

# 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 9 (CX/FL 19/45/9)

FL/45 CRD/9  
ORIGINAL LANGUAGE ONLY

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD LABELLING

Forty-fifth Session

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#### INNOVATION – USE OF TECHNOLOGY IN FOOD LABELLING

(Comments from Dominican Republic, European Union, Thailand, FoodDrinkEurope, FIVS, OIV)

#### DOMINICAN REPUBLIC

**República Dominicana** agradece a Canadá, por la preparación de este documento de debate, y apoya que el CCFL, apruebe se realicen nuevos trabajos sobre uso de la tecnología en el etiquetado electrónico de los alimentos en procura de lograr asegurar una presentación estandarizada o armonizada de información para no confundir o engañar a los consumidores y también para permitir la comparación de productos.

#### EUROPEAN UNION

*Mixed competence*

*European Union Vote*

The European Union and its Member States (EUMS) would like to thank Canada for developing the discussion paper on innovation – use of technology in labelling.

The EUMS acknowledge that there is a continued development and evolution on the way food information is in general provided to citizens and consumers, moving from traditional to digital means. The EUMS consider that this evolution should also be taken into account at Codex level.

The EUMS in general support new work on the subject.

In the European Union the legal framework of Regulation (EU) No 1169/2011 on the provision of food information to consumers covers food information to consumers and not only food labelling. The definition of food information, as laid down in Article 2(2)(a) of the Regulation, is broad and “*means information concerning a food and made available to the final consumer by means of a label, other accompanying material, or any other means including modern technology tools or verbal communication*”. The Regulation lays down general principles for providing food information and introduces the distinction between mandatory and voluntary food information.

Regarding mandatory food information, Article 9 of Regulation (EU) No 1169/2011 lists the particulars, which have to be provided on mandatory basis. Article 12 of the Regulation further specifies that mandatory food information shall be available and easily accessible for all foods. In case of prepacked food, mandatory food information shall appear directly on the package or on a label attached thereto.

In order to ensure that consumers benefit from other means of provision of mandatory food information better adapted for certain mandatory particulars, Article 12(3) of the Regulation provides the possibility that certain mandatory information may be expressed by means other than on the package or on the label (i.e. off label). In this case, the same level of information has to be ensured as by means of the package or the label, while evidence of uniform consumer understanding and the wide use of the other means by the consumers has to be taken into account. For the application of this provision, specific criteria and modalities of application of the criteria have to be laid down subject to which certain mandatory particulars may be expressed by means other than on the package or on the label. Up to now, this has not taken place.

#### **A. Development of criteria for flexible labelling**

Taking into account the abovementioned, the EUMS support the development of:

- a. **criteria** subject to which certain mandatory food information may be expressed by means other than on the package or on the label. In this context the following aspects need to be taken into account:

- information that is necessary at the point of purchase;
  - information that is necessary at the consumption;
  - considerations regarding sector specificities;
- b. **modalities** of application of the criteria in order to express certain mandatory food information by means other than on the package or on the label. It shall be ensured that the modalities also apply to food information provided on voluntary basis.

The discussion shall also take account of elements such as:

- how misleading presentation can be avoided,
- how standard presentation of the information provided by the means other than on the package or on the label can be ensured in order to avoid confusion of the consumers.

However, the EUMS consider that the elements linked to e-commerce and non-retail container shall be kept separately under the relevant work on CX/FL/45/7 Internet Sales/e-commerce and CX/FL/19/45/5 for the labelling of Non-retail containers.

#### **B. Revision of the definition for 'label' and 'labelling' in the GSLPF**

The EUMS are of the opinion that the notion of "food information to consumers", similar to the approach of Regulation (EU) No 1169/2011, should be introduced in the CODEX STAN 1 – 1985 in order to allow that some information can be provided by the use of innovative technologies under certain conditions (see section A). Against this background, it should be considered, as a second stage, whether the definition of labelling has to be reviewed or not.

#### **C. Review of other Codes texts**

The EUMS can support a review, if relevant and depending on the outcome of the work on section A, of other Codex text developed by the CCFL, such as the Guidelines on Claims (CAC/GL 1 – 1979), the Guidelines on Nutrition Labelling (CXG 2 – 1985), and the Guidelines for the Use of Nutrition and Health Claims (CXG 23 – 1997) to identify other possible amendments that would facilitate use of technology for labelling.

### **THAILAND**

Thailand does not object new work on the Innovation – Use of Technology in Food Labelling.

We are of the opinion that the information to be displayed by this mean should be those that are not mandatory information to be shown on label and some information for non-retail containers.

With regard to the modification of the term "label" and "labelling", we propose that CCFL and the working group should clearly define the details of this work prior to considering the need for such modification. This also will subsequently provide direction for the modification of the terms to appropriately address the use of innovation of the technology in labelling. Thailand also proposes considering this issue together with the project document on internet sales/e-commerce to ensure consistency between them.

## **FOODDRINKEUROPE**

### **General comments**

FoodDrinkEurope supports new work on innovation – use of technology in food labelling. We believe that the Codex Guidelines can usefully benefit from updating so as to bring them more in line with the technological developments of information provision of today and tomorrow.

We believe that such provisions should be voluntary rather than mandatory.

### **FIVS**

- FIVS supports the outcome of the work of the electronic working group Chaired by Canada and welcomes the proposal in Item #6 in the document CX/FL 19/45/9, to consider discussion and possible new work in use of new technology in provision of information regarding food to consumers.
- FIVS welcomes the discussion (Item 6a) on development of criteria for labeling or provision of information that must be available at point of sale, and potential flexibility with respect to timing and method of disclosure of this information, e.g. via electronic means.
- Consumers want to know more and more details concerning the content and the production of foods in the market place. There is a finite area of space on product labels to meet this demand and this makes it imperative that recommended approaches to off-label provision of information are developed by CCFL.
- Based on outcomes in Agenda Item 6a, FIVS also welcomes discussion on whether the definition of “label” and “labelling” needs to be revised (Item 6b) and similarly whether other Codex texts should be amended to facilitate use of technology for labelling.

### **INTERNATIONAL Organisation of Vine and Wine (OIV)**

The International Organisation of Vine and Wine (OIV) welcomes and appreciates the works on the discussion paper on Innovation – use of technology in food labelling prepared by Canada.

The topic of innovation and the use of technology in labelling could be an opportunity to explore, at an international level, new approaches for providing consumers valuable information about the foods including alcoholic beverages they buy.

A variety of technologies are currently used to convey labelling information. A number of those reported on were electronic in nature, such as websites, Radio Frequency Identification Device (RFID) and Quick Response (QR) code readers.

In the wine sector, the current use of technologies are for labelling information provided voluntarily by industry. These technologies are general practices, to reach the consumers on the specificity of the product. However, it cannot be excluded that mandatory labelling information be provided through alternative means to the physical label.

Based on this, the OIV supports possible new works by CCFL as indicated in the discussion paper.

- a) *Develop criteria for labelling that must be available at the point of sale and labelling that could be provided with more flexibility as to timing and method of disclosure. This could include consideration of different points of sale (e.g. retail vs. online), different types of sales (e.g. retail vs. non-retail containers), and take into account accessibility of information.*
- b) *Revise the definitions for “label” and “labelling” in the GSLPF to accommodate technology as a platform for labelling information, where appropriate.*
- c) *Review of other Codex texts developed by CCFL such as the Guidelines on Claims (CAC/GL 1 – 1979), The Guidelines on Nutrition Labelling (CXG 2-1985), and the Guidelines for the Use of Nutrition and Health Claims (CXG 23-1997) to identify other possible amendments that would facilitate use of technology for labelling.*