

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 4a, 4b, 4c, 4d and 7

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

Forty-first Session

Dusseldorf, Germany
24 – 29 November 2019

Comments by Lao People's Democratic Republic

ITEM 4 a)

SECTION A: FOLLOW-UP FORMULA FOR OLDER INFANTS

9.3.1

Lao PDR supports the deletion of the square brackets around the * adjacent to protein in this text.

9.2.2 List of ingredients

Lao PDR supports the deletion of the text marked with strikethrough.

9.4 Date Marking and Storage Instructions

9.4.1 Lao PDR supports the deletion of the text and the replacement text in **BOLD**.

9.4.2 Lao PDR supports the deletion of the text marked with strikethrough

9.6 Additional Labelling Requirements

9.6.2.5 Lao PDR supports the deletion of the square bracket and believes this had already been agreed to and so it appears it is an error and does not require discussion.

9.6.4 Lao PDR would like to retain the second sentence that specifically refers to cross-promotion as this is a highly problematic practice that in the interest of the health of children up to 36 months, must be curbed. However, we understand that this term, without an agreed definition, is not meaningful for use outside of the English language and would be challenging to implement.

As currently drafted, the text on cross-promotion in the revised draft Codex Standard on Follow-up Formula as it applies to follow-up formula for older infants in 9.6.4 of the Additional Labelling Requirements reads: *"Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, (name of product) for young children, and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them. Cross promotion between product categories is not permitted on the [label/labelling] of the product."*

Thus in the interests of time and in order to ensure the meeting focuses on the numerous important issues, if a majority of country delegations so choose, Lao PDR can accept deletion of the second sentence as long as it is replaced with text that better describes a prohibition against this problematic marketing tactic. We propose a new sentence that forbids that follow on formula and [name of product] for young children to REFER to infant formula, [name of product] for young children, or formula for special medical purposes intended for infants in its marketing through the use of similar text, numbers, statements, images, and colors.

ITEM 4 b)

SECTION B: [NAME OF PRODUCT] FOR YOUNG CHILDREN

3. ESSENTIAL COMPOSITION AND QUALITY FACTORS

3.2.1 Lao PDR agrees with the deletion of the [] and that substances shall **not** be added with the purpose of imparting or enhancing a sweet taste. Lao PDR is concerned by the marketing of

sweet taste to young children and the resulting impact on child nutrition. Most growing-up milks contain a variety of added sugars, which makes the current growing-up milks inappropriate for young children.

ITEM 4 c)

[NAME OF PRODUCT] FOR YOUNG CHILDREN

[Note: We recognise that this might not be discussed here but our comments are included here] The suggestion for the name is: **[Formulated]** drink for young children.

The word formulated in the name of this product has not been subject to sufficient discussion or consensus to include the word in the Standard and that other options must be open for discussion at the 2019 CCNFSDU meeting. Lao PDR strongly opposes the use of any word that conveys any health benefit as this product is not a necessary nor a recommended part of a young child's diet.

Specific justification:

1. WHA 69.9 was adopted by consensus and specifically urged Member States to “take all necessary measures in the interest of public health to end the inappropriate promotion of foods for infants and young children, including in particular implementation of the guidance recommendations...”. Further WHA 69.9 “calls upon manufacturers and distributors of foods for infants and young children to end all forms of inappropriate promotion as set forth in the guidance”.

Recommendation 2 in the Guidance states that these products are breast-milk substitutes and fall under the International Code of Marketing of Breast-milk Substitutes, which prohibits any promotion and idealisation of these products. Lao PDR is obliged to implement the Guidance and thus the word formulated must be removed from the name of the product as it makes the product sound ‘special’, implies a claim, and is contrary to recommendation of the global guidance.

2. Lao PDR believes adding the word ‘formulated’ to the name of the product contradicts the decision by the Committee not to refer to the products as ‘specially’ manufactured. Lao PDR notes all commercially produced foods are formulated, thus the only purpose to use this term is to imply some benefit, which Lao PDR strongly objects to.
3. Lao PDR refers to the growing body of evidence that caregivers can and do mistake this product as appropriate for infants in many countries. If the [Name of product] for young children is the only product fed to an infant less than 6 months of age, nutritional deficiencies would likely result as its proposed composition requires only 50% of the different nutrients required of infant formula. Lao PDR believes this should be avoided and removing the term ‘formulated’ will reduce risk of confusion and misuse.

Lao PDR recommends the name ‘Drink for young children’ as the appropriate choice for these products.

[PREAMBLE]

Based on the current Preamble text:

1. Lao PDR strongly supports that the Preamble refers to ‘protect and support’ of breastfeeding and not the word ‘recognize’, as ‘protect, promote and support’ are the globally recognised terminology and the wording used by the World Health Assembly, the highest global health policy making body. Thus, the opening sentence would read:

“The Codex Alimentarius Commission acknowledges the need to protect and support breast-feeding as an unequalled way of providing ideal food for the healthy growth and development of infants.”

2. Lao PDR also supports the use of the word ‘necessary’ rather than ‘appropriate’ as we believe that the use of formula should only be used where necessary on the advice of a health worker. These concepts – ‘necessity’ and ‘on advice of a health worker’ - have already been agreed in the text included under Additional Labelling Requirement (Clause 9.6.1 c) of the follow-up formula for older infant's product category and so should both be used in the Preamble.

Thus, the second sentence would read (underlined **bold** text added):

*“At the same time Codex acknowledges that numerous formulae have been produced, intended for use, where [necessary / ~~appropriate~~], as a substitute for human milk in meeting the normal nutritional requirements of infants provided they are prepared under hygienic conditions, are given in adequate amounts, **and only used on the advice of a health worker**.”*

3. With regards to the second paragraph, Lao PDR strongly believes that the words [as appropriate] should be deleted and be replaced with the wording used in World Health Assembly (WHA) resolutions, which

usually use the terminology that Codex should 'give full consideration' to WHO guidelines and recommendations, including the International Code of Marketing of Breast-milk Substitutes and relevant WHA resolutions. Lao PDR notes that at the minimum the words [as appropriate] should be deleted.

Lao PDR recommends that the second paragraph should read (underlined **bold** text added):

*"The production, distribution, sale and use of follow-up formula for older infants and [name of product] for young children should be consistent with national health and nutrition policies and relevant national/regional legislation, and ~~take into account, [as appropriate,]~~ **give full consideration** to the recommendations made in the International Code of Marketing of Breast-milk Substitutes (1981) and the Global Strategy for Infant and Young Child Feeding. Relevant WHO guidelines and policies as well as relevant World Health Assembly (WHA) resolutions that have been [endorsed ~~/supported~~] by member states ~~[may also]~~ provide guidance to countries in this context.*

SECTION A: FOLLOW-UP FORMULA FOR OLDER INFANTS

2. DESCRIPTION

2.1 Product definition

2.1.1

Lao PDR does NOT support the text as proposed. There is not sufficient consensus to delete the reference, in square brackets, to these products being breastmilk substitute nor is there justification for the text in [] that reads [in order to contribute to the nutritional needs of young children].

Lao PDR agrees with the guidance of the World Health Assembly (including but not limited to WHA 69.9) and considers products marketed to young children to be breast milk substitutes. Thus Lao PDR believes the definition should read: '[Name of product] for young children means a product manufactured for use as a breast-milk substitute, as a liquid part of the diversified diet of young children.'

Lao PDR strongly believes the text [in order to contribute to the nutritional needs of young children] should be removed as there is no evidence that these products are a necessary part of a young child's diet and further, the majority of these products are nutritionally inappropriate due to levels of added sugar.

2.2 Other definitions

2.2.1 Lao PDR supports the text as proposed.

9. LABELLING Lao PDR supports the text as proposed – deletion of the strikethrough text.

9.1 The name of the Product

9.1.1 Lao PDR supports the text as proposed.

9.1.2 Lao PDR supports the text as proposed – deletion of the square brackets.

9.1.3 a) b) c) Lao PDR supports the text as proposed – deletion of the square brackets.

9.1.4 (previously 9.1.5) Lao PDR supports the text as proposed – deletion of the square brackets and strikethrough text.

9.2 List of Ingredients

9.2.1 Lao PDR supports the text as proposed – deletion of the strikethrough text.

9.2.2 Lao PDR supports the text as proposed – additional words, deletion of strikethrough text and deletion of square brackets.

9.3 Declaration of Nutritive Value

9.3 a) b) c) Lao PDR supports the text as proposed – deletion of square brackets and strikethrough text.

9.4 Date Marking and Storage Instructions

9.4.1 (i)(ii) Lao PDR supports the text as proposed and believes that this text and the equivalent text relating to follow-up formula for older infants should be aligned.

9.4.2 Lao PDR supports the text as proposed – deletion of square brackets and strikethrough text.

9.5 Information for use

- 9.5.1** Lao PDR supports the text as proposed – deletion of square brackets, deletion of strikethrough text and additional words.
- 9.5.2** Lao PDR supports the text as proposed - deletion of square brackets, deletion of strikethrough text.
- 9.5.3** Lao PDR proposes that the text read “The label shall carry clear graphic instructions illustrating the method of preparation of the product, but such graphics shall not include pictures of feeding bottles.”
- 9.5.4** Lao PDR supports the text as proposed – deletion of the square brackets.
- 9.5.5** Lao PDR supports the text as proposed.
- 9.5.6** Lao PDR supports the text as proposed – deletion of the square brackets, deletion of the strikethrough text.

9.6 Additional Labelling Requirements

Lao PDR strongly believes that this section of the text has not been discussed comprehensively enough to make any decision and that consensus was NOT reached in the EWG. Lao PDR strongly believes that the additional labelling requirements for this product should be the same as those for follow-up formula for older infants and that the concept of alignment, where possible and relevant, was agreed as a general principle by the Committee. Lao PDR therefore recommends that the text, when agreed for the additional labelling requirements for older infants, then be discussed here.

ITEM 4 d)

RECOMMENDATION 1: DEXTROSE EQUIVALENT

Lao PDR supports the proposed text with the deletion of the square brackets.

The text to read: ⁴⁾ *Lactose should be the preferred carbohydrates in [name of product] based on milk protein. For products not based on milk protein glucose polymers should be the preferred carbohydrates used.*

RECOMMENDATION 2: SENTENCE IN SECTION 3.2.1 FOR [NAME OF PRODUCT] FOR YOUNG CHILDREN

Lao PDR supports the retention of the proposed text included in the square brackets in order to ensure future proofing of the text. This is a critical issue as the world increasingly faces and is required to address the issue of overweight and obesity in children – it is estimated that by 2030, 250 million children worldwide will be obese – and that the period 12-36 months is critical in ensuring children do not become conditioned to sweet tastes.

The text to be retained is: *Substances shall not be added with the purpose of imparting or enhancing a sweet taste of [name of product].*

RECOMMENDATION 3a: PURITY REQUIREMENTS FOR FOLLOW-UP FORMULA FOR OLDER INFANTS

Lao PDR supports the proposed text, noting the need for modification and separation of the relevant age groups depending on the final structure of the standard.

The text to read: All ingredients shall be clean, of good quality, safe and suitable for ingestion by older infants. They shall conform with their normal quality requirements, such as colour, flavour and odour.

RECOMMENDATION 3b: PURITY REQUIREMENTS FOR [NAME OF PRODUCT] FOR YOUNG CHILDREN

Lao PDR supports the proposed text, noting the need for modification and separation of the relevant age groups depending on the final structure of the standard.

The text to read: All ingredients shall be clean, of good quality, safe and suitable for ingestion by young children. They shall conform with their normal quality requirements, such as colour, flavour and odour.

RECOMMENDATION 4a: VITAMIN COMPOUNDS AND MINERAL SALTS FOR FOLLOW-UP FORMULA FOR OLDER INFANTS

Lao PDR supports the proposed text.

The text to read: *Vitamin compounds and mineral salts used in accordance with Sections 3.3.1 and 3.3.2 should be selected from the Advisory List for Mineral Salts and Vitamin Compounds for Use in*

Foods for Infants and Children approved by the Codex Alimentarius Commission (CXG 10-1979).

The amounts of sodium derived from vitamin and mineral ingredients shall be within the limit for sodium in Section 3.1.

RECOMMENDATION 4a: VITAMIN COMPOUNDS AND MINERAL SALTS FOR [NAME OF PRODUCT] FOR YOUNG CHILDREN

Lao PDR supports the proposed text including the deletion of the second sentence.

The text to read: *Vitamin compounds and mineral salts used in accordance with Sections 3.3.1 and 3.3.2 should be selected from the Advisory List for Mineral Salts and Vitamin Compounds for Use in Foods for Infants and Children approved by the Codex Alimentarius Commission (CXG 10-1979).*

RECOMMENDATION 5a: CONSISTENCY AND PARTICLE SIZE FOR FOLLOW-UP FORMULA FOR OLDER INFANTS

RECOMMENDATION 5b: CONSISTENCY AND PARTICLE SIZE FOR [NAME OF PRODUCT] FOR YOUNG CHILDREN

Lao PDR supports the proposed text.

The text to read: *When prepared according to the directions of use, the product shall be free of lumps and of large, coarse particles.*

RECOMMENDATION 6a: SPECIFIC PROHIBITIONS FOR FOLLOW-UP FORMULA FOR OLDER INFANTS

RECOMMENDATION 6b: SPECIFIC PROHIBITIONS FOR [NAME OF PRODUCT] FOR YOUNG CHILDREN

Lao PDR supports the proposed text.

The text to read: *The product and its components shall not have been treated by ionizing radiation.*

RECOMMENDATION 7a: FOOD ADDITIVES (EXCLUDING FLAVOURINGS) FOR FOLLOW-UP FORMULA FOR OLDER INFANTS

RECOMMENDATION 7b: FOOD ADDITIVES (EXCLUDING FLAVOURINGS) FOR [NAME OF PRODUCT] FOR YOUNG CHILDREN

Lao PDR supports the proposal to retain the permissions for food additives (excluding flavourings) in the current Follow-up Formula Standard (CXS 156-1987), for [name of product] for young children, noting these will be replaced by a reference to the corresponding sections of the GSFA following the completion of the alignment work.

RECOMMENDATION 9a: CARRY-OVER FOOD ADDITIVES AND NUTRIENT CARRIERS FOR FOLLOW-UP FORMULA FOR OLDER INFANTS

RECOMMENDATION 9b: CARRY-OVER FOOD ADDITIVES AND NUTRIENT CARRIERS FOR [NAME OF PRODUCT] FOR YOUNG CHILDREN

Lao PDR supports Option 1 of referencing Section 4 of the Preamble of the GSFA (CXS

192-1995) as this would as per the note of the Chair ensure that Section 4.3 is read in the context provided by the entire Section 4 and would follow the principle to reference existing texts rather than to repeat requirements included in commodity standards.

RECOMMENDATION 10a: FLAVOURINGS FOR FOLLOW-UP FORMULA FOR OLDER INFANTS Lao PDR strongly objects to the text proposed regarding flavourings permitted.

No flavourings should be permitted in these products as they replace the liquid part of the diet and are considered breast-milk substitutes and not complementary foods. As any sweet flavouring can result in developing a preference for sweet tastes, at this vital stage of life, is not recommended.

RECOMMENDATION 10b: FLAVOURINGS FOR [NAME OF PRODUCT] FOR YOUNG CHILDREN

Lao PDR strongly objects to the text proposed regarding flavourings permitted in [name of product] formula for young children.

No flavourings should be permitted in these products as they replace the liquid part of the diet and are considered breast-milk substitutes and not complementary foods. As any sweet flavouring can result in developing a preference for sweet tastes, at this vital stage of life, is not recommended.

RECOMMENDATION 11a: CONTAMINANTS FOR FOLLOW-UP FORMULA FOR OLDER INFANTS**RECOMMENDATION 11a: CONTAMINANTS FOR [NAME OF PRODUCT] FOR YOUNG CHILDREN**

Lao PDR supports the proposed text.

The text to read: *The products covered by this Standard shall comply with the Maximum levels of the General Standard for Contaminants and Toxins in Food and Feed (CXS 193-1995). The products covered by this Standard shall comply with the maximum residues limits for pesticides established by the Codex Alimentarius Commission.*

RECOMMENDATION 12a: HYGIENE FOR FOLLOW UP FORMULA FOR OLDER INFANTS**RECOMMENDATION 12b: HYGIENE FOR [NAME OF PRODUCT] FOR YOUNG CHILDREN**

Lao PDR supports the proposed text and to retain the text in square brackets for future proofing.

The text to read: *It is recommended that the product covered by the provisions of this standard be prepared and handled in accordance with the appropriate sections of the General Principles of Food Hygiene (CXC 1- 1969), and other relevant Codex texts such as the Code of Hygienic Practice for Powdered Formulae for Infants and Young Children (CXC 66-2008) the Code of Hygienic Practice for Aseptically Processed and Packaged Low-acid Foods (CXC 40-1993) and the Code of Hygienic Practice for Low and Acidified Low-acid Canned Foods (CXC 23-1979).*

The products should comply with any microbiological criteria established in accordance with the Principles and Guidelines for the Establishment and Application of Microbiological Criteria Related to Foods (CXG 21-1997).

OTHER OUTSTANDING MATTERS: STRUCTURE OF THE STANDARD

Lao PDR is concerned that the proposal to separate this Standard into establish two separate standards will result in standards that do not comply with the guidance of the World Health Assembly (including but not limited to WHA 69.9) and considers products marketed to young children to be breast milk substitutes. Thus Lao PDR believes that the whether one of two standards are used, they all must fully consider relevant WHA guidance to regard these products as BMS.

ITEM 7

Lao PDR supports to discontinue the discussion on definition or bio fortification as this effort is premature.