

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 6

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

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PROPOSED DRAFT GUIDANCE FOR THE LABELLING OF NON-RETAIL CONTAINERS

(comments from El Salvador, European Union, Philippines, Thailand, Uruguay, AU)

EL SALVADOR

El Salvador agradece el documento Preparado por el grupo del trabajo electrónico dirigido por la India y copresidido por los Estados Unidos de América y Costa Rica y apoya la información en la disposición : 5.1 El nombre del alimento; 5.1.1.4 Se podrá emplear un nombre "acuñado", "de fantasía" o "de fábrica", o una "marca registrada", siempre que vaya acompañado de uno de los nombres indicados en las Subsecciones 5.1.1.1 a 5.1.1.3. Estamos en concordancia con la normativa nacional y Centroamericano. RTCA 67.01.07:10 "Etiquetado general de los alimentos previamente envasados (preenvasados)".

El Salvador apoya que las orientaciones pueden contemplarse dentro de la Norma General del Codex para el Etiquetado de los Alimentos Preenvasados (CODEX STAN 1-1985). Para no generar confusión en dicha normativa se debe generar un apartado específico con los requisitos adicionales para el etiquetado de envases no destinados a la venta al por menor.

EUROPEAN UNION

1. Comments on the proposed draft guidance text annexed to the discussion paper

1.1. Section 5.2

The EUMS note that information on allergenic foods has been added in the list of information requirements to be provided on the label of non-retail containers. The EUMS do not recall any previous discussion on this addition in the e-WG and questions the need to require this type of information on the label itself. The EUMS agree that this information has to be provided by means other than the label but not on the label itself. The EUMS consider that direct information on the labels about the allergenicity of foods is necessary at the stages of purchase and consumption for final consumers. However, at the stage of transformation/processing, it is sufficient that such information is available on the accompanying documents.

The EUMS therefore propose to delete section 5.2.

1.2. Section 5.6.

The EUMS consider that the obligation to apply an identification statement on non-retail containers is not necessary as non-retail containers are easily distinguishable from those that are intended for retail.

In addition, the EUMS note that this would not always reflect the situation in practice. There are a number of situations where foods are packed in non-retail containers which are also used to present the foods contained therein for retail (e.g. fruits, olives, rice...). Having a statement on such containers identifying them as a non-retail container might be very confusing for consumers.

The EUMS therefore consider that an identification statement should not be imposed on non-retail containers.

Consequently, the EUMS propose to delete section 5.6.

1.3. Section 5.8

The EUMS note that the current text of the guidance allows the identification mark to replace the information on the label except the name of the product, ingredients of hypersensitivity and the statement that it is a non-retail container under certain conditions.

The EUMS would like to ensure consistency with other relevant standards such as the standard on Jams, Jellies and Marmalades (CODEX STAN 296-2009) and the General Standard for Cheese (CODEX STAN 283-1978) where the identification mark only replaces the name and address of the business as well as the lot identification.

In addition, the EUMS consider that allowing the identification mark to replace information such as net contents and date marking which are essential information for businesses might prevent to attain one of the objectives of this guidance which is to provide direct information on labels of non-retail containers and promote fair trade practices.

Consequently, the EUMS propose to amend the text in the following way:

Notwithstanding the above in the present Section on Information Requirements on Label and if permitted by the competent authority in the country in which it is sold, lot identification and the name and address of the manufacturer, packer, distributor, importer, exporter or vendor may be replaced by an identification mark ~~may replace the information on the label except the name of the product (Section 5.1), ingredients of hypersensitivity (Section 5.2) and the statement that it is a non-retail container (Section 5.6),~~ provided that such mark is clearly identifiable with the accompanying documents or other means of information exchange where all such information shall be provided.

1.4. Section 6.1

The EUMS note that some of the information necessary to meet mandatory labelling requirements for pre-packaged foods are listed in this section such as the list of ingredients or the written statement concerning irradiated foods while the others are not listed. The EUMS question this way of presenting the information and would propose in order to avoid confusion to only refer to the 'information necessary to meet mandatory labelling requirements for pre-packaged foods' without highlighting some of those requirements.

Consequently, the EUMS propose to amend the text in the following way:

The following additional mandatory information, if not provided on the label, shall be provided in the accompanying documents or through appropriate other means (e.g. electronically between businesses), provided such documents or information is effectively traceable to the food in non-retail container:

- List of Ingredients;
- Irradiated Foods-A written statement indicating that the food or its ingredient, ~~as the case may be has been treated with ionizing radiation.~~
- Information necessary to meet mandatory labelling requirements for pre-packaged foods in which the food in non-retail container will be used or packaged⁴. E.g. Country of origin⁴, nutrition information etc.
- ~~[Any other information required by the importing country such as Halal Certification, Kosher Certification, Vegetarian/Non-Vegetarian logo etc.]~~

2. Replies to questions of section 14 of the discussion paper

2.1. (ii)

2.1.1. Provision 5.1.1.4 (coined, fanciful name etc)

This provision concerns voluntary information which can accompany the name of the food as for pre-packed foods. To the question whether this provision is required for the labelling of non-retail containers or can be accepted in the accompanying documents, the EUMS see no reason not to allow this practice for non-retail containers.

2.1.2. Provision 5.1.2 (processing/treatment information)

This provision relates to specific information to accompany the name of the food in order to specifically name the food in question and inform about the true nature of the food in non-retail containers.

To the question whether this provision is required for the labelling of non-retail containers, the EUMS consider that to attain the objective of informing about the true nature of the food in non-retail containers, this provision is needed. The EUMS consider that the same rules as regards the name of the food for pre-packed foods should apply to non-retail containers.

To the question whether this information can be accepted in the accompanying documents, the EUMS consider that all information concerning the name of the food is part of the name of the food and should not be split.

Therefore the EUMS consider that this provision should be maintained as it is.

2.1.3. Provision 5.5.1, (vii), 4 (where the food is intended to be consumed within 24 hours of its manufacture)

This provision relates to the exemption to provide a date mark where foods such as bakery foods are intended to be consumed within 24 hours of its manufacture.

To the question whether this exemption should apply to non-retail containers, the EUMS question the need for a stricter approach than the one followed for the labelling of pre-packed foods to be offered as such to the consumer (CODEX STAN 1-1985). It considers that this exemption should be maintained for non-retail containers and that no date mark should be provided on the label of non-retail containers when the food is intended to be consumed within 24 hours of its manufacture.

2.2. (iii)

To the question how to best address the relationship between the guidance being developed and the provisions on labelling of non-retail containers/bulk packs included in the commodity standards, the EUMS consider that as a principle, the guidance being developed should apply to all foods except for foods where specific rules on the labelling of non-retail containers exist in individual Codex Standard.

Consequently, the EUMS propose to include a provision in the scope section in the following way:

SCOPE: [These Guidelines] / [This Standard][apply] /[applies] to the labelling of non-retail containers of food not intended to be sold directly to the consumer, including the information provided in the accompanying physical/digital documents or by other means, and the presentation thereof.

[These Guidelines] / [This Standard] [apply] /[applies] to the labelling of non-retail containers of all foods, with the exception of foods where specific provisions on the labelling of non-retail containers exist in an individual Codex standard.

Nevertheless, the EUMS consider that at a later stage, the Committee should consider whether the labelling provisions on non-retail containers in the individual standards have to be adapted to the horizontal guidance or not.

2.3. (iv)

To the question whether this guidance should be a stand-alone document or should be inserted within the *General Standard for the Labelling of Prepackaged Foods*, the EUMS would favour the non-retail guidance to be a stand-alone document rather than inserted in the *General Standard for the Labelling of Prepackaged Foods* to keep the two subjects separate.

However, if the inclusion option is retained, the EUMS consider that a clear demarcation between the two situations should be made by introducing a new section in the *General Standard for labelling of non-retail containers* to avoid any potential confusion or ambiguities.

PHILIPPINES

The Philippines reiterates its support to the proposal of India to develop a guideline for the labeling of “non-retail container” since there are differences in the information provided in imports and exports of these products.

Rationale:

To reiterate our previous position, exemptions in some mandatory labelling information can be provided for bulk materials in consideration on how this category of products is traded. A logical approach on the right to exclusivity of the formulation and proprietary agreement between the manufacturer and supplier may be given due consideration, where most of the important labelling and technical information are provided specific to the client who will be using the product.

The following are the specific comments on the proposal:

New Proposal	
<p>TITLE</p> <p>Guidance for the Labelling of Non-Retail Containers of Foods</p>	<p>The Philippines proposes the revision of the title to “Standard for the Labelling of Non-Retail Containers of Foods”</p>
<p>1. SCOPE</p> <p>[These Guidelines] / [This Standard][apply] /[applies] to the labelling of non-retail containers of food not intended to be sold directly to the consumer¹, including the information provided in the accompanying physical/digital documents or by other means, and the presentation thereof.</p>	
<p>2. PURPOSE: The purpose of [these Guidelines] / [this Standard] is to facilitate appropriate harmonized labelling requirements for non-retail containers of food, with an intention to avoid hindrance to international trade of such containers and promote fair trade practices. [These Guidelines] / [This Standard] outline what information must be on the label and what information, while not required on the label, must be provided with a non-retail container. [The document will guide the national competent authorities in laying down appropriate labelling requirements for non-retail containers of foods and the manner in which the relevant information is made available].</p>	<p>We propose to delete the section on Purpose to align with other Codex guidelines such as the General Standard on the Labeling of Prepackaged Foods (CODEX STAN 1-1985) and the General Guidelines on Claims (CAC/GL 1-1979) wherein there is no such section.</p>
<p>3. DEFINITION OF TERMS: For the purpose of [these Guidelines] / [this Standard], the relevant definitions in the <i>General Standard for the Labelling of Prepackaged Foods</i> (CODEX STAN 1-1985) apply. In addition, the following</p>	<p>The Philippines reiterates its previous position to revise the phrase ‘prepackaged or not’ with ‘in bulk or in small packages’, with the new definition to read as:</p> <p>“Non-retail container”: means any container that is not intended to be offered</p>

¹ As defined in the *General Standard for the Labelling of Pre-packaged Foods* (CODEX STAN 1-1985)

<p style="text-align: center;">New Proposal</p>	
<p>terms have the meaning as defined below:</p> <p>“Business” means any undertaking carrying out any of the activities related to any stage of production, processing, packaging and distribution (including trade) of food¹.</p> <p>“Non-retail container”: means any container¹ that is not intended to be offered for direct sale to consumer¹. The food¹ in such containers is of same kind, prepackaged¹ or not, and intended for further business operations or processing activities.</p>	<p>for direct sale to consumer. The food in such containers is of same kind, <u>in bulk or in small packages</u>, and intended for further business operations or processing activities.</p> <p>Rationale:</p> <p>Non-retail containers usually come in form of bulk packages. However, some non-retail containers come in the form of small packages (ex. Food additives) but not intended for direct sale to the consumer. As such, to differentiate ‘pre-packaged’ from ‘non-retail containers’, specifically those that are packaged but not directly sold to the consumer, we believe that the phrase <u>‘in bulk or in small packages’</u> more aptly describes forms or types of packaging of foods in non-retail containers. Further, we propose the definition for “bulk food material” as follows:</p> <p><u>“Bulk food materials</u> refers to raw material, ingredients and food additives that are packed in wholesale containers either for food industry use for further processing or institutional use or food service or catering business or generally not intended for commercial distribution”.</p>
<p>4. GENERAL PRINCIPLES: The following general principles apply in respect of non-retail containers:</p> <p>4.1. The general principles established in the General Standard for the Labelling of Prepackaged foods (GSLPF) apply [<i>mutatis mutandij</i>] / [equally as appropriate] to the labelling of non-retail containers of foods.</p>	<p>The Philippines proposes to revise 4. General Principles as follows:</p> <p>“The same general principles established in General Standard on the Labeling of Prepackaged Foods (CODEX STAN 1-1985) apply to non-retail containers.”</p>

<p style="text-align: center;">New Proposal</p>	
<p>4.2 Both the labelling requirements and non-retail containers of foods itself should be differentiated clearly from the labelling requirements and containers for prepackaged foods respectively.</p>	<p>The Philippines suggests deleting this provision/statement as it is already implied that there's differentiation between "non-retail containers" and "prepacked food" with the drafting of this standard. The content of the draft do not present the differentiation, instead, the common requirements.</p>
<p>4.3 The label along with the accompanying documents of non-retail containers provide relevant information that enable compliant labelling of food intended for sale to consumer.</p> <p>4.4 The labelling requirements for non-retail containers should be established taking into account the information requirements and implementation capabilities of the relevant stakeholders (business and competent authorities).</p>	<p>The Philippines proposes the deletion of 4.3 & 4.4 since 4.5 already covered 4.3. and 4.4.</p> <p>We support the provision under 4.5 as it provides flexibility that other required information can be presented in other means other than on a label.</p>
<p>4.5 Where appropriate, the information requirements in respect of non-retail containers of food may be met through appropriate means other than on a label (including accompanying documents or other globally acceptable innovative practices, for example, electronic transfer of information), as allowed for by the competent authority in the country in which it is sold.</p>	
<p>5. INFORMATION REQUIREMENTS ON LABEL: The following minimum mandatory information shall appear on the label of non-retail containers of food:</p>	
<p>5.3. Net Contents:</p>	<p>The Philippines proposes that Section 4.3. of Codex General Standard for the Labeling of Prepackaged Foods (CODEX STAN1-1985) be adopted for both the Section title and specific provisions.</p>

New Proposal	
<p>5.3.1. The net contents should be declared in either the metric system (The International System of Units, SI) or avoirdupois weight system or both the systems of measurement as required by the competent authority in the country in which the food is intended to be sold. This declaration shall be made in the following manner:</p> <p>(a) for liquid foods, by volume or weight;</p> <p>(b) for solid foods, by weight;</p> <p>(c) for semi-solid or viscous foods, either by weight or volume;</p>	
<p>5.5. Date Marking⁴</p> <p>5.5.1. [If not otherwise determined in an individual Codex standard, the following date marking shall apply, unless clause 5.5.1 (vii) applies:</p> <p>(i) When a food must be consumed/utilized before a certain date to ensure its safety and quality the “Use-by Date” or “Expiration Date” shall be declared⁴.</p> <p>(ii) Where a “Use-by Date” or “Expiration Date” is not required, the “Best-Before Date” or “Best Quality Before Date” shall be declared².</p> <p>(iii) The date marking should be as follows:</p> <ul style="list-style-type: none"> • On products with a durability of not more than three months; the day and month shall be declared and in addition, the year when competent authorities mandate it. • On products with a durability of more than three months at least the month and year shall be declared. <p>(iv) The date shall be introduced by the words:</p>	<p>The Philippines supports 5.5.1 (i) – (vi). However, we propose to delete (vii). This is consistent with our position in “Draft Revision to the General Standard for the Labelling of Prepackaged Foods.”</p>

² Consideration should be given to other Codex texts

<p style="text-align: center;">New Proposal</p>	
<ul style="list-style-type: none"> • “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 • “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. <p>(v) The words referred to in paragraph (iv) shall be accompanied by:</p> <ul style="list-style-type: none"> • either the date itself; or • a reference to where the date is given. <p>(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).</p> <p>(vii) Notwithstanding 5.5.1 (i) and 5.5.1 (ii), a date mark shall not be required for a food if one or more of the following criteria apply:</p> <ol style="list-style-type: none"> 1. Where safety is not compromised and 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) <u>under stated storage conditions</u>; 2. Where deterioration is evident to the purchaser; 	

New Proposal	
<p>3. Where the key/organoleptic quality aspects of the food are not lost;</p> <p>4. Where the food is intended to be consumed within 24 hours of its manufacture.</p> <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>In such cases, the "Date of Manufacture" or the "Date of Packaging" may be provided.</p> <p>(viii) A "Date of Manufacture" or a "Date of Packaging" may be used in combination with 5.5.1 (i) or (ii). It shall be introduced with the words "Date of Manufacture" or "Date of Packaging", as appropriate, and use the format provided in clause 5.5.1 (vi).</p>	

<p style="text-align: center;">New Proposal</p>	
<p>5.5.2. Any special conditions for the storage of the food where they are required to support the integrity of the food and, where a date mark is used, the validity of the date depends thereon]</p>	
<p>5.8. Notwithstanding the above in the present Section on Information Requirements on Label and if permitted by the competent authority in the country in which it is sold, an identification mark may replace the information on the label except the name of the product (Section 5.1), ingredients of hypersensitivity (Section 5.2) and the statement that it is a non-retail container (Section 5.6), provided such mark is clearly identifiable with the accompanying documents or other means of information exchange where all such information shall be provided.</p>	<p>The Philippines supports this provision provided that other relevant information may be allowed to be specified in the accompanying documents if allowed by national legislation.</p>
<p>6. INFORMATION REQUIREMENTS BY MEANS OTHER THAN LABEL</p> <p>6.8. The following additional mandatory information, if not provided on the label, shall be provided in the accompanying documents or through appropriate other means (e.g. electronically between businesses), provided such documents or information is effectively traceable to the food in non-retail container:</p> <ul style="list-style-type: none"> • List of Ingredients² • Irradiated Foods-A written statement indicating that the food or its ingredient, as the case may be has been treated with ionizing radiation. • Information necessary to meet mandatory labelling requirements for pre-packaged foods in which the food in non-retail container will be used or packaged. E.g. Country of origin², nutrition information etc. 	<p>The Philippines supports this provision as declaring the list of ingredients on non-retail containers compromises a food producer’s ability to safeguard its formulation. We also support the information in square brackets (Halal Certification, Kosher Certification, Vegetarian/Non Vegetarian logo etc.) to be declared in accompanying documents as there are individual/groups that require such information. In addition, we propose the inclusion of Instruction/Direction for Use or Application in 3rd bullet to read as: “Information necessary to meet mandatory labelling requirements for pre-packaged foods in which the food in non-retail container will be used or packaged. E.g. Country of origin², nutrition information, <u>Instruction/Direction for Use or Application</u> etc.”</p>

<p style="text-align: center;">New Proposal</p>	
<ul style="list-style-type: none"> • [Any other information required by the importing country such as Halal Certification, Kosher Certification, Vegetarian/Non Vegetarian logo etc.] 	
<p>7. PRESENTATION OF INFORMATION:</p> <p>7.1. General</p> <p>7.1.1. Labels on non-retail containers of foods shall be applied in such a manner that they will not become separated from the container.</p> <p>7.1.2. Statements required to appear on the label by virtue of [these Guidelines] / [this Standard] or any other Codex Standards shall be clear, prominent, indelible and readily legible.</p> <p>7.1.3. Where the container is covered by a wrapper, the wrapper shall carry the necessary information or the label on the container shall be readily legible through the outer wrapper or not obscured by it.</p> <p>7.1.4. The name of the food (Section 5.1), the statement of identification of non-retail container (Section 5.6) and the identification mark (Section 5.8), where used, shall appear in a prominent position and in the same field of vision.</p>	<p>The Philippines proposes to retain only provisions 7.1.1., 7.1.2. and 7.1.4 since other provisions are not relevant for labeling of foods in non-retail container.</p>
<p>7.2. Language</p> <p>7.2.1. If the language in the original labelling is not acceptable to the competent authority in the country in which the product is sold, an official translation of the information in the labelling should be provided in the required language in the form of re-labelling, supplementary label and/or in the accompanying documents, if it meets the requirements of the country in which the product is sold.</p>	<p>The Philippines proposes to replace the term 'acceptable' with a more specific phrase 'the official language of the receiving country' since 'acceptable' is not defined and may be subject to interpretations.</p>

New Proposal	
<p>7.2.2. The information provided through translation in the required language shall fully and accurately reflect that in the original labelling.</p>	

THAILAND

Thailand appreciates the work done by the working group in drafting the guidance for the labeling of non-retail containers and fully supports this development. We note that the scope of this document is different from those of CODEX STAN 1-1985 yet there are several sections that are referring to the CODEX STAN 1-1985. Therefore, we propose that this document should also be “a standard”. However, it should be kept as a separated document from CODEX STAN 1-1985 hence it would be easier to use. For those sections that refer to CODEX STAN 1-1985, it should also be restated in this document to make it clear and less complicated when either document being revised.

Specific comments

Scope

1. We propose the following amendments:

“...the labelling of non-retail containers of food not intended to be sold **as such** directly to the consumer¹ or **for catering purposes**, including the information provided in the accompanying physical/digital documents or by other means, and the presentation thereof.”

Rationale: This amendment would make a clear distinction to the scope of Codex Stan 1-1985

2. We would like to seek clarification on the sentence, “including the information provided in the accompanying physical/digital documents or by other means, and the presentation thereof.” It is included in the definition of “labeling” specified in Codex Stan 1-1985. Therefore, repetition may not be necessary. However, we do not object if this sentence would bring clarity to the scope.

3. We are of the opinion that the scope of this document should not include the containers used for raw produce, for example containers that farmers used to transfer their produce to collection centre, packing centre or processing factory.

Rationale: the containers under this scope should only include those used for transferring final products.

Definitions

1. We agree with the definition of “business”

2. We propose amendments to the definition of “non-retail container” to be in line with our proposal to the scope as follows:

“any container¹ that is not intended to be sold **as such** offered for direct sale to consumer¹ or **for catering purposes**. The food¹ in such containers is of same kind, prepackaged¹ or not, and intended for further business operations or processing activities.”

Purposes

We propose addition of “consumer protection” to this section.

Rationale: This document includes the declaration of allergens which is to protect consumer’s health. Moreover, the purposes of Codex work is both to protect consumer and facilitate trade. Therefore all Codex documents should reflect on these.

General Principles

Thailand generally agrees with this section. Nonetheless, we propose two following amendments:

1. Thailand proposes the following amendments to Section 4.2

“4.2 ~~Both~~**The** labelling requirements ~~and~~ **for** non-retail containers of foods ~~itself~~ should be differentiated clearly from the labelling requirements ~~and containers~~ for prepackaged¹ foods ~~respectively~~.”

Rationale: There are some containers that can be sold for further processing as well as for catering purposes. It is unnecessary for industry to differentiate containers according to the different purposes. However, it is possible to differentiate such containers by labeling. Therefore we propose only the labeling requirements should be differentiated clearly for non-retail containers and prepackaged foods.

2. We propose deletion Section 4.4.

Rationale: Principally, Codex document takes into consideration the common practices of stakeholders in each member country. If members find some requirements are not feasible, any flexibility can be added into those particular requirements. Therefore this statement in Section 4.4 is repetitive to the general principle of Codex.

Information requirements on label

1. We propose alignment of the Section name with Codex Stan 1-1985, which uses the term “mandatory labeling” instead of “information”.

2. We agree with the requirement on the declaration of allergens.

3. We propose the net contents should be declared only in the metric system, to be in line with Codex Stan 1-1985.

4. In principle, the date marking requirements specified in Codex Stan 1-1985 may not be applicable entirely to this document. In order to apply those requirements, consideration should be done carefully to make them appropriate to the context of non-retail containers.

5. We would like to seek clarification on “identification mark” whether it is some kind of linkage, for instance, barcode or QR code, that only accessible by an equipment or tool and not by eyes. If this is the case, will it be considered as information on label or means other than label?

6. There should be a clear distinction of requirements for shipping containers, which are the containers used to pack retail containers that possess full mandatory information for prepackaged food. These shipping containers, for that reason, certainly do not require labeling as many details as other types of non-retail containers.

Information requirements by means other than label

We would like to seek clarification regarding the requirements for labeling of loose/unpackaged food. As it is mentioned in Section 6.2, it is not cleared that only requirements under Section 6.1 or the information both in Section 5 and Section 6.1 are required for the loose/unpackaged food.

Moreover, it is not clear for this type of non-retail container whether it includes those used for specific commodities such as edible oil. If it is the case, details for each commodity containers need careful consideration.

Language

We are of the view that the requirement on “official translation” of information in the labelling may be too strict because generally this labelling is for business use not to the consumers. The business commonly has means to control the specification of their incoming goods and has ways to check for its authenticity. Moreover, the requirement in Section 7.2.2 clearly specifies that the translated information shall be fully and accurately reflect the original labelling. Therefore we believe that “translation acceptable by competent authority of the market” is adequate to ensure the correctness of information provided in the labelling.

URUGUAY

Uruguay agradece a los Coordinadores del GTe (India, Estados Unidos y Costa Rica) por la posibilidad de emitir comentarios sobre el ANTEPROYECTO DE ORIENTACIÓN PARA EL ETIQUETADO DE ENVASES ALIMENTARIOS NO DESTINADOS A LA VENTA AL POR MENOR y solicita disculpas por enviarlos pasada la fecha establecida por el GTe

<p>Sección 5. Ítem 5.2 Alimentos alergénicos</p>	<p>Uruguay entiende que la inclusión obligatoria de información sobre alérgenos en la etiqueta de un envase de alimento no destinado a la venta directa al consumidor, acarrearía muchos problemas al comercio, ya que no existe uniformidad entre los diferentes países sobre los alérgenos a declarar. Esto llevaría a etiquetar para cada país en particular con los costos correspondiente y otras dificultades</p>
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	<p>relacionadas.</p> <p>Por lo expuesto se sugiere incluir este requisito en la sección 6.Ítem 6.1 (REQUISITOS DE INFORMACIÓN POR MEDIOS DIFERENTES DE ETIQUETA)</p>
Sección 6.Ítem 6.1 Lista de ingredientes	Uruguay sugiere eliminar la frase “lista de” y dejar sólo “Ingredientes” ya que esto posibilitará declararlos de manera más general sin las exigencias de la sección 4 Ítem 4.2 de la Norma Codex Stan 1 - 1985.
Sección 7. Ítem 7.1.3. Cuando el envase esté cubierto por una envoltura, en ésta deberá figurar toda la información necesaria, o la etiqueta aplicada al envase deberá poder leerse fácilmente a través de la envoltura exterior o no deberá estar oscurecida por ésta.	<p>En este punto Uruguay solicita que se tenga en cuenta que en envíos para empresas en particular, se agrupan diferentes productos embalados en un mismo pallet para evitar la rotura y/o pérdida de envases y contribuir a una mayor efectividad del envío y cumplimiento de los protocolos de seguridad. Por lo expuesto, en estos casos no sería posible cumplir estrictamente con lo exigido en el Ítem 7.1.3.</p> <p>Uruguay sugiere que se agregue una excepción o una nota a pie de página teniendo en cuenta la situación planteada.</p>

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Scope

With regards to the preference between Guidelines and Standard, AU recommends that the document be considered as a Guideline. Thus “Guidelines” should be removed from the square brackets and “Standard” should be deleted throughout the document.

The Scope should therefore be revised to read: These Guidelines ~~[This Standard]~~ apply ~~[applies]~~ to the labelling of non-retail containers of food not intended to be sold directly...

Rationale:

The document is intended to guide business to business interactions, as well as guide Competent Authorities in developing their national requirements. There is no direct impact on consumers.

Section 3

Section 3 Definitions of Terms – Business: Editorial comment

Position:

AU recommends that the definition for “Business” should be revised to read as follows: *Business* means any **organisation** undertaking **or** carrying out **an activity** at any stage of **harvesting**, production, processing, packaging and distribution (including trade) of food.

Rationale:

In this document, a “Business” is an entity and not an activity; the definition should thus reflect this clearly. In addition, AU recognizes that the food value chain does not always start with farmed produce, but could start with raw materials which are harvested from the wild, e.g. Baobab fruits and Shea nut.

Section 3

Section 3 Definitions of Terms – Non-retail Container: Editorial comment

Position:

AU recommends to revise the definition for “Non-retail container” to read as follows: means any container that is not intended to be offered for direct sale to **the** consumer. The food in such containers is of **the** same kind, prepackaged or not, and intended for further business operations **and/or** processing activities.

Rationale:

To improve readability.

Section 4.1

Section 4.1 preference between [*mutatis mutandii*] / [equally as appropriate]

Position:

AU recommends that “[equally as appropriate]” should be used and removed from square bracket whilst “~~*mutatis mutandii*~~” should be deleted.

Rationale:

For better understanding of the requirement, considering the end-users of the guidelines.

Section 4.6

Section 4.6: Editorial comment

Position:

We recommend to insert a new (4.6) under General Principles to read as follows: **The general principles established in the *General Standard for the Labelling of Food Additives When Sold As Such* apply to the labelling of non-retail containers of foods additives.**

Rationale:

To ensure that food additives are used appropriately to avoid potential food safety issues.

Section 5.3

Section 5.3.1 Net Contents: Editorial comment

Position:

Reformat superscript '5' (after net): The net⁵ contents should be declared in either the metric...

Rationale:

Wrong formatting.

Section 7.2

Section 7.2 Language: Editorial Comments

Position:

Revise sentence to read as follows: ...the form of re-labelling, or supplementary label and ~~or~~ in the accompanying documents, if it meets as per the requirements of the country in which the product is sold.

Rationale:

The document requires that some of the labelling information must be presented on the label whilst other information can be on accompanying documents. The proposed revision allows for the translated information to comply with this specific provision.

Paragraph 14 (ii)

Discuss if information sought in provisions 5.1.1.4 (coined fanciful name etc.), 5.1.2 (processing/treatment information), and the ‘within 24 hour use’ criteria for exemption to date marking are required on the label of a non-retail container or can be done away with or can be accepted in the accompanying documents.

Section 5.1.1.4

AU recommends that the provision of 5.1.1.4 ‘coined or fanciful name’ be included on the label of the non-retail container.

Rationale:

For purposes of traceability, Brand names help in differentiating products hence AU recommends its inclusion on the label.

Section 5.1.2

We recommend that the information regarding the type of processing applied to the food be provided on the label.

Rationale:

This will convey information on the true nature of the food.

“within 24 hour use”

AU recommends that the phrase ‘within 24 hour use’, under criteria 4 should be included on the label. Additionally, AU emphasises the recommendation to request for a review of the list of criteria for exempting foods from date marking by CCFH.

Rationale:

The purchasing business needs to be informed that the product must be used within 24 hours. Thus this in itself provides a form of date marking and the product is therefore not exempted from date marking. This highlights the challenges with the current list of criteria for exemption from date marking.

Paragraph 14 (iii)

The Committee is requested to deliberate how to best address the relationship between the guidance being developed and the provisions on labelling of non-retail containers/bulk packs included in the commodity standards (Refer CX/FL 16/43/6, Annex 3 for a list of these commodity standards).

Position:

AU recommends that the existing procedures relating to revision of existing Codex documents and hierarchy be followed.

Rationale:

The provisions in this document, if approved, will supersede any requirements in the specific commodity standards especially in cases where there are conflicts in the provisions. The commodity standards should be revised to include a reference to this document instead of making specific provisions on the related matters.

Paragraph 14 (iv)

CCFL is to decide whether this guidance should be a stand-alone document or should be inserted within the General Standard for the Labelling of Prepackaged Foods.

Position:

AU proposes that the document should be considered as a stand-alone document.

Rationale:

It is proposed as a Guideline as opposed to the current GSLPF which is a standard. In addition, the objective of this document is directed at business to business interactions whereas the current GSLPF provides for communication intended for the consumer. Hence separating the documents will enhance clarity and appropriate usage.