

CODEX ALIMENTARIUS COMMISSION

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Food and Agriculture
Organization of the
United Nations



World Health
Organization

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REP21/FL

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Forty-Forth Session

Virtual

8 -18 November 2021

**REPORT OF THE FORTY-SIXTH SESSION OF THE
CODEX COMMITTEE ON FOOD LABELLING**

(Virtual)

27 September – 1 October and 7 October 2021

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SUMMARY AND STATUS OF WORK

Responsible Party	Purpose	Text/Topic	Code	Step	Para.
Members CCEXEC81 CAC44	Adoption	Draft General Standard for the Labelling of Non-Retail Containers		8	60 (i)(a)
		Amendment to the Procedural Manual: Format for Codex Commodity Standards		-	60 (i)(b)
		Proposed Draft Guidelines on Front of Pack Nutrition Labelling (annex to the <i>Guidelines on Nutrition Labelling</i>)	CXG 2-185	5/8	99 (i)
		Amendment to Section 5 of the <i>Guidelines on Nutrition Labelling</i>		-	99 (ii)
		Amendment to the Labelling provision in the General Standard for Dried Fruits: Annex on Raisins		-	40 (ii)
Members CCEXEC81 CAC44 / EWG (Canada) CCFL46	Approval / drafting	Guidance on innovation – use of technology in food labelling: Amendments to the <i>General Standard for the Labelling of Prepackaged Foods</i>	CXS 1-1985	1	142 (i & ii)
		Guidelines on innovation – use of technology in food labelling	-		
CAC44 / all commodity committees	Request / Information	Review of labelling provisions for non-retail containers in commodity standards	-	-	60 (ii)
CCEXEC81	Information	Timeliness of working documents	-	-	6
CCAFRICA, CCNASWP, CCFFV, CCNE, CCNFSDU, CCSCH	Information	Endorsement decisions / recommendation	-		12 - 42
CCNFSDU	Information / reply	Name of product for “drink for young children”	-	-	31(ii)
		FOPNL / Nutrient profiles	-	-	99 (iii)
EWG (UK, Chile, India, Japan, Ghana) and CCFL47	Drafting	Supplementary text on internet sales/e-commerce	CXS 1-1985	2/3	124 (ii)
EWG (Australia, UK, USA) / PWG (Australia, UK, USA) CCFL47	Drafting	Revision of the <i>General Standard for the Labelling of Prepackaged Foods</i>	CXS 1-1985	2/3	136
		Guidance on precautionary allergen labelling	-		
Russian Federation, EU, and India with assistance from WHO and EURO CARE CCFL47	Drafting	Labelling of alcoholic beverages (discussion paper - update)	-	-	147
Colombia CCFL47	Drafting	Labelling of foods in joint presentation and multipack formats (discussion paper - update)	CXS 1-1985	-	150 (ii)
Canada	Drafting	TFA (discussion paper)			166i(a)

Responsible Party	Purpose	Text/Topic	Code	Step	Para.
NZ/EU CCFL47	Drafting	Sustainability claims (discussion paper)			166i(b)
USA CCFL47	Drafting	Food labelling exemptions in emergency situations (discussion paper)			166i(c)
NZ CCFL47	Drafting	Future work and direction of CCFL (discussion paper - update)	-	-	166(iii)
Members / Canada CCFL47	Comments / discussion	Criteria for the evaluation and prioritization of work of CCFL	-	-	169

LIST OF ABBREVIATIONS

CAC	Codex Alimentarius Commission
CCAFRICA	FAO/WHO Coordinating Committee for Africa
CCFA	Codex Committee on Food Additives
CCFH	Codex Committee on Food Hygiene
CCFL	Codex Committee on Food Labelling
CCNASWP	FAO/WHO Coordinating Committee for North America and South West Pacific
CCNE	FAO/WHO Coordinating Committee for the Near East
CCFFV	Codex Committee on Fresh Fruits and Vegetables
CCNFSDU	Codex Committee on Nutrition and Foods for Special Dietary Uses
CCPFV	Codex Committee on Processed Fruits and Vegetables
CCSCH	Codex Committee on Spices and Culinary Herbs
CL	Circular Letter
CRD	Conference Room Document
CXC	Codex Code of Practice
CXG	Codex Guideline
CXS	Codex Standard
EU	European Union
EUROCARE	European Alcohol Policy Alliance
EWG	Electronic Working Group
FAO	Food and Agriculture Organization of the United Nations
FOPNL	Front of pack nutrition labelling
FSANZ	Food Standards Australia New Zealand
GSLPF	General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)
IgE	Immunoglobulin E
NUGAG	WHO Nutrition Guidance Expert Advisory Group
PAL	Precautionary allergen labelling
PHO	Partially hydrogenated oils
PWG	Physical Working Group
RUTF	Ready-to-use therapeutic foods
SAM	Severe acute malnutrition
TFA	Trans-Fatty Acids
UK	United Kingdom
UKFSA	United Kingdom Food Safety Agency
UN	United Nations
UNICEF	United Nations Children's Fund
WG	Working Group
VWG	Virtual working group
WHA	World Health Assembly
WHO	World Health Organization
WTO	World Trade Organisation

LIST OF CONFERENCE ROOM DOCUMENTS (CRDS)

CRD No.	Agenda Item	Submitted by
1	Division of Competence	EU (Division of Competence between EU and its Member States)
2	6 (Report of the Virtual Working Group on Front-of-pack nutrition labelling (FOPNL))	WG on Front-of-Pack Nutrition Labelling
3	6	Algeria, Paraguay, Russian Federation, Republic of Korea, IACFO, WPHNA
4	7 (Proposed Draft Guidelines on Internet Sales / E-Commerce)	UK, Chile, Japan, Ghana, India
5	5 (Draft Guidance for the Labelling of Non-Retail Containers (Proposed amendments in response to comments from CL 2021/45-FL))	India, CCFL Canadian Secretariat
6	5	Dominican Republic, India, Nigeria, Paraguay, Russian Federation, Thailand, Uganda
7	8	Dominican Republic, Nigeria, Paraguay, Russian Federation, Uganda
8	4, 7, 8	India
9	4, 6, 7, 9, 13	Nigeria
10	4, 7, 9, 11, 12, 13	Thailand
11	4, 5, 6, 7, 8, 9, 10, 11	East African Community
12	7, 8	EFA
13	6	ISDI
14	12	FEDIOL, IMACE
15	7	Paraguay, Russian Federation
16	6, 7	Uganda
17	11,13	European Union
18	2,4, 6, 7, 9, 10, 11, 12, 13	Dominican Republic
19	8	El Salvador
20	2, 4, 6, 7, 8, 9, 11	South Africa
21	2, 4, 5, 6, 7, 8, 9, 11, 13	Mali
22	4	Nepal, IBFAN ENCA
23	2, 4, 5, 8	Senegal
24	4, 5, 6, 7, 8, 9, 11	African Union (AU)
25	Opening Remarks	
26	8	Malaysia
27	8	Jamaica

INTRODUCTION

1. The Codex Committee on Food Labelling (CCFL) held its Forty-sixth Session virtually from 27 September to 1 October 2021, at the kind invitation of the Government of Canada. The Session was chaired by Ms. Kathy Twardek, Senior Director of the Food Program Integration Division, Canadian Food Inspection Agency. The Session was attended by delegates from 95 member countries and one member organisation and 47 observer organisations. A list of participants is contained in Appendix I.

OPENING OF THE SESSION

2. Dr. Harpreet Kochhar, Associate Deputy Minister of Health Canada opened the session, welcomed delegates and underscored the contribution of the Codex Committee on Food Labelling highlighting that international labelling standards and guidelines developed by CCFL empower consumers to make important and informed decisions about the food we eat. He further stressed that, even while facing numerous challenges, we have opportunities to build a more resilient world where everyone has access to safe, nutritious food. The Vice-Chairperson of the Codex Alimentarius Commission (CAC), Ms. Mariam Eid (Lebanon), on behalf of the Chairperson and Vice-Chairpersons of the Commission, and Mr. Tom Heilandt, Codex Secretary also addressed the session.

Division of Competence

3. CCFL noted the division of competence between the European Union and its Member States, according to paragraph 5, Rule II of the Procedure of the Codex Alimentarius Commission.

ADOPTION OF THE AGENDA (Agenda item 1)¹

4. CCFL adopted the Agenda.

MATTERS REFERRED TO THE COMMITTEE BY THE CAC AND OTHER CODEX SUBSIDIARY BODIES (Agenda item 2)²

5. CCFL noted some matters were for information only, while the following matters would be addressed under relevant agenda items:
 - labelling provisions from CCFNSDU and CCSCCH under Agenda Item 4; and
 - the request from CCFNSDU on nutrient profiles under Agenda Item 6.

Timeliness of working documents

6. CCFL noted that the Codex Secretariat would continue working closely with the Chair of CCFL, chairs of electronic working groups (EWGs) and the host country secretariat on ways to improve work management of the Committee.

MATTERS OF INTEREST FROM FAO AND WHO (Agenda item 3)³

7. The Representative of FAO drew the attention of the Committee to various activities of FAO as well as to the joint activities of FAO and WHO of interest to CCFL: (i) The Joint FAO/WHO scientific advice provided on the risk assessment of food allergens that will be discussed under agenda item 8; (ii) the FAO activities on food labelling, including capacity development activities to support small and medium size enterprises on food labelling implementation; and (iii) FAO's support, in its role as one of the UN Anchor Agencies of the UN Food Systems Summit, to a number of collaborative multi-sectoral and multi-stakeholder coalitions including on: 1) on Zero Hunger 2) on Healthy Diets from Sustainable Food Systems, 3) on Food is never Waste and 4) on School Meals.
8. In response to a question, the Representative of FAO provided further clarification regarding the timeline of the publications of scientific advice reports on the risk assessment of food allergens and noted that more detailed information would be provided under Agenda Item 8.
9. The Representative of WHO highlighted some key activities noted in the document CX/FL 21/46/3 which might be of relevance to the on-going work of the Committee. These included WHO's side event on *Menu of Action* held on 21 September 2021 at the occasion of UN Food System Summit 2021 launching policy briefs on actions to improve food environment, including nutrition labelling; the NUGAG's work on the development of the guideline on nutrition labelling policies including the contextual factors' review which was just published; accelerated actions to eliminate TFA and planned high-level launching of the 3rd annual progress report; and launching of the WHO Global Sodium Benchmarks for different food categories in May 2021. The Representative also informed the Committee of two additional activities. One was the joint UNICEF/WHO

¹ CX/FL 21/46/1

² CX/FL 21/46/2

³ CX/FL 21/46/3

health week (11 – 14 October 2021) which is organized as part of the side events leading up to the Nutrition for Growth (N4G) Summit to be hosted by the Government of Japan in December 2021 and would include the sessions on nutrition labelling, regulating marketing, reformulation of food products among other topics. The other was the reconvening of the Global Network of Institutions for Scientific Advice on Nutrition which was created with a view to strengthen the possible collaboration, harmonization of methods and sharing of information and experiences among institutions.

10. The Representative also provided an update on the process of developing the Global Alcohol Action Plan for 2022-2030 which was requested by WHO Executive Board in 2020. After very comprehensive and intense consultations with Member States and other stakeholders including intergovernmental organizations, civil society organizations, academia and other Non-state actors, the second draft action plan was currently being developed. The issues related to labelling of alcoholic beverages were addressed in the action plan which proposes Member States to ensure appropriate consumer protection measures through the development and implementation of labelling requirements for alcoholic beverages. The draft action plan would be submitted to the WHO Executive Board meeting in January 2022 and for consideration and endorsement by the World Health Assembly in May 2022.

Conclusion

11. CCFL noted the information provided from FAO and WHO, some of which were relevant to other agenda items including food allergen labelling.

CONSIDERATION OF LABELLING PROVISIONS IN CODEX STANDARDS (ENDORSEMENT) (Agenda item 4)⁴

12. CCFL considered the labelling provisions for endorsement, noted that the Codex Secretariat would address all editorial errors before publication of the standards, and that the provisions related to non-retail containers would be reviewed once the work on the guidance for labelling of non-retail containers was adopted by the Codex Alimentarius Commission, and made the following comments and decisions:

FAO/WHO Coordinating Committee for Africa (CCAFRICA)

13. CCFL46 endorsed the labelling provisions in the Regional Standard for Fermented Cooked Cassava-Based Products, the Regional Standard for Fresh Leaves of *Gnetum* spp. and the Draft Regional Standard for Dried Meat.

FAO/WHO Coordinating Committee for North America and South West Pacific (CCNASWP)

14. Regarding the Regional Standard for Kava Products for Use as a Beverage When Mixed with Water, a view was expressed that section 7.6 for optional labelling might confuse or mislead consumers since products bearing such a statement could be seen by consumers as having to some extent properties of helping to prevent, treat or cure diseases. Furthermore, such an optional labelling requirement could lead to both products with and without such labelling being on the market, which could cause further confusion to consumers.
15. The Chairperson reminded the Committee that the labelling provision in question was optional, that this was a regional standard, indicating that the product was mainly used and distributed regionally, and that the labelling sections were considered and agreed by CCNASWP which was the body responsible for the development of the regional standard.

Conclusion

16. CCFL endorsed the labelling provisions in the Draft Regional Standard for Fermented Noni Fruit Juice and the Regional Standard for Kava Products for Use as a Beverage When Mixed with Water.

Codex Committee on Fresh Fruits and Vegetables (CCFFV)

17. CCFL endorsed the labelling provisions in the Standard for Kiwifruit, the Standard for Garlic, the Standard for Ware Potatoes and the Standard for Yam.

FAO/WHO Coordinating Committee for the Near East (CCNE)

18. CCFL46 endorsed the labelling provisions in the Regional Standard for Mixed Zaatar.

⁴ CX/FL 21/46/4

Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU)**Proposed draft revised Standard for Follow-up Formula (CXS 156 – 1987)****Section A: follow up formula for older infants***General*

19. In response to a proposal to postpone consideration of the labelling provisions until CCNFSDU had finalized the text and advanced it to Step 8 or at least at a stage that it is ready for adoption to prevent the need for reconsideration by CCFL, the Codex Secretariat clarified that the text in question had been finalized by CCNFSDU at its last session and was being held at Step 7 in order for other sections to be finalized so that the standard could be sent as a whole to CAC for adoption. The only provision for endorsement by CCFL was the provision 9.6.5 which had been finalized by consensus in CCNFSDU. She further pointed out that procedures had been followed and drew attention to the *Relations between commodity committees and general subject committees* which stated that sections on labelling (for example) shall be referred to the responsible general subject committee as the most suitable and earliest time in the procedure.

Section 9.6.5

20. Some observers, supported by a member, proposed that 9.6.5 (in both sections A and B of the Standard) should clearly indicate that the products should not resemble other products mentioned in the provision or should more explicitly prohibit cross-promotion in line with WHO guidelines, as it was critical to ensure there was no overlap or confusion between infant formula and follow-up formula for older infants and that they should be clearly separated and not seen as similar as their nutritional composition were different.
21. Another observer proposed to amend this section by replacing “statements or images” with “pictures of containers” to avoid misinterpretation and to better clarify the intent of the provision.
22. CCFL did not agree with these proposals, noting that this section was a result of extensive discussion and compromise in CCNFSDU and 9.6.4 addressed the concerns expressed about avoiding confusion with other products for infants and young children, and supported the endorsement of 9.6.5.

Conclusion

23. CCFL endorsed the provision for 9.6.5.

Section B: Drink/product for young children with added nutrients or drink for young children*Section 9.1.2*

24. It was noted that the option for the name “drink for young children” did not address products that could be in a powdered or concentrated liquid form requiring reconstitution into a drink before consumption, and that consideration should therefore be given to rename this product as “drink / product for young children” which would also provide consistency with the other name and clarity in the naming of the product, and that CCNFSDU could be requested to address this matter. A delegation reminded the Committee that this section was a result of discussion and consensus in CCNFSDU. Another proposal was made to include in the name “drink for young children” a reference to the fact that it could be in dried or concentrated form. It was clarified that such an addition might not be necessary if the term “product” were included in the name as it would address this point.
25. A proposal was made and supported by some observers, to delete “with added nutrients” in the 1st name option as in their view it could be considered to be a claim, and that in their view this was not consistent with naming of other products in Codex which also had added nutrients yet was not reflected in the name.
26. CCFL did not agree to this proposal and noted the general support to endorse this provision noting that the text was based on consensus and compromise in CCNFSDU.

Section 9.2.1

27. A proposal was made to amend 9.2.1 to indicate that each additional added vitamin or mineral should always be individualized to provide better clarity to the text and to avoid the misunderstanding that vitamins and minerals should be declared together. It was clarified that this section already made provision for a complete list which meant that everything should be listed out on the label.

Section 9.4.1

28. In response to a request that expiry dates be required, the Chairperson clarified that section 9.4.1 referred to the entire date marking section of the *General Standard for the Labelling of Prepackaged Foods*.

Section 9.6.5

29. CCFL supported the endorsement of the provision and did not agree to the proposals made (as expressed

under Section A, paragraph 20). Argentina was of the view that section 9.6.5 was too broad and needed to be amended to improve clarity and provide more specificity, and expressed their reservation.

30. In addition, it was noted that the labelling provisions of this standard should be implemented consistent with the *General Standard for Labelling of Prepackaged Foods*, which had provisions relevant to both name of the food and listing ingredients (Sections 4.1 and 4.2).

Conclusion

31. CCFL agreed to:
- i. endorse the labelling provisions; and
 - ii. request CCNFSDU to consider whether exclusion of the term “product” in the name “drink for young children” was an omission.

Proposed draft Guideline for Ready-to-use Therapeutic Foods (RUTF)

32. CCFL supported endorsement of the labelling provisions.
33. Two observers supported by a member expressed concerns on the lack of a reference to the *Guidelines for Use of Nutrition and Health Claims* (CXG 23-1997) as in their view, it was necessary in order to prohibit any claims on RUTF as claims were often used as marketing tools and there was a need to safeguard these products from misuse and general use. They further stated that RUTF should not be for general retail sale but for use to treat severe acute malnutrition (SAM) in children only and this should also be indicated on the label.
34. The CCFL Chairperson noted that section 12 already referenced *the General Standard for the Labelling of and Claims for Pre-packaged Foods for Special Dietary Uses* (CXS 146 - 1985) and that it was possible that this reference sufficiently addressed the concerns.
35. The Codex Secretariat addressing the concerns about RUTF for general retail, clarified that CCNFSDU had on many occasions clarified that the guidelines were intended for the treatment of SAM in children and were not products intended for general retail sale but for use in very specific settings. She further noted that the proposal for inclusion of the reference to the *Guidelines for Use of Nutrition and Health Claims* could be made in the CCNFSDU where the guidelines will be discussed at its upcoming session in order for CCNFSDU to consider the relevance and appropriateness of these Guidelines to RUTF.

Conclusion

36. CCFL endorsed the labelling provisions and noted that consideration of the relevance of the *Guidelines for Use of Nutrition and Health Claims* to RUTF could be addressed in CCNFSDU.

Codex Committee on Processed Fruits and Vegetables (CCPFV)

General Standard for Dried Fruits

37. In response to an intervention that section 8.2.4 was a labelling requirement intended for the use of flavouring agents as food additives, and therefore consideration by the Codex Committee on Food Additives (CCFA) was needed before the provision could be endorsed, the Codex Secretariat clarified that Section 8.2.4 referred to the use of ingredients as defined in Section 3.1.2 (optional ingredients) and was not linked to the use of food additives.

Annex C Raisins

38. CCFL agreed to a proposal to amend 4.2.1 by referencing the *General Guidelines on Claims* (CXG 1-1979) to ensure that the use of “natural” needed to also be in accordance with these Guidelines.
39. The Chairperson highlighted that since CCPFV had been adjourned *sine die*, and the recommendation for the amendment to the food labelling provisions would be forwarded to CAC for its consideration.

Conclusion

40. CCFL46 endorsed:
- i) the labelling provisions in the Standard for Gochujang, Standard for Chili Sauce, the Standard for Mango Chutney and General Standard for Canned Mixed Fruits (and its annexes); and
 - ii) the food labelling provisions in the General Standard for Dried Fruits (and its annexes), with a recommendation to amend 4.2.1 (Annex C raisins) by including a reference to the *General Guidelines on Claims* (CXG 1-1979) which would be forwarded to CAC44 (Appendix II).

Codex Committee on Spices and Culinary Herbs (CCSCH)

41. With regard to the decision by CCSCH5 on the separation of ‘country of origin’ as mandatory declaration and

'country of harvest' as optional declaration, the European Union and its member states restated their position that was already expressed at CCSC5 that 'country of harvest' should be mandatory since it is more relevant than country of origin. There was a general support in keeping 'country of origin' as a mandatory declaration and 'country of harvest' as an optional declaration as discussed and agreed at CCSC5. In particular, the Committee noted the view that the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) defined country of origin while no definitions were provided for country of harvest, which justified the decision of CCSC5 on 'country of harvest' as an optional declaration.

Conclusion

42. CCFL46 endorsed the labelling provisions in the Draft Standard for Dried Oregano, the Draft Standard for Dried Roots, Rhizomes and Bulbs – Dried or Dehydrated Ginger, the Draft Standard for Dried Floral Parts – Cloves, the Draft Standard for Dried Basil and the Proposed Draft Standard for Dried Seeds – Nutmeg.

DRAFT GUIDANCE FOR THE LABELLING OF NON-RETAIL CONTAINERS (Agenda item 5)⁵

43. India, as previous Chair of the EWG, introduced the item and provided a brief history of the work. It was noted that due to the COVID-19 pandemic and to take advantage of the extra time available between sessions, India together with the CCFL Canadian Secretariat considered the comments received at Step 6 and prepared a revised draft for consideration (CX/FL 21/46/5 Add.1). Additional comments were sought on this draft in advance of CCFL46 resulting in further proposals found in CRD05. India drew attention of the Committee to the areas of major amendments, and provided recommendations.
44. CCFL agreed to the Chairperson's proposal to carry forward discussion based on CRD05.

Discussion

45. CCFL agreed with most of the proposals in CRD05, made appropriate editorial changes, and clarified various sections as follows:

Standard vs. Guideline

46. CCFL noted the explanation provided by the Codex Secretary that there was no clear guidance on the difference between a standard and a guideline, and what it was called was a Codex internal classification. He stated that while standards are often more prescriptive than guidelines, this was not always the case. He further clarified that whether it was a standard or a guideline made no difference under WTO, as these were recommendations to national governments, and that it was the information within the text that was important. With regard to the draft guidance for the labelling of non-retail containers, the Codex Secretary stated that in his view, it was written based on the *General Standard for the Labelling of Prepackaged Foods* and was phrased as a standard.
47. CCFL agreed that the document would be a General Standard.

4. General Principles

48. CCFL discussed the merits of the general principles and whether they needed to be "should" or "shall". CCFL agreed to keep all the principles and agreed to amend the principles by changing the references from "should" to "shall". Some delegations noted that the impact of these changes on the principles had not been fully considered. In addition, some delegations noted that some general principles were written as recommendations and repetitive to the requirements, thus proposed for deletion. However, CCFL agreed to keep all the principles, as they allowed flexibility for member countries to adapt their regulations as appropriate.

5.3 Date marking and storage instructions

49. CCFL discussed when date marking needed to be provided on non-retail containers. On a proposal to always require date marking, it was recalled that labelling requirements for non-retail containers should be differentiated from the requirements on prepackaged foods. CCFL agreed that date marking and storage instructions must be provided when required for the safety or integrity of the product. This allowed flexibility for date marking and storage information to be provided voluntarily on products where it was not needed for safety or integrity reasons.

6 Mandatory information requirements by means other than on the label

50. CCFL discussed the need to specify certain requirements such as allergens, and the list of ingredients on the label of the non-retail container. It was clarified that provision 6.1 (ii) required that all mandatory information listed in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985), including allergens and the list of ingredients, needed to be in the accompanying documents or other means when necessary for the preparation and labelling of prepackaged foods. It was further noted that provision 6.1 (ii) was written with a

⁵ REP19/FL, Appendix II; CX/FL 21/46/5; CX/FL 21/46/5 Add.1; CX/FL 21/46/5 Add.2

view to be concise and complete, and covered all mandatory requirements for the labelling of prepackaged foods.

51. The Committee agreed to provision 6.1 (ii).

7.1 Non-retail container used as food transportation unit

52. A delegation noted that the term “bulk transport” had been replaced with “food transportation unit” with a reference to its definition in the *Code of Hygienic Practice for the Transport of Food in Bulk and Semi-Packed Food* (CXC 47-2001).
53. It was recalled that the term “food transportation unit” had previously been described as “bulk transport” and it was important to retain the original intent. It was clarified that the *Code of Hygienic Practice for the Transport of Food in Bulk and Semi-Packed Food* (CXC 47-2001) contained definitions for both “food transportation unit” and “bulk” and that the original intent remained since bulk transport is included under the definition of food transportation unit.
54. CCFL agreed to include a reference to the definition of “bulk” in the footnote to the title of 7.1.

8.2 Language

55. For provision 8.2.1, the Committee agreed to amend the text to reflect the intent that if the language in the original label was not acceptable in the country in which the product is sold, the mandatory information in the required language should be provided, and that there were options on how it could be provided, such as through re-labelling or a supplementary label.
56. For provision 8.2.2, the Committee exchanged views on the need to clarify that the translated information on the supplementary label be in compliance with the national legislation in the country of sale. It was clarified that provision 8.2.1 covered the compliance of the mandatory requirements in the country of sale, and that provision 8.2.2 was about the need for accuracy of the translation of the mandatory information. The Committee agreed that additional text to 8.2.2 was not needed.

Conclusion

57. CCFL noted that all issues had been addressed and that the standard was ready for final adoption.

Consequential Amendments to the Procedural Manual

58. The Chairperson explained that the current Procedural Manual provided guidance for how Codex Commodity Standards captured non-retail containers in cases where the scope of the standard was not limited to prepackaged foods, and when CAC adopted the General Standard for the Labelling of Non-retail Containers of Foods, the guidance in the Procedural Manual would be outdated. The Committee agreed that a consequential change was required in the Procedural Manual (Format for Codex Commodity Standards, section on labelling).
59. CCFL discussed the proposed consequential amendment and agreed that the revision would include a reference to the non-retail container standard and also include text allowing for additions or exemptions to requirements provided they are justified fully.

Conclusion

60. CCFL agreed to:
- i. forward to CAC44:
 - a. the draft standard for adoption at Step 8 (Appendix III);
 - b. the consequential amendment to the Procedural Manual for adoption (Appendix III); and
 - ii. recommend that CAC44 request Commodity Committees to review the labelling provisions for non-retail containers in light of the new standard for the labelling of non-retail containers.

PROPOSED DRAFT GUIDELINES ON FRONT-OF-PACK NUTRITION LABELLING (Agenda item 6)⁶

61. New Zealand, as co-chair of the EWG, and chair of the virtual Working Group (VWG) which met prior to the Session, speaking also on behalf of Costa Rica introduced the item and highlighted the key issues and recommendations from the VWG as presented in CRD2. It was noted that there were two areas that required specific attention: consideration to explicitly state that FOPNL can be mandatory or voluntary; and a recommendation to delete section 3.2. Both these issues had not been conclusively discussed in the VWG.
62. CCFL considered the report of the EWG and its recommendations and agreed with most of the

⁶ CX/FL 21/46/6; CX/FL 21/46/6 Add.1

recommendations, and in addition to editorial corrections for clarity and consistency, made the following comments and decisions:

Scope

63. CCFL noted the overall support for the scope.

2.2

64. The Russian Federation expressed concerns with the list of exclusions in section 2.2 and their view that exclusions should not be based only on Codex Standards as listed in 2.2, but on more comprehensive food categories such as alcoholic beverages, single component foods for example oils, water, sugar, cheese, as well as dietary supplements should not be allowed for FOPNL to avoid misleading the consumers.
65. It was clarified that the proposed exclusions listed in section 2.2 had received strong support in the VWG and allowed for additional exclusion decisions to be taken at the national level. This was consistent with the approach to keep the Guidelines high level and flexible to support all FOPNL systems. It was also clarified that exemptions for single component foods at the national level were covered by section 2.3.

2.3

66. One observer drew the attention of the Committee on the lack of specific Codex guidance for the concept of “small pack/small packaging”. New Zealand as chair of the WG pointed out that the addition of the cross-reference to section 3.1.2 of the *Guidelines on Nutrition Labelling* aimed to clarify that certain foods could also be exempted from FOPNL, for example, because of nutritional or dietary insignificance or small packaging.

Conclusion

67. CCFL agreed with the scope and noted the reservation of the Russian Federation on 2.2 for the reasons expressed in paragraph 63.

Definition

68. New Zealand as chair of the VWG explained the WG had not concluded whether to explicitly indicate that FOPNL can be mandatory or voluntary. Noting that the Guidelines were meant to be flexible in order to cater for FOPNL systems currently in place and that might be in place in the future, she proposed that CCFL consider inclusion of the statement “*FOPNL can be voluntary or mandatory*” in the definition.
69. She further noted that the VWG did not have sufficient time to consider a proposal to delete section 3.2 as this section was considered by some members to exclude some existing FOPNL systems that met the definition of nutrition and health claims.

Voluntary / mandatory

70. CCFL had an exchange of views on this proposal and noted the following:

- The inclusion of the statement would cover the current status of FOPNL in their countries.
- In order to address the potential conflict with section 5 of the *Guidelines on Nutrition Labelling* (CXG 2-1985) it should be stated that FOPNL could be mandatory or voluntary in line with national legislation.
- That the concept of mandatory or voluntary should be captured in the principles rather than in the definition.

71. The Russian Federation considered that mandatory FOPNL would be in contradiction to section 5 of CXG 2-1985 which indicated that the *use supplementary nutrition information should be optional* and that the inclusion of the proposed statement in the definition of FOPNL would also require an amendment to section 5 of CXG 2-1985.

72. The Chair of the WG reminded the Committee that the Guidelines were meant to be flexible to cater for FOPNL systems currently in place and FOPNL systems that may be established in the future.

73. The Codex Secretariat clarified that section 5 of CXG 2-1985 used “*should*” which provided flexibility for FOPNL to be either voluntary or mandatory, and the definition of FOPNL indicated that it was *one form of supplementary nutrition information* and therefore the inclusion of the proposed statement would not be contradictory to section 5 of CXG 2-1985.

74. The CCFL Chairperson further noted that the nature of the scheme would determine its voluntary or mandatory nature and that this would be a decision of competent authorities.

75. Responding to a suggestion to include the proposed statement in the principles sections rather than in the definition, the Chair of the WG explained that the recommendation to include this in the definition had received strong support by members. The Codex Secretariat further clarified that keeping the statement in the definition

would also address any perceived conflict with section 5 of CXG 2-1985.

Conclusion

76. CCFL:

- agreed to amend that definition by the inclusion of the statement: *FOPNL can be voluntary or mandatory in line with national legislation*; and
- noted the reservation of the Russian Federation to this decision for the reasons stated in paragraph 70.

3.2 This definition excludes nutrition and health claims

77. Those delegations supporting deletion of 3.2 noted that some current schemes/systems also corresponded to the definition of nutrition and health claims in the *Guidelines for Use of Nutrition and Health Claims* (CXG 23-1997) and that such systems should not be excluded from FOPNL. Section 3.2 could be read in a way that when it is a claim, it cannot be a FOPNL or that classification under FOPNL would mean it is not covered by the *Guidelines for Use of Health and Nutrition Claims*. It was stated that the definition in 3.1 was clear enough.

78. The Representative of WHO further pointed out that in their analysis of currently existing FOPNL systems, all systems would apply one way or the other (as nutrition and health claims) and the exclusion of certain systems would be against the principles and spirit in the way this guideline had been developed to be flexible and inclusive.

Conclusion

79. CCFL agreed to delete section 3.2 from the Definition section of the draft guidelines and noted the reservation of the Russian Federation to this decision.

Section 4 – Principles for the establishment of FOPNL systems

Principle 2 – FOPNL should be applied to the food in a manner consistent with the corresponding nutrient declaration for that food

80. CCFL did not agree to a proposal to amend this Principle to indicate that FOPNL should be consistent with the dietary needs of specific population groups. An observer noted that if baby foods and other foods for special dietary purposes not mentioned in the Scope are not excluded from FOPNL it could be used to inappropriately promote these foods. However it was clarified that this Principle was about consistency with the nutrient declaration, and dietary needs of specific population groups were addressed in principle 3 through alignment with dietary guidelines.

Principle 3 - FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to the nutrients and/or the food groups of which are discouraged and/or encouraged by these documents

81. CCFL did not agree with the proposals to amend the principle to indicate that overall nutrition profiles of the product should be taken into account and to delete reference to “*encouraged by..*” in the second sentence.

82. It was clarified the principle already required that FOPNL should align with evidence-based dietary guidance or in their absence nutrition policies which covered that nutrient profiles are taken into account. It was further clarified that the principles were flexible to cover all existing systems including systems that include nutrients to be encouraged.

Principle 4 FOPNL should present information in a way that is easy to understand and use by consumers in the country or region of implementation. the format of the FOPNL should be supported by scientifically valid consumer research.

83. CCFL noted that the Spanish translation did not accurately reflect the intent of the principle, i.e. the principle refers to valid research on the perception of consumers regarding the FOPNL format in the translation and that this intent should be correctly captured when the Spanish text was finalized.

Principle 5 – FOPNL should be clearly visible on the [front of the] package / packaging at the point of purchase under normal conditions

84. CCFL agreed to delete the text in square brackets as not necessary.

Principles 9 - FOPNL should be accompanied by consumer education / information program to increase consumer understanding and use of FOPNL and Principle 10 – FOPNL should be monitored and evaluated to determine effectiveness and impact

85. CCFL agreed to amend Principle 9 to indicate that consumer education or provision of information should be in line with government recommendations and this would address concerns of potential conflict of interest.

86. The Chair explained that the rationale for both changing the term “collaboration” to “consultation” and utilizing the concept “government-led” in the principles (e.g. Principle 7) was to recognize that governments could implement conflict-of-interest safeguards. Some observers expressed the view that it would have been better to explicitly mention conflict-of-interest safeguards.
87. Questions were raised as to whether principles 9 and 10 were principles for the development of FOPNL or recommendations for implementation of FOPNL. It was clarified that all principles were recommendations and that while the 2 principles were more about implementation they could be retained as principles due to their importance for FOPNL. It was further noted by the WG Chair that the principles generally adhered to the WHO Guiding Principles for FOPL.

Conclusion

88. CCFL agreed to retain the principles as amended.

Other issues / new principles

Concept of “non-discriminatory” (new principle – FOPNL being non-discriminatory to particular foods (including being objective and not exploiting fear in consumers and not being used to hinder trade)

89. CCFL had extensive discussion on the concept of FOPNL being non-discriminatory and whether any additional text was needed in this regard.
90. At the VWG, the European Union and its Member States proposed to include a new principle that would read “FOPNL should be objective and non-discriminatory”. The intent of the principle was to ensure that the calculation rules that are behind schemes under development are objective and do not discriminate between foods on an unjustified basis but that the rules are justified, objective and based on solid scientific and nutritional grounds. It was their view that the new principle would be complementary to the already agreed principles in the Guidelines.
91. New Zealand, as chair of the WG, noted that in other Codex texts the term ‘non-discriminatory’ was neither used nor defined and could lead to misinterpretation and confusion and that the concept of non-discrimination would be in conflict with Principle 6. She offered an alternative proposal to insert ‘objective’ in Principle 3.
92. Views were also expressed that:
- the principle around non-discrimination was inherent in the trade obligations that are already in Codex texts;
 - FOPNL was evidence-based and uses nutrient profiles as an objective measure to discriminate between foods;
 - the concept of not exploiting fear in consumers was already covered by other Codex guidelines;
 - Principle 3 already allows for flexibility at the national or regional level as it allows for differences for foods that might be recommended as part of a healthy diet in a different country or region;
 - FOPNL should not discriminate foods but provide consumers with supplementary information to facilitate their choices as defined in the purpose.

93. The Representative of WHO noted the concept of non-discrimination was technically inconsistent with the objectives and aims of FOPNL and did not support including this concept in the Guidelines.
94. While there was some support for the initial proposal or for the compromise proposal to only include the concept of ‘objectivity’ to Principle 3, overall there was no consensus to add a new principle or to amend Principle 3 to capture that FOPNL should be objective and/or non-discriminatory.

Conclusion

95. CCFL agreed to not include a new principle and to retain Principle 3 unchanged. The European Union and its Member States expressed their reservation on Principle 3 since it did not indicate that FOPNL should be objective and non-discriminatory.

Location of the Guidelines

96. CCFL agreed that the Guidelines would be an annex to the *Guidelines on Nutrition Labelling* and in view of this decision agreed to insert a footnote to section 5 of the CXG 2-1985 to reference the new annex.

Matter referred by CCNFSDU

97. CCFL recalled the request from CCNFSDU to CCFL on the extent of the work concerning nutrient profiles in CCNFSDU could support the work on FOPNL and to what extent it would be taken into account (see Agenda Item 2).

98. CCFL noted that its work was not dependent on the possible work on nutrient profiles in CCNFSDU and that its discussions on FOPNL had been completed.

Conclusion

99. CCFL agreed to:
- i. forward the proposed draft Guidelines to CAC44 for adoption at Step 5/8 and inclusion as an Annex to the *Guidelines on Nutrition Labelling* (CXG2-1985) (Appendix IV);
 - ii. forward the consequential amendment to Section 5 of the *Guidelines on Nutrition Labelling* to CAC44 for adoption (Appendix IV); and
 - iii. inform CCNFSDU that the work on the Guidelines for front of pack nutrition labelling had been completed and was not dependent on work on nutrient profiles in CCNFSDU.

PROPOSED DRAFT GUIDELINES ON INTERNET SALES / E-COMMERCE (Agenda item 7)⁷

100. The United Kingdom, as chair of the EWG, speaking also on behalf of the co-chairs, Japan, Chile, India and Ghana presented this item, outlining the process followed by the EWG, its discussions and decisions. She highlighted the core areas agreed upon by the EWG, such as, the scope would only cover sales of prepackaged foods and not loose foods and cover provision of food information; and that terms and definitions were clarified. She further drew the attention of the Committee to the issues that needed further consideration, including the alternative wording for sections 4 and 5, and wording related to displaying a period of minimum durability.
101. She clarified that the text would be a supplementary text, envisioned to be an annex to the GSLPF, and not a separate guideline. In order to facilitate discussion at this session, she explained that CRD4 had been prepared taking into account comments submitted to CL2021/20/OCS-FL and that several corrections had been made, namely: including consistency of the use of terms and definitions throughout the text; inclusion of wording to clarify that exemption of small units outlined in section 6 of GSLPF shall not apply; and she confirmed that allergen and nutritional information was appropriately captured within the text.
102. CCFL agreed to consider CRD4 as the basis for discussion.

Discussion

Title

103. While there was general agreement that the proposed text would be supplementary to the GSLPF as an annex, one delegation did not agree with the proposed title as they were of the view it implied that the labelling requirements for e-commerce were mandatory, which was not preferable as the use of e-commerce could vary among countries and potential technological advancement could affect the way of labelling for e-commerce. This delegation therefore proposed that the title be reconsidered to be guidance or guidelines and that the text should provide for more flexibility.
104. In addition, another delegation stated that how this text was placed in an annex could affect the resulting discussion on referencing the *Guidelines on Nutrition Labelling* (CXG 2-1985) since these Guidelines were not referenced in the GSLPF, and thus consideration should be given to consistency between the placement of nutrition labelling requirements for e-commerce and physical sales of food.

1. Scope

105. Extensive discussion was held on the scope and different proposals were made to better clarify that the proposed text covered food information which shall be available on the product information e-page which is the information available at the point of e-commerce sale, and that the text did not apply to information that shall be available at the point of delivery as such information was already provided for in the GSLPF.
106. It was also clarified that mobile applications were within the scope of 'e-page'.
107. CCFL however did not take a firm decision on the exact wording but agreed with the overall concepts addressed in the scope.

2. Definition of terms

108. The main focus of discussion was on an appropriate definition for 'e-commerce'. A proposal was made to use the current WTO definition for e-commerce as this definition was already in use and generally understood.
109. However, divergent views were expressed as follows:
- The WTO definition was wider than the current definition in the sense that it covered the 'production,

⁷ CX/FL 21/46/7; CX/FL 21/46/7 Add.1

distribution, marketing, sale or delivery of goods and services by electronic means' and use of this definition would help to future proof the text.

- The current proposed definition was specific enough to match the purpose of the text and thus should be retained without changes, rather than applying the definition of WTO which was too broad, ranging from production to distribution.
 - In order to clarify that the definition set out in this text was aimed solely for the purpose of e-commerce transactions of prepackaged foods, it was proposed that the definition should start with "for the purpose of this text. This would ensure that it is understood that the definition for e-commerce was specific for this text.
 - In order to integrate the WTO definition of e-commerce into the current proposed definition, the term of "distribution, marketing" could be inserted before the sale or purchase.
 - The WTO definition focused more on transaction rather than e-commerce itself. Therefore, it was proposed to amend the WTO definition to read "the sale or purchase of prepackaged foods that is sold through electronic platform", which underlined that this text was aimed at e-commerce.
 - For the sake of future proofing, the definition of e-commerce should be deleted altogether, otherwise the current proposed definition should be used, with the deletion of "distribution" and "sold through electronic platform".
 - As an alternative to the proposed definition and the definition by WTO, a simplified definition should be applied as follows "*the sale or purchase of goods through electronic or virtual means*".
 - The WTO definition is too broad as it included "goods and services" and it should be clarified that for the purpose of this guidance the focus is on the marketing, sales and delivery of prepackaged foods
 - It was questioned whether "marketing" was required as the intent of the guidance was on what information is needed on the e-page for sales and delivery.
 - It was noted that the term "e-commerce" was used with other words in the draft guidance and not on its own, thus specificity in the definition may not be needed.
110. CCFL did not take a decision on the definition.
3. *General principles*
111. CCFL agreed to amend the first paragraph for clarity as follows: '*The General Principles in Section 3 of the GSLPF apply.*'
112. Mixed views on the remaining text in this section were expressed as follows:
- For purposes of clarification, "at the point of delivery" should be replaced with "at the point of e-commerce sale delivery", which would help consumers make an informed decision. Likewise, it was proposed adding "e-page" before product label.
 - The proposed second sentence captured the intent of this text, and thus it should be retained without modifications.
 - The proposed second sentence duplicated the scope. Hence, the sentence should be deleted.
 - The intent of this text was that information on food products should be properly presented both on online platforms and at consumers' end.
 - Referring to the view as provided in iv), this text was only aimed for information provided at the point of e-commerce and not also when the product was physically delivered to consumers.
 - The last clause in the proposed second sentence "unless specified otherwise within the text" should be deleted as this was causing confusion around the intent of the principle.
113. One delegation made an observation that, should the second paragraph be applied as discussed, consideration should be given to whether the rest of the text, especially section 4, should be revised to indicate exception to the GSLPF, since the proposed second paragraph provided that labelling for e-commerce complied with GSLPF.
114. One observer expressed the view that reference to the International Code of Marketing of Breast-milk Substitutes and subsequent WHA resolutions should be included so that food products sold via e-commerce should also be covered by their requirements in order to safeguard consumers adequately from being misled by inappropriate labelling. The Chairperson explained that this was already covered through the reference to the GSLPF and other Codex texts.

115. The EWG Chair confirmed that the intent of the general principles was to ensure that foods sold by e-commerce would be labelled as required by the GSLPF when delivered to the consumer.
116. CCFL did not take a decision on the remaining text, but noted the views expressed and in addition noted that this section should be revisited in light of a further discussion and decision on the scope and that consistency should be ensured throughout the document.

Section 4.1

117. While CCFL noted support from several delegations for the proposed text including addition of the reference to small units in the context of e-commerce, there were several views expressed as follows:
- the principle of not applying the exemption of small units to labelling requirements provided in GSLPF to e-commerce should be voluntary rather than mandatory, since it was normally retailers rather than manufacturers that provide information on e-commerce, and hence, this principle was not likely to be feasible for business operators;
 - with the respect of i), retailers should have information from manufacturers in accompanying documents, which could be provided to consumers on e-page. Thus there should be no exceptions to the reference to small units;
 - the text of section 4.1 should be reconsidered to be consistent with the GSLPF and other standards which had no mention of information requirements;
 - the definition of the term “associated labelling” should be provided to add clarity to the section 4.1.

Section 4.2 and 4.3

118. One delegation, supported by several other delegations, proposed deletion of sections 4.2 and 4.3 since these sections left the possibility of providing inaccurate information to consumers and could create gaps for some products that are not authorized by health authorities to be marketed and sold. As for this proposal for the deletion, an opposing view was expressed that section 4.2 should be retained as the current formulation of the section did not make it obligatory.
119. Another delegation requested clarification on the intent of section 4.2, specifically whether it was intended to cover one-time reformulation or potentially ongoing substitution of ingredients. She further noted that variations of ingredients can occur not only in the form of substitutions but also omission and addition of ingredients. Furthermore, there was a request for clarification on the term of “minor variations”.
120. A view was noted that listing possible ingredients set out in the latter half of 4.2 was not feasible and so it should be changed to make it clear that alternative ingredients may be declared.
121. A suggestion was made to add clarification to 4.2 by stating that declaration of two or more ingredients should be temporary and that ingredient lists should be up to date at all times.

Sections 4.4 and 4.5

122. Although time constraints did not allow full discussion of these sections, the Committee noted the following views:
- information on nutritional properties should be taken into account in the proposed text in section 4.4;
 - “provided by food business operation” should be inserted after the nutritional information in section 4.4;
 - information about the remaining period of durability upon delivery was important and should be articulated in the text in section 4.5.

Other sections

123. As there were no key text revisions proposed in the remaining sections of the text, CCFL did not focus on these.

Conclusion

124. The Committee agreed:
- i. that the text was not yet ready to be advanced in the Step procedure; and
 - ii. to re-establish the EWG, chaired by UK, and co-chaired by Chile, Ghana, India and Japan, working in English and Spanish, to continue development of the supplementary text to the GSLPF, taking into account the written comments submitted to the session, and comments made at this session, for circulation for comments at Step 3 and consideration by CCFL47.
125. The EWG report shall be made available to the Codex Secretariat at least three months in advance of CCFL47.

FOOD ALLERGEN LABELLING (Agenda Item 8)⁸**PROPOSED DRAFT REVISION TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS – PROVISIONS RELEVANT TO ALLERGEN LABELLING (Agenda Item 8.1)****PROPOSED DRAFT GUIDANCE ON PRECAUTIONARY ALLERGEN LABELLING (Agenda Item 8.2)**

126. Australia, as chair of the EWG, introduced the item, also on behalf of the co-chairs: the United Kingdom and the United States of America, and explained the work undertaken in the EWG and the progress made to date on the two parts of work: i) revisions to the GSLPF and (ii) development of guidance on precautionary allergen or advisory labelling (PAL). She further recalled that CCFL had requested scientific advice from FAO/WHO and that the EWG was not able to take into account the reports of the FAO/WHO as they were not yet available, and had also not taken into account the literature review by the FSANZ/UKFSA, under the auspices of the International Social Science Liaison Group, on the consumer response to allergen labelling.
127. She informed the Committee that the guidance on precautionary allergen labelling was not as advanced as the work on the revisions to the GSLPF. She noted the replies to the CL 2021/21/OCS-FL and the CRDs submitted to the Committee and observed that there was the general view to consider the reports of the expert advice when they become available and consumer evidence to progress the work. She proposed that CCFL consider the proposed texts and provide general advice on the overall approach, and the key parts addressed in the two proposed draft texts to aid further work in the EWG. She further proposed that work on the revisions to the GSLPF and the guidance on PAL be taken up together by the EWG, recognizing that work could progress at different stages in the Step process and that cooperation with CCFH was important to ensure consistency with the *Code of Practice on Food Allergen Management for Food Business Operators* (CXC 80-2020).
128. The Representative of FAO, speaking on behalf of the Secretariat for the Ad hoc Joint FAO/WHO Expert Consultation on Risk Assessment of Food Allergens provided an update of the expert consultations and the timelines for the finalisation of the summaries and reports of the three consultations. It was expected that all final reports would be available by or before October 2022 for consideration by the EWG.

Proposed draft revision to the GSLPF – Provisions relevant to allergen labelling

129. CCFL agreed to have a general discussion on the proposed draft revision proposals and to collect comments to help guide further discussion in the EWG, and did not take decisions on the recommendations/proposals by members and observers.

General Discussion

130. There was general agreement with the approach taken and that the good progress had been made, but that the list of foods to be declared needed further consideration once the report of the Ad hoc Joint FAO/WHO Expert Consultation on Risk Assessment of Food Allergens became available.
131. CCFL noted the following views expressed:

Scope

132. The scope should be extended to all non-prepackaged foods.

Definitions

133. It was necessary to ensure the technical correctness of the definitions, in particular the definitions for 'allergen' and 'food allergen' and that it was important for the definitions also to take into account that not only proteins were allergens, but that glycoproteins or carbohydrates, for example, could also elicit allergic responses in some individuals. A view was expressed that consistency with definitions in the *Code of Practice for Allergen Management for Food Business Operators* (CXC 80–2020) should be ensured.

List of ingredients 4.2.1.4

- the full report of the Ad hoc Joint FAO/WHO Expert Consultation on Risk Assessment of Food Allergens was necessary to develop the list in 4.2.1.4;
- There were different views on whether to exclude lactose and sulphite as these caused food intolerances and not allergic reactions;
- use of terminology that was objective rather than common names should be considered as food varied from region to region;
- in 4.2.3 other means of making available information on allergens should be addressed when it was

⁸ CX/FL 21/46/8; CX/FL 21/46/8 Add.1; CX/FL 21/46/8 Add.2

- not possible to list the ingredients on small packages;
- different options for listing ingredients that might cause allergic reactions should be considered;
 - There were different views on whether to include sesame;
 - for those allergens not on the list, consideration should be given to develop a 'watch list' to help raise consumer awareness;
 - soybean should not be excluded;
 - cereals containing gluten should be retained in the list, but to ensure that it is in line with the *Standard for Foods for Special Dietary Uses for Persons Intolerant to gluten* (CXS 118-1979), which states to include also spelt because usually spelt is not always known as a *Triticum* species of wheat;
 - spelt is a hybrid source from wheat and should not be singled out;
 - it is important that labelling identifies ingredients that lead to food allergy, food intolerance or coeliac disease (autoimmune adverse reaction to food);
 - It is important that labelling reflects immune mediated reactions such as IgE mediated food allergies and coeliac disease;
 - exemptions for highly processed or refined ingredients, such as oils, because of the level of processing means that allergens are removed and not of allergenic concern, should be considered;
 - consider the addition of a sub-section on processing aids.

Presentation of mandatory information

- 8.3.1.1 should be deleted or merged with 8.3.1 as the information was repetitive;
- the intent of 8.3.1.1 was understood and gave flexibility to national authorities;
- 8.3.2 should be consistent with 8.1.4 of the GSLPF;
- there should not be another statement in addition to the list of ingredients in 4.2.1.4 as this could cause confusion to consumers;
- alternative methods be explored for declaration of allergens on small packages as the information might not be legible for some consumers;
- different options should be considered for the declaration of allergens, as many countries provided different options, such as listing in ingredients list or by contain statements.

Proposed draft Guidelines on Precautionary Allergen Labelling

134. CCFL noted that that the guidelines were still at an early stage of development and that the WHO/FAO Expert consultations on PAL was needed for the it's further development, and that written comments submitted to the Session should be taken into account by the EWG in the ongoing work on PAL.
135. An observer proposed that 'free-from' allergen claims be discussed in the EWG, however confirmation with the scope of the Project Document was needed.

Conclusion

136. CCFL agreed to:
- i. re-establish the EWG chaired by Australia and co-chaired by the United Kingdom and the United States of America and working in English to:
 - a. prepare the proposed draft revision to the GSLPF and the proposed draft guidelines taking into account the discussion in the Committee and all the written comments submitted for consideration by CCFL47;
 - b. take into account the scientific advice from FAO/WHO and evidence based consumer understanding of allergen labelling and advisory statements.
 - ii. to keep open the possibility of a physical working group (PWG), chaired by Australia and co-chaired by the United Kingdom and the United States of America, to meet prior to the next session of CCFL, to consider written comments submitted and prepare revised proposals for consideration by CCFL47.
137. The EWG report shall be made available to the Codex Secretariat at least three months in advance of CCFL47.

DISCUSSION PAPER ON INNOVATION – USE OF TECHNOLOGY IN FOOD LABELLING (Agenda Item 9)⁹

138. Canada introduced the item and explained that the topic considered the potential use of technology in food labelling and explored when technology may be used in addition to, or as an alternative to, a physical label to provide food information. This differed from the work on e-commerce in that the product was physically present. She summarized the responses received from a CL issued and highlighted support for mandatory information to remain on the physical label of prepackaged foods and that the definition of “label” should continue to pertain to the physical product with rare exceptions such as for small packages; general principles of the GSLPF should apply and that adjustments would be needed to the GSLPF; the scope be limited to prepackaged foods intended for consumers as the draft general standard for labelling of non-retail container already addressed this in those foods; and that technology can and is being used for supplementary or voluntary information or to repeat information found on the food labels through means such as websites or QR codes.
139. In view of the responses to a recent CL, CL 2020/57-FL, Canada proposed that the new work would address the gaps in the GSLPF to enable the general principles in the GSLPF to apply to food information provided through technology. The new work would also develop broad guidelines on the use of technology in food labelling in areas such as circumstances where the use of technology would be appropriate in food labelling; consistency between information on the label and provided through technology; and legibility, language, presentation of information and accessibility to consumers. Consequential amendments to other Codex texts, as a result of this work would also be identified. She further noted the work on e-commerce would be taken into consideration in order to ensure consistency and to avoid duplication.

Discussion

140. While not objecting to the new work, one delegation considered that the new work should facilitate the use of technology in food labelling but not be too restrictive for its use in the future. Another delegation noted that the new work was not a high priority for their country.
141. The Committee expressed unanimous support for starting new work on the use of technology in food labelling and considered the project document, noting the following clarifications:
- the scope of the new work would cover both voluntary and mandatory labelling and the need for consistency in the information provided on a label and through technology;
 - regarding a concern on the need for strict privacy safeguards as a result of the use of technology especially as it related to infant foods, it was clarified that the new work was about the food information on the label and that privacy issues were beyond the scope of the Committee;
 - the development of supplementary text was intended to be separate guidelines. The Committee amended Section 3 (b) under “main aspects to be covered” to clarify this.

Conclusion

142. The Committee agreed to:
- i) start new work on the use of technology in food labelling and to submit the project document (Appendix V) for approval by CAC44; and
 - ii) establish an EWG, chaired by Canada, working in English, to prepare proposed draft text for circulation for comments at Step 3 and consideration by CCFL47.
143. The EWG report shall be made available to the Codex Secretariat at least three months in advance of CCFL47.

LABELLING OF ALCOHOLIC BEVERAGES (DISCUSSION PAPER) (Agenda item 10)

144. The Russian Federation outlined the work done so far for the labelling of alcoholic beverages, and indicated that responses to CL2019/86-FL showed that there was common ground on which to proceed with the work, but that there was a clear split of opinion on the question if alcohol labelling requires specific guidance or standards in Codex, but that challenges caused by the COVID-19 pandemic hindered the development of the discussion paper. Recognizing the support for future work in CCFL, they expressed willingness to continue developing the discussion paper and proposed that further information based, on the replies already received to CL2019/86-FL, should be requested through a CL to assist in this work.
145. The Representative of WHO stated that keeping this item on the agenda was beneficial for public health and that they were ready to support and contribute to the development of the discussion paper.
146. CCFL also noted the offer of EURO CARE to assist in the development of the discussion paper.

⁹ CX/FL 21/46/9

Conclusion

147. CCFL46 agreed:
- i. the Russian Federation, European Union and India with assistance from WHO and EURO CARE would prepare a discussion paper for consideration by CCFL47; and
 - ii. a CL would to be issued to request information to assist in the development of the discussion paper. The Codex Secretariat will provide support to develop appropriate questions for the CL.

DISCUSSION PAPER ON THE LABELLING OF FOODS IN JOINT PRESENTATION AND MULTIPACK FORMATS (Agenda Item 11)¹⁰

148. Colombia introduced the item and recalled that CCFL44 agreed that Colombia would prepare a discussion paper on labelling of foods in joint presentation and multipack formats and that a CL be issued to collect information on the current practices, issues and any potential role for CCFL in this area. She highlighted that a general finding was the lack of a definition in the existing guidelines for these types of formats. She further recalled that at CCFL45, due to the late issue of the paper, consideration of the matter was postponed and that the Committee agreed that there should not be stand-alone guidance but to consider possible amendments to the GSLPF. She described what was considered prepackaged foods in joint presentation and multi-packaged foods, highlighting that the labelling information, such as date marking and list of ingredients, of the individual foods in these packaging formats could be obscured to consumers.

Discussion

149. The Committee held a general discussion on the subject and delegations provided the following views:
- this topic was important for food allergic consumers as in some areas of the world only the outer packaging required a list of ingredients, and not the individual foods in these packaging formats which could be distributed separately without allergen information being readily available;
 - this work was important as multi-packaged foods directed at children were seen as confusing;
 - the work could help address gaps in the GSLPF;
 - careful consideration needed to be taken for any amendments made to the GSLPF as it may complicate its overall application and that the development of guidance may be a better approach;
 - no additional work was needed as the GSLPF already provided definitions of terms and requirements that apply to all prepackaged food, including in these packaging formats, and appropriate applications of the standard would address the concerns. It was suggested that further analysis would be useful to determine if there are gaps in the GSLPF or if clarification of interpretation of the requirements was needed which could be included in a future report of the Committee.
 - the GSLPF provided sufficient guidance and any work in this area should take into consideration other new work that may be of a higher priority for the Committee;
 - the work should be limited in scope to focus on specific areas in the GSLPF that needed clarification and guidance around interpretation;
 - consideration could be given to how Section 7.2. of the draft general standard for the labelling of non-retail containers addressed a similar situation and could be considered to address these formats in the GSLPF;
 - if the new work was not taken up, the topic should be retained in the inventory of potential CCFL future work.

Conclusion

150. CCFL agreed to:
- i) retain the topic on the labelling of prepackaged foods in joint presentation and prepackaged multi-packaged foods in the inventory of potential CCFL future work;
 - ii) request Colombia to prepare a discussion paper to identify gaps in the *General Standard for the Labelling of Prepackaged Foods (CSX 1-1985)* and/or identify where clarity and interpretation may be required; and
 - iii) issue a CL requesting information to support the development of the discussion paper, and Colombia would work with the Codex Secretariat to develop appropriate questions for the CL.

¹⁰ CX/FL 21/46/11

FUTURE WORK AND DIRECTION OF CCFL (Agenda item 12)¹¹

151. The UK introduced the item and highlighted that the paper had been updated taking into account replies received to CL2020/08-FL and decisions of CCFL45. She highlighted the areas of potential work for CCFL as well as emerging issues for consideration by CCFL. It was recommended that CCFL consider the proposals for new work and it was noted that a project document had been submitted for new work on trans fatty acids and that CCFL also consider whether discussion papers on the topics identified in the inventory of work should be developed.
152. CCFL agreed to focus discussion on the proposal for new work on TFAs as presented in the project document, followed by discussion on possible other areas of work for which discussion papers could be developed.

Proposal for new work on trans fatty acids (TFAs)

153. Canada introduced the proposal for new work and stressed the importance of limiting TFA intakes from all sources due to the health risks posed by TFAs, as recommended by WHO. The new work would entail amending existing Codex texts, namely the *Guidelines for Nutrition Labelling* (CXG 2-1985) and the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) to address (i) requiring the mandatory declaration of TFA on labels of prepackaged processed foods; and (ii) requiring the declaration of partially hydrogenated oil (PHO) and fully hydrogenated oil in ingredient lists of prepackaged processed foods and to define these terms. She also recalled that WHO had called for the global elimination of industrially-produced trans fatty acids by 2023 and the proposed amendments would support this important work in WHO. She also recalled that this would address the request from CCFNSDU of CCFL to consider risk management options to address TFA (see Agenda Item 2).

Discussion

154. The Representative of WHO expressed strong support for the proposed new work. She emphasized that industrially-produced TFA had no known health benefits and were clear risks to human health. She further noted that there were a number of countries taking various regulatory actions and policy measures for TFA elimination. In comparison to 2020, a triple number of countries had started to implement best practice policies as recommended by WHO, but these were mainly in high-income countries in the American and European Regions, but not in low-income countries. However, in 2021, the first two lower-income countries had passed the best practice regulations. She also highlighted that there was increasing momentum to take actions in eliminating industrially produced TFA and it would be an opportune moment for Codex work to support these countries' efforts and accelerated actions which are very much needed to achieve the global target of TFA elimination by 2023.
155. While there was general support for the proposal to amend the GSLPF to address PHO and fully hydrogenated oil in ingredient lists, there were divergent views on mandatory declaration of TFAs on labels of prepackaged processed foods. Some were of the view that the mandatory declaration could lead to negative impacts on foods containing naturally-occurring trans fatty acids and be a burden to the food industry. Views were expressed that a more effective and efficient risk management option in terms of public health and consumer protection would be to establish legal limits (maximum levels) for TFAs other than TFAs naturally occurring in fats of animal origin. Those in support of the mandatory declaration were of the view that it is an effective policy tool for reducing the PHO level in the food supply.
156. A delegation drew attention to the request of CCFNSDU to CCFO to consider possible risk management options to reduce TFA or eliminate PHO and that CCFL should await the decision of CCFO before proceeding with work on amendment of CXG 2-1985.
157. Some observers, while supporting amendment of CXG 2-1985, did not support the amendments to the GSLPF as they considered that consumers were not familiar nor did they understand the concepts and would not be able to make the link between partially hydrogenated and trans fatty acids and its health impacts. In their view, a labelling declaration would have greater impact and should address all trans fatty acids from all sources and would be an incentive for industry to reformulate products.
158. The CCFL Chair noted that there was no agreement to proceed with new work at this time; she proposed that a discussion paper should be developed taking into account also the outcomes of the discussion in CCFO, and that a circular letter could be issued to provide inputs into the development of the paper.

Conclusion

159. CCFL agreed that Canada would prepare a discussion paper to outline possible new work for consideration by CCFL and that a CL should be issued to request information to inform the development of the paper.

¹¹ CX/FL 21/46/12

Emerging issues

Sustainability claims

160. New Zealand offered to prepare a discussion paper to explore possible work on sustainability claims within the mandate of CCFL. She noted that with the conclusion of the UN Food Systems Summit there was greater focus on sustainability and that consumers globally were making purchases with a sustainability lens. She also proposed to also undertake a stocktake of current sustainability labelling being used globally to inform the discussion paper which would assist CCFL to decide whether or not there was value or need for new work in this area.
161. The European Union offered to support New Zealand in the preparation of the discussion paper.

Conclusion

162. CCFL agreed that New Zealand and the European Union would prepare a discussion paper and that a CL would be issued to take stock of sustainability claims in countries to support preparation of the discussion paper.

Food Labelling Exemptions in Emergencies

163. The United States of America offered to prepare a discussion paper on food labelling exemptions in emergencies, as this was a timely topic and knowledge had been gained during the COVID-19 pandemic on how to foster supply chain resiliency.
164. While a delegation noted that addressing exemptions in emergencies was a horizontal question that could involve possible work in other committees and should be addressed in a more horizontal way by Codex, it was suggested that CCFL could start discussions on areas within its responsibility.

Conclusion

165. CCFL agreed that the United States of America would prepare a discussion paper to outline possible new work for consideration by CCFL and that a CL should be issued to request information to inform the development of the paper.

Conclusion

166. CCFL agreed:
- i. that the following discussion papers to explore the feasibility to undertake new work, would be developed for consideration by CCFL47:
 - a. TFA (Canada)
 - b. Sustainability claims (New Zealand and European Union)
 - c. Food Labelling Exemptions in Emergencies (United States of America)
 - ii. that CLs would be issued to request information to support the development of the discussion papers; and
 - iii. regarding the paper on the inventory of future work and emerging issues:
 - a. New Zealand would update the paper for CCFL47;
 - b. the Codex Secretariat would issue a CL requesting members and observers to provide information on items for inclusion in the paper; and
 - c. the paper would be kept current at each session with a different delegation taking on responsibility each time.

APPROACH AND CRITERIA FOR EVALUATION AND PRIORITIZATION OF WORK OF CCFL (Agenda item 13)¹²

167. The CCFL Canadian Secretariat introduced the item and informed CCFL that a revised proposal had been prepared by the CCFL Canadian Secretariat taking into account the comments submitted in response to CL 2020/09/OCS-FL.
168. Due to time constraints, she proposed that the consideration of the revised approach and criteria for evaluation and prioritization of work of CCFL should be postponed to CCFL47 and that comments should be requested through a CL. The CCFL Secretariat would then prepare a revised proposal for consideration by CCFL47 based on comments received through the CL and all written comments submitted to this Session.

¹² REP19/FL, Appendix V; CX/FL 21/46/13; CX/FL 21/46/13 Add.1

169. CCFL46 agreed:

- i. to request comments on the proposed approach and criteria for evaluation and prioritization of work of CCFL (Appendix VI); and
- ii. that the CCFL Canadian Secretariat would revise the approach and criteria taking into account comments in response to the CL and all written comments submitted to the session for consideration by CCFL47.

OTHER BUSINESS (Agenda item 14)

170. CCFL noted that there was no other business to discuss.

DATE AND PLACE OF THE NEXT SESSION (Agenda item 15)

171. CCFL46 was informed that its 47th Session was tentatively scheduled to take place in 18 month's-time, with the location to be confirmed. The final arrangements being subject to confirmation by the Host Country and the Codex Secretariat.

APPENDIX I

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 United Nations (FAO)
 Rome

Appendix II

**REVISED LABELLING PROVISIONS IN THE GENERAL STANDARD FOR DRIED FRUITS
ANNEX C RAISINS****(4.2.1 for adoption by CAC)****ANNEX C – RAISINS****(changes in bold underline font)**

In addition to the general provisions applicable to dried fruits, the following specific provisions apply:

4. LABELLING**4.1 The Name of the Food**

4.1.1 The name of the product shall be “Raisins”; or it shall be “Sultanas” in those countries where the name sultana is used to describe certain types of raisins.

4.1.2 If the raisins are bleached, part of the name shall include a meaningful term as customarily understood and used in the country of sale, such as “Bleached”, “Golden”, or “Golden Bleached”.

4.1.3 If raisins are of the seed-bearing type, the name of the product shall include, as appropriate:

(1) the description “Seeded” or “With Seeds Removed”;

(2) the description “Non-Seeded”, “Unseeded”, “With Seeds”, or similar description indicating that the raisins are naturally not seedless, except in cluster form and Malaga Muscatel type.

4.1.4 If raisins are in cluster form, the name of the product shall include the description “Clusters”, or a similar appropriate description.

4.1.5 If raisins intentionally do not have cap-stems removed, the name of the product shall include the description “Unstemmed” or a similar appropriate description, except in cluster form and Malaga Muscatel type.

4.1.6 Where a characteristic coating or similar treatment has been used, appropriate terms may be included as part of the name of the product or in close proximity to the name: e.g. “Sugar Coated”, “Coated with X”

4.2 Optional Declarations

4.2.1 Raisins may be described as “Natural” when they have not been subjected to dipping in an alkaline lye as an aid to drying nor subjected to bleach treatment, **and in accordance with the General Guidelines on Claims (CXG 1-1979).**

4.2.2 Raisins may be described as “Seedless” when they are of that type.

4.2.3 The product name may include the variety or varietal type group of raisins.

GENERAL STANDARD FOR THE LABELLING OF NON-RETAIL CONTAINERS OF FOODS

(For adoption at Step 8)

1. PURPOSE

The purpose of this Standard is to facilitate appropriate harmonized labelling of non-retail containers of food and to outline what information shall be presented on the label and what information, while not required on the label, must be provided for a non-retail container by other means.

2. SCOPE

This Standard applies to the labelling of non-retail containers of food (excluding food additives and processing aids)^{1,2} not intended to be offered directly to the consumer¹ including the information provided in the accompanying physical documents or by other means, and the presentation thereof.

3. DEFINITION OF TERMS

For the purpose of this Standard, the relevant definitions in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) apply. In addition, the following terms have the meaning as defined below:

“Food Business” means an entity or undertaking, carrying out one or more activity(ies) related to any stage(s) of production, processing, packaging, storage and distribution (including trade) of food¹.

“Non-retail container” means any container¹ that is not intended to be offered for direct sale to the consumer¹. The food¹ in the non-retail containers is for further food business activities before being offered to the consumer¹.

4. GENERAL PRINCIPLES

- 4.1 The general principles established in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) apply equally, as appropriate, to the labelling of non-retail containers of foods.
- 4.2 The labelling requirements for non-retail containers of foods shall be differentiated clearly from the labelling requirements for prepackaged¹ foods.
- 4.3 Non-retail containers shall be clearly identifiable as such.
- 4.4 The non-retail status of a container shall be determined by the food business selling or distributing the container of food
- 4.5 The labelling requirements for non-retail containers shall be established taking into account the information requirements and implementation capabilities of food businesses and competent authorities.
- 4.6 Subject to the requirements outlined in Section 5, the information requirements in respect of non-retail containers of food may be met through means other than on a label as allowed by the competent authority in the country in which it is sold.
- 4.7 The information on the label and the information in the accompanying documents or provided by other means shall be traceable to the food in the non-retail container and shall provide information to enable the labelling of the food- intended for sale to the consumer.

5. MANDATORY INFORMATION REQUIREMENTS ON THE LABEL:

The following information shall appear on the label of non-retail containers of food:

5.1 The name of the food

- 5.1.1 The name shall indicate the true nature of the food and normally be specific and not generic.
 - 5.1.1.1 Where a name or names have been established for a food in a Codex standard, at least one of these names shall be used.

¹ As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985)

² This Standard is not intended to apply to the labelling of food additives and processing aids for which the *General Standard for the Labelling of Food Additives When Sold as Such* (CXS 107-1981) applies.

- 5.1.1.2 In other cases, the name prescribed by national legislation shall be used.
- 5.1.1.3 In the absence of any such established or prescribed name, either a common or usual name existing by common usage as an appropriate descriptive term which is not misleading or confusing to the food business or in the country in which the food is intended to be sold shall be used.
- 5.1.1.4 A “coined”, “fanciful”, “brand” name or “trade mark” may be used provided it accompanies one of the names provided in Subsections 5.1.1.1 to 5.1.1.3.
- 5.1.1.5 Where the non-retail container contains multiple types of food, the names of all the foods contained therein and/or a commonly understood descriptor that best explains the foods present together in the container shall be provided on the label, as allowed by the competent authority in the country in which the product is sold.

5.2 Lot identification

Each non-retail container shall be marked in code or in a manner to clearly identify the producing factory and the lot(s) of the food in the non-retail container.

5.3 Date marking and storage instructions³

Date marking and storage instructions shall be provided when required for the safety or integrity of the product.

5.4 Identification of a non-retail container

The non-retail containers of foods shall be clearly identifiable as such. If the container is not clearly identifiable as a non-retail container, the container shall:

- bear a statement to indicate that the food is not intended to be sold directly to the consumer¹ or to clearly identify it as a non-retail container. Some examples of such statements are:
 - “NON-RETAIL CONTAINER”
 - “NON-RETAILCONTAINER - NOT FOR DIRECT SALE TO CONSUMER”

Or,

- carry any other mark that indicates that the container is not intended to be sold directly to the consumer

5.5 Name and address

Name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

6. MANDATORY INFORMATION REQUIREMENTS BY MEANS OTHER THAN ON THE LABEL

6.1 The following information shall be provided in the accompanying documents, or through other means:

- i. Information required under Section 5;
- ii. Information sufficient to enable the safe preparation and to meet the requirements for labelling of prepackaged foods from the food in the non-retail container⁴;
- iii. Net contents of the non-retail container.

6.2 The information required under Sub-section 6.1 shall be traceable to the food in non-retail container.

6.3 If all information required under Sub-section 6.1 is made available on the label, Sections 6.1 and 6.2 do not apply.

7. PROVISIONS FOR SPECIFIC TYPES OF NON-RETAIL CONTAINERS

7.1 Non-retail container used as food transportation unit⁵

In the case of a non-retail container used as a food transportation unit that is not amenable to possess a label, all the information required under Section 5 and Sub-section 6.1 shall be

³ Information to be provided as in the relevant section of the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985)

⁴ *General Standard for the Labelling of Prepackaged Foods* (CXS1-1985) and other relevant Codex labelling text

⁵ “Food transportation unit” and “bulk” as defined in the *Code of Hygienic Practice for the Transport of Food in Bulk and Semi-Packed Food* (CXC 47-2001).

provided in the accompanying documents or through appropriate other means (e.g. electronically between food businesses) and shall be effectively traceable to the food in such containers.

7.2 Non-retail container containing multiple types of food

Where a non-retail container contains multiple types of food, the mandatory information required by Section 5 and Sub-section 6.1 shall be provided for all the types of foods contained therein.

7.3 Non-retail container providing visual access

In the case of a non-retail container, which provides visual and legible access to all the information required by section 5 on the label of prepackaged foods within the non-retail container, the information stipulated in section 5 is not required.

8. PRESENTATION OF INFORMATION

8.1 General

- 8.1.1 Labels on non-retail containers of foods shall be applied in such a manner that they will not become separated from the container.
- 8.1.2 Information and the statements required to appear on the label by virtue of this Standard or any other Codex Standards shall be clear, prominent, readily legible and applied in such a manner that any tampering with it will be evident.
- 8.1.3 The mandatory information required on the label under Section 5 shall appear in a prominent position on the non-retail container and shall be readily accessible under normal handling and use of the container.
- 8.1.4 Information that is provided by means other than the label shall be readily accessible, legible and clearly displayed.

8.2 Language

- 8.2.1 If the language on the original label is not acceptable to the competent authority or the food business in the country in which the product is sold, the mandatory information in the required language should be provided in the form of re-labelling, a supplementary label and/or in the accompanying documents or by means other than on the label to meet the requirements of the country in which the product is sold.
- 8.2.2 The mandatory information provided in the required language shall fully and accurately reflect that of the original label.

Amendment to the Procedural Manual**Section II - Elaboration of Codex Standards and Related Texts: Format for Codex Commodity Standards: Section on labelling****(for adoption)**

Replace the following:

Where the scope of the Standard is not limited to pre-packaged goods, a provision for labelling of non-retail containers may be included:

In such cases the provision may specify that:

“Information on¹² shall be given either on the container or in accompanying documents, except that the name of product, lot identification, and the name and address of the manufacturer or packer shall appear on the container.¹³”

However, lot identification, and the name and address of the manufacturer or packer may be replaced by an identification mark provided that such a mark is clearly identifiable with the accompanying documents.”

¹² Codex Committees should decide which provisions are to be included

¹³ Codex Committees may decide that further information is required on the container. In this regard, special attention should be given to the need for storage instructions to be included on the container.

With:

Where the scope of the Standard is not limited to prepackaged foods, a provision for the labelling of non-retail containers may be included as follows:

“The labelling of non-retail containers should be in accordance with the General Standard for the Labelling of Non-Retail Containers of Foods.”

The section may also contain provisions which are exemptions from, additions to, or which are necessary for the interpretation of the General Standard in respect of the product concerned provided that these can be justified fully.

PROPOSED DRAFT GUIDELINES ON FRONT-OF-PACK NUTRITION LABELLING
(FOR INCLUSION AS ANNEX II TO THE *GUIDELINES ON NUTRITION LABELLING (CXG 2-1985)*

(For adoption at Step 5/8)

1. PURPOSE:

Provide general guidance to assist in the development of front-of-pack nutrition labelling, a form of supplementary nutrition information, as a tool to facilitate the consumer's understanding of the nutritional value of the food and their choice of food, consistent with the national dietary guidance or health and nutrition policy of the country or region of implementation.

2. SCOPE:

2.1 These guidelines apply to front-of-pack nutrition labelling (FOPNL) to be used on pre-packaged foods¹. FOPNL should only be provided in addition to, and not in place of, the nutrient declaration² subject to the section 5 of the *Guidelines on Nutrition Labelling (CXG 2-1985)*.

2.2 Foods covered by the following Codex standards are excluded:

Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants (CXS 72-1981)

Standard for Follow-up formula (CXS 156-1987)

Standard for Labelling of and Claims for Foods for Special Medical Purposes (CXS 180-1991)

In addition, other foods could be considered for exclusion at a national level dependent on the type of FOPNL being developed, such as alcoholic beverages and other foods for special dietary uses.

FOPNL should not be used in any way that could promote the consumption of alcohol.

2.3 Certain prepackaged foods may be exempted from FOPNL. Exemptions from FOPNL should align with the exemption from the nutrient declaration as described in section 3.1.2 of the *Guidelines on Nutrition Labelling (CXG 2-1985)*.

2.4 These guidelines can also be used as a guide in the case where simplified nutrition information is displayed near the food (e.g. shelf-tags or food service), for unpackaged foods or for foods sold via online (e.g. information available at point of purchase on websites).

3. DEFINITION OF FRONT-OF-PACK NUTRITION LABELLING (FOPNL)

For the purposes of these guidelines:

3.1 *Front-of-pack nutrition labelling (FOPNL)* is a form of supplementary nutrition information that presents simplified, nutrition information on the front-of-pack³ of pre-packaged foods.⁴ It can include symbols/graphics, text or a combination thereof that provide information on the overall nutritional value of the food and/or on nutrients included in the FOPNL.

3.2 FOPNL can be voluntary or mandatory in line with national legislation.

4. PRINCIPLES FOR THE ESTABLISHMENT OF FOPNL SYSTEMS

In addition to the general principles in the *General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)*, a FOPNL should be based on the following principles:

Only one FOPNL system should be recommended by government in each country. However, if multiple FOPNL systems coexist, these should be complementary, not contradictory to each other.

¹ As defined in the *General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)*.

² As defined in the *Guidelines on Nutrition Labelling (CXG 2-1985)*.

³ *Front-of-pack* means the total area of the surface (or surfaces) that is displayed or visible to the consumer under customary conditions of sale or use.

⁴ As defined in the *General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)*.

FOPNL should be applied to the food in a manner consistent with the corresponding nutrient declaration for that food.

FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to the nutrients and/or the food groups which are discouraged and/or encouraged by these documents.

FOPNL should present information in a way that is easy to understand and use by consumers in the country or region of implementation. The format of the FOPNL should be supported by scientifically valid consumer research.

FOPNL should be clearly visible on the package/packaging at the point of purchase under normal conditions.

FOPNL should help consumers to make appropriate comparisons between foods.

FOPNL should be government led but developed in consultation with all interested parties including private sector, consumers, academia, public health associations among others.

FOPNL should be implemented in a way that facilitates the broad availability of FOPNL for consumer use.

FOPNL should be accompanied by a consumer education/ information program to increase consumer understanding and use of FOPNL in line with government recommendations.

FOPNL should be monitored and evaluated to determine effectiveness and impact.

AMENDMENT TO SECTION 5 OF THE GUIDELINES ON NUTRITION LABELLING (CXG 2-1985)

(for adoption)

5. Supplementary NUTRITION INFORMATION

Supplementary nutrition information is intended to increase the consumer's understanding of the nutritional value of their food and to assist in interpreting the nutrient declaration.¹ There are a number of ways of presenting such information that may be suitable for use on food labels. The use of supplementary nutrition information on food labels should be optional and should only be given in addition to, and not in place of, the nutrient declaration, except for target populations who have a high illiteracy rate and/or comparatively little knowledge of nutrition. For these, food group symbols or other pictorial or colour presentations may be used without the nutrient declaration. Supplementary nutrition information on labels should be accompanied by consumer education programmes to increase consumer understanding and use of the information.

¹ Guidelines on front of pack nutrition labelling are provided in Annex 2 to these Guidelines.

PROJECT DOCUMENT

PROPOSAL FOR NEW WORK ON LABELLING INFORMATION PROVIDED THROUGH TECHNOLOGY

(For approval)

1. PURPOSE AND SCOPE OF THE NEW WORK

The purpose of this proposed new work is to address gaps in CCFL texts in order to provide sufficient guidance regarding the use of technology to provide food labelling information.

The scope of this proposed work is prepackaged foods for the consumer or for catering purposes, in line with the scope of the *General Standard for Labelling of Prepackaged Foods* (GSLPF). It excludes the use of innovation and technology in the labelling of non-retail packages of food. For the purposes of this project document, innovation and technology in food labelling relates to information about a prepackaged food presented through technology, such as in the case of a prepackaged food that is physically present with the consumer, and for which additional product information is available through electronic or technological means.

2. RELEVANCE AND TIMELINESS

There is a general interest and acknowledgement of the increasing prevalence of the use of technology and electronic means of communication around the world, including for food labelling. There is an overall recognition from member countries and observers that the use of innovation and technology in food labelling is a relevant topic that requires consideration. This work is timely as it is an opportunity to bring consistent guidance to a rapidly expanding area and it is closely linked to the work on e-commerce/internet sales. Therefore, there are benefits to proceeding concurrently with the work on e-commerce/internet sales.

3. MAIN ASPECTS TO BE COVERED

This new work proposal is to:

- a. Review and revise the GSLPF to ensure the General Principles in Section 3 apply when using technology in food labelling. This may include amending or introducing new definitions in section 2, and updating principles in section 3.
- b. Outline broad criteria/develop guidelines (supplementary text, separate guidelines) for the use of technology in food labelling, including:
 - i. information that must always be physically present on the label of a prepackaged food at the time of sale, and the types of information that may be provided using technology.
 - ii. circumstances where exemptions may be appropriate.
 - iii. consistency between information provided through technology with information provided on a physical label.
 - iv. considerations related to legibility, the presentation of information, language requirements, and how physical labels link or refer to additional information available electronically
 - v. accessibility of information provided through technology to consumers.
- c. Review and provide proposals for amendments, as necessary, to any relevant Codex texts that would be impacted by the above.

4. ASSESSMENT AGAINST THE CRITERIA FOR THE ESTABLISHMENT OF WORK PRIORITIES

General criterion:

Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries.

The use of QR codes and other technological means of providing consumers with information is growing globally. In addition, consumers are increasingly wanting more information about products they purchase that exceeds the space available on food labels. The lack of standardized guidance for labelling information provided through technology may result in issues pertaining to health, food safety, and the protection of fair practices in the global food trade.

Criteria applicable to general matters

a) *Diversification of national legislations and apparent resultant or potential impediments to international trade*

No national regulations have been identified as having been developed on this topic, and the majority of members have not identified mandatory labelling information that may be provided through technology. With the rapid growth of technology and accessibility to it, it is important to maintain some consistency in terms of what is available on a package versus what is provided through technology to ensure consumers have the information they need to make informed, safe food choices, and to minimize impediments to trade.

b) *Scope of work and establishment of priorities between the various sections of the work.*

It is proposed that the two streams of work, one related to the general principles of the GSLPF and the other related to the development of broad guidelines and criteria regarding the use of technology in food labelling, can proceed concurrently.

c) *Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body(ies)*

The current Draft *Guidance for the Labelling of Non-Retail Containers of Food* addresses the use of innovation and technology for those types of foods, in that these guidelines provide specific circumstances under which alternative means (which includes technology) may be used to provide certain types of mandatory labelling information. The Draft Guidance also addresses the presentation of information provided by means other than the label. Certain aspects of this text may serve as a useful reference for this proposed project.

There has been no other international work identified that specifically relates to this topic. Codex is the relevant international organization responsible for developing standards concerning innovation and technology in food labelling.

d) *Amenability of the subject of the proposal to standardization*

Updates and new guidelines would make it clear when and how the use of technology in food labelling is acceptable, and be aligned with ongoing work in e-commerce/internet sale of food. As the intent is to develop broad principles, these could be effectively standardized, with the involvement of and input from Codex Members.

e) *Consideration of the global magnitude of the problem or issue.*

Technology and its advances have a powerful impact on human behavior all over the world. Food labelling information remains an important tool for consumers to support informed purchasing choices. While offering benefits to consumers, the rise in the use of technology in food labelling also presents risks to consumer protection, and public health and safety. In the absence of clear, internationally recognized guidelines, there may be risks of deliberate or non-deliberate misleading practices, or lack of access to mandatory labelling information, which may lead to marketplace disruption and consumer detriment. Identifying which types of labelling information may be provided using technology and principles to facilitate a level of consistency across different technological labelling platforms would be beneficial in ensuring standardized presentation of information.

5. RELEVANCE TO THE CODEX STRATEGIC OBJECTIVES

The proposed work is in line with the Commission's mandate for the development of international standards, guidelines and other recommendations for protecting the health of consumers and ensuring fair practices in food trade. The new work proposal will contribute to advancing Strategic Goals 1 and 3 as described below.

In relation to the new Strategic Plan/Goals (2020-2025):

Strategic Goal 1: Address current, emerging and critical issues

This work offers CCFL to address one of the most topical developments in the food labelling domain. Technology provides a new and convenient way for companies to share information with consumers, and many are already doing so. However, guidance is required to facilitate consistency, clarity and access to information by consumers for making informed purchasing decisions and to avoid misleading practices.

Strategic Goal 3: Deliver impact through the recognition and use of Codex standards

Responses from members have not revealed examples of international standards or requirements on this specific topic. The work proposed to be undertaken by CCFL would provide a harmonized approach that could be used globally by Member countries, facilitating fair food trade for the benefit of all stakeholders.

6. RELATION BETWEEN THE PROPOSAL AND OTHER EXISTING CODEX DOCUMENTS AS WELL AS OTHER ONGOING WORK

The proposal includes a review of impacts on other Codex text(s) related to food labelling, with adjustments as necessary for consistency. This work is related to the concurrent CCFL work on e-commerce/internet sales as both work streams involve electronic platforms used in food labelling. The work on e-commerce/internet sales will be taken into consideration during the course of this work in order to ensure alignment and to avoid duplication.

The draft *Guidance for the Labelling of Non-Retail Containers of Food* is addressing the use of alternative means, including technology, for those foods. As such, the focus of this project document is on prepackaged foods for the consumer or for catering purposes.

7. REQUIREMENT FOR AND AVAILABILITY OF EXPERT SCIENTIFIC ADVICE

None identified at this stage. There will be opportunities to consult with relevant bodies if necessary throughout the process.

8. NEED FOR TECHNICAL INPUT TO THE STANDARD FROM EXTERNAL BODIES

None identified at this stage. There will be opportunities to consult with relevant bodies if necessary throughout the process taking into account related work in other international fora.

9. PROPOSED TIME-LINE FOR COMPLETION OF THE NEW WORK, INCLUDING THE START DATE, THE PROPOSED DATE FOR ADOPTION AT STEP 5, AND THE PROPOSED DATE FOR ADOPTION BY THE COMMISSION

Subject to the Codex Alimentarius Commission approval at its 46th session in 2021, it is expected that the work can be completed in three sessions.

APPROACH AND CRITERIA FOR EVALUATION AND PRIORITIZATION OF THE WORK OF CCFL
(For comments)

Purpose:

1. The following guidelines are established to assist the CCFL to identify, prioritize and efficiently carry out its work, as needed, when there are multiple new work proposals to consider.

Scope:

2. These guidelines apply, as needed, to new work proposed to the CCFL and lays down criteria and procedures for considering the priorities for proposed work, including the revision of current texts.

3. The prioritization approach has been developed in recognition of the criteria for new work as outlined in the Procedural Manual). Criteria relevant to the work of the CCFL and a rating scheme have been developed taking into account the mandate of the Codex Alimentarius Commission, the general principles of food labelling included in the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985) (GSLPF).

Criteria for evaluating and prioritizing new work

4. In addition to the priorities established by the Commission in the Strategic Plan, and the criteria applicable to general subjects, additional criteria are required for assessing the new work relevant to the CCFL. Following are the criteria against which the new work to be undertaken in CCFL may be assessed:

Criterion	Rating
Does the proposed new work fall under the terms of reference of CCFL?	Yes/No/Partially
Potential of new work to resolve, mitigate, prevent, or significantly reduce a consumer health risk	High Medium Low
Potential of the new work to resolve, mitigate, prevent, or significantly reduce false, misleading or deceptive labelling practices	High Medium Low
Potential of new work to assist the consumer in making an informed choice	High Medium Low
Impact (positive) on international trade	High Medium Low No positive impact on trade

Process for evaluating new work

5. New Work Proposals should be presented to CCFL in the format of a project document addressing the criteria given under the "*Criteria for establishment of work priorities*" for general subjects in the Procedural Manual⁹ and should preferably also include a self-assessment that takes into account the additional criteria outlined in this document.

6. The new work proposal should also indicate that the work, if approved to commence, would likely lead to preparation of a new Codex text or revision of an existing Codex text.

7. As necessary, CCFL will prioritize new work proposals including revision of existing texts, in order of merit based upon decisions made by CCFL after assessing the new work against the criteria (as defined above) for evaluating and prioritizing work.

8. The Committee may reassess the priority of each item if new information becomes available relating to an item. Such data may be submitted for consideration and the priority for the new work proposal

reconsidered.

9. The criteria will be applied in a stepwise manner, in the order set out in the criteria above. If the Committee decides that a proposed work does not fall under the terms of reference of CCFL, then the remaining criteria do not need to be applied.

10. The proposed work should be assessed against the criteria as per the ratings given for each criterion. New work proposals will ultimately be prioritized as per the overall rating received through this prioritization process. Additional criteria, such as feasibility of the proposed new work, may be necessary and developed later for application while considering two or more items of similar priority.

11. The CCFL will maintain the inventory of future work and emerging issues discussion paper that will include all potential work items relevant to CCFL. The inventory paper will be kept current at every session with a different Codex member taking on responsibility each time. It may be appropriate for CCFL to establish an *ad hoc* working group, as necessary, to evaluate and prioritize new work proposals.