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PROPOSED DRAFT GUIDELINES ON FRONT-OF-PACK NUTRITION LABELLING

(Prepared by the Electronic Working Group Chaired by Costa Rica and Co-chaired by New Zealand)

Codex members and Observers wishing to submit comments at Step 3 on this draft should do so as instructed in CL 2021/19/OCS-FL available on the Codex webpage/Circular Letters 2021: <http://www.fao.org/fao-who-codexalimentarius/circular-letters/en/>

I. INTRODUCTION

1. At the 43rd Session of the Codex Committee on Food Labelling (CCFL), it was agreed to initiate discussions to consider whether there was a need to develop global principles to support the front of pack nutrition labelling (FOPNL). This was conducted by way of an electronic working group (EWG) chaired by Costa Rica and co-chaired by New Zealand and included the preparation of a stocktake of FOPNL systems currently in use or in the process of being developed by different countries.
2. At CCFL44, the Committee agreed to start new work to develop guidelines on FOPNL systems, through a new EWG chaired by Costa Rica and co-chaired by New Zealand. The initial Terms of Reference are set out in [REP18/FL](#) para 48 and Appendix III (project document).
3. This new work was approved by CAC41 (REP18/CAC, Appendix VI).
4. CCFL45 discussed the Proposed Draft Guidelines and noted the general support for the work and its purpose. From the written comments received, there were concerns on section 5 and its appropriateness for inclusion in a Codex guideline. At CCFL45, the Committee focused the discussion on sections 1 – 4.

II. TERMS OF REFERENCE

5. CCFL45 agreed to continue its work on the guidance on FOPNL through an electronic working group (EWG) chaired by Costa Rica and co-chaired by New Zealand with the following terms of reference ([REP 19/FL](#), Para 86):
 - a) to re-establish the EWG, chaired by Costa Rica and co-chaired by New Zealand, working in English and Spanish to further develop the guidelines taking into account the written comments submitted and the comments and decision made at CCFL45 to Section 1, for circulation for comments at Step 3 and consideration by CCFL46.
 - b) to establish a physical working group (PWG), 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.

III. PARTICIPATION AND METHODOLOGY

6. The Codex Secretariat issued an invitation to join the EWG on FOPNL in June 2019, which was conducted through the online platform. A total of 52 Codex members and 24 Codex observers took up the invitation (the list of participants is in Appendix IV).
7. In view of the postponement of CCFL46 to September 2021 due to the COVID19 pandemic, and taking advantage of the additional time available, the EWG extended its work, so that in total the EWG has undertaken three rounds of consultation and the views of the broader Codex membership have been sought via circular letter (CL 2020/54/OCS-FL).

8. The first discussion paper was circulated in October 2019 with an eight-week consultation period and presented the amended proposed draft *Guidelines on Front-of-Pack Nutrition Labelling*. This took into account the written comments received in response to the Agenda paper for CCFL45 and discussions during the session. A questionnaire containing 13 questions was sent to the EWG seeking their views on issues where it has been difficult to reach consensus, including: the scope, section 3.2 on the definition of FOPNL, some specific aspects of the principles and 4 questions addressing the revision of section 5: *Other Aspects to Consider in the development of FOPNL Systems* with respect to the terms of reference of this work. A total of 43 responses were received from 31 Codex members and 12 observers.

9. The second discussion paper was circulated in March 2020 with a four-week consultation period. This consultation was extraordinary in that it was not planned from the outset and was intended to reach a greater degree of consensus on the approach to *Section 5: Other Aspects to Consider in the development of FOPNL Systems* within the guidelines, given concerns about its suitability for inclusion in a Codex guideline.

10. In the paper, three options were put forward to address the issue: the first option proposed maintaining section 5 but modified based on feedback to the first discussion paper, the second option consisted of removing section 5 and incorporating relevant aspects to section 4; and the third option removed section 5, but captured the key elements as an Annex rather than being a section of the Guidelines. A total of 45 responses were received from 32 Codex members and 13 observers.

11. The Circular Letter [CL 2020/54/OCS-FL to request information and comments on FOPNL](#) was posted on September 2020 to update the Codex members and observers on the status of the work of the EWG and to seek comments to inform further discussions on this work on section 2: scope, section 3: definition and section 5: other aspects to consider. Members and observers were also invited to provide information and update the stocktake on the FOPNL systems implemented or planned to be implemented. This stocktake was originally undertaken by the EWG and presented at CCFL44. The updated stocktake can be accessed [here](#). Comments were received from 34 Codex members and 19 observers.

12. The third discussion paper was circulated in December 2020 and presented the analysis of the responses received to the questions on the principles (section 4) in the EWG discussion paper in October 2019 and other comments provided; and the identification of relevant aspects in Section 5 following the feedback from CCFL to the circular letter CL 2020/54/OCS-FL, including consideration of text that may be relevant to incorporate in section 4 *General Principles* of the proposed draft guidelines. A total of 44 responses were received from 30 Codex members and 14 observers.

13. The draft guidelines on Front-of-Pack Nutrition Labelling have been updated based on the comments received and are presented in Appendix II. The complete summary of discussions and additional questions for consideration are presented in Appendix I.

14. The Chairs have also identified aspects in the Section 5 text that are duplicated in other areas of the draft guidelines. These are presented in Appendix III Table 1. Table 1 also contains aspects covered in the Section 5 text that are related to implementation and thus deemed to be out of scope for this work.

IV. CONCLUSION AND RECOMMENDATIONS

15. Following the rounds of comments, the chairs can conclude that, since CCFL45, significant progress has been made in accordance with the mandate.

16. Some areas of the document require further consideration, but overall the EWG's comments have been of great value in improving the text. Therefore, a number of questions have been raised in this paper to facilitate discussion and move the guidelines forward.

17. The Chairs wish to point out that the FOPNL landscape is changing rapidly with several new systems implemented since CCFL45 or planned for implementation. This places increased importance on Codex guidance being available in a timely manner. To facilitate this, agreement on the Guidelines is essential. To not come to agreement on and progress the guidelines at CCFL46 would potentially render the guidance redundant in this fast moving international FOPNL landscape.

18. The Committee is invited to:

- a) Consider all sections of the proposed draft guidelines on Front-of-Pack Nutrition Labelling presented in Appendix II taking into account the specific questions posed in Appendix I.
- a) Consider advancing the Guidelines to Step 5 or Steps 5/8.
- b) Consider whether Guidelines will be part of section 5 "*supplementary nutrition information*" of the *Guidelines on Nutrition Labelling* (CXG 2-1985), an annex to the *Guidelines on Nutrition Labelling* (CXG 2-1985), or a stand-alone document.

SUMMARY OF DISCUSSIONS IN EWG

(i) Section 1. Purpose

1. The text for the purpose was agreed during CCFL45 and was therefore not discussed in the EWG.

(ii) Section 2. Scope

2. Section 2.1 of the scope received general support from members at CCFL45. It was agreed to amend the text to align with section 5 of the *Guidelines on Nutrition Labelling* to allow for the use of supplementary nutrition labelling on products which may not have a nutrient declaration where appropriate.

3. Therefore, the sections that required further discussion by the EWG were the exclusions in section 2.2 of the scope and exemptions in section 2.3.

Section 2.2

Exclusion of alcoholic beverages from FOPNL

4. In the first discussion paper, the EWG was consulted on whether they considered that alcoholic beverages should be allowed to bear any style of FOPNL, and if so, they were asked to propose wording that would allow this. At that time, the majority of EWG participants were of the opinion that alcoholic beverages should be excluded from carrying FOPNL. CL2020/54/OCS-FL asked members/observers if they agreed with the majority view of EWG that alcohol should be excluded.

5. Twenty-nine respondents (25 members and 4 observers), agreed with the majority opinion of the EWG that alcoholic beverages should not be able to carry FOPNL. Rationale provided by those agreeing with the exclusion of alcoholic beverages from the scope of the FOPNL guideline included:

- that providing this information may influence consumers to perceive alcohol as healthy or not damaging,
- that the exclusion of alcohol from the scope of the guidelines is in line with WHO guidelines.
- that although the desire to use a system such as the warning label type on alcoholic beverages is understandable, the risk of unintended consequences is too great, as not all alcoholic beverages would meet the thresholds, and
- that labelling of alcoholic beverages is being considered by CCFL separately and, therefore, should be considered in that context.

6. Thirteen respondents (5 members and 8 observers) disagreed with the exclusion of alcohol from the scope of the FOPNL guideline. Rationale provided included:

- that while FOPNL should not be used to suggest any alcohol is 'healthy', or to promote one type of alcohol over another, depending on the type of FOPNL system chosen, it may be appropriate to include alcohol in the FOPNL without promoting alcohol, and consumers may benefit from the use of FOPNL on some alcoholic beverages, (for example on prepackaged mixed alcoholic beverages which can contain significant quantities of sugar),
- this would avoid trade barriers by giving flexibility to countries whose current legislation allows them to place nutritional information (e.g. declaration of energy) on beverages with a percentage greater than 1.2% of alcohol.

7. Some members commented that the guidelines should not recommend exclusions at all since a potential list of exclusions will depend on existing legislation in place and for this reason the guidelines on FOPNL should leave it to the governments to decide about the foods/drinks that may be excluded from using FOPNL.

8. Based on the responses received to the CL2020/54/OCS-FL and discussions in the EWG, the exclusion of alcoholic beverages from the FOPNL has been maintained.

Exclusion of foods for special dietary uses

9. Some foods are developed specifically to meet the dietary requirements of a specific population group, and their needs may differ significantly from the general population. Therefore, different exclusions have been discussed in this regard.

- *Sport foods, foods with low-sodium content and foods for persons intolerant to gluten*

10. In the EWG discussions, reference has been made to the fact that certain foods, such as sports foods; foods covered by the *Standard for Special Dietary Foods with Low-Sodium Content* (CXS 53-1981); and foods covered by the *Standard for Foods for Special Dietary Use for Persons intolerant to Gluten* (CXS 118-1979) should not be excluded from FOPNL. Therefore, all Codex members and observers were specifically consulted on this in the CL 2020/54/OCS-FL. The majority of respondents agreed that they should not be excluded as they are foods frequently consumed by the general population and in some cases contain significant amounts of nutrients of concern.

11. Some members were of the opinion that specific exclusions would depend on the type of FOPNL chosen and that Codex guidance should be flexible to allow for the exclusion of foods depending on the type of system adopted in each country.

12. Based on the comments received the Chairs propose a more specific approach in which only certain Codex texts are excluded, as will be presented below.

- *Foods for young children*

13. Following the EWG discussions and mixed opinions in this regard, all Codex members and observers were consulted through the CL 2020/54/OCS-FL as to whether they considered that foods for young children should be excluded from the FOPNL.

14. Although there was no consensus on this issue, a number of comments were of the opinion that foods for young children (defined by Codex as 12-36 months) should be excluded. Rationale provided included:

- that this population group has specific Codex standards and guidelines that establish criteria according to their needs and it is up to the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) to address these issues.
- including foods for young children in the Guidelines for FOPNL would create inconsistencies with the *Guidelines on Nutrition Labeling* (CXG 2-1985), since section 3.4 of the Guidelines states that the Nutrient Reference Values (NRVs) are for the general population identified as individuals older than 36 months. Several members emphasized that this would be in line with the recommendation from WHO in the scope section of “*WHO Guiding principles and framework manual for front-of-pack labelling for promoting healthy diet*” where the rationale for excluding certain standardized foods for infants and young children is that they have “strict compositional criteria; hence, promoting reformulated products is not appropriate”.

15. However, it was emphasized that not all should be excluded, as there are some foods that are marketed for consumption by young children but for which there are no compositional requirements in the regulations or which are not exempt from nutrient declarations. Several respondents suggested that it may be more appropriate to list the specific standards which should be excluded.

16. On the other hand, some respondents noted that foods for young children can be high in sugars, sodium, and/or saturated fat and therefore should not be excluded. Some members felt that although the nutritional needs of young children differ from those of the general population, it would be preferable to establish FOPNL requirements based on the nutritional needs of this vulnerable subpopulation.

One member mentioned that FOPNL systems has been used on a voluntary basis on these types of products and recognizes the impact it can have in educating and encouraging consumers to choose healthier products.

17. One member expressed the opinion that foods for infant and young children covered by the *Standard for Processed Cereal-Based Foods for Infants and Young Children* (CXS 74-1981), by the *Standard for Canned Baby Foods* (CXS 73-1981) or by the (CXG 8-1991) should not be excluded from FOPNL because these foods can be formulated with a variety of ingredients and can have significant differences in their nutritional value.

18. It was noted by some members that it is up to the country to decide whether a FOPNL system is required for a specific food based on the needs of the population.

For section 2.2, the Chairs propose clarifying the text to list the excluded Codex texts. The proposed text for section 2.2 is:

2.2 Alcoholic beverages and foods for special dietary uses covered by the following Codex standards and foods for special medical purposes as defined in Codex are excluded:

[Guidelines on Formulated Complementary Foods for Older Infants and Young Children (CXG 8-1991)]

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

[Standard for Canned Baby Foods (CXS 73-1981)]

[Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981)]

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

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

Standard for Formula Foods for Use in Weight Control Diets (CXS 181-1991)

Standard for Formula Foods for Use in Very Low Energy Diets for Weight Reduction (CXS 203-1995)

- **Section 2.3**

19. In the first EWG discussion paper, the majority of EWG participants agreed that products exempted from carrying FOPNL should be the same foods that are already exempted from requiring a nutrient declaration (e.g. foods with nutritional or dietary insignificance; foods in small units), as per the *Guidelines on Nutrition Labelling* (CXG 2-1985). However, there were divided opinions as to how to reflect this in section 2 of the guidelines. Also, comments received on sections 2.2 and 2.3 highlighted that EWG members have different interpretations of the terms "exclusions" and "exemptions", and required clarification on this issue.

20. For this reason, the CL 2020/54/OCS-FL presented to Codex members and observers three possible options to address this issue:

- Option A: Retain Section 2.3

- Option B: Delete Section 2.3 as this is a repetition of Section 2.1

- Option C: Delete Section 2.3 and include the following footnote in Section 2.1: *Guidelines CX2-1985 allow for the exemption of some foods from the mandatory nutrient declaration (e.g. on the basis of nutritional or dietary insignificance or small packaging). Such foods exempted from the mandatory nutrient declaration can therefore not use FOPNL, except if the nutrient declaration is provided on a voluntary basis.*

21. According to the responses received, there was no majority consensus on any of the options. However, fifteen respondents (11 members and 4 observers) preferred Option A indicating that section 2.3 provides greater clarity since section 2.2 is specific on exclusions and therefore including exemptions in another section would ensure consistency with the *Guidelines on Nutrition Labelling* (CXG 2-1985). Another fifteen respondents (11 members and 4 observers) preferred option C, as the term "exemptions" was often confused with "exclusions", and a footnote could provide clarity since this text is explicit in the *Guidelines on Nutrition Labeling* (CX2-1985), and it would therefore be up to each government to apply it in its national reality.

22. Eleven respondents (4 members and 7 observers) opted for option B. Several of them expressed concern about the small package exemption, as public health concerns may arise from the significant amounts of nutrients of concern that these products may contain, especially if they are consumed regularly (e.g., small packages of confectionery products). They also indicated that it is possible for foods to be packaged in smaller packages or in different shapes for the specific purpose of avoiding FOPNL and this should not be encouraged.

23. Three observers suggest that the definition of "small unit" or "small package" be reviewed due to lack of harmonization between markets. They commented that the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) refers to "small units" as units with a surface area of less than 10 cm², but this is in the context of an exemption from mandatory labelling requirements; but that there are currently no Codex provisions on specific surface area to allow exemption from nutrient declaration on the package.

24. The Chairs note that options A and C, preferred by the majority of the members, reflect the same intention, so an alternative wording is proposed below, taking into consideration the proposals of 5 members and 3 observers who provided other options. The Chairs also propose adding a footnote to clarify the meaning of exemptions in the context of FOPNL.

The proposed text for section 2.3 is:

2.3 Additionally, certain prepackaged foods may be exempted from FOPNL ~~such as. 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).

- ~~foods exempted from bearing a nutrient declaration by the Guidelines on Nutrition Labelling (CXG 2-1985).~~

Footnote proposal: *“Exemptions are where the food is not intended to have FOPNL but is still permitted to display FOPNL”*

(iii) Section 3. Definition of Front-of-Pack Nutrition Labelling (FOPNL)

- Section 3.1

25. During CCFL45 and in the EWG comments to the first discussion paper on this section there were many comments that the definition should be kept broad to allow countries to decide on their own FOPNL systems to address their specific situation and meet the needs of their consumers.

Therefore, CL 2020/54/OCS-FL asked Codex members and observers whether they considered that the wording of section 3.1 is broad enough to capture a variety of FOPNL systems to allow countries to decide on their own FOPNL systems to address their specific situation. Most of the comments received (23 members, 11 observers) supported this statement. One member noted that the definition is extremely broad and would encourage discussion as to whether a narrower range of FOPNL options would help make the guideline more concise and actionable.

26. In addition, members and observers were asked to provide their views on the relevance of the word "interpretive" in square brackets in section 3.1. Nineteen respondents (12 members and 7 observers) felt that the word should be deleted because it is not broad enough to address a wide range of needs and that its inclusion may unintentionally limit the variety of FOPNL captured by the guidance.

27. Meanwhile, fourteen respondents (8 members and 6 observers) supported that the guidelines only cover interpretive FOPNL systems, noting that evidence suggests that interpretive FOPNL are more useful (for consumers) than informative or reductive FOPNL systems. They mentioned that there is clear and growing evidence demonstrating that non-interpretive FOPNL (e.g. Daily Intake Guides, Guideline Daily Amount labels) are difficult for consumers to understand and may not help consumers to make healthier choices.

One member noted that an important element of an effective FOPNL system is for it to be interpretative but consider that it would be more appropriate to capture this in the overarching principles than as part of the definition.

28. FOPNL is a form of supplementary nutrition information, and supplementary nutrition information is intended to assist in interpreting the nutrient declaration, therefore although interpretative is not referenced in the definition, the Chairs consider this is implicit.

29. In view of the EWG's preference, the word "interpretative" was removed, so that the wording of section 3.1 reads as follows:

3.1. Front-of-pack nutrition labelling (FOPNL) is a form of supplementary nutrition information that presents simplified, ~~[interpretative]~~ nutrition information on the front-of-pack of pre-packaged foods. 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.

- Section 3.2

30. During CCFL45, the Committee noted that there were several views on the need to retain Section 3.2 and this point was discussed in the first EWG consultation paper. Most members agreed with the wording of this section. Some members mentioned that the exclusion of "quantitative ingredient" declaration was unnecessary as it referred to characterizing ingredients of the food which were not included in the *Guidelines on Nutrition Labelling* (CXG 2-1985); or that section 3.2 should be removed. In addition, this aspect is part of the *General Standard for the Labelling of Prepackages Foods* (CXS 1-1985), so it would be outside the scope of these guidelines.

31. In addition, the EWG was asked in the first discussion paper to give its opinion on whether warning labels should be included in the definition of FOPNL, however, there was no consensus on this aspect.

Several participants who responded to this question considered that warning labels such as "high in" or "excess in" have been shown to be effective for the purpose set forth in these guidelines and are considered interpretative labels.

32. On the other hand, some participants indicated that these systems do not reflect the objective of FOPNL (as described in the Section 5 of the *Codex Guidelines on Nutrition Labelling* (CXG 2-1985), indeed, they do not allow the consumer to understand the complete nutritional status of the product but only draw the consumer's attention to (a) single nutrient(s) in high quantity. Also, it was indicated that CCNFSDU work on nutrient profiles should underpin any CCFL discussion on mandatory "high in" statements; this CCNFSDU work should advance further before CCFL considers mandatory "high-in" statements.

One member pointed out that excluding warning labels from the definition of FOPNL would not prevent these type of labels from being used as they would still meet the definition of supplementary nutrition information as per *Guidelines for Nutrition Labelling* and therefore could legitimately be used to supplement the nutrient declaration on foods, but without the need to adhere to the Guidelines on FOPNL.

33. The Chairs noted that the exclusion of the quantitative declaration of ingredients from subsection (ii) of this section caused confusion among some participants, as it was not considered nutrition labelling. In line with the above, the wording of section 3.2 has been simplified to reflect only the exclusion of nutrition and health claims as defined in the *Guidelines for Use of Nutrition and Health Claims* (CXG 23 – 1997), as follows:

3.2. This definition excludes *nutrition and health claims*.

~~i. — Nutrition and health claims.~~

~~ii. — The quantitative declaration of ingredients.~~

(iv) Section 5. Other aspects to consider in the development of FOPNL systems – proposed text

34. The Chairs have included Section 5 before Section 4 in this agenda paper as we propose aspects of Section 5 to be considered as part of Section 4.

35. The agreed Project document for new work on the development of guidance on use of simplified nutrition information on the front of pack (Appendix III REP18/FL) lists under section 3 Main Aspects to be Covered the following aspects that the guidelines should cover: purpose and scope; definition of FOPNL; general principles for FOPNL; and aspects to consider in the development of FOPNL systems.

36. The EWG discussion paper circulated in August 2018 initiated the work to consider what "other aspects to consider in the development of a FOPNL systems" should be captured in the guidelines. The paper discussed additional considerations for national authorities under each of the proposed global principles and acknowledged that many of these may be decided at national level to meet specific needs and requirements of consumers in individual countries.

37. Based on the feedback from the EWG, Appendix I to the agenda paper on FOPNL for CCFL45 (CX/FL 19/45/6) included proposed drafting of Section 5. Section 5 was not discussed in detail at CCFL45 but the views of the EWG members on Section 5 were sought in a discussion paper in 2019 and in a further extraordinary consultation in April 2020 which intended to assist in reaching a greater degree of consensus on the approach to Section 5. The majority of EWG respondents to the consultation preferred Option B: Delete Section 5, integrating the most relevant aspects within Section 4. A number of EWG respondents also provided detailed drafting suggestions on how the information in Section 5 could be incorporated into the principles in Section 4 of the guidelines.

38. Acknowledging that the Committee must decide at CCFL46 whether it agrees to the EWG majority preference or make an alternative decision, and to enable the EWG to further progress the work in the absence of a Committee meeting in 2020, in the CL 2020/54/OCS-FL the Committee was asked the following question regarding Section 5:

Do you support the EWG preference to delete Section 5 and for the EWG to continue drafting of the guidelines to incorporate relevant aspects from Section 5 to Section 4? Please justify your answer.

39. Forty Committee members responded to the question with 30 members supporting the EWG preference to delete Section 5 and incorporate the relevant aspects to other parts of the draft guidelines. There were no additional points of justification provided to those already received as part of the two rounds of consultation in the EWG. The analysis of EWG responses was provided in the circular letter. Those that did not support the

EWG preference considered that Section 5 contains useful information on development of FOPNL at the local level and could be retained. At CCFL46 the Committee will need to confirm their majority preference from responses to the CL 2020/54/OCS-FL to delete Section 5 and to incorporate relevant aspects from Section 5 to Section 4.

Question 1: Do you confirm the Committee majority preference to delete Section 5 and to incorporate relevant aspects from Section 5 to Section 4?

40. To progress this work the latest EWG discussion paper circulated in December 2020 focused on identifying relevant aspects from Section 5 that need to be incorporated elsewhere in the draft guidelines. The Chairs sought EWG feedback on aspects currently covered in Section 5 that they considered to be:

- duplicated in other parts of the guidelines;
- out of scope for this work; or
- in scope but not duplicated in other parts of the guidelines.

41. Based on the EWG feedback the Chairs have proposed areas they consider no further work is required and areas where further work is required to incorporate the concept elsewhere in the guidelines. For the latter, how these areas will be considered has been proposed below.

Areas the Chairs propose no further work in the guidelines

Aspects identified as duplicated or out of scope

42. The vast majority of EWG participants agreed with the aspects identified as being duplicated and out of scope in Section 5 and therefore did not need to be incorporated elsewhere in the guidelines. These aspects are provided in Appendix II. Several EWG participants considered there was still value in making the information deemed out of scope available to assist countries. Options provided for presenting this information included a separate Codex document or as an appendix to a meeting report. Others commented that these aspects extend past the mandate of Codex and public health organizations such as WHO are best placed to provide guidance on areas such as implementation. Implementation aspects are out of scope for the present guidelines. To provide guidance on FOPNL implementation would therefore require further work to determine and get agreement on all implementation aspects which guidance could be provided. The Chairs consider it is outside of the mandate of Codex to provide such guidance.

Tailoring at the national level

43. EWG participants were asked if they consider that the concept 'FOPNL system should be tailored at the national level to meet the needs of the specific population/s in the country or region of implementation' be captured in the guidelines and if yes how.

44. The majority of EWG participants supported the inclusion of this concept. Rationale provided focused on the need for FOPNL to be relevant to the country context and specific to their needs. A few participants were concerned that this may limit harmonization and that if it was retained it should be made clear that tailoring is not a prerequisite of FOPNL development at a national level. Many of those who supported the inclusion of this concept considered this was already adequately captured in the guidelines for example in the purpose, principles 4.1.4 and 4.2.1. Therefore, the Chairs propose no further work to incorporate this concept in the guidelines. The Chairs propose considering the concept of harmonisation separately, this is outlined below.

Further considerations for monitoring, evaluation and consumer education programmes

45. Section 5 contained further considerations for monitoring, evaluation and consumer education programmes. The majority of EWG participants considered that the guidelines already provides adequate guidance on these aspects and that further work was not required.

46. Although the Chairs propose no further work to incorporate the above concepts into the guidelines, where participants provided suggestions on principle wording the Chairs have considered these comments under the relevant principles (see this paper Section 4).

Areas the Chairs propose for further work

47. Very few concepts from Section 5 were identified as needing to be incorporated elsewhere in the guidelines. The Chairs propose the following concepts as requiring further consideration by the Committee and have provided an indication as to how to progress this:

Managing conflict of interests. The Chairs propose considering this with principle 4.3.1. Information on this concept has been included under this principle on paras. 54-57.

- Mandatory vs. voluntary implementation. The Chairs propose considering this with principle 4.3.2. Information on this concept has been included under this principle on paras. 58-61.
- Trade impacts particularly for mandatory implementation, including the role of Codex in promoting harmonisation where possible. The Chairs propose considering with principle 4.3.2. Information on this concept has been included under this principle on para 58 and 61.

(v) Section 4. General Principles

48. Comments and answers to specific questions on Section 4 General Principles were not sought at every consultation, however where comments were provided, they have been considered. Comments were specifically sought on Section 4 in the first discussion paper circulated in October 2019 and the latest discussion paper circulated in December 2020.

49. The first discussion paper included 13 draft principles, two of which were proposed new principles, grouped under three main headings: Overarching principles, Principles for format and Principles for development, implementation and evaluation to make Section 4 easier to read and to add clarity. The first discussion paper asked several questions on the principles but did not include a question on each of the principles. The latest discussion paper asked one question specifically related to principles. These questions and the responses to them will be discussed under each principle below. Comments on Section 4 were not sought in either the extraordinary consultation circulated in April 2020 or the CL 2020/54/OCS-FL. However, as these papers discussed incorporating relevant aspects from Section 5 into Section 4, a significant number of drafting suggestions on Section 4 were provided by eWG members. Aspects identified from Section 5 as needing to be incorporated into Section 4 are also discussed in this section.

Criteria for progressing the principles

50. In considering the principles, the Chairs used the following criteria in attempt to best facilitate the progress of the guidelines at CCFL46:

- To keep the principles high level and not too specific
- To maintain consistency between principles
- To ensure the principles were inclusive of different forms of FOPNL
- To simplify wording where possible
- To aid consensus in views by finding solutions that met the intent of the majority of comments, rather than the specific wording suggestions.

Approach to progress Section 4

51. In the interest of progressing Section 4, for this paper the Chairs have grouped the principles into the following four groups:

1. Principles proposed to be deleted (3 principles)
2. Principles with minor/editorial drafting proposals (7 principles)
3. Principles proposed to have no change (1 principle)
4. Principles that require further discussion or have major drafting changes proposed by Chairs (2 principles)

52. The principles in each group are presented below, including a summary of comments received since CCFL45, proposed drafting where applicable, and justification for the Chairs proposed approach. The Chairs would like to focus discussions on the principles in group four where the Chairs consider there is not agreement on the underlying concepts of these principles. For the principles in groups one to three the Chairs have presented these in tables one to three below and have asked a question on each group of principles. The grouping of the principles within the guidelines under the three headings: *Overarching principles*, *Principles for format* and *Principles for development, implementation and evaluation* has also been considered below.

Table 1: Principles proposed to be deleted

Principle	Summary of comments received since CCFL45	Rationale for deletion
4.1.2 FOPNL should only be provided in addition to, and not in place of, the nutrient declaration, subject to Section 5 of the Guidelines to Nutrition Labelling (CXG 2-1985).	There was no question asked on this principle in the latest EWG. It was pointed out by a number of members that given that FOPNL is a form of supplementary nutrition labelling (as per the agreed purpose) this principle should align with Section 5 of the Guidelines to Nutrition Labelling (CXG 2-1985). Few comments were received on this principle.	This principle duplicates information elsewhere in the guidelines. The scope of the guidelines already states that it applies to pre-packaged foods that include a nutrient declaration subject to Section 5 of Guidelines on Nutrition Labelling. This is also inherent in requirements for supplementary nutrition labelling of which FOPNL is a form.
4.1.5 [FOPNL should encourage manufacturers to reformulate products in line with national/regional dietary guidelines or health and nutrition policies.]	This was a new principle proposed in the first discussion paper and at that time EWG participants were asked if they agreed with its addition. There was mixed support. Most respondents considered reformulation a secondary objective of FOPNL. For this reason, many respondents did not think there should be a specific principle on reformulation and others suggested if it was retained it should be made clear this is a secondary objective. Some who supported the inclusion of the principle considered reformulation a desired outcome of FOPNL.	The agreed purpose of these guidelines is to assist in the development of FOPNL as a tool to facilitate the consumer's understanding of the nutritional value of the food. Whilst the Chairs acknowledge that reformulation is an important outcome of FOPNL, in line with the comments received reformulation is a secondary objective. In addition, inclusion of a principle on reformulation does not align with the purpose to facilitate consumers understanding of the nutritional value of food.
4.3.5 FOPNL should be based on a standard reference amount to facilitate comparisons by consumers.	This was a new principle proposed in the first discussion paper and at that time EWG participants were asked if they agreed with this addition. The majority supported the inclusion of this principle, with the rationale provided focusing on facilitating consumers to make comparisons. However, there were concerns around the term 'standard reference amount' with some wanting this term better defined. A number of EWG participants expressed they would like the principle to specify that in most cases this would refer to per 100 g/mL. However, some did not think per 100 g/mL was appropriate as it may not reflect: a reasonable portion for all foods; differences in nutritional requirements for individuals; and some existing nutrient profiles.	The focus of this principle is to facilitate comparisons of foods by consumers. The concept of facilitating consumer comparison is already captured in principle 4.2.3. The 2010 technical report on nutrient profiling by WHO/IASO ¹ identified determining the reference amount of the food as a step in the development of a nutrient profiling model, this is reiterated in the draft WHO guiding principles and framework manual for front-of-pack labelling for promoting healthy diet ² . CCNFSDU are currently working on defining the scope for developing general guidelines for the establishment of nutrient profiles for use in FOPNL. Therefore, to keep the principles in the guidelines high level and not to duplicate work the Chairs propose deleting this principle and referring the comments received on this principle to CCNFSDU for consideration in their nutrient profiling work.

¹ Nutrient profiling: Report of a WHO/IASO technical meeting, London, United Kingdom 4 - 6 October 2010

² WHO. Guiding principles and framework manual for front-of-pack labelling for promoting healthy diet. Preformatted final draft May 2019.

Table 2: Principles with minor/editorial drafting proposals

Principle	Summary of comments received since CCFL45	Proposed drafting	Rationale
4.1.1 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.	In the first discussion paper views were invited from EWG participants on the inclusion of the text in square brackets, however a specific question was not asked about this. EWG participants were divided on this. Those supporting the text in square brackets cited credibility with consumers, management of conflict of interest and potential to regulate as strengths. The major reason against the inclusion of this text was that this would prevent companies developing FOPNL systems.	4.1.1 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.	The Chairs propose retaining the words [by government] therefore have removed the square brackets. This approach retains government oversight of FOPNL to encourage consumer trust and manage potential conflicts of interest however it does not preclude other stakeholders from developing a FOPNL system to be recommended by government or the adoption of a FOPNL system across a number of countries in a region.
4.1.3 FOPNL should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food [such that it represents the nature of the food as consumed/ as packaged].	The first discussion paper amended the drafting of this principle to place the words [such that it represents the nature of the food as consumed/ as packaged] in square brackets. Members were requested to consider the need for the square bracketed text, however no specific question was asked on this. There was strong support for the FOPNL to be calculated and applied to food labels in a consistent manner to that of the nutrient declaration. It was noted that the Guidelines for Nutrition Labelling do not specify the form of the food that the nutrient declaration should be calculated on and therefore requiring this of FOPNL was questioned. Most EWG participants that provided comments supported “as packaged” (or “as sold”) for most foods. Limited exceptions were supported by some participants. It was also noted that supplementary nutrition information can be provided in certain circumstances in absence of a nutrient declaration. Some members suggested this principle was not an overarching principle and was better located under principles for format.	4.1.3 FOPNL should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable [such that it represents the nature of the food as consumed/ as packaged].	To align with requirements for the nutrient declaration and to simplify the text it is proposed to delete the text in square brackets and add the words ‘where applicable’ in recognition that in some instances supplementary nutrition information can be provided in absence of a nutrient declaration. The Chairs consider the grouping of principles later in the paper.
Principle	Summary of comments received since CCFL45	Proposed drafting	Rationale
4.1.4 FOPNL should align with evidence-based national or regional dietary guidance or health and	In the third discussion paper the EWG were asked whether they agree that this principle considers nutrients and ingredients whose consumption is discouraged and	4.1.4 FOPNL should align with evidence-based national or regional dietary	Based on the comments received the Chairs propose to:

<p>nutrition policies. Consideration should be given to both the nutrients and ingredients consumption of which is discouraged by national/regional dietary guidelines or health and nutrition policies and to nutrients and ingredients the consumption of which is encouraged.</p>	<p>encouraged by national/regional dietary guidelines or health and nutrition policies.</p> <p>There was good support for this principle and the majority supported referencing nutrients and food groups which are encouraged and discouraged by national/regional dietary guidelines. Rationale provided centred around alignment with the agreed purpose of these guidelines and providing flexibility. Many objected to the use of the term ingredients and suggested this be either deleted or substituted with another term. Substitution with the term ‘food groups’ was the most favoured approach as it was considered more consistent with dietary guidance. Editorial changes were suggested, several participants suggested removing wording duplication. Some participants also considered that preference should be given to aligning with dietary guidance over health and nutrition policies as there were concerns that these may not be based on an equivalent level of evidence.</p> <p>Some participants did not support the inclusion of the second sentence as they considered it was sufficient to refer to dietary guidance. A very limited number of participants did not support the consideration of positive nutrients/food groups in FOPNL.</p> <p>In the first discussion paper the EWG were also asked whether FOPNL should consider nutrients of global concern. There was not good support for referencing ‘nutrients of global concern’ in the guidelines due to lack of an agreed definition and preference for referring to dietary guidance.</p>	<p>guidance or, in its absence, health and nutrition policies. Consideration should be given to both the nutrients and the food groups of which ingredients consumption of which is discouraged and encouraged by these documents. national/regional dietary guidelines or health and nutrition policies and to nutrients and ingredients the consumption of which is encouraged.</p>	<ul style="list-style-type: none"> • add ‘in its absence’ following dietary guidance to signal preference should be given to dietary guidance over health and nutrition policies • substitute ‘ingredient’ for ‘food groups’ to better align with dietary guidance; and • to remove duplication in the second sentence to keep the principle concise.
<p>Principle</p>	<p>Summary of comments received since CCFL45</p>	<p>Proposed drafting</p>	<p>Rationale</p>
<p>4.2.1 FOPNL should present information in a way that is easy to understand by consumers in the country or region of implementation. The format of the FOPNL should be supported by scientifically valid consumer research.</p>	<p>Although no specific question was asked on this principle in the EWG consultations, the Chairs consider there is general agreement on the inclusion of this concept as a principle. Only very limited editorial comments were received on this principle, one respondent suggested an editorial change to better capture facilitating consumer choice of food. There were no expressions of disagreement on the inclusion of this principle.</p>	<p>4.2.1: 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</p>	<p>The agreed purpose of the Codex guidelines is to provide guidance to assist in the development of FOPNL as a tool to facilitate the consumer’s understanding of the nutritional value of the food and their choice of food. To better capture facilitating consumer choice the Chairs propose the addition of ‘and use’ to the principle.</p>

		scientifically valid consumer research.	
4.2.2 FOPNL should be clearly visible on the package at the point of purchase under normal conditions of sale and use.	Although no specific question was asked on this principle in the EWG consultations, the Chairs consider there is general agreement on the inclusion of this principle. Minimal comments were received on this principle, comments received were mainly editorial such as deleting the word ‘use’ as not relevant, other editorial changes were suggested but no justification provided.	4.2.2 FOPNL should be clearly visible on the package at the point of purchase under normal conditions of sale and use.	The Chairs consider ‘of sale and use’ unnecessary as ‘sale’ does not add any further information than ‘point of purchase’ and use is not relevant to ‘point of purchase’. Therefore, in the interests of keeping the principles concise, the Chairs propose deleting ‘of sale and use’.
4.2.3 FOPNL should allow consumers to make comparisons between foods [within a food category].	In the first discussion paper the EWG were asked if they consider comparisons of food should be within food categories or between foods. There was mixed support for whether the principle should specify ‘within a food category’. Many respondents considered that Codex Guidance should be broad enough to capture both and therefore suggested the deletion of this text. The main rationale provided from those who supported the inclusion of this text was that comparisons within food categories are the most useful to assist consumers to make healthier choices.	4.2.3 FOPNL should allow consumers to make comparisons between foods [within a food category].	The Chairs propose deleting [within a food category] to keep the principles high level and broad. The deletion of the text in square brackets does not preclude comparisons between foods within a food category. CCNFSDU are currently working on defining the scope for developing general guidelines for the establishment of nutrient profiles for use in FOPNL. Further consideration of this concept may occur during this process.
Principle	Summary of comments received since CCFL45	Proposed drafting	Rationale
4.3.4 Clear targets for effectiveness should be developed for the FOPNL system and the FOPNL should be monitored and evaluated to determine effectiveness/impact.	Although no specific question was asked on this principle in the EWG consultations, many participants expressed their strong support for inclusion of a principle on monitoring and evaluation. Comments received focused on ‘targets for effectiveness’ with some requesting clarity on this term, others suggesting alternative wording such as measurable objectives and performance indicators and some suggesting this be removed.	4.3.4 Clear targets for effectiveness should be developed for the FOPNL system and the FOPNL should be monitored and evaluated to determine effectiveness/impact.	The key focus of this principle is monitoring and evaluation to determine a FOPNL system’s effectiveness and impact. Given the comments received on ‘targets for effectiveness’ the Chairs propose deleting the reference to these. This proposed drafting does not preclude the development of targets/performance indicators and the Chairs consider this could be implicit to determine effectiveness/impact of a FOPNL system. This new drafting aligns with the Chairs intent to keep principles broad and high level.

Table 3: Principles proposed to have no change

Principle	Summary of comments received since CCFL45	Rationale for no change
4.3.3 FOPNL should be accompanied by a consumer awareness and education/ information program to increase consumer understanding and use of the system.	Although no specific question was asked on this principle in the EWG consultations, the Chairs consider there is general agreement on the inclusion of this concept as a principle. Of the limited comments received on this principle, they focused on providing additional information such as consideration of the media platform, positioning within broader dietary guidance and being underpinned by consumer research. There were no expressions of disagreement on the inclusion of this principle.	In the interests of keeping principles high level and as simple as possible the Chairs propose no further drafting changes to the principle. The present wording is broad enough so that it does not preclude any of the suggested inclusions.

- **Principles that require further discussion or major drafting changes proposed**

Principle 4.3.1 *[FOPNL should be **government lead but** developed in collaboration with all interested parties including **government**, private sector, consumers, academia, public health associations among others.]*

53. As outlined above the Chairs have identified two principles (4.3.1 and 4.3.2) which they consider require further discussion as there is not agreement on the underlying concepts. These principles are outlined below along with a summary of comments received since CCFL45, the Chairs recommended approach and specific questions for the Committee on each principle.

Summary of comments received since CCFL45

54. In the first discussion paper the complete drafting for this principle was put in square brackets and further thoughts were sought from the EWG, however no specific question was asked on this. The potential for conflict of interest, particularly the level of involvement by industry in the development of a FOPNL system, appears to drive several EWG participants views, and it was suggested by some EWG participants that this principle should cover this issue. The issue of managing conflict of interests is primarily raised in conjunction with "government lead" and "collaboration". These comments are expanded on below.

Government leadership:

55. EWG members who commented on this principle discuss the relevance of government leadership of the FOPNL and opinions remain divided. Those that support government leadership cite trust, credibility and oversight of conflicts of interest as reasons for government leadership of the development process. While those that do not support government leadership cite potential capacity issues for government and not limiting the development of a system in situations where governments are not able to develop a FOPNL system or choose to delegate the development to others such as NGOs.

Collaboration vs consultation:

56. The word collaboration suggests high level involvement for all stakeholders in the development of the system. Those who are concerned about potential conflict of interest recommend changing 'collaboration' to 'consultation', as they consider consultation sufficient and that it implies a lower level of involvement in development than collaboration and therefore less risk of conflicts of interest affecting the development of FOPNL system.

Chairs proposed approach

57. The Chairs recommend retaining the 'government led' text to provide government oversight and to manage potential conflict of interest. As a consequence, the word 'government' would be removed from the list of interested parties. It is the Chairs view that with government leadership of the development of a FOPNL system the issues raised by EWG participants with respect to potential for conflict of interest in a collaborative process could be managed. It is therefore recommended that with these two changes the text be removed from square brackets. The Chairs propose the following drafting for Principle 4.3.1:

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

Question 2:

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

Principle 4.3.2 FOPNL should be implemented in a way that [maximizes/ encourages] food manufacturers' use of the FOPNL on food labels.

Summary of comments received since CCFL45

58. The EWG was not asked a question on this principle in any of the consultations. In the first discussion paper this principle was redrafted to clarify intent, as a result of comments received in response to the Agenda Paper for CCFL45. The words 'encourage' and 'maximise' were placed in square brackets in this drafting. Most comments received on this principle focused on the words in square brackets. Whether a FOPNL should be mandatory or voluntary underpinned the majority of responses received. Participants supporting 'encourage' cited that 'maximise' implied a system should be mandatory, which could result in trade implications. In line with this some participants were requesting further consideration of trade implications in the guidelines. Participants supporting 'maximise' suggested this term better reflects the intention to achieve the objectives of FOPNL in providing consumers with information and this does not presuppose that the FOPNL must be mandatory.

Chairs proposed approach

59. The purpose of FOPNL as agreed at CCFL45 notes that FOPNL is a form of supplementary nutrition labelling. The use of supplementary nutrition labelling as outlined in Section 5 of the *Guidelines on Nutrition Labelling* (CXG 2-1985) should be optional.

60. The original intent of the principle was to ensure uptake of a FOPNL system by industry was high. High uptake of a system by industry would help ensure it met the purpose of a FOPNL system "to facilitate the consumer's understanding of the nutritional value of the food and their choice of food" by ensuring many products in the market displayed the system enabling consumers to use it.

61. To link this principle more closely to the agreed purpose of FOPNL the Chairs propose to redraft this principle to focus on the goal of facilitating consumer use of the system. High uptake of the system by industry would be required to meet this principle. Focusing on the end point of consumer use avoids the use of confusing language related to uptake by industry that may be seen as implying a FOPNL system should be mandated. This aligns with FOPNL being a form of supplementary nutrition labelling as agreed in the purpose. The Chairs do not propose specifically addressing trade implication in the principles as this is inherent in the purpose of Codex and a driver for the development of Codex guidance. The new proposed drafting has been placed in square brackets for discussion by the Committee.

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

Question 3:

- Do you agree with the change in focus for principle 4.3.2 to focus on facilitating consumer use of FOPNL?

- **Organization of principles into three groups within the guidelines**

Summary of comments received since CCFL45

62. In the first discussion paper a new grouping of the principles into three groups was proposed to make it easier to read and add clarity. These groups were headed *Overarching principles*, *Principles for format* and *Principles for development, implementation and evaluation*. Participants were broadly supportive of this new grouping, since it could facilitate the reading of this section of the guidelines, but they made some suggestions on improving the names of the groups and on the placement of some principles in the groups.

63. *Overarching principles* – participants commented that these principles should be considered the most important and fundamental principles to a FOPNL system and that they should be rearranged to reflect hierarchy of importance. Some participants suggested principle 4.1.3 did not belong in this group and was better placed in the 'Principles on format' group.

Principles for format – comments focused on the name of the group with some participants suggesting 'format' was too narrow.

Principles for development, implementation, and evaluation – Some members considered that the name of this group should be adjusted to avoid reference to implementation and evaluation.

Chairs proposed approach

64. Although there was general support for the grouping the principles, the Chairs have proposed significant changes to the principles in the present agenda paper, including deleting three principles and shortening others. The Chairs no longer consider that the groupings are needed to assist reading and to improve clarity, which was their original intent. The groupings of the principles are somewhat arbitrary and deciding on placement of principles and appropriate grouping names may be challenging and distract the Committee from more important decisions. For example, deleting reference to 'implementation and evaluation' in the last grouping leaves 'Principles for development', however as the Purpose of the guidelines is to assist in the development of FOPNL, all principles should relate to development. Therefore, in the interest of keeping the guidelines as simple as possible and to aid in finalizing the guidelines the Chairs propose deleting the principle groupings.

Question 4:

- Considering the proposed changes to the principles, do you agree with deleting the principle groupings?

(vi) Placement of the Guidelines on FOPNL

65. At CCFL44, the agreed TOR for the EWG included:

- iii. Make recommendations on the placement of the guidelines.

66. The majority of the EWG from that session considered that the guidelines should be part of *Guidelines on Nutrition Labelling* (CXG 2-1985), although opinions varied on whether this should be as a part of section 5 Supplementary Nutrition Labelling or as an Annex. Some EWG participants considered the guidelines should be a standalone document.

67. Placement of the guidelines was not discussed at the CCFL45 nor was it addressed specifically in any of consultations undertaken in the recent EWG or the CL, which focused on progressing the drafting of the guidelines. Discussions at the CCFL on other draft Codex texts have recommended that decisions on the placement of texts may be best considered once the content is nearing completion. In line with this, the Chairs consider a discussion on the placement of the guidelines is now timely.

68. The Chairs consider the options for the placement of the Guidelines on FOPNL include:

- part of section 5 of the *Guidelines on Nutrition Labelling* (CXG 2-1985)
- as an Annex to section 5 of the *Guidelines on Nutrition Labelling* (CXG 2-1985)
- a stand-alone document

69. Placing the guidelines in the body of section 5 is a simple approach but carries some risks. Including guidance specific to FOPNL in section 5 may give the impression that the guidance applies to all supplementary nutrition labelling not just FOPNL. This would be misleading, unless it could be sectioned as a FOPNL section only, and would also make the *Guidelines on Nutrition Labelling* (CXG 2-1985) unnecessarily long.

70. Placing the guidelines as an Annex to section 5, links the guidelines to the requirements for supplementary nutrition labelling (which supports the decision of the Committee at CCFL45 when agreeing the purpose for these guidelines that FOPNL is a form of supplementary nutrition labelling) but provides a level of separation that FOPNL is a form of supplementary nutrition labelling but that the guidelines are unique to FOPNL.

71. Placing the guidelines as a stand-alone document provides clear separation but risks losing the link with the requirements for supplementary nutrition labelling. This link would need to be clearly identified in both the stand-alone document and in Section 5 of the *Guidelines on Nutrition Labelling* (CXG 2-1985).

Question 5: Which of the following options do you prefer for the placement of the Guidelines on FOPNL:

- part of section 5 of the *Guidelines on Nutrition Labelling* (CXG 2-1985)
- as an Annex to section 5 of the *Guidelines on Nutrition Labelling* (CXG 2-1985)
- a stand-alone document

PROPOSED DRAFT GUIDELINES ON FRONT-OF-PACK NUTRITION LABELLING
(for comments at Step 3 through CL 2021/19/OCS-FL)

Track changes version of the *PROPOSED DRAFT GUIDELINES ON FRONT-OF-PACK NUTRITION LABELLING* is available at the following [link](#) (for information).

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 foods³ that include a nutrient declaration⁴ subject to the section 5 of *Guidelines on Nutrition Labelling* (CXG 2-1985).

2.2 Alcoholic beverages and foods for special dietary uses covered by the following Codex standards are excluded:

[Guidelines on Formulated Complementary Foods for Older Infants and Young Children (CXG 8-1991)]

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

[Standard for Canned Baby Foods (CXS 73-1981)]

[Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981)]

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

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

Standard for Formula Foods for Use in Weight Control Diets (CXS 181-1991)

Standard for Formula Foods for Use in Very Low Energy Diets for Weight Reduction (CXS 203-1995)

2.3 Additionally, certain prepackaged foods may be exempted⁵ 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).

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-pack⁶ of pre-packaged foods.⁷ 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.⁸

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):

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.

³ As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985).

⁴ As defined in the *Guidelines on Nutrition Labelling* (CXG 2-1985).

⁵ Exemptions are where the food is not intended to have FOPNL but is still permitted to display FOPNL.

⁶ *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.

⁷ As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985).

⁸ as defined in the *Guidelines for Use of Nutrition and Health Claims* (CXG 23 – 1997).

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

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.

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 at the point of purchase under normal conditions.

FOPNL should allow consumers to make comparisons between foods.

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

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

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

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

**ASPECTS IN SECTION 5 THAT ARE DUPLICATED IN OTHER PARTS OF THE
DRAFT GUIDELINES OR OUT OF SCOPE**

(FOR INFORMATION WHEN CONSIDERING THE PROPOSED DRAFT GUIDELINES IN APPENDIX II)

The Chairs have identified aspects in the Section 5 text that are duplicated in other areas of the draft guidelines. These are presented in Table 1. Table 1 also contains aspects covered in the Section 5 text that are related to implementation and thus deemed to be out of scope for this work.

Table 1. Text in Section 5. Other aspects to consider in the development of FOPNL systems that is duplication of other parts of the draft guidelines or out of scope.

DUPLICATION		
Scope	Text in Section 5	Rationale/ justification
<p>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 <i>Guidelines on Nutrition Labelling</i> (CXG 2-1985).</p> <p>¹ As defined in the <i>General Standard for the Labelling of Prepackaged Foods</i> (CXS 1-1985).</p> <p>² As defined in the <i>Guidelines on Nutrition Labelling</i> (CXG 2-1985).</p>	<p>Consideration whether there are additional foods that are not be intended to have FOPNL such as:</p> <ul style="list-style-type: none"> • Foods with minimal nutritional value • Foods where a nutrient declaration is not needed • Foods in small packages or with other packaging limitations 	<p>Foods listed in the text in Section 5 are foods not required to have a nutrient declaration, as defined in the <i>Guidelines on Nutrition Labelling</i> (CXG 2-1985). This is already covered in 2.1 of the scope.</p>
<p><i>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).</i></p>	<p>Consideration may also be given at national level to potential application of a FOPNL system more broadly than pre-packaged foods. Competent authorities may also wish to consider whether FOPNL be extended to include:</p> <ul style="list-style-type: none"> • Unpackaged foods • Food sold via online sales (e.g. information available at point of purchase on websites) • Point of purchase information not on the label (e.g. shelf signposting) • Food sold or otherwise provided in food service institutions such as schools or hospitals 	<p>The examples provided in the Section 5 text are the same examples mentioned in the italicised text in the scope section of the guidelines.</p>
Principles for format	Text in Section 5	Rationale/ justification

<p>4.2.1 (previous 4.2) FOPNL should present information in a way that is easy to understand by consumers in the country or region of implementation. The format of the FOPNL should be supported by scientifically valid consumer research.</p>	<p>Consumer research in the target population should underpin decisions regarding the best for of presentation of information in the FOPNL</p> <p>The system must meet the global principles for a FOPNL, but the exact form of the system should be informed by local research.</p>	<p>Principle 4.2.1 already states that the format/presentation of FOPNL should be informed by consumer research.</p> <p>Further, the start of Section 4 states:</p> <p style="padding-left: 40px;">A FOPNL should be based on the following principles in addition to the general principles in the <i>General Standard for the Labelling of Prepackaged Foods</i> (CXS 1-1985).</p> <p>Therefore, the text in Section 5 which states “the system must meet the global principles for a FOPNL” is also already covered.</p>
<p>4.2.2 (previous 4.5) FOPNL should be clearly visible on the package at the point of purchase under normal conditions of sale and use.</p>	<p>Consider if there are occasions when the top or other surface may be the appropriate place for the FOPNL. For example, when it is displayed in a horizontal freezer or in a container in which the consumer looks down.</p>	<p>Principle 4.2.2 already provides information on the visibility of the FOPNL on packages. Further footnote 3 to the definition (3.1) defines ‘front-of-pack’ as:</p> <p>³ <i>Front-of-pack</i> means the total area of the surface (or surfaces) that is displayed or visible to the consumer under customary conditions of sale or use.</p>
<p>Principles for development, implementation and evaluation</p>	<p>Text in Section 5</p>	<p>Rationale/ justification</p>
<p>4.3.1 (previous 4.9) [FOPNL should be government lead but developed in collaboration with all interested parties including government, private sector, consumers, academia, public health associations among others.]</p>	<p>What governance and oversight will be required to develop and implement the system.</p>	<p>Principle 4.3.1 already provides information on the governance and oversight during FOPNL development. Implementation is out of scope of the current guidelines.</p>
<p>OUT OF SCOPE</p>		
<p>--</p>	<p>Text in Section 5</p>	<p>Rationale/Justification</p>
<p>N/A</p>	<p>How will compliance with the system be managed particularly if voluntary.</p>	<p>Compliance is an implementation aspect, which is out of scope of the current guidelines.</p>
<p>N/A</p>	<p>Consideration of the need for supporting guidance documents such as style guides, calculators etc.</p> <p>Key stakeholders to be involved in the developing guidance documents (important to have end users involved in the development of the guidance).</p>	<p>Guidance documents are developed to support the implementation of the system. Implementation aspects are out of scope of the current guidelines.</p>

LIST OF eWG PARTICIPANTS**Members**

Argentina	Japan
Australia	Kuwait
Belgium	Malaysia
Brazil	México
Bolivia	Netherlands
Canada	New Zealand
Chile	Nicaragua
China	Nigeria
Colombia	Norway
Costa Rica	Panamá
Dominican Republic	Paraguay
Ecuador	Perú
Egypt	Philippines
El Salvador	Poland
European Union	Republic of Korea
France	Russian Federation
Greece	Saudi Arabia
Guatemala	Serbia
Honduras	Singapore
Hungary	South Africa
India	Spain
Indonesia	Sweden
Iran	Switzerland
Ireland	Uruguay
Italy	United Kingdom
Jamaica	United States

Observers

Consumers International	IFAC
CEFS	IFU
FoodDrinkEurope	IOC
FIA	OIV
IFT	ISDI
IACFO	BEUC
ICGA	IMACE
ICA	UNICEF
ICBA	WFPHA
ICGMA	WOF
ICAAS	WPTC
IDF	WPHNA