

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 2, 4, 6, 7, 8, 9, 11

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

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Comments from South Africa

Agenda Item 2

Matters referred to the committee by the CAC and other Codex subsidiary bodies.

(a) Adoption of standards at Step 8

CAC43 adopted the draft Code of Practice on Food Allergen Management for Food Business Operators at Step 8 noting that the Code of Practice could be revised in future following scientific advice from FAO/WHO and completion of the work on guidance on precautionary allergen labelling in CCFL.

[South Africa supports the adoption at Step 8](#)

Rationale: Consistent and harmonised approaches on food allergen management and precautionary allergen labelling would be helpful in communicating allergen risks and provide more guidance on allergen management to consumers, so they can make informed choices when purchasing food products. It will also help in ensuring fair trade because currently there is no harmonised precaution allergen labelling since food industry uses various forms of “may contain” statement which is often inconsistent.

(b) Adoption of standards at Step 5

CAC42 adopted proposed draft guidance for the labelling of non-retail containers at Step 5 and noted that all technical comments should be resubmitted at Step 6.

[South Africa supports the adoption at Step 5](#)

Rationale: The proposed draft guidance would be helpful in providing appropriate harmonized labelling information which could also assist in ensuring fair trade practice.

(c) New work

(i) CAC42 approved the new work on guidance on internet sales/e-commerce and noted the proposal from one Member that CCFL collaborate with CCFICS on the work with a view to developing guidance to assist in the control and inspection of food products sold online.

[SA supports the approval.](#)

Rationale: Harmonised guidance on internet sales/e-commerce could assist consumers to be able to make informed choices and ensure fair trade.

(ii) Allergen labelling: Revision to the General Standard for the Labelling of Prepackaged Foods: allergen labelling, and guidance on precautionary allergen or advisory labelling, and noted that this work is linked to the work of CCFH on allergen management and therefore close collaboration between CCFL and CCFH on this issue was important to ensure consistency between the two texts.

SA supports the approval.

Rationale: Revision on allergen labelling will assist consumers to make safe food choices and also increase harmonization and fair trade.

(d) Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU41)

(i) CCNFSDU41 agreed to establish an EWG to i. Analyse document CX/NFSDU 19/41/12; and ii. Develop a discussion paper and project document which defines the scope for developing general guidelines for the establishment of nutrient profiles for use in front of pack nutrition labelling.

(ii) CCNFSDU41 agreed to inform CCFL of the ongoing discussion in CCNFSDU and to ask CCFL to what extent the work concerning nutrient profiles in CCNFSDU can support the work of CCFL on FOPNL and to what extent it is taken into account.

South Africa does not see any need for CCFL to develop new work on Nutrient profiles.

Rationale: WHO has before 2012 already published a very comprehensive Guideline on the Development of Nutrient Profiles. This can be used as the basis for members states to work of Nutrient Profiles and national level.

Agenda Item 4

Consideration of labelling provisions in draft codex standards (endorsement) (CX/FL 21/46/4)

Review of the standard for follow-up formula: section A: follow-up formula for older infants

South Africa supports the endorsement of the following text in CX/FL 21/46/4 :

9.6.5 The labelling of follow-up formula for older infants shall not refer to infant formula, Drink/Product for young children with added nutrients or Drink for young children, or formula for special medical purposes intended for infants, including numbers, text, statements, or images of these products.

Rationale: Companies that market breast milk substitutes for infants often market products for older infants, like follow up formula and products for young children, which can lead to cross-promotion of their products to mothers. Cross-promotion carries particular risk as it can be an effective strategy for companies to continue indirect promotion of infant formula where national legislation or regulations prohibit direct marketing of such products.

However, should the above text not be endorsed, we propose the following as option 2:

- Cross promotion is defined in the WHO 'Guidance on ending the inappropriate promotion of foods for infants and young children 'that was part of WHA 69.9 (see attached – para 9). We propose that it is included as a definition and reads "Cross-promotion (also called brand crossover promotion or brand stretching) is a form of marketing promotion where customers of one product or service are targeted with promotion of a related product. This can include packaging, branding and labelling of a product to closely resemble that of another (brand extension). In this context, it can also refer to use of particular promotional activities for one product and/or promotion of that product in particular settings to promote another product."

We see no reason why Codex could not use the term cross-promotion and either put the definition as a footnote referencing the WHO or add a definition of cross-promotion into the definitions section of the Standard on Follow-up Formula.

Agenda Item 6

Proposed draft guidelines on front of pack labelling (CX/FL 21/46/6 and CX/FL 21/46/6 Add.1)

APPENDIX II

Consultation questions

The committee is invited to:

(a) provide general and specific comments on the proposed draft Guidelines (Appendix II of CX/FL 21/46/6) taking into account the specific questions posed in Appendix II, CX/FL 21/46/6 as follows:

(i) Do you confirm the majority preference to delete Section 5 and to incorporate relevant aspects from Section 5 to Section 4? (Q1)?

South Africa supports the deletion of section 5.

Rationale: Section 5 included aspects that were out of scope or beyond the mandate of Codex.

(ii) Do you agree that the proposed text for principle 4.3.1 manages the potential for conflict of interest in the development of a FOPNL system? (Q2)?

South Africa does not agree that the proposed text for principle 4.3.1 appropriately manages the conflict of interest in the development of a FOPNL system. Our preferred text is as follows:

4.3.1 FOPNL should be government led but developed in consultation with all interested parties including private sector, consumers, academia, public health associations among others by ensuring robust safeguards against conflict of interest.

Rationale:

- A requirement to include all interested parties as collaborators in government-led, health policy making does not recognize the nature of different interests involved. In some countries, private sector manufacturers of products whose consumption could be discouraged by FOPNL have actively resisted development of evidence-informed FOPNL policies.
- The nature of the different stakeholder interests involved in FOPNL development is recognized in the WHO Guiding principles and framework manual for FOPNL. While recognizing the need for stakeholder engagement during FOPNL development, this document specifically notes the importance of government retaining responsibility for key aspects of FOPNL development including development of the policy objectives and aims, and setting the nutrient profiling criteria via an independent expert group.
- Other existing WHO texts, including the WHO draft tool for safeguarding against possible conflicts of interest in nutrition programmes recognizes the importance of governments being able to consider and set terms for appropriate engagement with different stakeholders in the nutrition area when designing and implementing public health nutrition policies.
- We do not believe it is appropriate for Codex to effectively mandate that governments collaborate with all parties, particularly the private sector. In an analysis of FOPNL regulations developed to 2019, regulations were typically preceded by public consultation and only in limited cases was industry elevated to the role of collaborator or member of committees developing the substance of regulation (Jones et al, 2019, BMJ Global Health).
- We believe that consultation is a principle of good governance that should be applied in the making of any regulation, and is sufficient to embody all stakeholders' right to be heard during FOPNL development.

(iii) Do you agree with the change in focus for principle 4.3.2 to focus on facilitating consumer use of FOPNL (Q3)?

Yes, South Africa agrees that the change in focus for principle 4.3.2 focuses on facilitating consumer use of FOPNL.

Rationale: The principle aligns with the agreed purpose of the guidelines.

(iv) Considering the proposed changes to the principles, do you agree with deleting the principle groupings?

South Africa supports deleting the principle groupings.

Rationale: The amended principles are simple to read and easy to understand, even though principles groupings were removed.

(b) Consider if the Guidelines are ready to advance to Step 5/8 or 5.

South Africa supports the advancement to step 5. However, we also request the consideration of a set of minimum improvements as discussed in this document.

Rationale: South Africa is of the opinion that the Guidelines contain appropriate and simplified guidance that will help in facilitating consumers understanding and use of the FOPNL.

(c) Whether the Guidelines will be part of section 5 "supplementary nutrition information" of the Guidelines on Nutrition Labelling (CXG 2-1985), an annex to the Guidelines on Nutrition Labelling (CXG 2-1985), or a stand-alone document.

South Africa supports capturing the Guidelines as an annex to the Guidelines on Nutrition Labelling (CXG 2-1985), as inclusion in Section 5 would make it unnecessarily long.

Rationale: Section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985) already provides provisions for supplementary nutrition information, and on the purpose of these guidelines, FOPNL is regarded as a form of supplementary nutrition information.

Section 2.2: Exclusion for foods and products intended for infants and / or young children

South Africa does not support the exclusion of the following Standards and Guidelines in square brackets: [Standard for Canned Baby Foods (CXS 73-1981), Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981) as well as Guidelines on Formulated Complementary Foods for Older Infants and Young Children (CXG 8-1991) as well as all FSDUs except FSMPs].

South Africa recommends that [standards for infant formula and formulas for special medical purposes intended for infants (CXS 72-1981) and Standard for Follow-up formulas (CXS 156-1987)] intended for children from 6 months of age and FSMPs must be excluded from FOPNL.

Rationale:

- Food products covered by the following standards: [Standard for Canned Baby Foods (CXS 73-1981), Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981) as well as Guidelines on Formulated Complementary Foods for Older Infants and Young Children (CXG 8-1991)] could be formulated with a variety of ingredients that could contain significant quantities of nutrients of concern.
- International organizations that set guidelines for infant feeding indicate that children from 6 to 24 months of age should not consume added sugars. However, many products marketed for consumption by children within this age range contain relatively high quantities of sugar. FOPNL could provide useful information to caregivers in this respect. (See, e.g., [WHO EURO report](#) (2019).) There is documented widespread promotion – including messaging on product packages – of foods high in nutrients of concern for young children, such as complementary foods and beverages intended for children under 36 months. For example, this is clearly outlined in the WHO's [Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children Implementation Manual](#) (2017). Such inappropriate promotion can confuse consumers and caregivers about the nutrition qualities of these foods. In this context, FOPNL could be a valuable tool to support caregivers in better understanding the nutritional quality of such foods and to protect young children.
- Complementary food products must be included. These products are highly processed, and their consumption should be discouraged. Older infants and young children fed processed complementary

foods risk dental caries, obesity and develop preferences for bland “white” foods. Ultra-processed products invariably contain chemical additives to stabilize, emulsify, thicken, regulate acidity, and act as anti-oxidants etc. Many ingredients are “permitted” by Codex Alimentarius standards, some at regulated levels and others according to “good manufacturing practices”, with their safety declared not by independent and convincing science but on the basis of political consensus and claims of “history of safe use”

- Public health nutrition policy promotes the consumption of healthy nutritious foods for optimal health and development as well as the development of lifelong preferences for healthy foods. FOPNL in these situations can act as a warning to consumers regarding the use of ultra-processed food products at a vulnerable stage of growth and development.
- With regards to the standards for infant formula and formulas for special medical purposes intended for infants (CXS 72-1981) and Standard for Follow-up formulas (CXS 156-1987), intended for children from 6 months of age, there are existing Codex standards in place for these categories of infant formula and therefore it does not require inclusion as part of the FOPNL process.
- The International Code of Marketing of Breastmilk Substitutes and subsequent resolutions of the World Health Assembly govern the labeling and marketing of a number of these products. These include infant formulas, formulas for special medical purposes, follow-up formulas and drinks for young children. A number of Code provisions also cover complementary foods for older infants and young children. Claims are not permitted by Codex Guidelines on Nutrition and Health Claims or [WHA Resolution 63.23](#) that urges Member States “*To end inappropriate promotion of foods for infants and young children and to ensure that claims not be permitted for foods for infants and young children*”.
- The FOPNL would be contrary to provisions in the International Code as they are promotional in essence by preferring one product to another. This may lead parents and care givers to perceive these products as being endorsed by government authorities and thus have a negative impact on breastfeeding decision-making. In effect FOPNL on formulas for infants and children will have a negative impact on infant and young child health.
- FSMPs are formulated with specifically medically purposes in mind to suit the nutritional needs of patients with specific medical conditions.

Section 2.2 Exclusion of alcoholic beverages:

South Africa does not agree that alcohol should be automatically excluded from FOPNL. Instead, amended wording could read as follows:

‘FOPNL should not be used in any way that promotes alcohol consumption’.

Rationale:

- We agree broadly that FOPNL should not be used to suggest any alcohol is ‘healthy’, or to promote one type of alcohol over another. However, depending on the type of FOPNL system chosen, it may be appropriate to include alcohol in the FOPNL without promoting alcohol.
- Consumers may benefit from the use of FOPNL on some alcoholic beverages, for example on pre-packaged mixed alcoholic beverages which can contain significant quantities of sugar that, in addition to alcohol, may lead to an increased burden of non-communicable diseases.
- The critical factor here is the type of FOPNL used and the nutrient profiling model applied. For example, positive endorsement style logos, or systems that rank products within a category may not be appropriate for alcohol, but mandatory ‘high-in’ style labels may be appropriate. It may also be possible for alcohol to be included under a FOPNL but with a separate (more appropriate) nutrient profile applied to score it.

Section 3.1 Definition of FOPNL

South Arica prefers the word “interpretive” to remain part of the definition of front-of-pack nutrition labelling (FOPNL).

Rationale:

- We believe that non-interpretive FOPNL is difficult for consumers to understand and may not help consumers to make informed choices. Part of FOPNL is also to simplify the nutritional information contained in the Nutritional Information Table which is not interpretive and which consumers already sometimes finds challenging to understand or interpretate.
- National Governments have a better understanding of their country's public health concerns as well as the extend of resources that are available to assist consumer education. Therefore, if the model a National Government developed, based on science, uses interpretive wording such as "high in" et cetera which interpretate the sophisticated scientific criteria values behind it, there should be no resistance against it.

Principle 4.1.4:

South Africa supports the proposed edit, including retention of the second sentence that importantly clarifies that FOPNL can apply to "both nutrients and food groups for which consumption is discouraged and encouraged by these documents". It may also be advisable to add a statement to the end of the second sentence to read as follows:

"Consideration should be given to both nutrients and food groups of which consumption is discouraged and encouraged in line with country dietary guidelines, nutrition policies and their nutritional importance within the diet".

Rationale: This edit captures the concept to encourage food groups for consumption. It is critical that both sentences be retained to ensure that consumers can be fully informed of both positive and negative nutritional attributes of the foods they consume. This FOPNL principle, when aligning to national guidance or nutrition policies, brings important balance. It will help consumers prioritize "food groups and/or nutrients" to encourage as primary, and puts in appropriate context the presence of nutrients to limit. As an example, this would support foods like cheese to be acknowledged by the FOPNL for its nutrient-density and established health benefits, despite containing nutrients such as sodium or saturated fat.

Principle 4.1.4:

SA is of the opinion that Principle 4.1.4 should be further amended so that it is applicable to varied styles of FOPNL.

Rationale: Many existing and evidence-based FOPNL – such as "high in" and "excessive of" styles – consider only nutrients and food groups that are to be discouraged. To be inclusive of the array of FOPNL styles, Principle 4.1.4 should be updated to include "/or" after the words "discouraged and". The sentence should read as follows:

*"Consideration should be given to both nutrients and food groups of which consumption is discouraged **and/or** encouraged by these documents"*.

Principle 4.3.4:

South Africa suggests the addition of the following texts to this principle:

"FOPNL should be monitored and evaluated to determine effectiveness/impact via measurable objectives and indicators and conducted with nutritional observation studies".

Rationale: The additional text provides best practice guidance on how to monitor and measure the effectiveness and impact of FOPNLs in terms of improving purchases/consumer behavior in line with country dietary guidelines and nutrition policies.

Possible New Principle:

South Africa considers it advisable that CCFL consider adding a new principle to Section 4 encouraging the development of a compliance guide to be published with or in addition to guidelines on FOPNL.

Rationale: The benefits of FOPNL are only fully realized when the schemes are accurately implemented by food manufacturers. This type of principle would help encourage adoption in voluntary scenarios and ensure more effective adoption in mandatory scenarios. It is also likely to benefit small and medium sized enterprises most, which will boost compliance in the short and medium terms.

Agenda Item 7

Agenda item no.7: Proposed draft guidance on the food information requirements for pre-packaged foods to be offered via e-commerce (CX/FL 21/46/7 and CX/FL 21/46/7- ADD.1)

APPENDIX II

Consultation questions

The committee is invited to:

(a) Consider the revised draft guidelines on the food information requirements for pre-packaged foods to be offered via e-commerce provided in Appendix II of CX/FL 21/46/7 and to comment on whether it is ready to be advanced to Step 5 for adoption by CAC44.

South Africa is of the opinion that the revised draft document should progress to step 5 for adoption by CAC44.

Rationale: The draft document provides appropriate guidance regarding food information that should be provided at the point of e-commerce sale. This will help consumers to be able to make informed choices.

In addition, comments are requested on the following specific points:

(b) Review the requirements relating to minimum durability within the draft guidance (CX/FL 21/46/7, Appendix II Section 4 paragraph 3) and consider whether the requirements as given balance the needs of consumers and industry.

South Africa believes that minimum durability requirements balance the needs for consumers and industry.

Rationale: Use-by date instead of Best-before date must be provided to the consumers in order to reduce food wastes.

(c) Review the proposed alternative wording of sections 4 & 5 (CX/FL 21/46/7, Appendix II, 'Proposed alternative wording of section 4 & 5) and consider whether:

(ii) the proposed alternative wording contains information which could be included to make the current guidance more effective.

South Africa supports the proposed alternative wording in section 4.1.

Rationale: South Africa believes that wording contains appropriate harmonised information that could make the guidance more effective.

(d) Consider whether the issue of cross-border e-Commerce sales is outside the scope of the draft guidance and should be referred to the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS).

South Africa proposes to support that the issue of cross-border e-commerce sales is outside the scope of the draft guidance and could be referred to the Codex Committee on Food Import and Export Inspection and Certification System (CCFICS).

Rationale: It is our opinion that issues relating to cross-border e-commerce which also include the control and inspection of food products may be considered the mandate of the Codex Committee on Food Import and Export Inspection and Certification System (CCFICS).

Agenda Item 8

Proposed draft revision to the general standard for the labelling of pre-packaged foods- provisions relevant to allergen labelling and proposed draft guidance on precautionary allergen labelling (CX/FL 21/46/8 and CX/FL 21/46/8 ADD.1 AND 2)

APPENDIX II AND APPENDIX III

Consultation questions:

(a) Noting the request for scientific advice from FAO/WHO, and the consumer evidence provided by the ISSLG, the Committee is invited to consider the:

(i) Proposed draft revisions to the GSLPF in Appendix II

South Africa supports the proposed amendments to the draft revision relevant to allergen labelling.

Rationale: The draft revision contains appropriate requirements that will assist consumers to make safe food choices, and also increase harmonization and facilitate trade.

(ii) Proposed draft guidance for the use of PAL in Appendix III; and the location and appropriate Codex text(s) for the guidance (e.g. an annex to the GSLPF or as standalone guidance).

Proposed draft guidance for the use of PAL in Appendix III

South Africa supports the proposed draft guidance for the use of Precautionary Allergen Labelling.

Rationale: Consistent and harmonised approaches to the use of PAL would be helpful in communicating allergen risks and provide more guidance on allergen management to consumers so they can make informed choices when purchasing food products. It will also help in ensuring fair trade because currently there is no harmonised precaution allergen labelling since food industry uses various forms of “may contain” statement which are often inconsistent.

South Africa suggests the following underlined minor amendments :

Rationale: The proposed wording will provide more clarity to the texts to ensure that whatever requirement to be provided on the label must be clear and understandable, so as to avoid misleading consumers.

Definitions

“Allergen cross-contact occurs when an allergenic food, or ingredient, is unintentionally and unavoidably incorporated into another food that is not intended to contain that allergenic food”.

GENERAL PRINCIPLES

PAL should only be used if exposure to the allergen from the food is above an established reference dose. If a reference dose is not established for a particular allergen or target market, an estimated reference dose can be used. If a quantitative risk assessment cannot be performed, then PAL should only be applied if any risk of allergen cross contact.

South Africa would prefer the final guidelines for the use of precautionary allergen or advisory labelling to be captured as an Annexure to the General Standard for the Labelling of Prepackged Foods (GSLPF) (CXS 1- 1985).

Rationale: GSLPF (CXS 1- 1985) already covers labelling provisions related to allergen labelling.

(b) Given the interrelationship between, and the complexity of the issues involved in, both parts of this work program (i.e. revision of provisions relevant to allergen labelling in the GSLPF (Part 1) and the development of guidance on the use of PAL (Part 2)), the Committee is invited to consider whether the work should continue to be progressed together or separately.

South Africa is of the opinion that the work should continue to be progressed together.

Rationale: South Africa supports the Codex Alimentarius Commission (CAC) opinion provided at the 45 session of the Codex Committee on Food Labelling (CCFL) that, this work is linked to the work of the Codex Committee on Food Hygiene (CCFH) on allergen management, and therefore close collaboration between CCFL and CCFH on this issue is important to ensure consistency between the two texts.

Agenda Item 9

Innovation- use of technology in food labelling (discussion paper) (CX/FL 21/46/9)

Recommendations:

The Committee is invited to consider new work on labelling information provided through technology to address the work outlined in recommendations 9.2 and 9.5, and 9.7 (the project document is presented in Appendix II).

South Africa supports the new work on innovative- use of technology in food labelling presentation.

Rationale: South Africa recognize that there is general consensus to support the establishment of the new work on this item. However, South Africa is of the opinion that this document needs to be carefully monitored in future, as we are not fully aware of the long terms consequences at this point in time.

Agenda Item 11

Labelling of foods in joint presentation and multipack formats (discussion paper) (CX/FL 21/46/11)

Recommendations:

The Committee is invited to: Initiate new work on the amendment of the GSLPF to address the labelling of foods presented in multipack formats (The project document is presented in Appendix II).

South Africa supports the recommendation to amend the GSLPF to address the labelling of foods presented in multipack formats.

Rationale: Labelling of multipack formats and joints presentation will assist in providing consumers with clear information about the product, for them to be able to make informed choices and avoid confusion.