

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 6

FL/47 CRD07

Original Language Only

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

Forty-seventh Session

Gatineau, Canada

15 – 19 May 2023

Proposed Draft Guidelines on the Provision of Food Information for Prepackaged Foods offered via E-commerce

(Comments from Burundi, Ghana, Indonesia, South Africa, Uganda, United Republic of Tanzania)

Burundi

Issue 1: Definitions (section 3)

E-commerce

Option 1:

["e-commerce" means the distribution, marketing, sale or delivery of goods and services by electronic means by methods specifically designed for the purpose of receiving or placing of orders. [Adapted from the WTO definition as of 2022]

Option 2:

["e-commerce" means the marketing, sale, or purchase of food stuffs through electronic or virtual means.] "

Comment: Burundi is not in agreement with both definitions and proposes the adoption of the WTO definition of e-commerce;

["e-commerce" is defined as the production, distribution, marketing, sale or delivery of goods and services by electronic means].

Justification: to ensure alignment of Codex definition with WTO. This promotes common understanding, given that members of Codex are also WTO members.

Minimum durability

["Minimum durability" means the period (e.g. in hours, days, months etc.) between the point of delivery and the best before or use-by date, as applicable.]

Comment: Burundi supports the definition as proposed.

Justification: This is because the term minimum durability is used in the body of the standard and will guide the Competent Authority in making decision on the period within which the product is expected to arrive before the expiration of the product. It also provides common understanding on the use of the term.

Food Information (Section 5.3)

[A competent authority may require that the product information e-page should state that a product is expected to arrive before a minimum period before the expiry date, within their national boundaries. The specific length of this expected period shall be determined by the producer.]

Comment: Burundi proposes the deletion of the last sentence of the paragraph as follows: "[A Competent

Authority may require that the product information e-page should state that a product is expected to arrive before a minimum period before the expiry date, within their national boundaries. ~~The specific length of this expected period shall be determined by the producer.]~~

Justification: Only the Competent Authority can give the minimum period before expiration of the shelf life of the product.

Food Information Principles (section 5.3)

[A Competent Authority may require that the labelling exemption of small units outlined in Section 6 of the GSLPF (CXS 1-1985) should apply in an e-commerce context within their national boundaries.]

Comment: Burundi recommends the deletion of this paragraph

Justification: The existence of this paragraph may lead to double application of the exclusion clause as provided for in the GSLPF for small units (clause 6) where a competent authority may require this information under e-commerce yet it is exempted in the physical product labelling.

Response to the recommendations of the EWG

Burundi is keen to see the advancement of the document and looks forward to progressive discussions. The following is our response to recommendation raised by the EWG:

Response 1: on reviewing the status of the draft text as a supplementary text to the GSLPF and consider whether the text extends beyond the scope of the GSLPF.

Comment: Burundi recommends having the standard on e-commerce as a stand-alone document.

Justification: The e-commerce standard introduces a new concept to labelling compared to the General Standard for the Labelling of Pre-packaged foods, hence the text extends beyond the scope of the GSLPF

Ghana

Section 3: Definition

“e-commerce”

Position: Ghana does not support the proposed definitions. We propose the definition to read as follows: “e-commerce” is defined as the production, distribution, marketing, sale or delivery of food by electronic means

Rationale: Without distribution, the value chain for e-commerce can not be completed.

Minimum durability

Position: Ghana supports the inclusion of the definition for minimum durability.

Rationale: The information is required for consumers to make an informed decision. Again, the term has been used in section 5.3 and therefore needs to be defined.

Section 5.3

Position: Ghana supports texts in square brackets. However, we propose the deletion of the last sentence.

Rationale: The minimum period before expiration is determined by the competent authority and not producers.

Indonesia

PROPOSED DRAFT GUIDELINES ON THE PROVISION OF FOOD INFORMATION FOR PREPACKAGED FOODS OFFERED VIA E-COMMERCE (for comments at Step 3 through CL 2023/07/OCS-FL)	INDONESIA COMMENT
<p>PURPOSE</p> <p>1.1 The purpose of these guidelines is to ensure consumers buying prepackaged foods via e-commerce have the information needed to make informed choices. It also aims to provide additional provisions that should be used specifically when food is offered for sale via e-commerce, as outlined in Section 5, to address the specific complexities of product information e-pages.</p>	
<p>SCOPE</p> <p>2.1 These guidelines apply to the food information required, or provided voluntarily, for prepackaged foods offered for sale via e-commerce, and to certain aspects relating to the presentation thereof prior to the moment when a consumer commits to making a purchase.</p>	
<p>2.2 It does not apply to information that is required on the label of prepackaged foods at the point of delivery for which the general standards are outlined within the General Standard for Labelling of Prepackaged Foods (GSLPF) (CXS 1-1985).</p>	
<p>DEFINITIONS</p> <p>The following terms shall be used in conjunction with Section 2 of the GSLPF (CXS 1-1985) for the purposes of applying this text.</p> <p>“At the point of delivery” means the moment when consumers receive prepackaged food.</p> <p>“e-commerce” means the distribution, marketing, sale or delivery of goods and services by electronic means by methods specifically designed for the purpose of receiving or placing of orders. [Adapted from the WTO definition as of 2022]</p> <p>[“e-commerce” means the marketing, sale, or purchase of food stuffs through electronic or virtual means.]</p> <p>“Food information” means the information about a prepackaged food that is the subject of a Codex text.</p> <p>[“Minimum durability” means the period (e.g. in hours, days, months etc.) between the point of delivery and the best before or use-by date, as applicable.]</p> <p>“Prior to the point of e-commerce sale” means provided before consumers commit to make the purchasing order regardless of making any payment.</p> <p>“Product information e-page” means the virtual space on any consumer-facing transactional digital platform, which is intended to facilitate informed e-commerce sale.</p>	<p>Indonesia agrees to adapt WTO definition of e-commerce and to add sentence in square brackets as reference.</p> <p>Indonesia proposes to open square brackets as follows: [“Minimum durability” means the period (e.g. in hours, days, months etc.) between the point of delivery and the best before or use-by date, as applicable.]</p>

PROPOSED DRAFT GUIDELINES ON THE PROVISION OF FOOD INFORMATION FOR PREPACKAGED FOODS OFFERED VIA E-COMMERCE (for comments at Step 3 through CL 2023/07/OCS-FL)	INDONESIA COMMENT
GENERAL PRINCIPLES The general principles in Section 3 of the GSLPF (CXS 1-1985) are applicable to food information shown on the product information e-page of the prepackaged food that is being offered for sale.	
FOOD INFORMATION PRINCIPLES 5.1 The food information required to be provided on the label of a prepackaged food or in associated labelling, shall be provided on the product information e-page of the prepackaged food prior to the point of e-commerce sale, except to the extent otherwise expressly provided in these guidelines, or any other Codex text. This includes the following food information indicated in/by: <ul style="list-style-type: none"> • Section 4 and Section 5 of the GSLPF (CXS 1-1985) except information required by 4.6 and 4.7.1; • Section 3 of the Guidelines on Nutrition Labelling (CXG 2-1985); • Any other relevant Codex text; • Any national legislation. 	Indonesia agrees with section 5.1.
5.2 A statement shall appear on the product information e-page prior to the point of e-commerce sale to direct the consumer to check the food information on the physical label before consumption.	
5.3 A competent authority may require that additional information about the prepackaged food be stated on the product information e-page and may specify at which point in the e-commerce sale that information shall be shown.	
[A competent authority may require that the product information e-page should state that a product is expected to arrive before a minimum period before the expiry date, within their national boundaries. The specific length of this expected period shall be determined by the producer.]	Indonesia agrees that the minimum durability should remain included as suggested in this sentence of 5.3 and proposes to open the square brackets. Consumers need to be assured that the product is received before expiry date and can be consumed within adequate period of time.
[A competent authority may require that the labelling exemption of small units outlined in Section 6 of the GSLPF (CXS 1-1985) should apply in an e-commerce context within their national boundaries.]	Indonesia agrees that the small unit exemption should remain included as suggested in this sentence of 5.3 and proposes to open the square brackets.
OPTIONAL FOOD INFORMATION PRIOR TO THE POINT OF E-COMMERCE SALE Section 7 of the GSLPF (CXS 1-1985) is applicable to food information shown to consumers on the product information e-page for the prepackaged food that is being offered for sale.	
PRESENTATION OF MANDATORY FOOD INFORMATION 7.1 Food information required by these guidelines shall be clear, prominent and readily legible by the consumer	

PROPOSED DRAFT GUIDELINES ON THE PROVISION OF FOOD INFORMATION FOR PREPACKAGED FOODS OFFERED VIA E-COMMERCE (for comments at Step 3 through CL 2023/07/OCS-FL)	INDONESIA COMMENT
under normal settings and conditions of use of such a product information e-page.	
7.2 The language or languages on a product information e-page shall be suitable to the consumer in the country in which the food is marketed and to which it may be delivered.	

South Africa

Recommendations:

The Committee is invited to:

(i) Review the proposed draft guidelines on the provision of food information for pre-packaged foods to be offered via e-commerce (Appendix II) and consider whether it can be advanced to Step 5.

- South Africa supports the progress of the draft guideline to step 5, taking note of the comments submitted for consideration.

Rationale: The proposed draft guidelines are aimed at providing guidance regarding food information that should be provided at the point of e-commerce sales and they provide a good representation of the consensus in the EWG. When adopted these will help consumers to make informed choices.

(ii) Review the status of the draft text as a supplementary text to the GSLPF and consider whether the text extends beyond the scope of the GSLPF.

- South Africa supports the retention of the guidance as a supplementary text to the GSLPF as an Annex.

Rationale: South Africa is of the opinion that the guidance should not be separated from the GSLPF due to the dependency between the two. There is a risk of misalignment if the e-commerce guidelines are separated from the GSLPF or as a standalone document.

(iii) Review the proposed definition of e-commerce, as amended from the WTO definition, and consider whether:

(1) The definition should be adopted as proposed in the draft text.

(2) The unamended WTO definition should be used instead.

(3) A new specific definition is developed such as the one included in the text in square brackets.

- South Africa supports the use of unamended WTO definition.

Rationale: To ensure alignment of Codex definition with WTO since members of Codex are also WTO members.

(iv) Review the removal of the minimum durability period and small unit exemptions to consider whether:

(1) The minimum durability should remain removed or included as suggested in the first sentence of 5.3 in square brackets (Appendix II, Section 5. Food Information Principles).

- South Africa does not support the proposed definition of minimum durability square brackets.

Rationale: We need to ensure consistency with the provisions of the GSLPF. The date of minimum durability was removed when the GSLPF was amended in 2018. This also contribute to the Sustainable Developmental Goal Target 12.3 which seek to reduce global food waste.

(2) The small unit exemption should remain removed or included as suggested in the second sentence of 5.3 in square brackets (Appendix II, Section 5. Food Information Principles).

- South Africa supports the removal of the text in square brackets.

Rationale: The text is not necessary for e-commerce. This is also in-consistent with the mandatory minimum information and labelling exemptions in the GSLPF.

(3) The inclusion of 5.3 to sufficiently cover the removal of the above points

- South Africa supports the removal of section 5.3.

Rationale: This section is not necessary. We have also noted that 5.1 already contains a reference to food information required by national legislation, so 5.3 is duplicative.

Uganda

AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (SUPPLEMENTARY TEXT), (CX/FL 23/47/6).

General comment: Uganda acknowledges the contribution of the EWG towards this draft guideline at step 3

Comments on:

- i. the status of the draft text as a supplementary text to the GSLPF and consider whether the text extends beyond the scope of the GSLPF.

Position: Uganda proposes a standalone guideline

Rationale: The guideline is intended for online sales/purchases (e-commerce) that don't apply to physical labels that the GSLPF covers.

- ii. the proposed definition of e-commerce, as amended from the WTO definition, and consider whether:

1. The definition should be adopted as proposed in the draft text.
2. The unamended WTO definition should be used instead.
3. A new specific definition is developed such as the one included in the text in square brackets.

Position: Uganda supports the definition for e-commerce in the draft text as adapted from the WTO definition as of 2022

Rationale: It's more elaborate and detailed in relation to the sale of prepackaged foods.

- iii. the removal of the minimum durability period and small unit exemptions to consider whether:

1. The minimum durability should remain removed or included as suggested in the first sentence of 5.3 in square brackets Appendix II, Section 5. Food Information Principles).

Position: Uganda supports the inclusion of minimum durability in the first sentence of 5.3 in square brackets of Appendix II, Section 5. Food Information Principles).

Rationale: It's a key quality and safety requirement that provides information needed by consumers to make informed choices as it would have been on the physical label.

2. The small unit exemption should remain removed or included as suggested in the second sentence of 5.3 in square brackets (Appendix II, Section 5. Food Information Principles).

Position: Uganda supports the inclusion of small unit exemption in the second sentence of 5.3 in square brackets of Appendix II, Section 5. Food Information Principles).

Rationale: It will ease reference of the labelling exemptions as per section 6 of the GSLPF (CXS 1-1985).

3. The inclusion of 5.3 to sufficiently cover the removal of the above points.

Position: Uganda proposes the deletion of 5.3 since minimum durability and small units are proposed for retention and this will allow the competent authority to consider which information it may apply at one point in the e-commerce sale.

- iv. whether the text is ready for advancement to Step 5.

Position: Uganda supports the proposed Draft guidelines be advanced to step 5 in the Codex step procedure

United Republic of Tanzania

- i. The URT supports the advancement of the proposed draft guidelines on the provision of food information for pre-packaged foods offered via e-commerce (Appendix II) to Step 5
- ii. The URT agree with the EWG majority view that the document should be a standalone guideline as it extended beyond the scope of the GSLPF

Justification:

Having the guideline as a supplementary text to the GSLPF will cause a major review of the GSLPF as well as changing the document itself to fit in the GSLPF for example, the title and purpose of the document reflect that it is a standalone text

- iii. The URT supports the amended WTO definition of *e-commerce*.

Justification:

The definition of e-commerce is more comprehensive for anyone to understand

- iv. The minimum durability should be included as suggested in the sentence of 5.3 in square brackets (Appendix II, Section 5. Food Information Principles).

Justification:

Minimum durability as defined in the text is important for the food safety aspect without which unfaithful suppliers can send to the buyers the products which are about to expire and claim that the food products were suitable at the time of shipments

The URT recommends that the small unit exemption should remain included as suggested in the second sentence of 5.3 in square brackets (Appendix II, Section 5. Food Information Principles) for the consumer to make an informed decision

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- v. The URT supports the advancement of the paper to step 5 after considering the recommendation given above.