

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: [codex@fao.org](mailto:codex@fao.org) - [www.codexalimentarius.org](http://www.codexalimentarius.org)

Agenda Item 3

FL/44 CRD/17  
Original Language Only

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD LABELLING

Forty-fourth Session

Asunción, Paraguay, 16-20 October 2017

(Comments from FIVS)

This paper presents the consensus views of the members of FIVS<sup>1</sup> regarding the Discussion Paper on Alcoholic Beverage Labelling prepared by WHO (CX/FL 17/44/3 Add 1, September 2017).

FIVS is grateful for the opportunity to make its views known on this important document, and would like to offer the following comments:

- 1) The paper was made available to CCFL Members and Observers on September 26, 2017, less than three weeks before the commencement of the meeting at which it is intended to be discussed. The paper is 6 pages long, and contains matters of great complexity and significance for all stakeholders. Accordingly, FIVS asserts that there has been insufficient time for CCFL Members and Observers to carefully consider all the implications of the paper in order to be able to enter into a meaningful discussion at the 44<sup>th</sup> Session of CCFL.
- 2) Furthermore, Rule VII (7) of the Rules of Procedure of the Codex Alimentarius Commission (contained in Section I of the Codex Alimentarius Commission's Procedural Manual) reads as follows (emphasis added):

*Documents to be submitted to the Commission at any session shall be furnished by the Directors-General of FAO and WHO to all Members of the Commission, to the other eligible Nations attending the session as observers and to the non-member nations and international organizations invited as observers thereto, **in principle at least two months prior to the session at which they are to be discussed.***

According to Rule XI (11), the Rules of Procedure apply *mutatis mutandis* to the subsidiary bodies of the Commission – including the CCFL. FIVS assumes that one objective of these rules is to allow Members and Observers of the Codex Commission and its subsidiary bodies sufficient time to consider the issues that will be discussed at the Sessions and to develop reasoned positions. It would thus seem highly irregular according to the Procedural Manual if discussion was entertained at the 44<sup>th</sup> Session of CCFL on a document furnished to Members and Observers at such a late stage. Therefore, FIVS respectfully requests that no discussion of the paper takes place until all stakeholders have had sufficient time to reflect on the contents of the paper (i.e. no sooner than at the 45<sup>th</sup> Session of the CCFL).

- 3) FIVS considers that it is out of the scope of Codex Alimentarius' mandate to include in the General Standard for the Labelling of Pre-Packaged Foods specific provisions for alcoholic beverages aimed at introducing what may be called "health-behavioural principles". Work on aspects such as health warnings could turn the Codex Alimentarius Commission from its historical focus on microbiological and chemical food safety issues and quality standards for trade facilitation activities, into more medical and epidemiological areas (i.e. public health policy) that have conventionally been the competence of the WHO itself. Codex has a clear mandate which is different from those of FAO and WHO and should be respected by its parent organisations. Accordingly, Codex Alimentarius should continue to work to promote and secure the safety and the quality of foods and to ensure fair practices in food trade. The following text is drawn from "Understanding Codex" (2016):

*"The Codex Alimentarius Commission has been supported in its work by the now universally*

---

<sup>1</sup> FIVS is an international federation serving trade associations and companies in the alcohol beverage industry from around the world. It provides a forum for its members to work collaboratively on legal and policy issues and communicates Federation views to national governments and international organisations. FIVS is an Observer to the Codex Alimentarius Commission.

*accepted maxim that people have the right to expect their food to be safe, of good quality and suitable for consumption.*

*The 1st FAO/WHO International Conference on Nutrition held in 1992 recommended that consumers be protected through improved food quality and safety, and outlined measures to accomplish that recommendation.*

*Article 1 mandates the Commission to elaborate international food standards to protect the health of consumers and to ensure fair practices in the food trade.*

*Both the Commission and Codex subsidiary bodies give the highest priority to consumer interests in the formulation of commodity and general standards. The prescribed format for commodity standards reflects the emphasis that Codex places on ensuring that consumers receive products that are of an acceptable quality and do not present a health hazard.”<sup>2</sup>*

The following text is drawn from an article entitled, “Public Health and Food Safety” which appears on the FAO’s website<sup>3</sup>, and confirms that Public Health Policy issues are a matter of collaborative activity between WHO and FAO, quite separate from Codex Alimentarius’ mandate (emphasis added):

*Aside from such emergency-related common action, a longstanding collaborative programme between FAO and WHO is the Codex Alimentarius Commission, established in 1963. This programme develops food standards, guidelines and related texts for protecting the health of consumers and ensuring fair trade practices in food trade, as well as promoting coordination of food standard setting activities undertaken by international governmental and non-governmental organizations.*

*The two organizations also collaborate closely in public health policy, including on nutrition guidelines, to respond to emerging non-communicative diseases related to tobacco use, physical inactivity and an unhealthy diet.*

4) From a preliminary assessment of the Discussion Document, even if it was decided that the work in question is within the mandate of Codex Alimentarius, the WHO paper is clearly ill-informed in some critical areas and contains incomplete information in others. This renders it essentially unfit in its current state to serve as the basis the CCFL might use for discussion to determine whether this item of New Work is justified. For example:

- a. The Codex Procedural Manual (Section II: Elaboration of Codex texts; Criteria for The Establishment of Work Priorities - Page 44 of the 25<sup>th</sup> Edition) requires an assessment to be made concerning the “diversification of national legislations and apparent resultant or potential impediments to international trade.” However, the WHO Discussion Document simply observes that “Regulations on labelling of alcoholic beverages are emerging in many countries” and assumes there is a need for Codex Alimentarius to take a leading role to avoid inevitable regulatory diversification. It is further indicated that a survey of national legislation can take place as a part of the New Work activity, but that seems to represent an attempt to produce as a part of the New Work itself some of the data that should be provided to CCFL to justify the work before it is decided to proceed. When a review of existing regulations is performed, it will reveal at a minimum the following (and this will help determine whether the New Work item is actually justified and if so, what its scope should be):

Alcohol content: Alcoholic beverages around the world already label their alcohol content. This information is required, generally on a mandatory basis, by national legislation, on all labels. At the international level, the International Organisation of Vine and Wine (OIV) has its *International Standard for the Labelling of Wines*, which also recommends the mandatory indication of the alcohol content by volume of wines on their labels.

Calories and ingredients: Alcoholic beverages are one of the most regulated food product categories worldwide and have very detailed national and international regulatory frameworks, which cover all aspects including definitions, production practices and rules for presentation and labelling. This very stringent set of rules and controls leads to products of high quality and protection against deception of consumers.

Contrary to other food products, there is no pre-established recipe for at least one of the classes of alcoholic beverage: wine. Because of its nature, the composition of the grapes used in wine production changes from one year to the next and the wine can even change somewhat during the maturation process. This requires winemakers to adjust on an ad-hoc basis some parameters even just before bottling. Therefore, providing such information on the label would be extremely difficult and would require a just-in-time labelling system that would lead to important economic constraints

<sup>2</sup> Extracts from “Understanding Codex” (2016) - <http://www.fao.org/3/a-i5667e.pdf>

<sup>3</sup> <http://www.fao.org/geneva/core-areas/public-health-and-food-safety/en/>

for the sector, especially for SMEs. Suffice it to say that for all alcoholic beverages, ingredient and nutrition labelling is not as straightforward as it is for other foods, and detailed scientific and technical knowledge will be essential if this project is pursued by CCFL (contrary to the views expressed in the Discussion Document, where no particular scientific expertise is anticipated as being necessary for the New Work to proceed). For example, it may be necessary to consider innovative solutions such as provision of information off-pack, and an exclusive focus on the energy content of the product, using a typical values approach or suchlike.

- b. The same section of the Procedural Manual also requires an assessment of work already undertaken by other international organisations in this field and/or suggested by the relevant international intergovernmental bodies. Disappointingly, the paper indicates that the authors are not aware of any other international organisation working in this area at the global level. FIVS would draw attention in this regard to the following five bodies, all of which have produced (or are engaged in producing) standards, agreements and guidance documents aimed at harmonizing various aspects of Alcoholic Beverage labelling and trade with a view to protecting consumers and minimizing diversification of national regulatory provisions and thus impediments to international trade: The International Organisation of Vine and Wine (OIV; an intergovernmental organization and Observer to the Codex Alimentarius Commission), FIVS (formerly the International Wines' and Spirits' Federation, an international non-government organisation and Observer to the Codex Alimentarius Commission, which has been active over many years on issues relating to the labelling of alcoholic beverages), The World Wine Trade Group (WWTG; an informal group of industry representatives from wine producing countries around the world, which has produced a treaty-level Agreement on Requirement for Wine Labelling and a Protocol to that Agreement), The Asia Pacific Economic Cooperation's Wine Regulatory Forum (a Forum established among the APEC economies specifically to facilitate trade in wine through harmonised and risk-based regulation, while ensuring protection of consumers), and the International Wine Technical Summit (an informal and open gathering of government and industry technical experts that studies specific technical issues relating to the regulation of wine that have the potential to result in impediments to international trade).

Based on just these two observations (and others that may follow given adequate time for analysis), FIVS believes that the Discussion Document is far from complete and doesn't supply the CCFL with all the necessary information it would need to determine whether the proposed New Work is justified and if so, the appropriate scope for such activity. FIVS respectfully requests that the Document is re-worked in all the areas where it is clearly deficient at present, and re-submitted in good time for the 45<sup>th</sup> Session of CCFL.

### **Conclusions**

In summary, the WHO paper was provided to the CCFL Members and Observers too late for discussion to be entertained at the 44<sup>th</sup> Session of the Committee (and contrary to the provisions of Codex Alimentarius' own Rules of Procedure). It involves subject matter (public health policy) that is outside the mandate of Codex Alimentarius and risks injury to the reputation and future credibility of the organisation. Finally, (and if for some reason it was decided that the work is within the mandate of Codex Alimentarius) the paper itself is ill-informed in some areas and incomplete in others, and is therefore unfit as presented (under the provisions of the Codex Provisional Manual) to serve as the basis the CCFL might use to determine whether this New Work is justified.

FIVS is grateful for the opportunity to provide comments on this important document.