

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of
the United Nations



World Health
Organization

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Agenda Item 5

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

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REVISION OF THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS: DATE MARKING

(Comments from El Salvador, EU, Philippines, Thailand, AU)

EL SALVADOR

El Salvador agradece el documento de revisión de la normativa en mención y ha examinado los criterios del proyecto **para definir las excepciones al marcado de la fecha**. Sobre lo establecido en 4.7 Marcado de la fecha e instrucciones de almacenamiento 4.7.1 literal vii), consideramos que los criterios definidos en los numerales del 1 al 3 en el documento en mención son indeterminados y subjetivos en cuanto a calidad e inocuidad de los alimentos, no presentan claridad en los criterios a utilizar para la excepción del marcado de la fecha, poniendo en riesgo la salud del consumidor.

Respecto al criterio 4 establecido en el documento del tema 5 [CX/FL 17/44/5], es más amplio de lo planteado en la normativa aplicable a nivel nacional y centroamericano, para nuestro caso aplica únicamente a los productos de panadería y pastelería, de acuerdo al Reglamento Técnico Centroamericano RTCA 67.01.07:10 "Etiquetado general de los alimentos previamente envasados (preenvasados)".

El Salvador apoya la lista de ejemplos de los alimentos presentada en dicho documento.

EUROPEAN UNION

Section 4.7.1 (v) of the draft revision foresees that date marking can be provided with a day in the date [18] or without a day in the date [19].

[18] "Use-by <insert date>" or "Expiration Date <insert date>" or "Best before <insert date>" or "Best Quality Before <insert date>" as applicable where the **day** is indicated; or

[19] "Use-by end <insert date>" or "expiration date <insert date>" or "Best before <insert date>"; or "Best Quality Before <insert date>" as applicable in **other cases**.

The EU considers that a date marking without a day in the date is only appropriate for foods which are stable from a safety point of view for medium to long periods of time. This possibility of not providing a day in the date should not be given to foods with short period of validity as in these cases, the date has to be precise and based on a strict risk assessment by the food business operator.

On this basis, the EU considers that the possibility of not providing a day in a date should only be given to 'best before' and 'best quality before' dates and therefore not to 'Use-by' dates and 'expiration dates'.

In addition, where a day is not part of the date marking for 'best before' and 'best quality before' dates, the term 'end' should be used before the date.

Consequently, the EU proposes to amend the text in the following way:

[19] "~~Use-by end <insert date>~~" or "~~expiration date <insert date>~~", "Best before end <insert date>"; or "Best Quality Before end <insert date>" as applicable in other cases.

PHILIPPINES**General Comments:**

The Philippines supports the revision of date marking provisions of the General Standard for the Labelling of Prepackaged Foods because it will lessen technical barrier to trade issues. Moreover, the harmonized date marking declaration will help communicate clearer information to the consumers across the globe.

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| 2. DEFINITION OF TERMS | |
| For use in Date Marking of pre-packaged food: | |
| <p>“Best Before Date” or “Best Quality Before Date” means the date which signifies the end of the period, under any stated storage conditions, during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption.</p> | <p>The Philippines reiterates to include “estimated” to read as “the end of the estimated period”.</p> <p>Rationale:</p> <p>This is to clearly define this date marking.</p> |
| <p>“Use-by Date” or “Expiration Date” means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons.</p> | <p>The Philippines proposes to include “Consume Before Date”. The country reiterates its position to revise the phrase “after which the product should not be sold or consumed due to safety and quality reasons” to read as “after which the product should not be sold or consumed due to safety, nutritional and quality reasons”.</p> <p>Rationale:</p> <p>The country has adopted this date marking for most if not all of its products to address the concerns of its consumers. The manufacturer has a responsibility to conduct a shelf life analysis before the declaration of this date mark. However, in the conduct of a shelf life study, quality parameters and other claims such for nutritional (e.g. fortification) purposes are also considered during the conduct of shelf life studies.</p> <p>Further, the Philippines also proposes that this type of date marking be present in all other date marking declaration to strengthen consumer understanding of the condition of the product and how to handle it.</p> |
| 4.7 Date marking and storage instructions | |
| 4.7.1 If not otherwise determined in an individual Codex standard, the following date marking shall apply <u>unless clause 4.7.1(v) applies</u> : | |
| <p>(i) When a food must be consumed before a certain date to ensure its safety and quality the “Use by Date” or “Expiration Date” shall be declared.</p> | <p>The Philippines proposes to include “Consume Before Date”. The country reiterates its position to include nutritional adequacy to read as “certain date to ensure its safety, nutritional adequacy and quality”.</p> <p>Rationale:</p> <p>The country has adopted this date marking for most if not all of its products to address the concerns of its consumers. Further, we reiterate our view that the manufacturer has a responsibility to conduct a shelf life</p> |

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| | analysis before the declaration of this date mark. In the conduct of a shelf life study, quality parameters are also included. Other claims such for nutritional (e.g. fortification) purposes are also considered during the conduct of shelf life studies. |
| (ii) Where a “Use-by Date” or “Expiration Date” is not required, the “Best-Before Date” or “Best Quality Before Date” shall be declared. | The Philippines proposes to include “Consume Before Date” . Rationale: The country has adopted this date marking for most if not all of its products to address the concerns of its consumers. |
| (iv) The date shall be introduced by the words: <ul style="list-style-type: none"> • “Use-by<insert date>” or “Expiration Date <insert date>” or “Bestbefore<insert date>” or “Best Quality Before <insert date>” as applicable where the day is indicated; or • “Use-by end <insert date>” or “expiration date <insert date>” or “Bestbefore<insert date>”; or “Best Quality Before <insert date>” as applicable in other cases. | The Philippines proposes to include “Use or Consume Before Date” . The country also proposes to include abbreviation for date marking terminologies such as: <ul style="list-style-type: none"> • Expiration Date: EXP • Consume Before: Consume Bef • Best Before: Best Bef Rationale: The country has adopted this date marking for most if not all of its products to address the concerns of its consumers. The use of abbreviation for date marking terminologies will solve label space and coding equipment limitations and help in the reduction of printing cost. |
| (vi) The day and year shall be declared by uncoded numbers with the year to be denoted by 2 or 4 digits, and the month shall be declared by letters or characters or numbers. Where only numbers are used to declare the date or where the year is expressed as only two digits, the competent authority should determine whether to require the sequence of the day, month, year, be given by appropriate abbreviations accompanying the date mark (e.g. DD/MM/YYYY or YYYY/DD/MM). | The Philippines also proposes to revise the word “abbreviation” to “legend” since it is more appropriate. Rationale: The word “abbreviation” does not apply to DD/MM/YYYY since it is not abbreviated but rather a “legend” informing the consumers that the numbers declared on the product label refers to the date marking. |
| (vii) Notwithstanding 4.7.1(i) and 4.7.1(ii), a date mark shall not be required for a food if one or more of the following criteria apply: <ol style="list-style-type: none"> 1. Where safety is not compromised and quality does not deteriorate <ol style="list-style-type: none"> 1.1. because of the preservative nature of the food is such that it cannot support microbial growth (e.g. alcohol, salt, acidity, low water activity); and/or 1.2. under stated storage conditions; 2. Where the deterioration is evident to the consumer; 3. Where the key/organoleptic quality aspects of the food are not lost; 4. Where the food is intended to be consumed within 24 hours of its manufacture. | The Philippines proposes for the deletion of the criteria. Rationale: It will be difficult for regulators to implement. |

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| <p>For example, foods such as:</p> <ul style="list-style-type: none"> • fresh fruits and vegetables, including tubers, which have not been peeled, cut or similarly treated; • wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines; • alcoholic beverages containing at least 10% alcohol by volume; • bakers' or pastry-cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture; • vinegar; • non-iodized food grade salt; • non-fortified solid sugars; • confectionery products consisting of flavoured and/or coloured sugars; • chewing gum. | <p>The Philippines proposes for the deletion of the exemption list.</p> <p>Rationale:</p> <p>The standard is for prepackaged foods. Foods that are not considered as prepackaged such as fresh fruits and vegetables are not included. The country regulation requires date marking for prepackaged foods except alcoholic beverages.</p> |
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THAILAND

1. Thailand agrees with the suggestion made by CCFH48 on combining Section 1.1 and 1.2 together as both of them are interrelated and dependent to each other. In addition, we would like to propose an editorial amendment to this section by moving the bracket "(e.g. alcohol, salt, acidity, low a_w)" to the end of the sentence. The suggested text is as follows:

"1. where safety is not compromised and quality do not deteriorate **because** 1.1 where the preservative nature of the food is such that it cannot support microbial growth (e.g. alcohol, salt, acidity, low a_w); and/or 1.2 under stated storage conditions **(e.g. alcohol, salt, acidity, low a_w)**"

2. Thailand finds the proposed criteria 2 – 4 appropriate and should be used to define which food products should be exempted from declaring use-by date or best before date.

3. Thailand agrees with the list of food products as an example list. We would like to add **bottled water and bottled mineral water and fish sauces and seasoning sauces that have a_w lower than 0.85 and water phase salt lower than 20%** as examples to the list.

Rational

- bottled water and bottled mineral water do not contain sufficient nutrients to support microbial growth and under appropriate storage condition their safety and quality do not deteriorate over time.

- fish sauces and seasoning sauces that have a_w lower than 0.85 and water phase salt lower than 20% are in line with the proposed criteria. Also, we note that the list of examples does not have any food with low a_w . Adding this example will make the link between the list and the first criteria clearer.

AFRICAN UNION

Paragraph 31

Discussion on approach of whether safety and quality should be considered in the Date Marking.

Position:

AU supports the current position in the Draft Standard of two separate Date Markings to cover both safety and quality aspects of foods.

Rationale:

It clarifies the conditions under which each type of date marking should be used. Hence, facilitating understanding and application of the Standard for manufacturers, consumers and regulators. In the previous standard, the requirement is for only "Best Before..." date which mainly addresses the quality aspects of the food; thus the safety aspects which are covered by the inclusion of the "Use By" or "Expiration" date were disregarded.

Section 4.7

Section 4.7.1 (iv) Date marking and storage instructions

Position:

AU recommends that the CCFL should develop a standardized format of abbreviations for “Expiration Date” such as “EXP” and for “Best Before” such as “BB”.

Rationale:

The current provision requires that the date marking is preceded by specific wordings including “Use by”, “Expiration Date” or “Best Before”. However, the current situation on the market shows that these words are not always included on the label/package and abbreviations are used instead. The use of abbreviations is linked to issues related to space limitations, technological challenges and cost for the manufacturers. Moreover, there is no standardised format and this can lead to confusion for the consumer.

Section 4.7

Section 4.7.1 (vii) Criteria for Exemption from Date Marking

Position:

AU recommends that the entire list of criteria for exemption of foods from date marking should be referred to the Codex Committee on Food Hygiene for additional guidance.

Rationale:

CCFH is the competent Codex committee responsible for providing guidance on issues related to hygienic requirements (shelf-life) of foods.

Section 4.7

Section 4.7.1 (vii): Editorial comments

Position:

AU recommends to delete criteria 3 (~~Where the key/organoleptic quality aspects of the food are not lost;~~) and propose Criteria 1 to be revised as follows: Where safety is not compromised and the key/organoleptic quality does not deteriorate because ~~of~~ the preservative nature of the food is such that it cannot support microbial growth (e.g. alcohol, salt, acidity, low water activity); and/or under stated storage conditions.

Rationale:

Criteria 3 as currently presented is ambiguous as to the conditions to be used to assess whether or not quality has been compromised. Hence will be difficult for regulators to enforce and presents opportunities for misinterpretation. For example, the key quality attributes of a biscuit could be the crunchy texture. The current criteria implies that so long as the biscuit retains its crunchy nature, it does not require date marking which is in conflict with the provisions of 5.5.1 (ii). We are thus recommending that criteria 3 be merged with criteria 1 to take advantage of the clarity of criteria 1.

The use of the word “OF” after ‘because’ in 4.7.1 (vii) 1.1 is redundant and should be deleted to improve the sentence structure.

Section 4.7

Section 4.7.1 (vii) criteria 4: food intended for consumption within 24 hours of manufacture includes baked goods; which are not always sold and/or consumed within 24 hours of manufacture.

Position:

AU recommends that criteria 4 be revised to read: Where the food is intended to be consumed within 24 hours of its manufacture (with the exception of baked goods).

AU is also recommending that “bakers’ or pastry-cook wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture” be deleted from the list of exempted foods. Additionally, a Date of Manufacture or Date of Packaging should be indicated on these products as a minimum requirement.

Rationale:

Even though the current GSLPF does not require that ‘bakers’ or pastry-cook wares be labelled with date marking, there are currently instances in Africa, where such products are pre-packaged and sold or consumed beyond 24 hours after manufacture. Examples include sponge cakes, birthday cakes, breads, etc.

Section 5.7

Section 5.7 Name and address: Editorial comment

Position:

AU recommends that the sentence should be revised to read: Name and address of the manufacturer, or packer, or distributor, or importer, or exporter or vendor of the food as applicable etc. (Approval number...

Rationale:

This allows for traceability to counter issues related to food fraud and counterfeit foods. Also, it provides clarity in the interpretation of the requirement.

“ETC.” is not appropriate at its present location.