



Agenda Item 9

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July 2017

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

Forty-fourth Session

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DISCUSSION PAPER ON FUTURE WORK AND DIRECTION FOR CCFL

Prepared by Canada

1. The Codex Alimentarius Commission, in establishing the Codex Committee on Food Labelling (CCFL) in 1964 recognized the importance of labelling in protecting the health of consumers and ensuring fair practices in food trade. See Annex 1 for the terms of reference for CCFL. It held its first meeting in Ottawa, Canada, in June 1965. CCFL has been successful in developing a large number of standards and guidelines for labelling, nutrition, and claims such as:

- Labelling of Prepackaged Foods (CODEX STAN 1-1985)
- *Guidelines on Claims* (CAC/GL 1-1979)
- *Guidelines on Nutrition Labelling* (CAC/GL 2-1985)

2. See Annex 2 for a complete list of standards and guidelines for CCFL.

3. At its 43rd session (2016), CCFL noted that there was a need to investigate the future direction and work of CCFL. It was agreed that:

- a paper would be prepared by Canada that summarized
 - some of the previously identified work that had not gone forward to the Committee,
 - the currently ongoing work, and
 - emerging issues.
- the Codex Secretariat would issue a Circular Letter requesting members and observers to provide information on emerging issues for inclusion in the paper.

4. The Committee also agreed that a prioritization approach could be considered once the paper was developed and that the paper would be kept current at each session with a different delegation taking on responsibility for updating the paper each time.

Future Work and Direction of CCFL

5. The general principle on which the Codex labelling standards and guidelines are based is that no food should be described or presented in a manner that is false, misleading or deceptive or likely to create an erroneous impression regarding its character in any respect. While it is difficult to be precise in regards to the future directions food labelling will take, it is possible to make some general statements regarding this area. Discussion on these aspects and their impacts on the work of CCFL are welcomed.

6. It is likely that the global trade in food will continue to increase, driven by increased population, expanding economies, and needs of consumers for access to a broad range of foods. The importance of labelling to communicate information between the buyer and seller will remain of high interest and that labelling is truthful and not misleading will continue to underpin consumer confidence in the food system worldwide. Consumer interest in their food could lead to a diversity of labelling information, such as related to method of production, method of manufacture, origin, health, environmental and ethical claims. As well, innovations in technology could also play a larger role in food labelling and could lead to more information being presented in an electronic format.

7. Scientific advancements will continue, perhaps at an accelerated pace, leading to new food technologies (production, processing, packaging, transport/distribution) and new food products which lead to new labelling considerations and guidance or adjustments to current standards and guidelines.

Previous Work Identified by the Committee

8. The following is a compilation of work that CCFL considered but that was unfinished, abandoned, or not started:

Truthful but Misleading Claims Labelling (2001-2004)

9. This discussion paper identified a number of types of truthful but misleading claims, such as “cholesterol free” on a potato that would never contain cholesterol. Discussion did not lead to identification of new work items.

Natural (1990-1994, 2010)

10. This work focused on establishing a definition for “natural” and criteria for “minimal processing”. It was noted that the use of these terms was already addressed by provisions in section 5.1 (claims) and the differing meanings of “natural” in various languages was also noted as a problem. In 2010, an observer proposed that the *General Guidelines on Claims* (CAC/GL 1-1985) be revised to include a definition of natural; however, there was no agreement to new work due to the guidance already provided in section 5.

Vegetarian (1997-2000)

11. Proposals were presented for definitions of "Vegan", "Ovo-lacto Vegetarian" and "Lacto Vegetarian", for possible inclusion in either the *General Standard for the Labelling of Prepackaged Foods* (CODEX STAN 1-1985), or, as conditional claims, in the *General Guidelines on Claims* (CAC/GL 1-1979). CCFL agreed to discontinue work in 2000 on Proposed Draft Guidelines for the Use of the Term "Vegetarian" as current differences in the definition and understanding of the term 'vegetarian' from country to country were too wide to allow the development of guidelines at the international level, and it was not possible to establish a common definition.

Labelling on Non-retail Containers (1965-1985)

12. In 1965, at the first Session of CCFL, it was agreed that it would be desirable to provide all mandatory information on bulk containers. New work started in 1967, and the labelling of non-retail containers continued to be discussed until the 18th Session in 1985. In 1985, it was recommended that the elaboration of guidelines be discontinued and that instructions for labelling provisions for non-retail containers be incorporated into the *Procedural Manual*, to provide guidance to commodity committees. This was endorsed by the 16th Session of the Codex Alimentarius Commission.

Country of Origin Labelling (2000-2005)

13. Delegates had differing opinions on whether the Codex guidance provided in the *General Standard for the Labelling of Prepackaged Foods* (CODEX STAN 1 – 1985) on origin labelling was adequate or not and if there were difficulties in interpretation of the existing provisions. There was no consensus to recommend new work.

Front of Pack Labelling (2011)

14. Consideration of front of pack labelling occurred during discussions on revising the *Guidelines on Nutrition Labelling* (CAC/GL 2-1985) at the 39th session of CCFL in 2011, in relation to implementation of the *Global Strategy on Diet, Physical Activity, and Health*. It was agreed to discontinue consideration of front of pack nutrition labelling at that time as no additional information had been put forward to justify new work.

Advertising (1972-1990, 2004-2008)

15. Advertising had been discussed at length over the years, including whether the committee should develop a code of practice for food advertising and whether advertising by the electronic or mass media was under the mandate of CCFL. In 1985, the committee discussed a working paper including legal opinions from FAO and WHO, a summary paper of CCFL's work on advertising, and a proposal for a Code of Practice for Food Advertising. It was recommended that there was no need at that time to continue work on a code of practice for advertising of food. Further discussions occurred from 1987-1989 but no new work was generated. In 2008, a definition of advertising in relation to nutrition and health claims was adopted by the 31st Session of the Codex Alimentarius Commission and included in the *Guidelines for the Use of Nutrition and Health Claims*, CAC/GL 23-1997.

Internet Sales of Food (2013- 2016)

16. In 2013, it was agreed that a discussion paper would be prepared on remote sales of food (including Internet sales). In 2016, the item was removed from the agenda as no paper had been provided for consideration.

17. The above items could be revisited in the future if the Committee considered there was a need.

Current Work*Date Marking*

18. Beginning in 2013, CCFL is updating the date marks sections of the *Standard for the Labelling of Prepackaged Foods* (CODEX STAN 1-1985). This work aims to provide guidance on a harmonized approach to date marking and ensure that terms used for date marking have the same meaning globally. The work has included defining date marks for both safety and quality aspects of the food. The work is currently at Step 5.

Non-retail Food Labelling

19. CCFL agreed to recommend the development of draft guidance for the labelling of non-retail food containers as new work at the 43rd Session in 2016. This work is attempting to reduce inconsistent and burdensome labelling practices, promote fair practices in international food trade, and incorporate the appropriate use of technology in the provision of information between seller and buyer.

Potential Work of CCFL*Front of Pack Nutrition Labelling*

20. Front of pack nutrition labelling was raised at the 43rd session of CCFL and the Committee agreed to establish an electronic working group to collect more information and consider the need for development of global principles to underpin front of pack nutrition labelling. The electronic working group will prepare a discussion paper for consideration at the 44th Session of CCFL in 2017 where the Committee will be asked whether it supports proposing new work in this area.

Date Marking – additional guidance

21. The 41st session of CCFL established an electronic working group on date marking, which identified the following areas that might require additional guidance, for future work once the revision of the *General Standard for the Labelling of Prepackaged Foods* (CODEX STAN 1-1985) is completed:

- a. date marking on frozen foods
- b. date marking and storage instructions to reflect a wide variation in climatic conditions
- c. storage instructions and expected shelf life on products post opening
- d. ethical considerations:
 - i) exportation of expired or close to expired products
 - ii) tampering of date marks
- e. date marking for special situations:
 - i) date marking on primary and secondary packaging
 - ii) date marking on foods which will be processed further and
 - iii) simplified date marking for small food businesses
- f. use of coded date marks and voluntary date marks
- g. inclusion of general principle statements

22. In addition to the above two areas of potential work, the following topics were identified by member countries in response to a circular letter, CL 2016/31-FL, sent to members in September 2016¹. This circular letter provided an opportunity for members to raise emerging issues relevant to the work of CCFL.

i) Allergen Labelling

¹ Replies to CL 2016/31-FL received from Australia, Colombia, Costa Rica and New Zealand.

23. The *General Standard for the Labelling of Prepackaged Foods* (CODEX STAN 1-1985) requires the mandatory declaration on food labels of the presence of foods and ingredients that are known to cause hypersensitivity (Section 4.2.1.4).

24. Allergen labelling requirements are intended to provide hypersensitive individuals access to clear and accurate information on the allergens in foods, so that they can make safe food choices. This is particularly significant given the potential life threatening consequences for food allergic individuals and that the prevalence of hypersensitivity conditions is increasing in many parts of the world, presumably with an increased reliance on labelling information.

25. CCFL could consider updating food allergen labelling information requirements for the management of hypersensitivity conditions, and in particular whether the current Codex requirements provide sufficient information and clarity for hypersensitive consumers, for example, adequacy of using collective terms such as "cereals containing gluten" or "tree nuts" in allergen declarations instead of specific allergens such as "wheat" or "almond"; whether molluscs are recognised as a separate allergen from other types of seafood; and if there is need for additions to the list of allergens. Additionally, consideration could be given to the development of criteria for identifying and adding allergens to a priority allergen list.

ii) *Class Names and other labelling in guidelines and standards in need of updating*

26. Recognizing that many of the existing CCFL-developed standards and guidelines were developed a number of years ago, it may be worthwhile in the light of new information and trends, to review these texts to determine whether updating and revision is appropriate. Class names, for example, could be reviewed for relevancy by surveying member countries to gauge the degree of consistency of national legislation with the Codex standard. Depending on the outcome, new work could be proposed to promote fair practices in food trade. Similar surveys could be carried out for other elements of the labelling standards and guidelines, such as net contents and drained weight and name and address.

iii) *Labelling of Foods in Multipack Format*

27. It was suggested that either a new standard be developed or the *General Standard for the Labelling of Prepackaged Foods* (CODEX STAN 1-1985), be amended in several sections, including the scope, definitions, general principles, and mandatory labelling, to include labelling of prepackaged foods that include multipacked prepackaged foods (labelling of a package that contains or displays a certain number of units of the same or different products, each unit labelled individually); prepackaged foods in a joint presentation (a package that contains two or more units of products of a different nature, individually prepackaged and labelled together); and the inclusion of promotional items within multipacks.

iv) *Sugar Labelling*

28. There has been increasing international attention on added sugars, including recent developments in labelling of added sugars. However, there is no internationally agreed definition for 'added sugars' which leads to difficulties in harmonising labelling standards.

29. Additionally, because "added sugars" are not chemically different to sugars naturally occurring in foods such as fruit and milk, it is difficult to distinguish between added and naturally occurring sugars using analytical methods and so there are considerations with respect to standard methods for analysing added sugar content of foods and beverages and enforcement capabilities.

v) *Nutrition Labelling / Ingredient Labelling*

30. With the increasing focus on food for health, and Codex's objective of protecting human health there is continued pressure to ensure consumers have all the information they need to make informed decisions. This is particularly the case where there are known health risks associated with certain foods such as high levels of consumption of sugars and fats. Including the source of fats and oils and the potential to group different types of sugar in the ingredients list are two initiatives currently being explored in some countries.

vi) *Criteria for the Definition of "high in" Nutritional Descriptors for Fat, Sugar, and Sodium*

31. Currently Codex guidelines only include the "low in" criteria focused on nutritional deficiencies, it is suggested that criteria be developed for "high in" fat, sugar, and sodium.

vii) *Harmonization of criteria for the use of additional health related mentions for specific types of food*

32. The suggestion is to establish general guidelines covering additional health-related mentions, e.g. "Phenylketonuric, contains phenylalanine" and "high caffeine content, not recommended for use by children, pregnant women breastfeeding or people sensitive to caffeine", since certain ingredients or other substances or products when used in food production, and still present in the finished product, may cause allergies or intolerances in some people.

viii) *Alcohol Labelling and Guidance*

33. For most the consumption of alcohol does not cause significant harm, but for many populations and individuals alcohol does pose harmful health effects. Given one of the primary objectives of the Codex standards is the protection of health it is important that consideration of such concerns be incorporated into the Codex labelling framework. An example for consideration is the provision of information on labels around alcohol strength and content and the energy content in the product.

34. Mandatory energy labelling of alcoholic beverages is rare internationally. With obesity on the rise globally, a number of agencies (global and within countries) are looking at strategies to combat this. Energy labelling on alcohol is something a number of countries are looking at as part of this and therefore it may be prudent for Codex to look at this to aid international harmonisation.

ix) *Innovation – use of technology in food labelling*

35. As information and communication technologies are becoming more powerful, more diverse, more accessible, and more widespread, there is opportunity to explore, at an international level, new approaches for providing consumers valuable information about the foods they buy. Use of electronic labelling, known as “e-labelling” is already in use on some very small packaged sized consumer goods such as telecommunications devices, in Canada, the US, Australia, Japan, the United Arab Emirates, and Costa Rica.² In the EU it is common for users of electronic devices to be directed to a website for instructions for use. CCFL could consider if e-labelling could be used for some food labelling, such as the development of principles on what information needs to be attached to a food and what could be found on a website.

x) *Internet Sales/e-commerce*

36. With the continued growth of food sales occurring on the internet and through e-commerce routes, there is a need to clarify labelling requirements for such food (where consumers may not necessarily be privy to physical labels at the point of purchase). While there are mandatory legislative requirements for the labelling of food for sale (such as allergen labelling, nutrition information panels (NIPs) etc.) there is no requirement for this information to be disclosed at the point of sale on the internet. It also raises other questions such as:

If information is disclosed on the internet, what format should it take?

- How is currency assured?
- What is the manufacturers’ responsibility where food is on-sold to another company to sell, export?
- How is traceability managed?

Finally the rules for claims and marketing need to be considered. Guidance that governments can look to when developing their own regulations for internet sales of food would be very useful. Such guidance would need to specifically consider where such food sales are conducted between a buyer and a seller in different countries and which countries’ requirements should be met.

Conclusions and Recommendations

The information presented in this paper of where we have been, where we are, and where we could go next should be considered as a starting point for discussion by CCFL on its future strategy and plan of work. Members and Observers are encouraged to think critically with respect to these areas and provide their thoughts on both the suggestions presented here and on other areas they believe important for CCFL to consider as the Committee undertakes a discussion on and review of what areas it should focus its attention on over the coming years. It is suggested that CCFL take a broad view of its charge, reflecting on:

- a) the work it has done to support health and fair practices in food trade;
- b) the gaps that may still exist in the standards and guidelines;
- c) the need for updating existing standards and guidance; and
- d) new areas for which guidance is needed.

It is suggested that the Committee give consideration to the items presented, particularly in the “Potential Work of CCFL” as areas for future work that would provide value to Codex Members. The outcome of this discussion should inform the long term planning of the work of CCFL.

² Information Technology Association of Canada, <http://itac.ca/blog/new-e-labelling-rules-unzip-opportunities-for-ict-manufacturers/>, October 3, 2014

Annex 1: Terms of Reference for CCFL

- a) to draft provisions on labelling applicable to all foods;
- b) to consider, amend if necessary, and endorse draft specific provisions on labelling prepared by the Codex Committees drafting standards, codes of practice and guidelines;
- c) to study specific labelling problems assigned to it by the Commission;
- d) to study problems associated with the advertisement of food with particular reference to claims and misleading descriptions.

Annex 2: List of Standards and Guidelines of CCFL

General Guidelines on Claims (CAC/GL 1-1979)

Guidelines on Nutrition Labelling (CAC/GL 2-1985)

Guidelines for the Use of Nutrition and Health Claims (CAC/GL 23-1997)

General Guidelines on the Use of the Term "Halal" (CAC/GL 24-1997)

Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (CAC/GL 32-1999)

Compilation of Codex texts relevant to the labelling of foods derived from modern biotechnology (CAC/GL 76-2011)

General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985)

General Standard for the Labelling of Food Additives when sold as such (CODEX STAN 107-1981)

General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Use (CODEX STAN 146-1985)