

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
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World Health
Organization

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Agenda Item 6

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

Forty-sixth Session

Virtual

27 September - October 1 and 7, 2021

Report of the Virtual Working Group on Front-of-pack nutrition labelling (FOPNL)

At CCFL45 the Committee agreed to establish a physical working group on FOPNL, chaired by Costa Rica and co-chaired by New Zealand, working in English, French and Spanish, to meet immediately prior to the next session, to consider comments submitted at Step 3 and to prepare a revised proposal for consideration by CCFL46.

Due to the Covid-19 pandemic the physical working group was held virtually by means of two three-hour Zoom sessions on 21 and 22 September 2021 (21:00 – 24:00 CET). The two working group sessions were chaired by New Zealand.

[Discussion in the virtual working group sessions](#)

The EWG chair introduced the session and the essential document for the meeting (CX/FL 21/46/6). She provided an overview of the work that was completed since CCFL45. The EWG chair emphasised the importance of making progress at these sessions as the FOPNL landscape is changing rapidly and for the Guidelines to meet their purpose, agreement was essential.

The outcomes of the sessions are presented under the relevant section of the Guidelines, in the order they were discussed. The draft FOPNL guidelines that will be presented for consideration at CCFL46 are provided at Appendix I.

Definition

The EWG Chair opened the first working group session by explaining that the proposed definition for front of pack nutrition labelling (FOPNL) as it is presented in CX/FL 21/46/6 is intended to be inclusive of the variety of different systems currently available, and that it should be broad enough to capture any future systems. Such an approach was supported by the majority of EWG participants. The comments received to CL2021/19/OCS-FL were supportive of the overall definition. Some comments were querying whether mandatory warning labels would be captured by the definition. It was clarified by the EWG Chair that mandatory warning labels are captured by the definition of FOPNL because they do not meet the Codex definition of a nutrition claim as warning labels are required/mandated by national legislation.

Definition as presented in CX/FL 21/46/6:

3.1. *Front-of-pack nutrition labelling (FOPNL)* is a form of supplementary nutrition information that presents simplified, nutrition information on the front-of-pack⁴ of pre-packaged foods.⁵ 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 at a national level.

3.2. This definition excludes nutrition and health claims.⁶

⁴ *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.

⁵ As defined in the *General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)*.

⁶ as defined in the *Guidelines for Use of Nutrition and Health Claims (CXG 23 – 1997)*.

A number of delegations raised their concern that the current text does not clearly state in any section that FOPNL can be mandatory, noting that section 5 of the *Guidelines on Nutrition Labelling* state that supplementary nutrition information should be optional. Those delegations considered that as mandatory FOPNL systems exist, the Guidelines should clearly allow for such systems. It was proposed that the definition could include that FOPNL systems can be voluntary or mandatory.

The EWG Chair responded that the project document for this work states the Guidelines should be consistent with the requirements for supplementary nutrition information in section 5 of the *Guidelines on Nutrition Labelling (CXG 2-1985)* and that it is preferable to remain silent on mandatory or voluntary implementation.

It was suggested that the words 'at national level' at the end of section 3.1 could be deleted. The deletion of the words was supported.

A delegation raised that text in 3.2 was problematic as some current FOPNL logos/symbols can also be considered claims and the text in 3.2 would exclude them from being FOPNL which is undesirable. It was proposed the words "text based" be inserted before nutrition and health claims for 3.2 to read:

*This definition excludes **text based** nutrition and health claims*

This proposal was not supported by participants as it was seen as not being clear or adding value, some were concerned it could limit FOPNL application. The EWG Chair concluded that the proposal was not supported but that an alternative proposal could be put forward.

During the second working group session an alternative proposal was presented - to delete section 3.2. It was explained by the delegation presenting the proposal that the current text is problematic not just at national or regional level but also globally considering the Codex definition for a nutrition claim which the footnote to 3.2 refers to. The proposal to delete section 3.2 aims to exclude claims other than logos/symbols captured by the definition of FOPNL, as some logos/symbols can be claims. An alternative approach would be to list the types of nutrition claims that are not FOPNL, but this is not easy.

As there was insufficient time to discuss the proposal, the EWG Chair suggested delegations consider the proposal and that it could be discussed at plenary.

Recommended text for plenary

3.1. *Front-of-pack nutrition labelling (FOPNL)* is a form of supplementary nutrition information that presents simplified, nutrition information on the front-of-pack⁴ of pre-packaged foods.⁵ 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. This definition excludes nutrition and health claims.⁶

⁴ *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.

⁵ As defined in the *General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)*.

⁶ as defined in the *Guidelines for Use of Nutrition and Health Claims (CXG 23 – 1997)*.

Scope

Section 2.2

The EWG Chair summarised that based on the comments to CL2021/19/OCS-FL, the area of most divergent views was the exclusions in Section 2.2 of the Scope. Some wanted no exclusions listed and for the Guidelines to just state that exclusions are for decision at the national level. Additionally, there also continued to be mixed

views on excluding alcohol and foods for young children, with some highlighting these exclusions could be system dependent.

To start the discussion on Section 2.2 of the Scope, the EWG Chair presented the following proposal:

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 may 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 to promote the consumption of alcohol.

The EWG Chair explained that the proposal maintains exclusions for infant formula, follow-up formula and foods for special medical purposes which had good agreement to be excluded and that they are not system dependent. Other foods could also be excluded from FOPNL, which allows flexibility at the national level and potential system-dependent exclusions. This recognises that Codex is developing general guidance that is inclusive of different FOPNL systems.

From the comments received from the EWG there was strong agreement that FOPNL should not be used to suggest alcohol is healthy or promote the consumption of alcohol. This proposal aims to address these concerns while leaving the decision regarding inclusion of alcohol for national authorities dependant on system developed. The Chair clarified that remaining silent on foods for young children does not prevent countries excluding these from FOPNL at the national level.

The new proposal for 2.2 was well supported by delegations and it was seen as taking into account the concerns raised on the previous text. The EWG Chair concluded that the new proposed text for 2.2 would be recommended to the plenary. One delegation still had concerns about the text potentially allowing for a FOPNL system to be used on baby foods but did not object for the decision to be left to national authorities.

The rest of the Scope

The Chair asked for comments by exception on the rest of the text in Scope as presented in CX/FL 21/46/6:

- 2.1 These guidelines apply to front-of-pack nutrition labelling (FOPNL) to be used on pre-packaged foods¹ that include a nutrient declaration² subject to the section 5 of *Guidelines on Nutrition Labelling* (CXG 2-1985).
- 2.3 Additionally, certain prepackaged foods may be exempted³ from FOPNL. These may include foods exempted from bearing a nutrient declaration on the basis of nutritional or dietary insignificance or small packaging as described in the *Guidelines on Nutrition Labelling* (CXG 2-1985).

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).

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 Exemptions are where the food is not intended to have FOPNL but is still permitted to display FOPNL.

A number of comments were made in relation to Section 2.3 with some suggesting it be deleted as it was confusing. It was stated that 2.1 of the Scope requires a nutrient declaration to be provided if FOPNL is used. It was raised that the *Guidelines on Nutrition Labelling* permit exemptions from nutrient declaration but that FOPNL should not be used unless a nutrient declaration is provided voluntarily when one is not required.

The EWG Chair clarified that the project document for this work states that this guidance should be consistent with the requirements for supplementary nutrition information in the *Guidelines on Nutrition Labelling* and that this allows, in exceptional circumstances, for supplementary nutrition information to be provided without a nutrient declaration.

A proposal was made to retain only the first sentence of section 2.3; whilst another suggested deleting the first sentence and retain the remaining text in 2.3.

The deletion of 2.3 did not receive support and a delegation requested to make an alternative proposal for section 2.3 to clarify the confusion. The EWG Chair agreed to revisit section 2.3 at the beginning of the second working group session.

Some delegations requested it be stated in the Scope that FOPNL should not be used to promote foods for infants and to ensure that commercial complementary food products, which are of low nutritional value, are not labelled with FOPNL as that could mislead parents.

There were minimal comments received on the rest of the Scope text. A delegation requested the italicized text be made section 2.4.

New proposal for Section 2.1 and 2.3 of the scope

The EWG Chairs had worked with a delegation on a new proposal for Scope sections 2.1 and 2.3 to address the concerns raised with the text on section 2.3 in CX/FL 21/46/6 discussed during the first session of the working group.

New proposal presented at the second working group session:

- 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 *Guidelines on Nutrition Labelling* (CXG 2-1985).
- 2.3 Certain prepackaged foods may be exempted³ 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).

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).

The EWG Chair explained that the proposal acknowledged that as a norm FOPNL should be provided with a full nutrient declaration and that section 2.1 of the Scope was the best place to emphasise this.

Section 2.3 covers the concept that certain foods may be exempted from FOPNL and the intent is that these align with the exemptions permitted for a nutrient declaration defined in section 3.1.2 of the *Guidelines on Nutrition Labelling*.

The proposal also removed footnote 3 as many found it confusing and as 'exemptions' are not defined or explained in the *Guidelines on Nutrition Labelling*, it was inappropriate to include this footnote in the Guidelines. This could create the impression that the meaning of 'exemptions' differs in these two texts. Footnote 3 was a general definition of the word 'exemption' and not needed.

Comments on the new proposal for 2.1 and 2.3 were taken by exception and silence taken as agreement.

The proposal was seen as providing clarity and many delegations expressed their support. A clarification was sought that the new proposal still aligns with section 5 of the *Guidelines on Nutrition Labelling* which the EWG Chair confirmed it did. A concern was raised that the proposed text no longer captured the exemption for small packages. The EWG Chair clarified that the reference to 3.1.2 of the *Guidelines on Nutrition Labelling* captures the exemptions for small packages as well as foods of dietary or nutritional insignificance. Further comments were made for the need to clarify the definition for a small package.

A comment was made that wording in 2.3 'FOPNL should only be provided in addition to, and not in place of, the nutrient declaration' was not needed as it was covered in section 5. The EWG Chair explained that in this case duplication of wording in section 5 of the *Guidelines on Nutrition Labelling* was intentional and seen as warranted to provide clarity.

Recommended text for plenary on Scope

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).

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).

Principles

The EWG Chair introduced Section 4, which contains ten principles for the development of FOPNL. The EWG Chair emphasized that the principles had been subject to a lot of discussion and many other potential principles had been considered and not included. The Guidelines should include principles which are high level and inclusive of the different systems available. The outcomes are presented in the order the principles were discussed.

Principles in the Guidelines

Principle in CX/FL 21/46/6

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

When introducing this principle, the EWG Chair presented a proposal to replace 'collaboration' with 'consultation'. This was in response to suggestions received to CL2021/19/OCS-FL that the term "consultation" better managed potential conflict of interests as it implied a lower level of engagement with other stakeholders and government clearly retained decision making.

The EWG Chair opened the floor for comments by exception on this proposal.

There was good support for this proposal. Suggested edits that were not supported included stating 'preferably government led', explicitly referencing safeguarding against conflict of interests within the principle, removing or editing the list of interested parties.

Recommended text for plenary

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

Principle in CX/FL 21/46/6

[FOPNL should be implemented in a way that facilitates consumer use of the FOPNL].

When introducing this principle, the EWG Chair presented a proposal to incorporate reference to facilitating the availability of FOPNL for consumer use. This was a suggestion received in comments to CL2021/19/OCS-FL and was considered to more clearly capture the intent of the previous principle around uptake and also better distinguish this principle from the purpose and other principles which also reference consumer use. The principle presented for comment by exception was:

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

A number of members stated that the Guidelines need to reference mandatory FOPNL implementation, either in addition to voluntary implementation or as the recommended approach. Those that supported referencing mandatory implementation commented that it is important this concept is captured somewhere in the Guidelines. The EWG Chair stated that specifying mandatory implementation would be inconsistent with Section 5 of the *Guidelines on Nutrition Labelling* (CXG 2-1985) which states supplementary nutrition information should be optional, but reiterated that the Guidelines were intended for all FOPNL systems, including both mandatory and voluntary systems. The project document for this work states the guidelines should be consistent with the requirements for supplementary nutrition information in the *Guidelines on Nutrition Labelling* (CXG 2-1985).

Editorial suggestions that did not support this principle as presented included referencing consumer understanding, and referencing industry adoption. There was general support for the proposal of the Chair and for adopting a recommendation of specifying 'broad availability' to capture the concept that consumers would benefit from FOPNL being widely available in the marketplace.

Recommended text for plenary

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

Principle in CX/FL 21/46/6

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

When introducing this principle, the EWG Chair reminded participants to be cognizant of the previous discussions on this principle and emphasized that in previous EWG consultation this principle received good support.

Comments received focused on the second sentence, some suggested this should be removed or that the reference to 'encouraged' be removed. Justification provided for these positions included that this was not inclusive of all systems, duplicated the first sentence, was not inclusive of all elements referenced in dietary guidelines or that encouraging nutrients/food groups are considered nutrition and health claims (which are excluded from FOPNL). Some wanted a reference to 'ingredients' included to reflect terminology used in their dietary guidelines. The EWG Chair stated there was not good support in the previous comments received from the EWG to reference ingredients.

The EWG Chair clarified that the second sentence specifies 'consideration should be given to' not that every system must include all elements referenced in this sentence or that it was intended to encompass the entirety of the dietary guidelines.

The floor was opened for comments from those who supported retaining the second sentence. There was good support for retaining the second sentence with editorial changes including adding 'and/or' following 'nutrients' and following 'discouraged'. Other suggested editorial changes were not supported.

Recommended text for plenary

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 consumption of which are discouraged and/or encouraged by these documents.

Principle in CX/FL 21/46/6

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.

The EWG Chair introduced this principle and opened the floor for comments by exception. Comments received on this principle included referencing that FOPNL should not mislead the consumer, removing 'valid' and including additional text around informing dietary choices across demographic and socioeconomic groups. The EWG Chair responded that the concept of food labelling not misleading consumers is captured in general principle 3.1 in the *General Standard for the Labelling of Prepackaged Foods*. The EWG Chair also considered it was important to retain 'valid' to ensure the rigor of evidence.

One delegation stated that to facilitate consumers understanding, FOPNL needs to be on all foods in the category and that it is misleading if FOPNL is selectively applied to products.

Recommended text for plenary

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.

Principle in CX/FL 21/46/6

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

The EWG Chair introduced this principle and highlighted that in agenda paper CX/FL 21/46/6 the square brackets around the text 'by government' were removed and only editorial comments were received on this principle in responses to CL2021/19/OCS-FL. The EWG Chair opened the floor for comments by exception. No comments were received.

Recommended text for plenary

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

Principle in CX/FL 21/46/6

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

In introducing this principle, the EWG Chair clarified that the intent of the principle was to align the back of pack nutrient declaration with the FOPNL. For example, the amount (e.g. per serve or per 100g) and the form of the food for which the FOPNL is presented should be consistent with those for which the nutrient declaration is provided.

Some requested clarity on this text. Editorial comments were suggested to clarify this, some were not supported. Comments that were accepted were: to remove 'calculated and' in recognition that not all FOPNL are calculated and to remove 'where applicable' as this is already covered in Section 2.1.

Recommended text for plenary

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

Principle in CX/FL 21/46/6

FOPNL should allow consumers to make comparisons between foods.

The EWG Chair introduced the principle and highlighted that previous EWG comments supported keeping this principle high level and only specifying comparisons between foods, rather than within food categories.

Comments that were supported were to specify 'appropriate' comparisons and to replace 'allow' with 'help' as the nutrition declaration back of pack already allows consumers to make comparisons between foods, FOPNL helps in making comparisons. Proposals to add 'nutritional value' or 'nutritional composition' to the end of the principle were not supported as it added complexity and that concept is already captured in the purpose.

One delegation stated that this principle is inappropriate if baby foods are included in a FOPNL system.

Recommended text for plenary

FOPNL should help consumers to make appropriate comparisons between foods.

Principle in CX/FL 21/46/6

FOPNL should be accompanied by a consumer awareness and education/ information program to increase consumer understanding and use of the system

The EWG Chair noted that limited comments had been received on this principle, and that it had received strong support before opening the floor for comments by exception.

Comments were received regarding who would undertake the awareness/education campaign and that it should be by government or independent of industry. The EWG Chair clarified that the guidelines did not provide direction on implementation. In line with this some considered that this was an implementation recommendation not a principle, which is outside the mandate of the working group.

Issues with the Spanish translation of 'awareness' were raised and therefore a suggestion that 'awareness' could be deleted was supported. A clarification was also supported to refer to FOPNL specifically rather than 'the system'.

Recommended text for plenary

FOPNL should be accompanied by consumer education/information to increase consumer understanding and the use of FOPNL.

Principle in CX/FL 21/46/6

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

In introducing this principle, the EWG Chair emphasized that throughout the EWG consultations strong support was expressed for a principle focused on monitoring and effectiveness and opened the floor for comments by exception.

Comments received included a need to specify that monitoring should be carried out by a scientific body. The EWG Chair considered this could be limiting and this was not taken up. The need for independent monitoring was raised. It was also pointed out that effectiveness and impact are different and therefore 'and' was inserted between these terms.

A comment was made that while they supported the concept of monitoring and evaluation, they questioned whether this should be a principle for development or whether it was an implementation recommendation (noting that implementation is out of scope of these Guidelines).

Recommended text for plenary

FOPNL should be monitored and evaluated to determine effectiveness and impact.**Principle in CX/FL 21/46/6**

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

When introducing this principle, the EWG Chair noted that this principle had received only editorial comments in response to CL2021/19/OCS-FL and opened the floor for comments by exception.

Only editorial comments were received. These included adding explicit reference to the 'front of the package' or 'principle display panel of the package' and 'conditions of sale'. Discussions centered around whether these explicit references were necessary or whether they were already captured by 'FOPNL' and 'point of purchase' respectively. Mixed views on this were expressed. On balance the EWG Chair proposed keeping explicit reference to front of the pack in square brackets for decision at plenary, and that reference to 'conditions of sale' was not needed noting majority support for 'point of purchase'. In addition, it was suggested to add the word 'packaging' to 'package' to assist with clarity in the Spanish text.

Recommended text for plenary

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

New principles discussed

Several new principles were proposed in response to CL2021/19/OCS-FL. These principles could be grouped under key concepts. Each of these concepts was raised by the EWG Chair and where it was considered the concept was covered by another section/s of the guidance, these links were made. The chair of the EWG noted that there was limited time to discuss the new principles that had been proposed through responses to the CL in this working group.

Concepts raised included:

- Safeguarding against potential for conflict of interest
- Positioning FOPNL in the context of the overall diet (including helping consumers choose a balanced diet and the role of portions)
- Reintroducing a principle on reformulation (previously discussed and deleted)
- Reducing trade barriers
- Front of pack being non-discriminatory to particular foods (including being objective and not exploiting fear in consumers and not being used to hinder trade)
- Enabling flexibility at a national level (including to implement FOPNL on a mandatory basis)

Safeguarding against conflict of interest was a concept that was discussed in detail over the course of the working group and there was good agreement that conflict of interest was managed by the inclusion of 'government led' and 'consultation' in the principle:

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

Only one comment from the floor disagreed with this.

Several suggestions were made for additional principles that related to positioning FOPNL in the context of the overall diet. These included considering the role of portions, empowering consumers to choose healthy diets, providing information on the relative roles of diverse foods and facilitating consumer understanding of specific foods in relation to diets. The EWG Chair cautioned against expecting FOPNL to solve the issue of unhealthy eating, emphasizing that promoting healthy diets required a multi factorial approach and that FOPNL was one tool to assist with this. Alignment with dietary guidelines and/or national nutrition policies was critical, however this was captured in the principle:

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

The EWG had previously considered including a principle on reformulation. However, this was removed as most participants saw reformulation as a desirable outcome of FOPNL but not a primary principle considering the agreed purpose of FOPNL and supplementary nutrition labelling of which FOPNL was a form. No comments were received from the floor in support of including a principle on reformulation.

In regards to reducing trade barriers, the EWG Chair clarified that the purpose of Codex is to 'produce standards and related texts that aim at protecting consumers' health and ensuring fair practices in the food trade' and that this was therefore implicit in all texts developed by Codex and not necessary to state in each text. No disagreement with this was voiced.

One delegation raised that FOPNL should be objective and non-discriminatory which is complementary to existing principles. The Chair noted that this concept had not been considered by the EWG and it may need more discussion at plenary. Participants were encouraged to consider whether the guideline caters for this concept to discuss further at plenary.

The concept of enabling flexibility at a national level to implement FOPNL on a mandatory basis was discussed throughout the working group sessions. The chair noted on a number of occasions that the guidelines had purposefully remained silent with regard to mandatory or voluntary implementation of FOPNL to remain high level and inclusive of all types of FOPNL systems. The strong desire for explicit reference in the guidelines to enable the ability to implement FOPNL on either a voluntary or mandatory basis was expressed by several participants.

Recommendation for plenary (noting limited time for discussion):

The concept of FOPNL being non-discriminatory to particular foods should be discussed and a decision taken on whether the guidelines require any additional text as a result.

The concepts raised by the remaining new principles suggested in response to CL2021/19/OCS-FL are already covered by the guidelines and no additional text is required.

The Chair of the EWG apologized that there was inadequate time for further discussions on the proposed new principles and recommended that participants read the summary of the CL comments in preparation for further discussions in the plenary of CCFL.

Placement of the Guidelines

The clear preference in response to CL2021/19/OCS-FL was to place the Guidelines as an annex to the *Guidelines on Nutrition Labelling* (CXG 2-1985) (22). As such a clear majority supported this, placement was not discussed in the working group sessions and the chair advised that wording to be incorporated into the *Guidelines on Nutrition Labelling* (CXG 2-1985) to support this would be prepared by the co-Chairs for presentation to plenary.

Closing Remarks

The Chair of the EWG thanked the working group for their efforts to support the progress on the Guidelines for FOPNL and noted that significant progress made in the working group sessions.

PROPOSED DRAFT GUIDELINES ON FRONT-OF-PACK NUTRITION LABELLING

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 This definition excludes nutrition and health claims.⁵

4. PRINCIPLES FOR THE ESTABLISHMENT OF FOPNL SYSTEMS

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

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).

⁵ as defined in the *Guidelines for Use of Nutrition and Health Claims* (CXG 23 – 1997).

- (1) 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.
- (2) FOPNL should be applied to the food in a manner consistent with the corresponding nutrient declaration for that food.
- (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 consumption of which are discouraged and/or encouraged by these documents.
- (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.
- (5) FOPNL should be clearly visible on the **[front of the]** package/packaging at the point of purchase under normal conditions.
- (6) FOPNL should help consumers to make appropriate comparisons between foods.
- (7) FOPNL should be government led but developed in consultation with all interested parties including private sector, consumers, academia, public health associations among others.
- (8) FOPNL should be implemented in a way that facilitates the broad availability of FOPNL for consumer use.
- (9) FOPNL should be accompanied by a consumer education/ information program to increase consumer understanding and use of FOPNL.
- (10) FOPNL should be monitored and evaluated to determine effectiveness and impact.

Note

The EWG co-Chairs have added a number in front of each principle for ease of reference at the plenary session.