

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Items 2, 4, 7 & 8

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ORIGINAL LANGUAGE ONLY

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

Forty-fifth Session

Ottawa, Canada, 13-17 May 2019

(Comments from Kenya)

AGENDA 2: MATTERS FOR ACTION

CCFH

Code of Practice on Food Allergen Management for Food Business Operators: precautionary allergen labelling Appendix I

PROPOSED DRAFT CODE OF PRACTICE ON FOOD ALLERGEN MANAGEMENT FOR FOOD BUSINESS OPERATORS

Hazard characterization

14. ~~{ In some instances, it may not be possible to prevent cross-contact, despite the implementation of preventive measures and GHPs, and in such situations, the application of a precautionary allergen statement such as “may contain” is substantiated. However, it may be possible to minimize cross-contact to an extent that the amount of allergen present due to cross-contact is below a threshold that could cause an adverse reaction in the majority of consumers allergic to the specific allergen. In these instances, the use of scientifically based threshold levels is a tool to evaluate risk for consumers with food allergies. Threshold levels can be used to reduce precautionary allergen labelling, in turn making precautionary labelling much more meaningful for consumers with food allergies.}~~ however may be threshold level may differ from product to product .

COMMENT:

We accept para 14 with amendment of the last sentence reading “ Threshold levels can be used to reduce precautionary allergen labelling, in turn making precautionary labelling much more meaningful for consumers with food allergies” to be replaced with “however may be threshold level may differ from product to product” .

2.3 Definitions

~~{Precautionary allergen labelling means a label indicating the allergens (other than those that are listed as ingredients) that may be present in the product because of unavoidable cross-contact (e.g. “may contain”).}~~

COMMENT:

We accept the definition mentioned above as is since those products “may contain” allergens.

5.2.4.1 Monitoring and verification

72. ~~{There should be a regular review of suppliers to ensure that all ingredients, including multi-component ingredients (e.g. sauces, spice mixes), processing aids, or operations, have not changed in a manner that introduces a new allergenic ingredient or that results in allergen cross-contact. Manufacturers should verify that precautionary allergen labelling is only applied in instances where allergen cross-contact cannot be reasonably prevented (e.g. disassembly of equipment that results in major loss of production time) through GHPs and when such cross-contact could present a risk to allergic consumers. Periodic produ~~

COMMENT:

We accept para 72 as is because disassembling that equipment before processing another product is practically not possible for the manufacturer due to major loss of production time.

152. [all food products and ingredients should be accompanied by, or bear adequate information, to ensure other food manufacturers or processors and consumers can be informed whether the food is, or contains an allergen. This includes any applicable information relevant to assess the likelihood of allergen cross-contact, such as that outlined in section 5.1, and may include precautionary allergen labelling as discussed in section 9.3. Such statements should be truthful, not misleading and not used in lieu of GHPs (see section 9.3).]

COMMENT:

We propose to remove the opening and closing brackets of para 152 and accept as is since it is emphasizing on the ingredients that are utilized in the production line that can be allergic to consumer and the information should be declared on the label of that specific product.

160. [Precautionary allergen labelling should only be used after an assessment of the likelihood of allergen cross-contact has been carried out and a risk to consumers has been identified. Following risk assessment, all possible mitigation measures available to eliminate the likelihood should be explored prior to the use of a precautionary allergen label. Precautionary allergen labels that are necessary following this process can help inform FBOs and consumers on the likelihood that the products might contain an allergen (other than those that are listed as ingredients) in situations where:

- Allergen cross-contact for a specific food cannot be prevented using GHPs; - **COMMENT:** *For this case we propose that there need for the manufacture to declare that the food contains allergen*
- Allergen cross-contact occurs sporadically;- **COMMENT:** *For this case we propose that the manufacturer can use the word “ may contain allergen” on the label of the product because the manufacturer has no control over the prevailing cross contamination and environmental conditions and*
- The allergen may be present at levels that, based on an assessment of risk, could result in adverse health consequences to the majority of allergic consumers.] **COMMENT:** *For this case we propose that manufacturer should declare that the product contains allergen*

161. [however, in order to not limit food choices to allergic consumers, the use of precautionary allergen labelling should be restricted to those situations in which cross-contact cannot be controlled to the extent that the product does not present a risk to the allergic consumer.]

COMMENT:

We accept para 161 as is and propose to remove the opening and closing brackets because there is no need to limit food choices to allergic consumers

AGENDA 4: CONSIDERATION OF LABELLING PROVISIONS IN DRAFT CODEX STANDARDS

(CCCPL, CCFH, CCNFSU and CCSCH)

B. COMMITTEE ON FOOD HYGIENE

PROPOSED DRAFT CODE OF PRACTICE ON FOOD ALLERGEN MANAGEMENT FOR FOOD BUSINESS OPERATORS

9.3 Labelling

157. Refer to the *General Principles of Food Hygiene* (CXC 1-1969).

158. The *General Standard for the Labelling of Pre-packaged Foods* (CXS 1-1985) applies.

159. The *General Standard for the Labelling of Pre-packaged Foods* lists the foods and ingredients known to cause hypersensitivity that “shall always be declared” on the label.

160. [Precautionary allergen labelling should only be used after an assessment of the likelihood of allergen cross-contact has been carried out and a risk to consumers has been identified. Following risk assessment, all possible mitigation measures available to eliminate the likelihood should be explored prior to the use of a precautionary allergen label. Precautionary allergen labels that are necessary following this process can help to inform FBOs and consumers on the likelihood that the products might contain an allergen (other than those that are listed as ingredients) in situations where:

- Allergen cross-contact occurs sporadically;-

COMMENT: *For this case we propose that the manufacturer can use the word “ may contain allergen” on the label of the product because the manufacturer has no control over the prevailing cross contamination and environmental conditions and*

□ The allergen may be present at levels that, based on an assessment of risk, could result in adverse health consequences to the majority of allergic consumers.]

COMMENT: For this case we propose that manufacturer should declare that the product contains allergen

161. { however, in order to not limit food choices to allergic consumers, the use of precautionary allergen labelling should be restricted to those situations in which cross-contact cannot be controlled to the extent that the product does not present a risk to the allergic consumer.}

COMMENT:

We accept para 161 as is and propose to remove the opening and closing brackets because there is no need to limit food choices to allergic consumers

161. [However, in order to not limit food choices to allergic consumers, the use of precautionary allergen labelling should be restricted to those situations in which cross-contact cannot be controlled to the extent that the product does not present a risk to the allergic consumer.]

C. COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

Proposed draft revised *Standard for follow-up formula (CXS 156-1987)*

Section A: follow-up formula for older infants

9. LABELLING

The requirements of the *General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)*, the *Guidelines on Nutrition Labelling (CXG 2-1985)* and the *Guidelines for Use of Nutrition and Health Claims (CXG 23-1997)* apply to follow-up formula for older infants. These requirements include a prohibition on the use of nutrition and health claims for foods for infants except where specifically provided for in relevant Codex Standards or national legislation.

9.1 The Name of the Product

9.1.1 The text of the label and all other information accompanying the product shall be written in the appropriate language(s).

9.1.2 The name of the product shall be Follow-up Formula for Older Infants as defined in Section 2.1, or any appropriate designation indicating the true nature of the product, in accordance with national or regional usage.

9.1.3 The sources of protein in the product shall be clearly shown on the label.

a) if {name of animal} milk is the only source **of protein[*]**, the product may be labelled 'Follow-up Formula for Older Infants Based on {name of animal} milk [protein].

b) If [name of plant] is the only source **of protein[*]**, the product may be labelled 'Follow-up Formula for Older Infants Based on [name of plant] [protein].

c) If [name of animal] milk and [name of plant] are the sources **of protein[*]**, the product may be labelled 'Follow-up Formula for Older Infants Based on [name of animal] milk protein and [name of plant] protein' or 'Follow-up Formula for Older Infants Based on [name of plant] protein and [name of animal] milk protein'.

*For clarity, addition of individual amino acids where needed to improve protein quality does not preclude use of the above labelling options.

COMMENT:

We accept the method of labelling as indicated in clause 9.1.3 because it is in line with the structure of labelling Codex standards

9.4 Date marking and Storage Instructions

9.4.1 (i) The **“Best Before Date”** or **“Best Quality Before Date”** shall be declared by the day, month and year ~~except that for products with a shelf-life of more than three months, [at least] the month and year [shall be declared]~~ **[The day and year shall be declared by uncoded numbers with the year to be denoted by 2 or 4 digits, and the month shall be declared by letters or characters or numbers.** Where only numbers are used to declare the date or where the year is expressed as only two digits, the competent authority should determine whether to require the sequence of the day, month, year, be given by appropriate abbreviations accompanying the date **mark (e.g. DD/MM/YYYY or YYYY/DD/MM.)**

COMMENT:

For 9.4.1 (i) We propose the use of “**Expiry date while declaring Date, Month and Year**” and batch code “ on the label but not “**Best Before Date**” or “**Best Quality Before Date**” for it is clearer for the consumers and protect the health of consumers.

~~(ii) In the case of products requiring a declaring of month and year only, the date shall be introduced by the words “Best before end <insert date>” or “Best Quality before end <insert date>”.~~

9.4.2 In addition to the date, any special conditions for the storage of the food shall be indicated. ~~[where they are required to support the integrity of the food and, where] the validity of the date depends thereon.~~

~~Where practicable, storage instructions shall be in close proximity to the date marking.~~

9.6.4 Products shall be distinctly labelled in such a way as to avoid any risk of confusion between infant formula, follow-up formula for older infants, (name of product) for young children, and formula for special medical purposes, in particular as to the text, images and colours used, to enable consumers to make a clear distinction between them. ~~Cross promotion between product categories is not permitted on the [label/labelling] of the product.~~

COMMENT:

We propose to delete the last sentence because it is undefined term and not specifically related to any product.

Proposed draft standard for dried or dehydrated garlic

We propose that the comments indicated below for garlic shall apply to all the spices (Oregano, dried basil, dried cloves, saffron, Ginger) mentioned herein

8 LABELLING

8.1 The products covered by the provisions of this Standard shall be labelled in accordance with the *General Standard for the Labelling of Pre-packaged Foods* (CXS 1-1985). In particular, the following specific provisions apply:

8.2 Name of the product

8.3.2 Year of harvest ~~may~~ **shall** be indicated.

8.4 Commercial Identification

- Class/Grade, if applicable

- Size ~~(optional)~~ – *COMMENT: This has to be mandatory to fit the classification clusters*

8.5 Inspection mark ~~(optional)~~

Comment: We proposes that for quality and trading purposes, there is need to inspect and certify product by Competent Authority.

AGENDA ITEM 7 – INTERNET SALES**COMMENT:**

We would like to thank the countries that came up with this discussion paper and at the same time support the document mentioned in Appendix 3 for advancement. We feel that whether food sold by internet or E-Commerce, Stan 1:1985 should apply.

AGENDA ITEM 8 –ALLERGEN LABELLING**COMMENT:**

We would like to thank the countries that came up with this discussion paper and at the same time support the document allergen labelling for advancement.