEX 2

**PERMITTED SUBSTANCES FOR THE PRODUCTION OF ORGANIC FOODS****TABLE 1: SUBSTANCES FOR USE IN SOIL FERTILIZING AND CONDITIONING**

<b>Substances</b>	<b>Description; compositional requirements; conditions of use</b>
[Natural Sodium Nitrate]	[text to be drafted]