

# codex alimentarius commission

FOOD AND AGRICULTURE  
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ALINORM 81/22

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX ALIMENTARIUS COMMISSION

#### Fourteenth Session

Geneva, 29 June - 10 July 1981

### REPORT OF THE FIFTEENTH SESSION OF THE

#### CODEX COMMITTEE ON FOOD LABELLING

Ottawa, Canada, 10-14 November 1980

## INTRODUCTION

1. The Codex Committee on Food Labelling held its Fifteenth Session in Ottawa, Canada, from 10 to 14 November 1980 by courtesy of the Government of Canada. Mr. R.H. McKay, Director, Consumer Products Branch, Consumer and Corporate Affairs, Canada, was in the chair. The session was attended by delegates and observers from the following 28 countries:

Australia	Hungary	Norway
Austria	Ireland	Pakistan
Canada	Israel	Saudi Arabia
Chile	Japan	South Africa
Denmark	Mexico	Spain
Equador	Mozambique	Sweden
Finland	The Netherlands	Switzerland
France	New Zealand	Thailand
Gabon	Nigeria	United Kingdom
		United States

Observers from the following International Organizations were also present:

- Association of Analytical Chemists (AOAC)
- Commission des Industries Agricoles et Alimentaires (CIAA)
- European Economic Community (EEC)
- International Federation of Margarine Association (IFMA)
- International Life Sciences Institute (ILSI)
- International Organization of Consumers Unions (IOCU)
- International Union of Nutritional Sciences (IUNS)

A List of Participants including the Secretariat, is contained in Appendix I to this report.

2. The session was formally opened by the Hon. André Ouellet, Minister of Consumer and Corporate Affairs. The Minister welcomed the participants and recognized the profound influence which the work of this Committee had had on the developments in food labelling at an international level. The full text of the Minister's address is contained in Appendix II to this report.

### ADOPTION OF THE PROVISIONAL AGENDA

3. The Committee agreed with a proposal by the Chairman to establish three ad hoc Working Groups to facilitate the discussions of this Committee of the items on (a) the Revision of the Guidelines on Date Marking for Use by Codex Committees, (b) Further Consideration of Draft Guidelines on the Labelling of Non-Retail Containers and (c) Consideration of Proposed Draft Guidelines on Nutrition Labelling at Step 4. The Committee agreed on appropriate terms of reference for these Working Groups (see Appendices III, V and VIII) and decided that the chairmen of the groups should report back to the Committee under the relevant Agenda Items.

4. The Secretariat informed the Committee that due to the timing of Sessions of other Codex Committees a number of reports of these sessions had not yet been issued. Step 8 standards for quick frozen foods and the standard for minarine would be distributed as Conference Room Documents. The Committee agreed that due to time constraints only Step 8 standards would be considered for endorsement. It was also noted that document CX/FL 80/5 had not been prepared separately; comments pertinent to the definition of nutritional claims had been included in working paper CX/FL 80/6.

5. The Committee unanimously adopted the Provisional Agenda for the session, decided, however, to discuss Items 5 and 7 in conjunction, since the labelling of non-retail containers was also closely related to the revision of the General Standard for the Labelling of Pre-packaged Foods.

### MATTERS OF INTEREST ARISING FROM THE REPORTS OF THE CODEX ALIMENTARIUS COMMISSION AND OF CODEX COMMITTEES

6. The Committee had before it working paper CX/FL 80/2 containing an outline of matters of interest to this Committee.

#### Report on Acceptances

7. The Committee noted that the 13th Session of the Commission had been informed by a considerable number of delegations, including New Zealand, Kenya, Norway, Senegal, Nigeria, Tanzania, Finland, that their governments were in the process of examining Codex standards with a view to acceptance of these standards. This was in addition to the official notifications of acceptances already received from governments. The Commission had decided that Codex Committees should actively encourage acceptances by including as a standing item in the agenda of its sessions a progress report on acceptances.

8. The Committee was informed that the status of acceptances was published in the document CAC/Acceptances, Revision 1, which was up-dated periodically. Additional information was included in the working papers for and the reports of the 13th Session of the Commission and for the most recent (27th) session of the Executive Committee (ALINORMS 79/5, 79/38 and CX/EXEC 80/27/2).

9. So far 11 countries had fully accepted the General Standard for the Labelling of Pre-packaged Foods (CAC/RS 1-1969). Target Acceptance had been given by two countries; and four countries had accepted the standard with specified deviations. In other countries the provisions of the General Standard had been extensively used in drawing up national legislation for labelling.

10. The Secretariat pointed out that the information received from governments on the above standard and on labelling provisions in Codex standards in general had been taken into account in preparing the working paper on the Revision of the General Standard for the Labelling of Prepackaged Foods (CX/FL 80/7) to be discussed under Item 7.

11. The Committee was also informed that the Commission had emphasized the importance, in the interest of facilitating international trade, of permitting free circulation of products complying with Codex standards. The Committee agreed that governments of member countries which had not yet been able to accept the Codex standard should be requested to notify the Secretariat whether products complying with the General Standard for the Labelling of Prepackaged Foods were permitted to be distributed in their country or otherwise. In order to have a properly up-dated publication on acceptances, governments should also notify the Secretariat of any further amendment of national labelling regulations of relevance to the acceptance of the General Standard for the Labelling of Prepackaged Foods (CAC/RS 1-1969).

12. The Committee was further informed that both the 6th Session of the Committee on General Principles and the 27th Session of the Executive Committee had considered some specific matters related to the publication of these notifications. It had been decided that statements related to free circulation of products complying with Codex standards would not be listed under "non-acceptance" and would be published in an extra section of CAC/Acceptances under an appropriate heading.

#### Economic Impact Statements

13. The Committee noted that statements concerning the possible economic impact of a specific Codex standard could be made at any Step of the Procedure for the Elaboration of Codex Standards.

#### NUTRITIONAL ASPECTS OF CODEX STANDARDS - DRAFT GUIDELINES ON NUTRITION LABELLING

14. Attention was drawn to the following decisions taken by the 13th Session of the Commission:

- (a) to review the nutritional aspects of Codex standards at the sessions of the Commission;
- (b) to prepare a study on the nutritional impact of the work of the Commission's subsidiary bodies; and
- (c) to request Codex Committees to consider, where appropriate, nutritional aspects in drawing up standards. This would also provide this Committee with valuable information for use in the elaboration of nutrition labelling guidelines.

15. The Committee noted that the 27th session of the Executive Committee had decided that the consultant, in preparing the paper on (b) above, should also determine whether the work of this Committee was adequate in informing the consumer of the nutrient content of foods.

16. The Commission had agreed to a proposal of this Committee to place the Guidelines on Nutrition Labelling into the Step Procedure (Step 3). The Commission had been informed by the Coordinator for Africa that the Coordinating Committee for Africa at its 4th session had welcomed the work on nutrition labelling undertaken by this Committee and agreed with the principles contained in the present text of the guidelines. The Coordinating Committee had recommended that visual symbols and colours should be used in this type of labelling whenever possible and had stressed the need for simplicity in expressing the data.

17. The Secretariat conveyed to the Committee the wish of the Committee on Foods for Special Dietary Uses to have the Proposed Draft Guidelines on Nutrition Labelling referred to it for consideration of the nutritional data contained in these guidelines since that Committee could provide expert advice on matters related to nutrition (see also para. 103).

#### CODE OF ETHICS FOR THE INTERNATIONAL TRADE IN FOOD

18. It was brought to the Committee's attention that the Commission had adopted a "Code of Ethics for the International Trade in Foods" which had been elaborated by the Committee on General Principles at its 6th session (paras 41-53 and Appendix IV, ALINORM 79/35). The Committee noted that this Code, which was intended to assist those countries which had not

yet developed a detailed food legislation, contained also a number of provisions relating to the labelling of foodstuffs. These provisions had been drawn up in accordance with the general principles on food labelling and referred to the General Standard for the Labelling of Prepackaged Foods, the Guidelines on the Labelling of Non-Retail Containers and the General Guidelines on Claims where appropriate.

19. One delegation drew the Committee's attention to the GATT Agreement on Technical Barriers to Trade and to the cooperation in the field of trade in foodstuffs between Codex and GATT. The delegation expressed the opinion that the work of this Committee related to labelling and advertising now assumed even greater importance and could be used as coordinating factor in resolving problems related to these matters.

#### General Guidelines on Claims

20. The Committee was informed that the 13th Session of the Commission had adopted the General Guidelines on Claims elaborated by this Committee and contained in Appendix II to ALINORM 79/22. However, the delegation of Thailand had reserved its position since it had felt that Section 2.3(b) referring to national legislation placed those countries at a disadvantage which had not yet promulgated appropriate legislation, thus not being able to permit exemptions from the general prohibition of certain claims.

#### Draft Guidelines on the Labelling of Non-Retail Containers

21. The Commission had agreed that, in addition to governments, also Codex Committees should have an opportunity to comment on the above guidelines especially with regard to the types of containers covered by the guidelines as used for foodstuffs for which these Committees elaborated standards. (For details on comments and further discussion see Appendix VIII).

#### DECLARATION IN THE LIST OF INGREDIENTS OF CARRIED-OVER ADDITIVES AND PROCESSING AIDS

22. The Committee noted that the Commission had agreed with this Committee's view that carried-over food additives not having functional or technological properties in the final product (para. 3 of the Carry-Over Principle) need not be declared in the list of ingredients. The Commission had made the same decision for processing aids (para. 134 of ALINORM 79/38 and paras 14-16 of ALINORM 79/22).

#### WHO/UNICEF International Code for the Marketing of Breastmilk Substitutes

23. The Secretariat gave a brief outline of developments concerning the above Code. The 13th Session of the Commission had expressed the view that the above Code should be elaborated as soon as possible and be made available to the Committee on Foods for Special Dietary Uses. A first draft had been prepared by experts convened by WHO/UNICEF and had been discussed in consultation with interested parties. The amended version had been considered by the 33rd World Health Assembly in May 1980 and a further amended text would be submitted to the WHO Executive Board Meeting in January 1981 and subsequently to the next Session of the World Health Assembly in 1981. The 12th session of the Committee on Foods for Special Dietary Uses, having been informed of the above, had requested the Secretariat to circulate the finalized and adopted text of the Code prior to its next session, if possible (paras 440-451 of ALINORM 79/38 and paras 93-97 of ALINORM 81/26).

24. The delegation of Australia recalled that this Committee had expressed an interest in a code or guidelines on advertising of infant foods during its early sessions and it would therefore be appropriate to refer the finalized code also to this Committee for examination of its provisions relating to the labelling and advertising of these products. The Committee was informed that the Executive Committee had shared this view and that the code, when finalized, would also be placed before this Committee.

The Meaning of the Phrase "Name and Description laid down in the Standard" appearing in the Text of Full Acceptance and the Problem of Products Similar to those covered by the Standard

25. The Committee noted that the 6th Session of the Committee on General Principles had discussed the above matters and had concluded as follows:

"The Name and Description laid down in the Standard is the sum of all the relevant provisions in "the name of the food" part of the labelling section of the Standard."

Whereas the above was of interest mainly to governments when considering acceptance of a standard, the Committee on General Principles had also discussed the following proposal related to the Scope of Codex standards which should be taken into account by Codex Committees:

"This section should, where necessary, refer to products which are not intended to be included, and to the use of the labelling provisions in the Name of the Food Section of the Standard appropriately qualified, for products not included in the scope of the standard".

Attention of Codex Committees had been drawn specifically to this matter.

26. The Chairman of the Committee on Processed Meat and Poultry Products informed the Committee that that Committee, following the above advice, was developing appropriate labelling requirements for cooked ham and pork shoulder products not complying with the relevant Codex standards. One delegation was of the opinion that this was a general problem relevant also to the work of other Committees and that such considerations should not be restricted to one Committee only. The Committee agreed that the labelling requirements developed by the Committee on Processed Meat and Poultry Products should be referred to this Committee.

27. The Committee took note that in certain cases also Codes of Hygienic Practice contained provisions related to labelling matters, e.g. lot identification. The Committee felt that it should also examine these provisions to ensure uniformity. In view of the length of many of these codes, the Secretariat was requested to select provisions in the codes related to labelling and advertising and to place them before this Committee for endorsement.

28. The Committee agreed to take up other matters arising from the work of Codex Committees under the relevant Agenda items (e.g. classification of food additives, declaration of drained weight, comments on date marking and labelling of non-retail containers).

REVISION OF GUIDELINES ON DATE MARKING FOR USE BY CODEX COMMITTEES

29. As noted in para. 3 the Committee established an ad hoc Working Group to examine certain aspects pertaining to the inclusion of date marking provisions in Codex standards. The Working Group consisted of members of the following delegations: Australia, Austria, Canada, Israel, Japan, Mexico, New Zealand, Nigeria, Norway, Pakistan, Saudi Arabia, Spain, Sweden, Switzerland, the Netherlands, and the United States and observers from the I.O.C.U. and the E.E.C.

The Working Group appointed Dr. C.B. Hudson (Australia) as its Chairman and Mr. L.L. Gast of the USA as rapporteur. The report of the Working Group is attached as Appendix III.

30. The Committee agreed with the proposal of the Working Group to incorporate data marking provisions in the revised version of the Recommended International General Standard for the Labelling of Prepackaged Foods. (See also paras 104-136).

Definitions for Types of Date Marking

31. The Committee agreed with the view expressed by the Working Group that there was a need for several types of Date Marking statements as currently exist in the Guidelines for Date Marking of Prepackaged Foods. There was also agreement that significant emphasis should be placed on the Date of Minimum Durability and it should always be given first consideration

when establishing date marking provisions. It was further agreed that no substantive modification should be made to the definitions for types of date marking bearing in mind that these guidelines had been adopted by the Commission at its 13th Session.

32. The Committee agreed with the proposal of the Working Group that justification must be presented to this Committee not only in cases where no date marking was proposed but also in cases where the date of minimum durability was not chosen. This decision necessitated an amendment to Section 5 of the guidelines - "Instructions to Codex Committees" (see App. IV).

33. The delegate from Thailand pointed out that in his country expiration dates were currently used for date marking of pasteurized milk, food for infants and children and yoghurt. Date of manufacture was used for all other products.

#### Qualifying Terms in Association with the Date Mark

34. Following considerable discussion the Committee agreed that only one qualifying phrase with respect to date of minimum durability should be used and that the preferred term in English was "best before". Agreement was also reached that there should be consistency with respect to the concept of "best before" in the other two official languages. In order to accommodate the French and Spanish translations of "best before", it was pointed out that the concept of consuming or consumption needed to be included in the translations. In particular, the Spanish speaking delegations felt that the definitions in Section 3 of the Date Marking Guidelines did not include the concept of consumption.

35. The delegation of Canada supported by Sweden proposed that the last part of Section 3.4 be amended by adding the following words to the end of the sentence: "and fit for consumption". However, after some discussion of this proposal it was decided to leave the English text unamended.

36. While it was noted that translation problems arose from time to time, the Committee agreed that the question concerning amendment of the definition (Section 3.4) to more specifically incorporate the concept of consuming required resolution. In the interval governments should reflect on this point.

37. Several delegations pointed out that one qualifying phrase was preferable. However, they pointed out that translation into a language other than one of the official languages could give rise to difficulties. It was agreed that this situation must be left with national authorities to provide the best possible translation recognizing that it is not necessary to produce literal translations.

38. The delegation of Saudi Arabia expressed the view that the term "expiry date" is the most understandable form of date marking in most countries.

#### Standardization of Periods Associated with Storage Life of Foods

39. The Chairman of the Working Group outlined that the Working Group had agreed to the proposal put forward by the EEC in Working Paper CX/FL 80/3 respecting the standardization of periods associated with storage life of food products.

40. Considerable discussion then ensued including a suggestion involving use of a fourth category for highly perishable foods. It was pointed out that in tropical and sub-tropical countries a combination of climatic and storage conditions presented a special problem.

41. Other delegations felt that only two categories were required since the proposed date marking information (month and year) for both limited and long life products were identical. This tended to remove any distinction between these two categories of products.

42. At this point in the discussion the Chairman suggested that resolution of the categorization problem was dependent upon agreement respecting the type of information to be required in each category.

Form of Date to be Used

43. The observer from the EEC favoured the retention of three categories. The first for foods which will not keep for more than three months, the second for foods which will keep at least for three months but not more than 18 months and the third for foods which will keep for more than 18 months. This proposal would permit a distinction between long life products and those of limited storage life with potentially different information requirements for each type. This observer proposed that the declaration of the year would suffice on long life products.

44. The delegations of Austria, Spain, the Netherlands and Japan also supported the retention of three categories.

45. The delegation of Japan stated that the date of manufacture should be considered as the basic form of date marking. It was also stated that in Japan a combination dating system is used with minimum durability serving as a supplementary form on perishable foods.

46. Some delegations felt that for certain long life products no need for date marking existed. Examples included sugar and flour.

47. It was pointed out that certain commodity committees have already made the decision with respect to the omission of date marking on extended shelf life products (see appendix III, CX/FL 79/3A).

48. Considerable discussion then took place with respect to the form of date to be used. The proposals before the Committee were as follows:

- day/month/year
- year/month/day
- uses of totally numeric system or a mixed system of numbers and letters.

49. The delegation of the United States supported by Canada, Sweden, New Zealand, Denmark, Australia, Saudi Arabia and the observer from the EEC, suggested that letters for the month be permitted as an alternative to a completely numerical scheme. The delegation of Australia further explained that such a system would solve the problem associated with requiring a declaration of year on perishable products, when such a practice is not commonly required.

50. The delegation of Sweden favoured the use of letters for the month but proposed that consideration be given to use of the ISO Standard 2014 "Writing of Calendar dates in all-numeric form" - year/month/day.

51. Several delegations pointed out that the ISO all-numeric dating system, while used for correspondence and documentation purposes was not currently used in the food industry. However, the Committee noted that in continuing its work in this area that the outputs of international bodies such as ISO should be considered.

52. The delegation of Sweden expressed the view that concept of month and year could be expressed simply on the basis that the product is good until the end of a stated year.

53. Following consideration of all the foregoing factors the Committee decided to retain two categories ((a) foods which will not keep for more than three months, and (b) all others) and to adopt an all-numeric scheme in the order day/month/year. Products with a shelf life in excess of three months would only require a declaration of month and year. (See Section 6, Appendix IV).

54. The Committee also agreed to provide for the following two modifications of the basic scheme outlined in paragraph 51 which may be used as alternative methods of declarations.

- The guidelines contain a sentence stating that in the case of December the indication of month may be replaced by "end (stated year)".
- The guidelines contain a sentence to the effect that the month may be declared by letter in those countries where such use will not confuse the consumer.

55. The delegation of Gabon expressed opposition to the use of any system other than an all numeric system as it was the view of this delegation that numbers have universal applicability. This view was supported by the delegations of Norway and Finland.

#### Storage Instructions

56. The Committee agreed with the Working Group that Section 4 of the current guidelines would be strengthened by requiring, where practicable, the storage instructions to appear in close proximity to the date mark. (See Section 4.2 of Appendix IV).

#### Status of the Revised Guidelines on Date Marking for Use by Codex Committees

57. The Committee editorially amended the above guidelines to apply to all Codex Committees and not just to Commodity Committees, since also Coordinating Committees and General Subject Committees elaborated Codex Standards. In addition the Committee amended slightly the definition of "sell-by date" in accordance with the decisions taken in connection with revising the General Standard for the Labelling of Prepackaged Foods (see para. 120).

The Committee agreed to submit the revised guidelines as contained in Appendix IV to the 14th Session of the Commission.

#### CONSIDERATION OF PROPOSED DRAFT GUIDELINES ON NUTRITION LABELLING AT STEP 4

58. The Committee had before it the above guidelines as contained in Appendix VII to ALINORM 79/22 (English version in Appendix I to CL 1980/11). As indicated in para. 3 the Committee established a working group with the following terms of reference:

- (i) Based on the comments received, to elaborate a definition of the term "nutrition claim" for use in Sections 2.3, 4.2 and 4.3 of the guidelines on nutrition labelling; and
- (ii) To review government comments received on Section 4.3 dealing with nutrients to be listed.

59. Members of the following delegations participated at the meeting of the Working Group: Australia, Canada (Dr. M.C. Cheney, Rapporteur), Denmark, Finland, Ireland, Japan, Mexico, Netherlands, Nigeria, Norway, Switzerland, Sweden, United States. Observers were present from IFMA and UNICE, Dr. O. Braekkan, Norway, the Chairman of the Working Group, presented the relevant sections of the Group's report during the consideration by the Committee of Sections 2.3, 4.2 and 4.3. He stressed that, while the Group had elaborated a definition of the term "nutrition claim", only certain aspects of Sections 4.2 and 4.3 had been considered due to the very complex nature of the problems arising from these provisions. The Report of the Working Group is contained in Appendix V to this report.

60. Government comments at Step 3 had been requested on the above guidelines by means of Circular Letter CL 1980/11 (see also para 16-17). Comments received on the above guidelines were contained in working paper CX/FL 80/6 (Finland, Canada, Denmark, Ireland, Italy, Netherlands, New Zealand, Norway, Philippines, Sweden) Addendum 1 (United States) Addendum 2 (Federal Republic of Germany) and Addendum 3 (Switzerland). The Committee decided to review the above guidelines section by section.

### Section 1 - Purpose

61. Specific comments had been requested on the sequence of the sub-sections in section 1(a). The majority of written comments had indicated that 1(a) (ii) or 1(a) (iii) contained the most important provision and should therefore be placed in the first position. After further discussion the committee concluded that the sequence should be as follows (ii), (iii), (i) and (iv) properly renumbered and that the square brackets be deleted. The Committee retained the term "optional" in 1(a) (iv) since the guidelines provided advice on both mandatory and optional requirements of nutrition labelling.

62. Concerning Section 1(b), some delegations felt that this was the major purpose of nutrition labelling, whereas others felt that consumers were not able to use information given in nutrition labelling at all. It was also proposed to qualify the term "deceptive". The Committee agreed with the view of the observer from IOCU that consumers were increasingly more interested in this type of label information and decided to retain Section 1 (b) and to reverse the order of Sections 1 (a) and 1 (b).

63. The Committee further discussed a proposal by the Netherlands to include a new Section into the purpose, namely "to ensure that no nutritional claims are made without nutrition labelling". The Committee decided to include this provision, in the section on Purpose as 1(c).

### Section 2 - Definitions

64. With regard to the definition of nutrition labelling in Section 2.1 it was proposed to replace the term nutritional value by the more appropriate "nutritional aspects" or "nutritional properties". The Committee agreed to the following text: "For the purpose of these guidelines nutrition labelling is a standardized description intended to inform the consumer of nutritional properties of the food".

65. No changes were made in Section 2.2.

66. The Chairman of the Working Group informed the Committee that the Working Group had endeavoured to achieve conformity with other Codex texts in elaborating the definition for "nutrition claim" as far as possible. The wording elaborated by the Group had been based on the written comments by Denmark and was contained in the Annex to the Report of the Working Group. (See Appendix V).

67. Several delegations felt that undue emphasis was given to the energy value and that reference to "energy yielding nutrients" as opposed to other nutrients was confusing in the first sentence of the proposed definition. It was agreed that the first sentence should be amended somewhat to simplify the statement. It was noted that there was an error in the French translation of the first sentence. As regards the second sentence of the definition, the Committee accepted a proposal of the delegation of Canada to add the word "nutrition" before the word "claim" in the last line.

68. The delegation of Denmark stated that, in its view, the listing of nutrient in nutrition labelling should not, in itself, be regarded as constituting a claim and proposed that the second sentence of the definition be amended along the following lines: "The mention of substances in the list of ingredients and/or as part of nutrition labelling ... do not constitute a nutritional claim." Whereas the delegation of the USA stated that, in its view, the declaration of the "quantities of certain nutrients elsewhere on the label" did, in itself, constitute a nutrition claim, the delegation of Ireland felt that only a special claim should trigger nutrition labelling, the mention of substances and quantities of nutrients on the label should not be regarded as constituting a nutrition claim. The delegation of Sweden stated that the reference to national legislation in the second sentence could, as drafted, be construed to mean that if the ingredients and quantities of nutrients listed on the label

were not required to be so listed by national legislation, then their presence on the label might constitute a claim. It was agreed to place the relevant parts of the definition in square brackets and to request comments as to whether these provisions should form part of the definition or be better included as a new section on exemptions in Section 4.2.

69. The Committee agreed to the following definition for "nutrition claim":

"A nutrition claim means any representation which states, suggests or implies that a food has particular nutritional properties including but not limited to the energy value and to the content of protein, fat and carbohydrates as well as the content of vitamins and minerals".

The mention of substances in the /list of ingredients/ and/or as part of nutrition labelling / and/or the declaration of the quantities of certain nutrients elsewhere on the label as required by national legislation / do not constitute a nutrition claim.

### Section 3 - Scope

70. Concerning Section 3.1, the Committee agreed with a proposal of the delegation of Norway that the Scope Section should precede the Definition Section. The Committee also agreed with a proposal of the delegation of Australia to make it clear that the guidelines covered not only the labels on the food, but also labelling material accompanying the food. The Committee agreed that Section 3.1 should be amended to read as follows: "The guidelines recommend procedures for the nutrition labelling of foods".

71. The Committee agreed that there was no need for Section 3.2 and deleted it.

72. The Committee amended Section 3.3 to read more accurately as follows: "These guidelines apply to the nutrition labelling of all foods. For foods for special dietary uses, more detailed provisions may be necessary".

### Section 4.1 - Principles of Nutrient Labelling

73. The Committee agreed that the information concerning nutrient declaration was not limited to the label only and deleted "on the label" from the first sentence of Section 4.1.1. Several proposals were made as to how to express the principle related to the "suitable profile of nutrients". The delegation of Saudi Arabia proposed the wording "certain essential profiles of nutrients contained in the food". The delegation of Pakistan held the view that a suitable profile of essential nutrients should be provided. It was pointed out that this last proposal would present difficulties when the essential nutrients were contained in small quantities only. The information should be related to the importance of these nutrients in the food. The Committee decided to amend the first sentence of 4.1.1 as follows: "Information supplied should be for the purpose of providing consumers with a suitable profile of nutrients contained in the food and considered to be of nutritional importance".

74. The delegation of Gabon proposed to delete the last sentence of Section 4.1.1 since its content was obvious. The Committee was of the opinion that the sentence expressed a very important statement from the nutritional point of view and retained the last sentence of 4.1.1.

75. The Committee decided to delete the term "processed" from Section 4.1.2.

76. The delegation of Australia expressed the view that the principles contained in Section 4.1 were applicable to both nutrient declaration and optional nutrition information and therefore proposed to place them in a separate section preceding the present Section 4.

77. The delegation of the Netherlands, supported by several other delegations, could not agree with the above proposal since that would result in changing the meaning of this section. The Committee agreed, however, to repeating in Section 5 the principles contained in Section 4.1 dealing with educational nutrition information.

78. In introducing the Working Group's report on Section 4.2, the Chairman of the Working Group pointed out that Section 4.2.1 had been amended having regard to the definition of nutrition claim and that therefore reference to energy value in 4.2.1(a) and the whole Section 4.2.1(b) had become superfluous. The delegation of Canada kindly undertook to prepare a revised wording for Section 4.2 taking into account the decision of this Committee to include in Section 4.2.1 provision for exemption from the application of nutrient labelling. The Committee also agreed that a new provision should be included concerning the possibility of mandatory nutrient labelling in foods whose nutritional value had been modified considerably. Section 4.2, as amended, reads as follows:

#### Section 4.2 - Application of Nutrient Labelling

79. 4.2.1 Nutrient labelling should be mandatory for foods for which nutrition claims, as defined in Section 2.3, are made with the exception of:

- (a) the mention of substances in the list of ingredients;
- (b) the declaration of the quantity of certain nutrients on the label if required by national legislation other than that pertaining to nutrition labelling;
- (c) the mention of nutrients as part of nutrition labelling.

4.2.2 Nutrient labelling may be made mandatory for certain foods whose nutritional value has been modified considerably.

4.2.3 Nutrient labelling should be voluntary for all other foods.

80. The Committee decided to place Sections 4.2.1(a), (b) and (c) in square brackets and to request comments as to (i) the content of these provisions, (ii) whether to include them in Section 2.3 or 4.2, or (iii) whether these provisions should be included in both Sections (2.3 and 4.2). Also, the new Section 4.2.2 was placed into square brackets in order to obtain specific comment on these matters.

#### Section 4.3 - Nutrients to be Listed

81. The Chairman of the Working Group advised the Committee that the Group had examined the principles contained in Section 4.3 and had attempted to straighten out inconsistencies and to revise the actual wording of several of the provisions in the light of written government comments. However, for a considerable amount of the material, the square brackets had to be retained to indicate that more information from governments was needed. The text of 4.3 as revised by the Working Group was contained in Annex I to the Working Group Report.

82. The Chairman of the Working Group pointed out that the Group had not been able to fully agree on the specific vitamins and minerals to be listed in Section 4.3.2(a) and had found Section 4.3.3, as presently drafted, not suitable. He suggested that the selection of vitamins and minerals in 4.3.2(a) might follow the well recognized tabulation by the National Academy of Sciences of the United States.

83. The Chairman of the Committee thanked Dr. Braekkan and the members of the Working Group for the valuable work and proposed that, in principle, the revised wording should be incorporated in the guidelines. The Committee agreed with the wording of Sections 4.3.1(a) and (b) of the revised text. The delegation of the Netherlands proposed the inclusion of a new section, namely, that in the case of mandatory nutrient labelling, the following should be declared: any other nutrient considered to be relevant for maintaining a good nutritional

status as required by national legislation. The Committee agreed with this proposal (new Section 4.3.1(c)) and renumbered the two remaining provisions accordingly.

84. There was considerable discussion on the provision concerning the detailed fatty acid declaration in cases where a nutrition claim was made regarding the fatty acid composition. Several delegations recalled that the 13th session of this Committee had introduced a footnote to the effect that the requirements outlined in Section 4.3.1(d) (ii) were too complicated to be understood by the consumer and they confirmed again this opinion. Other delegations felt that there was a need to provide this additional information on fatty acid types, however, this should be done in a much simpler form. It was also pointed out that the expenditures for analysis of all the different types of fatty acids which were required to be declared in Section 4.3.1 (d) (ii) would increase the cost of the product without providing the consumer with meaningful information.

85. It was, therefore, proposed to include an alternative version to require declaration of (a) saturated fatty acids, and (b) polyunsaturated acids, and possibly (c) mono-unsaturated fatty acids. The delegation of Canada pointed out that only the amount of cis-polyunsaturated fatty acids was of interest since they represented the essential fatty acids.

86. It was also pointed out by the delegation of Gabon that certain long-chain fatty acids, when exposed to high temperatures, would be transformed into substances which were detrimental to the health of the consumer. The delegation of Saudi Arabia, supported by Pakistan and Nigeria, pointed out that the label should contain reference to the source of fat, since not all types of fat were acceptable to all population groups in their countries for religious reasons. It was agreed that this matter could be considered in conjunction with the Revision of the General Standard (List of Ingredients).

87. It was also pointed out that (a) it would be more appropriate to require a declaration of fats instead of fatty acids, and (b) it was necessary to prescribe a minimum level of fatty acids of the different types required to be present in the food in order to justify claims on them.

88. The Committee decided to delete the term "may" and the square brackets from "should" in the first sentence of Section 4.3.1 (d) (ii) and to delete also the requirement for the declaration of the total fat content, since that was already included in Section 4.3.1(a).

89. The Committee further decided to include the following two versions in square brackets into the guidelines to afford governments the possibility to consider both the very detailed and the simplistic approach to the problem:

(a) 

[	Percentage of saturated / fatty acids /	]
	Percentage of cis-mon-unsaturated / fatty acids /	
	Percentage of all trans / fatty acids /	
	Percentage of cis-polyunsaturated / fatty acids /	

Or

(b) 

[	Percentage of saturated / fatty acids /	]
	Percentage of mono-unsaturated / fatty acids /	
	Percentage of polyunsaturated / fatty acids /	

90. The Committee also decided that the requirement for the declaration of cholesterol should be a separate section and be placed in square brackets.

91. It was agreed that specific comments could be requested on (i) proposals (a) and (b) above including which groups of fatty acids should be placed on the label as well as the exact wording to appear on the label, (ii) minimum levels of the above groups of fatty acids which would justify a claim, (iii) whether to replace "fatty acids" by "fats", and (iv) appropriate definitions and methodology for determining the content of the above groups of fatty acids.
92. The Committee agreed that the latter consideration concerning methodology was valid for all other nutrients mentioned in these guidelines and government comments were needed on this matter in general.
93. The delegation of Australia proposed that Section 4.3.1 of the guidelines be extended to allow for the declaration of energy values without triggering the need for full nutrition labelling since energy values, taken in conjunction with the list of ingredients, would provide consumers in many countries with useful information. It pointed out that without such a provision many manufacturers of foods which presently provide consumers with such information may be either no longer able or prepared to do so because of the additional expense associated with full nutrition labelling or lack of adequate analytical facilities.
94. With regard to Section 4.3.2 of the revised text, the delegation of Denmark proposed to replace the present (a) by a reference to an internationally accepted list of essential nutrients. This would also eliminate the need for a revised listing of these substances and for the establishment of specific provisions for minimum levels as presently prescribed in Section 4.3.3.
95. The delegation of Switzerland agreed with the first part of the proposal made by Denmark and suggested with regard to the second part, that no reference to a mineral or vitamin should be permitted if the substance represented, per estimated daily portion of the food, less than 1/10 of the RDA for that substance. In the case where no internationally recognized RDA had been established for a mineral or vitamin, nationally valid figures should be used as reference. It was pointed out by other delegations, that it was not possible to establish estimated daily portions of a food on an international scale due to diverging dietary habits.
96. The Committee agreed to amend Section 4.3.2(a) to make reference to the nutrients for which an RDA had been established by NAS: Vitamins A, D, E, C, B<sub>6</sub>, B<sub>12</sub>, Thiamin, Riboflavin, Niacin, Folicin, Calcium, Phosphorus, Magnesium, Iron, Zinc, Iodine, and to request government comments on this matter. It was also agreed to retain the first sentence of Section 4.3.3 of the revised text only and to delete the block listing.
97. It was agreed to delete the part of Section 4.3.4 requiring that the amount of protein be adjusted by a factor for biological value. Several delegations favoured the declaration of the protein per se. Others commented on the additional problems involved in determining the biological value. The inconsistency of requiring an adjustment only for protein without considering also the digestibility of carbohydrate was pointed out. It was further agreed that, for the purpose of nutrient declaration, the conversion factor of 6.25 for protein should be applied to all proteins and to delete the square brackets accordingly.
98. It was further agreed that Section 4.3.4 should be amended to contain a provision prescribing the conversion factors of nutrients related to their energy value, namely fat (9kcal/g) carbohydrates (4 kcal/g) and protein (4 kcal/g). In this context, it was also agreed to draw attention to the need for agreed methodology for the determination of these values.
99. The delegation of the United States expressed the view that the arrangements by which a Working Group had examined the extremely complex matters of several sections of these guidelines, had proven to be very fruitful. It therefore strongly recommended that the Committee should consider whether in conjunction with the next session of this Committee, a Working Group could be convened to meet prior to the plenary to examine the full text of the guidelines. The

delegation recalled that similar arrangements had been made also in other Codex Committees. The Committee fully supported this proposal. The Chairman indicated that the appropriate authorities would have to be contacted and indicated that further consideration should be given to this matter under "Other Business".

100. In the light of the foregoing, it was decided to defer any changes in the language of the provisions to the next session and to limit the discussion to more general remarks which would assist governments in commenting again on the guidelines. The remarks would be contained in this report only.

101. The delegation of the USA wished to retain the square brackets on Section 4.4.1. The delegation of Thailand proposed to place the values in Section 4.5.1 into square brackets and to request specific comments on these values; this was agreed. The delegation of Australia proposed and the Committee agreed to repeat the principles contained in Section 4.1.1 (except first sentence) and Section 4.1.2 in Section 5.1. The delegation of Canada proposed to include an additional provision into 5.2: "5.2(iii) good or excellent source of a particular nutrient". This proposal was supported by other delegations and in particular the observer from IOCU was in favour of trying other methods to convey the information to the consumer.

102. The delegation of Gabon pointed out that there might be difficulties in providing a meaningful translation of the principle of nutrient density, i.e. the relationship between nutrient content and energy content. The delegation of Saudi Arabia suggested that nutrient density might be defined in Section 2.3. Attention was again drawn to the comments by the Coordinator for Africa (see para. 18) who had recommended visual and pictorial forms and simplicity in conveying nutrition information to the consumer. It was agreed that governments should be requested to comment on the feasibility of using food symbols and to submit information on their experience with this kind of nutrition labelling.

#### Status of the Proposed Draft Guidelines on Nutrition Labelling

103. Whilst the Committee recognized that extensive amendments had been made to the guidelines, it nevertheless decided to advance the guidelines to Step 5. In submitting it to the Commission, more countries would be aware of the elaboration of these guidelines and it could be expected that comments from a larger number of countries would be obtained on this very important subject. The revised guidelines are contained in Appendix VI to this report. The Committee had noted the wish of the Committee on Foods for Special Dietary Uses to have the guidelines referred to that Committee for consideration of the nutritional aspects (see para. 17). The Committee decided not to refer the guidelines to the Codex Committee on Foods for Special Dietary Uses at this time and to await the decision of the Commission on the request of that Committee to extend its terms of reference to cover the nutritional aspects of all foods.

#### REVISION OF RECOMMENDED INTERNATIONAL GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (CAC/RS 1-1969)

##### General

104. The Committee had before it a working paper on the revision of the Recommended General Standard for the Labelling of Prepackaged Foods (CX/FL 80/7) which had been prepared by a consultant, Mr. L.J. Erwin (Australia). The paper was divided into three parts, as follows: Part I - Background and General Discussion, Part II - Summary of Proposals for the Revision of the Standard, Part III - Proposed Draft Guidelines on Labelling Provisions in Codex Standards. The Committee agreed to a proposal of the Chairman that the Guidelines given in Part III be amended to apply to the present General Standard (CAC/RS 1-1969) and that the re-draft be presented to the next meeting of this Committee for consideration. In this way it would be possible to provide, at an early date, Codex Committees with guidelines to assist them in

elaborating labelling provisions in Codex standards. The Chairman thanked the consultant for this excellent work and pointed out that the working paper provided all the basic data necessary for the revision of the General Standard.

105. In introducing the working paper, the consultant indicates that Part I attempted to review the major developments in food labelling since the present standard had been adopted in 1969. He stated that by bringing the general standard up-to-date, it might well be more acceptable to countries, and this might result in the receipt of a greater number of acceptances from governments. The role of the general standard as a basis for labelling provisions in Codex standards was also stressed. He also thought that, as far as possible, unnecessary options should be eliminated in the general standard.

#### Status of the Proposed Draft Contained in CX/FL 80/7

106. It was agreed that the Proposed Draft Revised General Standard be regarded as being at Step 4; written comments prior to the session had been received from New Zealand and the United States.

#### Scope

107. Mr. L.J. Erwin (Australia), who had chaired the Working Group on Draft Guidelines for the Labelling of Non-Retail Containers, brought to the attention of the Committee the recommendation of that Working Group that foods for catering purposes and foods for repacking at the point of sale should be covered by the revised General Standard. The delegation of New Zealand indicated that it was not in favour of this recommendation, because manufacturers would not know in advance who the bulk packs were intended for. The delegation of New Zealand thought that the packs mentioned in the recommendation of the Working Group should be retained in the Draft Guidelines for the Labelling of Non-Retail Containers. The observer from the International Organization of Consumers Unions (IOCU) pointed to a rapidly growing retail trade in large packs and indicated her organization's support for the recommendation of the Working Group. Several other delegations, as well as the observer from European Economic Community (EEC), indicated their support for the recommendation of the Working Group. The Committee agreed that foods for catering purposes and foods for repacking at the point of sale should come within the scope of the revised General Standard.

108. The Observer from the EEC suggested that the expression "prepackaged foods for sale to the consumer" should, more properly, read "prepackaged food intended for sale to the consumer". It was noted that further on in the Scope section it was stated that the standard "does not apply to the labelling of foods not intended for direct sale to the consumer". The Committee therefore accepted the suggestion of the observer from the EEC.

109. It was also proposed to delete the word "industrial" in the expression "for further industrial processing", on the grounds that it was redundant and not necessary for an understanding of the meaning of the text. The Committee adopted this proposal.

110. It was suggested that reference should, more properly, be to the "ultimate consumer" rather than just the "consumer" in the text of the draft. It was explained in reply that the ultimate consumer was considered to be the person who actually consumed the product, who might not necessarily be the person who purchased it. For the purposes of the standard the consumer was the purchaser of the product.

111. The delegation of Saudi Arabia proposed that instead of "intended for sale to the consumer" the expression "intended for direct human consumption" be used in the text. A number of delegations supported this proposal. It was agreed to include the expression "for direct human consumption" in the text in square brackets as an alternative to the existing text "intended for sale to the consumer", which would also be in square brackets.

112. The proposal of the delegation of Saudi Arabia was supported by the delegation of Gabon, who considered the expression sale to be rather restrictive. A number of delegations supported this view. Some delegations thought that it might be desirable to define the word "sale" in the Definition section. The Secretariat indicated that there was a definition of "sell" in the FAO Model Food Law. Attention was also drawn to the definition of "sell" in Canadian Food and Drug Legislation.

113. The Committee noted that the definition of "sell" in the Model Food Law was as follows:

"Sell includes offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale or exchange, dispose of for any consideration whatsoever, or transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid".

The Committee noted that the definition of "sell" in the Canadian Food and Drug Act was as follows:

"Sell includes sell, offer for sale, expose for sale, have in possession for sale, and distribute".

114. The Committee was informed by the Secretariat that the definition appearing in the FAO Model Food Law had been drawn up taking into account Canadian and other legislations and that it was intended to be as broad as possible. The Committee was also informed that the Model Food Law was being recommended for consideration by developing countries within the framework of the Codex Regional Coordinating Committees. The delegation of Nigeria stressed that it was important that the definition of "sale" should cover gifts and donations of food. The delegation of Switzerland indicated that it favoured the simpler and shorter definition in the Canadian Food and Drug Act. The Committee agreed to include both definitions in the revised Draft General Standard and to ask governments for their comments on this matter.

115. The delegation of Australia proposed that the words "this standard applies to... certain aspects of the advertising of them" (i.e. foods) be amended to read "This standard applies to ... those aspects of the advertising as defined for the purposes of the standard". The observer from the EEC considered that the discipline imposed by the standard should be extended to the broader aspects of advertising. He suggested, therefore, that the broader aspects of advertising should be covered in the standard and not just those aspects which were mentioned in the limited definition of advertising given in the standard. In response it was stated that advertising within the context of the standard had to be seen as being clearly part of the labelling of foods. It had not been in the mind of the author of the proposed revision to suggest that all the facets of advertising, such as media advertising, for example, which was not labelling in any true sense, be covered in a standard for the labelling of foods. The observer from the EEC indicated that it would be acceptable to cover the broader aspects of advertising in a separate document.

#### Scope and Definition of Terms

116. The discussion on advertising led to a proposal to delete the reference to "advertising" from the Scope section, and to elaborate a revised definition of "labelling" to cover those aspects of advertising which would be appropriate to a standard on labelling. It was proposed that the definition of "Labelling" in the section on "Definitions of Terms" be deleted and that the definition of "Advertising" be changed to read "Labelling". The Committee adopted this proposal, together with a slight modification in the text, proposed by the delegation of Australia, to make it clear that the definition covered the mandatory requirements of the standard as well as any additional labelling. The new definition of "Labelling" which would be brought forward to its correct position in the Definitions section, would read as follows: "Labelling includes any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food, including that for the purpose of promoting its sale or disposal".

117. The proposal in the Definitions section to provide for a "Principal Display Panel" was discussed. The observer from the EEC proposed that this provision be deleted, on the grounds that in those cases where for legal reasons labelling has to appear in more than one language manufacturers should be permitted to use all parts of the label in displaying all the information required to inform the consumer. Several delegations spoke in favour of retaining this provision. The delegation of Canada proposed that the provision be placed in square brackets until the Committee came to consider Section 8.1.6, which was the operative provision on this topic.

118. Concerning the definition of "containers", it was noted that the correct term in the French language was "récipient" and not "emballage". The delegation of New Zealand expressed concern that the reference to wrappers in the definition of "containers" could require all such wrappers to carry the mandatory labelling. It was pointed out that Section 8.1.4 of the proposed revised text clarified this point. The delegation of Australia proposed that the phrase "cannot be altered" in the same definition be replaced by the phrase "are not accessible". The observer from the EEC was not in agreement with this proposal, and it was agreed, therefore, to retain both phrases in the draft and to place them in square brackets.

119. The observer from the EEC indicated that the French translation of the definition of "container" gave rise to difficulties. It was agreed to substitute the following text, supplied by the observer from the EEC for the present text: "On entend par "récipient" toute forme d'emballage d'une denrée alimentaire destinée à la vente comme article individuel, que cet emballage le recouvre entièrement ou partiellement, mais de telle façon que le contenu / ne puisse être modifié / / ne soit pas accessible / sans que l'emballage subisse une ouverture ou une modification. Les enveloppes sont comprises dans cette définition. Un récipient peut recouvrir plusieurs unités ou types de denrées alimentaires préemballées, s'il est présenté sous cette forme pour la vente au consommateur".

120. As regards the definition of "prepackaged", the Committee agreed to remove the word "retail sale" from the text and to insert the words "sale to the consumer" as proposed by the consultant.

121. The delegation of Spain indicated that the Spanish translation of the definition of "prepackaged" gave rise to some problems. The delegation of Spain requested that the following Spanish translation of the definition be included in the Spanish version of the revised text: "Todo alimento envuelto, empaquetado o embalado previamente, listo para la venta al consumidor". The Committee agreed to the above proposal.

122. The observer from the EEC drew attention to the need to correct the French translation of the definition of "prepackaged". The Committee agreed that the following text should replace the existing one in the French version: "'Préemballé' signifie avoir été emballé ou placé à l'avance dans un récipient pour la vente au consommateur".

123. Concerning the definition of "food", which had been defined for the purposes of the Codex Alimentarius, the delegation of Thailand noted that it was stated in the definition that "food" does not include substances used only as drugs. The delegation of Thailand inquired whether, for example, vitamins and minerals would be considered as "food". In reply it was stated by the Secretariat that vitamins and minerals when sold as such, singly or in mixtures, would be regarded as additives if their presence was to achieve a technological or functional purpose, and as ingredients if their presence was for enrichment purposes. The delegation of Nigeria was informed that water was considered a food under the definition. The delegation of Nigeria also inquired about chewing tobacco and live animals. The delegation was informed that in some legislations chewing tobacco was included in the definition of food, but that it had been considered and excluded from the definition developed for the purposes of the Codex Alimentarius. The delegation of Sweden stated that, in its view according to the present

wording of the definition of "food" anything intended for human consumption was a foodstuff except tobacco, cosmetics and drugs. The Committee agreed to leave the text unchanged, but to seek government comments with respect to the inclusion of live animals in the definition, with special reference to shellfish and in particular oysters.

124. The delegation of Spain stated that in the Spanish version of the definition of "Label" it would be necessary to substitute the words "toda etiqueta" for "todo marbete", the remainder of the text remaining unchanged.

125. As regards the definition of "Ingredients", the Committee considered the proposal of the consultant to delete the words "and present in the final product". The observer from the EEC considered it important to leave these words in the text, adding that words such as "although possibly in a modified form" could be added. Several delegations agreed that it was important to retain in the text the words "and present in the final product". The delegation of Australia supported by the observer from the EEC proposed that the reference should be "and present in the final product, although possibly in a modified form". The Committee agreed to this and placed the phrase in square brackets. The delegation of Norway reserved its position concerning this decision.

126. The Committee decided to delete the definition of "Component" because it had proven to be open to misinterpretation. In this connection, the consultant had proposed to amend Section 4.2.2 in such a way as to cover the concept more appropriately.

127. Concerning the definition of "Food Additives", which was that appearing in the Procedural Manual of the Commission, the delegation of Norway proposed to delete the following words at the end of the definition "or substances added to food for maintaining or improving nutritional qualities" and to bring this proposal to the attention of the Codex Committee on Food Additives. Some delegations considered that there was some degree of conflict between the definition of "Ingredient" and the definition of "Food Additive", in that in the definition of "Food Additive", a food additive was a substance 'not normally used as a typical ingredient of the food', whilst in the definition of "Ingredient" an ingredient meant 'any substance including a food additive'. The Committee decided that there was a need for clarification and that the matter should be brought to the attention of the forthcoming session of the Codex Committee on Food Additives and of the Commission. The Committee agreed to place the following two expressions in the definition in square brackets "and not normally used as a typical ingredient of the food" and "or substances added to food for maintaining or improving nutritional quality". The delegation of Spain stressed that this Committee should not itself make any changes in definitions established by other Committees and then approved by the Commission, but rather confine itself to bringing problems concerning definitions to the attention of the Committees which had established them for resolution.

128. Some delegations questioned the proposed definition for "Lot", the Committee therefore agreed to place it in square brackets. The Committee further agreed to include in the list of definitions in the revised text the definitions of "Sale". It was pointed out that definitions for "sell" were contained in the Model Food Law and the Canadian Food and Drug Act. It was decided that both definitions be placed in square brackets, although it was noted that they might require some modification to make them directly applicable to "Sale".

129. Concerning the remainder of the definitions, the delegation of Sweden considered that it would be desirable to include in the report of the session, for consideration by governments, a definition of "consumer". The author of the document CX/FL 80/7, Mr. L. Erwin agreed that there might be a need for such a definition, but added that the development of an entirely satisfactory definition of consumer was not easy. He mentioned that the word "consumer" was defined in Norwegian legislation as "persons and families purchasing or receiving food in order to meet their personal needs". The Committee discussed this definition and agreed that a definition of consumer should also relate to consumers receiving food for which no

payment is made. The Committee therefore agreed that a definition for "consumer" as "persons or families purchasing or receiving food in order to meet their personal needs" should be included in the list of definitions.

130. The Committee considered that a definition for "caterer" may be useful in the revised standard and the delegation of the United Kingdom offered to make available an appropriate definition.

131. The delegation of Mexico drew attention to not losing sight of the importance of the broader aspects of advertising, as had been mentioned earlier in the discussions by the observer from the EEC. The delegation of Norway supported this view.

132. The delegation of Ireland recommended that the definitions be listed in alphabetical order.

133. The delegation of Norway noted that Section 8.1.6 of the proposed revision made reference to possible Guidelines for the Presentation of Mandatory Information. It strongly supported the elaboration of such Guidelines on the basis that international agreement on the presentation of such material would greatly facilitate international trade by removing obstacles which could present a barrier to trade. In this context the delegation of Norway pointed out that it was important to give close examination to means of incorporating provisions of advisory texts, such as codes of practice and guidelines, into standards, which were of a mandatory nature.

134. The delegation of Sweden wondered at what point in time the provisions on net contents and drained weight applied. The delegation of Saudi Arabia strongly supported the proposed deletions of class titles in Section 4.2.3 of the proposed revision of the General Standard. Concerning animal fats, it was important that the source of the fat be mentioned, because of Islamic religious requirements. The delegation of Nigeria and Pakistan supported the delegation of Saudi Arabia.

135. The Secretariat indicated that, as agreed earlier in the session, certain matters of interest for the revision of the General Standard, arising from the reports of the Codex Committees, would be discussed in conjunction with the relevant sections of the General Standard at the Committee's next session (e.g. on drained weight, labelling of irradiated food ingredients, classnames of food additives, etc.).

#### Status of the Proposed Draft Revised General Standards for the Labelling of Prepackaged Foods

136. The Committee agreed to advance the above standard to Step 5 of the Procedure. The revised version of the Proposed Draft Revised General Standard for the Labelling of Prepackaged Foods is contained in Appendix VII to this report. The text which will be placed before the next session of the Commission will consist of the revised version of the Scope and Definitions of Terms, together with the proposed revised text of the General Standard from the section on General Principles to the section on Presentation of Mandatory Information, as found in document CX/FL 80/7.

#### ENDORSEMENT OF LABELLING PROVISIONS IN CODEX STANDARDS

##### Dried Apricots at Step 8 (ALINORM 81/20, Appendix III)

137. The delegation of Thailand entered a reservation on the use of date of minimum durability in this and other standards, since date of manufacture is mandatory in that country.

138. The Committee noted the reference to "bulk containers" (non-retail containers) in the Scope section of the standard and pointed out that at some time an appropriate provision concerning the labelling of non-retail containers would have to be included in the standard and that it would be desirable that the endorsement of such provisions should await further consideration of this subject by the Labelling Committee.

139. The Committee endorsed the labelling provision with the exception of amending the date marking provision of Section 7.7 for consistency with the revisions to Section 6.1 of the Revised Guidelines on Date Marking of Prepackaged Foods for the Use of Codex Committees.

Unshelled Pistachio Nuts at Step 8 (ALINORM 81/20, Appendix IV)

140. The Committee endorsed the labelling provisions of this standard subject to the same consideration as noted in para. 139 regarding date marking and para. 138 regarding the labelling of non-retail containers.

Canned Apricots at Step 8 (ALINORM 81/20, Appendix V)

141. The Secretariat pointed out that the following information was inadvertently omitted from the Proposed Draft Standard as contained in Appendix VI of ALINORM 81/20:

"7.1 The Name of the Food

7.1.1 The name of the product shall be "Apricots"

7.1.2 The following, as appropriate, shall be declared as a part of the name or in close proximity to the name:

(a) The style "Whole", "Halves", "Slices", "Pieces" or "Mixed Pieces" or "Irregular Pieces".

(b) The type of pack: "Solid Pack" if of this type.

7.1.3 The name shall include a declaration of any ingredients or food additives which characterize the product, e.g. "with x" when appropriate.

7.1.4 The packing medium shall be declared as part of the name or in close proximity to the name."

142. Considerable discussion ensued concerning the interpretation of para. 65 of ALINORM 81/20 relating to date marking of this product. In particular, the discussion focussed on whether or not date of minimum durability was the exclusive form of date marking which could be used. The Committee concluded that Section 7.6.2 did not preclude the use of other forms of date marking but did specify the manner in which date of minimum durability should appear if used.

143. The Committee noted the decision of the Codex Committee on Processed Fruits and Vegetables that date marking was not mandatory for this product. However, a number of delegations disagreed with this decision.

144. The delegation of Japan expressed the view that the date of manufacture should appear if date marking was used.

145. The delegation of Sweden supported by Norway suggested that a combination of date of minimum durability and date of manufacture would provide maximum information to the consumer.

146. The delegation of Saudi Arabia pointed out that in its country all food products require both production and expiry date.

147. The delegation of Gabon stated that no food products could be marketed in its country without some form of date marking.

148. The delegation of the United States pointed out that the Codex Committee on Processed Fruits and Vegetables had complied with the date marking guidelines as recorded in para. 65 of ALINORM 81/20.

149. The delegation of Canada expressed a reservation regarding the declaration of net content by weight as in its country net contents must be declared by volume.

150. The Committee agreed with a suggestion from the Secretariat that the "if" at the beginning of Section 7.6.2 be replaced by "where".

151. The Committee endorsed the labelling provisions of this standard subject to the same considerations noted in para. 139 regarding date marking and the use of the word "where" as indicated in the preceding paragraph.

Dates at Step 8 (ALINORM 81/20, Appendix IX)

152. Considerable discussion ensued concerning the lack of clarity associated with the term "year of production". It was noted that "year of production" can be interpreted in a number of different ways (e.g. season of production, date of processing).

153. In view of the above discussion the Committee endorsed the labelling provisions with the exception of Section 7.7 (Date Marking) which was referred back to the Codex Committee on Processed Fruits and Vegetables for further clarification.

Nectars of Certain Citrus Fruits at Step 8 (ALINORM 81/20, Appendix I)

154. The Committee endorsed the labelling provisions for this standard except that those concerning the labelling of non-retail containers were temporarily endorsed, pending finalization of the guidelines on the labelling of non-retail containers.

Minarine at Step 8 (ALINORM 81/17, Appendix III)

155. The delegation of the United States suggested that Section 8.2 (List of Ingredients) be amended by deleting "in accordance with sub-section 3.2(c) of the General Standard for the Labelling of Prepackaged Foods".

156. The Committee endorsed the labelling provisions for this standard without amendment.

Quick Frozen Corn on the Cob at Step 8 (ALINORM 81/25, Appendix IV)

157. The delegation of Sweden expressed the view that storage and handling instructions should be provided for in this standard to cover the product in the distribution chain and in the hands of the consumers. This applies to all quick frozen foods.

158. The Committee endorsed the labelling provisions of this standard subject to the same considerations noted in para. 138 regarding the labelling of non-retail containers.

Quick Frozen Whole Kernel Corn at Step 8 (ALINORM 81/25, Appendix V)

159. The Committee endorsed the labelling provisions of this standard subject to the same considerations noted in para. 138 regarding the labelling of non-retail containers.

Quick Frozen Carrots at Step 8 (ALINORM 81/25, Appendix VI)

160. The Committee endorsed the labelling provisions of this standard subject to the same considerations noted in para. 138 regarding the labelling of non-retail containers.

DRAFT GUIDELINES ON THE LABELLING OF NON-RETAIL CONTAINERS

161. As noted in para. 3 the Committee established a Working Group to give further consideration to the Draft Guidelines on the Labelling of Non-Retail Containers, as contained in Appendix IV to ALINORM 79/22, taking into account comments received from governments and other Codex Committees. The Working Group consisted of members of the following delegations: Australia, Canada, Denmark, Finland, France, Gabon, New Zealand, Norway, Saudi Arabia, Sweden, United Kingdom and the United States. The Working Group appointed Mr. L.J. Erwin (Australia) as its Chairman and Dr. D.A. Jonas (United Kingdom) as Rapporteur.

162. Due to time constraints the Committee was unable to consider the report of the Working Group on the Draft Guidelines for the Labelling of Non-Retail Containers of Food. However, the Committee agreed to attach the report of the Working Group to this report (see Appendix VIII). In addition governments were requested to provide comments on the revised text in Appendix VIII which would be collated by the Secretariat prior to the next session of the Labelling Committee. The Committee thanked the Working Group for its valuable work in revising the above draft guidelines.

#### OTHER BUSINESS

163. No other business was brought to the attention of the Committee.

#### DATE AND PLACE OF NEXT MEETING

164. The Committee accepted the suggestion of the delegation of the United States that two ad hoc Working Groups (Revision of General Standard of Labelling of Prepackaged Food and Guidelines for Nutrition Labelling) be convened immediately prior to the next session of the Committee. It was further suggested that the next session itself be extended for one full day to appropriately cover all the items on the agenda.

165. The Committee agreed with the suggestion of the delegation of the Netherlands that Canada provide the chairmanship for the working groups. This would follow normal practice when a country hosts a meeting.

166. The Canadian Secretariat stated that simultaneous interpretation in the three official languages would be provided for the working groups.

167. The following delegations signified an interest in participating in the ad hoc Working Group on the Revision of the General Standard for the Labelling of Prepackaged Foods:

Australia, Canada, Finland, France, Ireland, Japan, Mexico, New Zealand, Nigeria, Norway, Pakistan, Saudi Arabia, Spain, Sweden, Switzerland, Thailand, United Kingdom, United States and the observer from the EEC.

168. The following delegations signified an interest in participating in the ad hoc Working Group on the Proposed Draft Guidelines on Nutrition Labelling:

Australia, Canada, Finland, France, Ireland, Japan, Mexico, Netherlands, Nigeria, New Zealand, Norway, Saudi Arabia, Sweden, Switzerland, Thailand, United Kingdom, United States.

169. The Chairman pointed out that participation in the working groups would, of course, be open to any member nation of the Codex Alimentarius Commission; and that more detailed information of the exact date would be communicated to member countries in due course.

170. The next session would probably be scheduled for the first half of 1982, possibly May or June, in Ottawa, date and place of the next session being subject to consultations between the host government and the Codex Secretariat. It was stated that there would be no endorsement session immediately prior to the 14th Session of the Codex Alimentarius Commission scheduled for June 1981.

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OPENING ADDRESS FOR THE  
FIFTEENTH SESSION OF  
THE CODEX COMMITTEE ON FOOD LABELLING

Given by the Honourable André Ouellet  
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of Canada

Mr. Président, Mr. Chairman,

On behalf of the people and the Government of Canada, may I welcome you to the 15th Session of this Committee.

As Minister of Consumer and Corporate Affairs for Canada, your work is of particular interest to me. Your Committee has been in the forefront of international activity which has had a profound influence on that most important area of consumer protection - Food Labelling.

It was not many years ago that a complete declaration of ingredients in descending order of proportion was considered to be a radical departure from traditional labelling.

It was through your efforts that national governments began to reassess their policies in this regard and realize that a full declaration of ingredients is in fact essential information to which the consumer is entitled.

I notice on your Agenda that one of the items deals with the revision of the well known General Labelling Standard.

The desire to review and update a standard which was only a decade ago a landmark, represents the vitality and foresight of this Committee.

I expect that this review will be very useful once again focussing attitudes on changing values and providing national governments with a basis to reassess food labelling regulations.

Similarly, the elaboration of guidelines on nutrition labelling is another area of great challenge.

It is probably only through the work of this Committee that such guidelines could ever be established on a global scale by taking into account the aspirations of both developed and developing nations.

I am sure that your next five days will be both demanding and challenging, but also very rewarding.

I wish you every success and hereby declare the 15th Session of the Codex Committee on Food Labelling open.

REPORT OF THE WORKING GROUP ON THE  
INCLUSION OF DATE MARKING REQUIREMENTS IN CODEX STANDARDS

Composition of the Working Group: Australia, Austria, Canada, Israel, Japan, Mexico, New Zealand, Nigeria, Norway, Pakistan, Saudi Arabia, Spain, Sweden, Switzerland, the Netherlands, United Kingdom and United States and observers from the IOCU and the EEC.

The Working Group appointed Dr. C.B. Hudson (Australia) as its Chairman and Mr L.L. Gast of the USA as rapporteur.

The Working Group had as its terms of reference "to decide on the form and manner which date markings are to appear on packagings and in particular on matters related to shelf life of different types of products and how this information could be included in the Guidelines or within the General Standard for Labelling of Prepackaged Foods".

The Working Group had before it the following documents: CX/FL 79/3A, CX/FL 80/3 and CX/FL 80/3 Add. 1 and comments from other Codex Committees.

The Working Group addressed the following issues:

1. Should the present "Guidelines for Date Marking of Prepackaged Foods for the Use of Codex Commodity Standards" be left as Guidelines, or be incorporated into individual commodity standards, or be introduced as a section in the Standard for Labelling of Prepackaged Foods. It was agreed that the present Guidelines should be incorporated as a section in the International General Standard for the Labelling of Prepackaged Foods. This is because the Date Marking provisions are seen as being equally important as other provisions within the Labelling Standard. The standard would state that "where Date Marking requirements are incorporated into Commodity Standards and where applicable to foods not standardized by Codex Standards, the form of Date Marking will comply with the requirements as laid down in the Revised General Labelling Standard".

2. Definitions for Types of Date Marking

- It was recognized that there is a need for several types of Date Marking statements as currently exist in the Guidelines for Date Marking of Prepackaged Foods. It was agreed that there should be significant emphasis on the Date of Minimum Durability and it should always be used as a first consideration.
- It was further agreed that the present definitions for Types of Date Marking in the Codex Guidelines should not be further modified and should be used in the present form for the revision of the Codex Labelling Standard.
- It was agreed that there needs to be uniformity of interpretation of the Date Marking statement to be used within each Commodity Committee. This means that each Commodity Committee needs to consider the single date most suitable for its particular products. If the date of minimum durability is not chosen, the reasons for not recommending this form of date marking should be given to the Codex Committee on Food Labelling. If no Date Marking is seen as necessary then the justification for such decisions should be made to Codex Committee on Food Labelling as is presently the case.

3. Qualifying Terms in Association with the Date Mark

The type of qualifying term "best before", "will keep at least until" to be associated with the Date Mark to be prescribed in each provision was discussed.

It was agreed that within each Commodity Standard there should be only one form of qualifying term adopted.

There was a minority view that individual Governments should decide which of the two qualifying terms is most appropriate for that country and that the one form only should then be used for labelling of all food products in that country. It was recognized that language translations of the qualifying terms could give rise to differences in actual interpretation of the meanings. The observer from the EEC made the point that one form e.g. "Best Before" should be taken and that uniformity of translation to other languages be achieved to the best degree possible.

4. Standardization of Periods Associated with Storage Life (Durable Life) of Foods

It was agreed that periods associated with the storage life of foods should be standardized within the Revised Labelling Standard so as to achieve overall harmonization with Codex. Recommendations from the observer from the EEC on this standardization into three groups was adopted as follows:

- (i) Foodstuffs which will not keep for more than three months / perishable products /.
- (ii) Foodstuffs which will keep for more than three months but not more than 18 months / limited storage life products /.
- (iii) Foodstuffs which will keep for more than 18 months / long life products /.

5. Form of the Date to be Used in Association with above 3 Groups

It was agreed that the first group above should have requirement for Day, Month and Year in view of the confusion which could presently exist with use of different international systems for order of day and month listing. It was further agreed that the forms of Year/Month/and Day or Day/Month/Year should be allowed. At a later date it was agreed the Year could be dropped if international agreement were reached on the form of date presentation. The main point of agreement is that the Year is not needed for consumer information purposes in regard to shelf life definition but is presently needed to give clear exposition of the order Day/Month or Month/Day.

It was also agreed that the month could be abbreviated with appropriate numerals or letters to suit individual country requirements. Subscript letters stating, Day, Month and Year should also be allowed in addition to the numerical coding. For the second category of foodstuffs with shelf life more than 3 months but less than 18 months it was agreed that Month and Year would be appropriate.

For the third category, shelf life more than 18 months, it was agreed that Month and Year should be required. This is because a year only statement would give too long a time span for interpretation where the product could have a shelf life not very much greater than one year. For products where shelf life is long enough to allow a fair interpretation with a Year only statement it should be assessed whether Date Marking is really necessary. This is, where Date Marking is seen to be necessary as a means of consumer information it is felt that the small penalty of adding Month in addition to Year is not too great when balanced with clarity of shelf life description.

6. Need for Increased Emphasis on Storage Instructions

The Working Group strongly recommended that a statement of storage instructions is a very necessary part of the Date Marking provisions, and that the wording as contained in Clause 4 of the present Codex Guidelines for Date Marking is a good expression of the intent. It was recommended that the Clause could be strengthened by a statement that "storage instructions should be placed on the label in close proximity to the Date Marking statement, and that Commodity Committees should decide where storage instructions should be applied.

GUIDELINES FOR DATE MARKING OF PREPACKAGED FOODS  
FOR THE USE OF CODEX COMMITTEES  
(Revised Text)

1. Purpose of Date Marking

1.1 The purpose of date marking is to give the consumer a date which will provide information about the expected quality of the product provided that it has been properly stored. This does not mean that date marking guarantees either the acceptability or the safety of the product.

2. Scope

2.1 Only date marking in clear, that is a clear unmistakable date which may be correctly interpreted by the consumer and which is designated according to one of the standard definitions given below, constitutes "date marking" in the sense in which it is used in these guidelines.

2.2 The marking of a date in code for lot identification or any other control purpose does not constitute "date marking" in the sense used in these guidelines. However, the use of an open date for control purposes, for example, for lot identification, is not excluded but it is to be recognized that such a date would not qualify as "date marking" unless there is a clear indication of the kind of "date marking" specifically defined below, and also that such "date marking" has been agreed by the Codex Committee concerned as being suitable for the product in question.

3. Definition of Types of Date Marking

3.1 Date of Manufacture - The date on which the food becomes the product as described.

3.2 Date of Packaging - The date on which the food is placed in the immediate container in which it will be ultimately sold.

For certain food products these two dates will be the same.

3.3 Sell-by Date - The "sell-by" date is the last date of offer for sale to the consumer after which there remains a reasonable storage period in the home.

3.4 Date of Minimum Durability ("best before") - The date which signifies the end of the period under any stated storage conditions during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond that date the food may still be perfectly satisfactory.

3.5 Use-by-Date (Recommended Last Consumption Date) (Expiration Date) - The date which signifies the end of the estimated period under any stated storage conditions, after which the product probably will not have the quality attributes normally expected by the consumers. After this date, the food should not be regarded as marketable.

4. Storage Instructions

4.1 In addition to the date, any special conditions for the storage of the food should be indicated if the validity of the date depends thereon.

4.2 Where practicable, storage instructions should be in close proximity to the date marking.

5. Instructions to Codex Committees

5.1 Based on a study of the nature of the food, Codex Committees shall determine the type of date marking. First consideration should be given to the date of minimum durability. If, in the opinion of the Committees, this date is not appropriate for the commodity in question, the Committees should choose from the other alternatives listed in Section 3 above. Finally, they may decide that a date is not necessary.

5.2 Should the Codex Committee decide on a form of date marking other than date of minimum durability or alternatively that no date mark is necessary, a full justification should be submitted to the Codex Committee on Food Labelling, indicating the reason for the proposed action.

5.3 If the product is not stable under normal room conditions, the kind of storage and/or keeping instructions which will form part of the labelling requirements in the standards shall be decided upon. To ensure the validity of the date marking, which in this case is dependent upon the handling of the product, additional instructions should also be provided for proper handling during distribution of the product (i.e. on the outer container).

6. Presentation of Date Marking in Codex Standards

6.1 Where a Codex Committee decides to include a provision for the date of minimum durability in a Codex standard, it should appear as follows:

The "date of minimum durability" (preceded by the words "best before") shall be declared by the day, month and year in uncoded numerical sequence except that for products with a shelf life of more than three months, the month and year will suffice. The month may be indicated by letters in those countries where such use will not confuse the consumer. In the case of products requiring a declaration of month and year only, and the month to be indicated is December, the expression may be stated as "end (stated year)".

6.2 Where a Codex Committee decides to include a date marking provision other than the date of minimum durability, it shall be declared by the day, month and year in numerical sequence except that for products with a shelf life of more than three months, the month and year will suffice. The month may be indicated by letters in those countries where such use will not confuse the consumer. In the case of products requiring a declaration of month and year only, and the month to be indicated is December, the expression may be stated as "end (stated year)".

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APPENDIX V

REPORT OF WORKING GROUP ON THE DEFINITION OF  
NUTRITION CLAIM AND NUTRIENTS TO BE LISTED

1. The Working Group consisted of the following countries: Australia, Canada, Denmark, Finland, Ireland, Japan, Mexico, Netherlands, Nigeria, Norway, Switzerland, Sweden, USA and Observers from IFMA and UNICE.

2. Dr. O. Braekkan (Norway) was elected chairman and Dr. M.C. Cheney (Canada) rapporteur of the Working Group.

3. The terms of reference of the Working Group were as follows:

(i) Based on the comments received, to elaborate a definition of the term nutrition claim for use in Sections 2.3, 4.2 and 4.3 of the guidelines.

(ii) To review government comments received on Section 4.3 dealing with nutrients to be listed.

Section 2.3

4. The Chairman reviewed the definitions proposed by Canada, Denmark, Ireland, Netherlands and New Zealand. After some discussion it was agreed to modify the Danish definition as follows:
- (a) The introduction of the definition was re-worded to parallel the definition of claim in the General Standard for the Labelling of Prepackaged Foods.
  - (b) The last sentence was altered to exempt the declaration of nutrients (e.g. vitamins and mineral salts) in the ingredient listing from the definition.
  - (c) Quantitative declarations of nutrients as required by national legislation (e.g. iodine in salt) were also exempted from the definition.
5. The definition for Nutrition Claim appears in the annex to this report.

Section 4.2

6. In considering Section 4.2, it was agreed to remove the square brackets from the first line.
7. The term "energy value" was deleted from Section 4.2(a) since the definition for nutrition claim includes claims for the energy value of foods.
8. After considerable discussion, it was agreed to delete subsection 4.2.1(b) since foods to which nutrients had been added would for the most part be covered either under subparagraph (a) of Section 4.2.1 or the second paragraph of the definition for nutrition claim.
9. The revised text of Section 4.2 appears in the annex to this report.

Section 4.3

10. In considering the nutrients to be declared (Sub-section 4.3.1) several delegations were of the opinion that it should be possible to label foods with the energy value without a requirement for the listing of the macronutrients. Other delegations considered that the declaration of the energy value did not provide sufficient information to the consumer and that information on the energy yielding nutrients was necessary for the consumer to assess the merits of the foods. Several delegations stated at the same time that soft drinks and candies might be considered as exceptions.
11. The Working Group concluded that the energy value, and the contents of protein, fat and carbohydrate should all be declared when nutrient labelling is applied.
12. It was agreed that other nutrients must be declared if nutrition claims are made for them.
13. There was considerable discussion of subparagraphs 4.3.2(b) and 4.3.2(c). Many delegations were of the opinion that the proposed information was either too complex for the consumer to understand or too difficult to obtain analytically. There was concern that the wording regarding claims for carbohydrate content might be interpreted to mean that a simple declaration of carbohydrate content would "trigger" a declaration of the types of carbohydrates.
14. It was decided to reposition these subparagraphs under Section 4.3.1 as subparagraphs (c) and (d). In addition, the phrase "type of carbohydrate" was introduced and placed in square brackets with "carbohydrate content". The revised text of Section 4.3.1 appears in the annex to this report.
15. The Working Group agreed to delete should from the first line of Section 4.3.2.

16. There was considerable discussion concerning the vitamins and minerals to be listed in Section 4.3.2(a). Several delegations were of the opinion that the list was too restrictive. The question was raised as to whether a minimum list should be established. It was agreed that the list of nutrients should be expanded to include all those vitamins and minerals now included in internationally recognized dietary standards.

17. The revised text for Section 4.3.2 appears in the annex to this report.

18. The Working Group agreed that Section 4.3.3 should be strengthened by changing "need" to "should" to emphasize the fact that the declaration of negligible quantities of vitamins and minerals could be misleading. It was also agreed that the list of nutrients should be expanded as in 4.3.2(a) and the quantities should be put in square brackets.

19. The revised text appears in the annex to this report.

ANNEX

2.3 Nutrition Claim

A nutrition claim means any representation which states, suggests or implies that a food has particular nutritional properties including but not limited to the energy value, and the content of energy-yielding nutrients such as protein, fat or carbohydrates as well as vitamins and minerals.

The mention of substances in the list of ingredients and/or the declarations of the quantities of certain nutrients elsewhere on the label as required by national legislation do not constitute a claim.

4.2 Application of Nutrient Labelling

4.2.1 Application of nutrient labelling should be mandatory for foods for which nutrition claims as defined in Section 2.3 are made.

4.2.2 Nutrient labelling should be voluntary for all other foods.

4.3 Nutrients to be Listed

4.3.1 If nutrient labelling is applied, the declaration of the following should be mandatory:

- (a) food energy, protein, carbohydrate, and fat; and
- (b) any other nutrient for which a nutrition claim is made
- (c) in addition:

(i) when a claim is made regarding the    carbohydrate content of       type of carbohydrate in    a food the following    may       should    be listed:

- (1) total sugars (including monosaccharides, disaccharides and sugar alcohols);
- (2) total starch (including all complex carbohydrate);

(ii) when a claim is made regarding the fatty acid content of a food, the following    should       may    be listed:

- Total fat
- Percentage of saturated fatty acids
- " of cis-mono-unsaturated fatty acids
- " of trans- and all cis-polyunsaturated fatty acids
- Cholesterol as mg/100 g product when saturated animals fats are present.

4.3.2 In addition, the following may also be listed in accordance with subsection 4.3.3:

- (a) Vitamins A, B<sub>1</sub>, B<sub>2</sub>, niacin, vitamin C, calcium, iron.

4.3.3 When nutrient labelling is applied, the amounts of vitamins and minerals considered to be of negligible importance should not be listed:

<u>Nutrient</u>	<u>Suggested amounts/100 g below which no information should be given</u>
Vitamin A	100 IU
Vitamin B <sub>1</sub>	0.03 mg
Vitamin B <sub>2</sub>	0.03 mg
Niacin	0.4 mg
Vitamin C	1.0 mg
Calcium	20 mg
Iron	0.3 mg

REVISED SECTION 4.2 APPLICATION OF NUTRIENT LABELLING

4.2.1 Nutrient labelling should be mandatory for foods for which nutrition claims as defined in Section 2.3 are made with the exception of:

- (a) the mention of substances in the list of ingredients;
- (b) the declaration of the quantity of certain nutrients on the label if required by national legislation other than that pertaining to nutrition labelling;
- (c) the mention of nutrients as part of nutrition labelling.

4.2.2 Nutrient labelling may be made mandatory for certain foods whose nutritional value has been modified considerably.

4.2.3 Nutrient labelling should be voluntary for all other foods.

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APPENDIX VI

PROPOSED DRAFT GUIDELINES FOR NUTRITION LABELLING

(Advanced to Step 5 of the Procedure)

1. PURPOSE

- (a) To ensure that nutrition labelling does not describe a product or present information about it which is in any way false, misleading, deceptive or insignificant in any manner.
- (b) To ensure that nutrition labelling is effective:
  - (i) in providing the consumer with information about a food and, in particular, a processed food so that a wise choice of food can be made;

(ii) in providing a means for conveying information of the nutrient content of a food on the label;

(iii) in encouraging the use of sound nutrition principles in the formulation of foods which would benefit public health;

(iv) in providing the opportunity to include optional nutrition education information on the label.

(c) To ensure that no nutritional claims are made without nutrition labelling.

## 2. SCOPE

2.1 These guidelines recommend procedures for the nutrition labelling of foods.

2.2 These guidelines apply to the nutrition labelling of all foods. For dietary foods, more detailed provisions may be developed.

## 3. DEFINITIONS

For the Purpose of these Guidelines:

3.1 Nutrition labelling is a standardized description intended to inform the consumer of nutritional properties of a food.

3.2 Nutrition labelling consists of two components:

- (a) nutrient labelling;
- (b) educational nutrition information.

3.3 Nutrition claim means any representation which states, suggests or implies that a food has particular nutritional properties including but not limited to the energy value and to the content of protein, fat and carbohydrates, as well as the content of vitamins and minerals. The mention of substances / in the list of ingredients / / and/or nutrition labelling / / and/or the declaration of the quantities of certain nutrients elsewhere on the label as required by national legislation / do not constitute a nutrition claim.

## 4. NUTRIENT LABELLING

### 4.1 Principles for Nutrient Labelling

4.1.1 Information supplied should be for the purpose of providing consumers a suitable profile of nutrients contained in the food and considered to be of nutritional importance. The information should not lead consumers to believe that there is exact quantitative knowledge of what individuals should eat in order to maintain health, but rather to convey an understanding of the quantity of nutrients contained in the product. A more exact quantitative delineation for individuals is not valid because there is not meaningful way knowledge about individual requirements can be used in labelling.

4.1.2 Nutrient labelling should not imply that a food which carries such labelling has necessarily any nutritional advantage over a food which is not so labelled.

### 4.2 Application of Nutrient Labelling

4.2.1 Nutrient labelling should be mandatory for foods for which nutrition claims as defined in Section 2.3 are made with the exception of:

- (a) the mention of substances in the list of ingredients;
- (b) the mention of nutrients as part of nutrition labelling;
- (c) the declaration of the quantity of certain nutrients on the label if required by national legislation other than pertaining to nutrition labelling.

4.2.2 Nutrient labelling may be made mandatory for certain foods whose nutritional value has been modified considerably.

4.2.3 Nutrient labelling should be voluntary for all other foods.

#### 4.3 Nutrients to be Listed

4.3.1 If nutrient labelling is applied, the declaration of the following should be mandatory:

- (a) food energy, protein, carbohydrate, and fat; and
- (b) any other nutrient for which a nutrition claim is made; and
- (c) any other nutrient considered to be relevant for maintaining a good nutritional status, as required by national legislation;
- (d) in addition:

(i) when a claim is made regarding the carbohydrate content of type of carbohydrate in a food the following may should be listed:

- (1) total sugars (including monosaccharides, disaccharides and sugar alcohols);
- (2) total starch (including all complex carbohydrate).

(ii) when a claim is made regarding the fatty acid content of a food, the following should be listed:

- (1) 

Percentage of saturated	[fatty acids]
Percentage of cis-mono-unsaturated	[fatty acids]
Percentage of all trans	[fatty acids]
Percentage of cis-polyunsaturated	[fatty acids]
- or
- (2) 

Percentage of saturated	[fatty acids]
Percentage of mono-unsaturated	[fatty acids]
Percentage of polyunsaturated	[fatty acids]
- (3) [Cholesterol as mg/100 g product when saturated animal fats are present.]

4.3.2 In addition, the following may also be listed in accordance with Subsection 4.3.3: Vitamins A, D, E, C, B<sub>6</sub>, B<sub>12</sub>, Thiamin, Riboflavin, Niacin, Folicin, Calcium, Phosphorus, Magnesium, Iron, Zinc, Iodine.

4.3.3 When nutrient labelling is applied, the amounts of vitamins and minerals considered to be of negligible importance should not be listed.

#### 4.3.4 Calculation of Nutrients

##### (a) Calculation of Energy

The amount of energy to be listed should be calculated by using the following conversion factors:

Carbohydrates	4 kcal/g
Protein	4 kcal/g
Fat	9 kcal/g

##### (b) Calculation of Protein

The amount of protein to be listed should be calculated using the formula:

Protein = total nitrogen x 6.25

#### 4.3.5 Lot Average Values

All calculation of nutrients shall be based on the average value of a lot and not that of an entire population of the product.

4.3.6 In the case where a product is subject to labelling requirements of a Codex standard, the provisions for nutrient labelling set out in that standard should take precedence over the provisions of 4.3.1 to 4.3.3 of these guidelines.

#### 4.4 Presentation of Nutrient Content

4.4.1 (a) The presentation of nutrient content information should be numerical, but the use of graphics as an additional means of disclosure should not be excluded.

(b) Numerical information should be expressed in metric units:

(i) per 100 g, or per 100 ml;

(ii) per serving or portion in convenient standardized household measure may be given in addition to the information required in (i).

(c) [Convenient household measures would be a cupful, tablespoon or teaspoonful of standard size.]

#### 4.5 Compliance or Enforcement

4.5.1 (a) Tolerance limits should be set in relation to public health concerns, shelflife accuracy of analyses.

(b) Tolerance values for nutrient labelling will vary according to whether the food is highly processed, minimally processed or not processed.

(c) For highly processed foods, it is suggested that nutrient content should be within / 80% / of the amount listed, for minimally processed foods within / 70% / and for non-processed foods within / 60% / of the amount of the nutrient stated on the label.

4.5.2 In those cases where a product is subject to a Codex standard, requirements for tolerances for nutrient labelling established by the standard should take precedence over these guidelines.

### 5. EDUCATIONAL INFORMATION IN NUTRITION LABELLING

#### 5.1 Principles

(a) Except for food group symbols, educational information should be optional in addition to and not in place of nutrient labelling and in accordance with the principles set forth in Section 4.1.

(b) The content of extra educational information will vary from one country to another and within any country from one target population group to another according to the educational policy of the country and the needs of the target groups.

#### 5.2 Content of Educational Information May Include

(a) Relating nutrient content to concepts of nutritional value which may be:

(i) Recommended Daily Allowances, amounts or intake (RDAs), or

(ii) nutrient density.

(b) Relating nutrient content to food groups.

#### 5.3 Expression of Nutrient Content in Relation to Recommended Daily Allowances, Amounts or Intakes (RDAs/RDIs)

5.3.1 The values for RDAs/RDIs may be different from country to country depending, for example, on environment, activity level, etc. Not all countries have established RDAs/RDIs.

5.3.2 In countries where adopted, RDAs/RDIs represent the best estimate, to which a safety margin is added, of the nutrient needs for the population. The safety margin varies according to the relative degree of accuracy of the "best estimates" of needs.

5.3.3 RDA/RDI information should be given only for target populations who understand the concept.

5.3.4 When RDA/RDI information is given, consumers must be advised on the label that these figures apply to population groups and do not distinguish individual differences.

#### 5.4 Expression of Nutrient Content in Relation to Energy (Nutrient Density)

5.4.1 If this concept is used, the following should be taken into consideration:

(a) People who are engaged in hard manual labour or in very active sports may need increased amounts of food energy without an increase in, for example, protein;

(b) infants, young growing children, and pregnant women have nutrient needs in relation to energy which are different from those of the rest of the population;

(c) therefore the concept of nutrient density is only of use where energy expenditure and therefore energy needs is more or less uniform throughout the population;

(d) use of this concept should be limited to target populations with knowledge of nutrient density concept.

5.4.2 When nutrient density information is given, consumers should be advised on the label that the amounts of nutrient in relation to energy will vary with level of activity and with growth.

#### 5.5 Expression of Nutrient Content through the Use of Food Group Symbols

(a) This is a convenient form of information for target populations who have a high illiteracy rate and comparatively little knowledge of nutrition;

(b) the symbols used will vary from country to country depending on the local supplies or traditional foods;

(c) the use of food group symbols on the label should be accompanied by nutrition education programmes.

#### 6. PERIODIC REVIEW OF NUTRITION LABELLING

(a) Nutrient labelling should be reviewed periodically in order to maintain the list of nutrients to be included in composition information up-to-date and in accord with public health facts about nutrition.

(b) A review of optional information for nutrition education will be needed as target groups increase in literacy and nutrition knowledge.

PROPOSED DRAFT REVISED TEXT OF RECOMMENDED INTERNATIONAL GENERAL STANDARD  
FOR THE LABELLING OF PREPACKAGED FOODS (CAC/RS 1-1969)  
(Advanced to Step 5 of the Procedure)

1. SCOPE

This standard applies to the labelling of all prepackaged foods for sale to the consumer/ direct human consumption including those intended for catering purposes or repackaging at the point of sale.

It does not apply to the labelling of foods not intended for direct sale to the consumer, such as those destined for further processing or repackaging into consumer sized packages, which are covered by the Codex Guidelines for the Labelling of Non-Retail Containers of Foods. 1/

Nothing in this standard shall preclude the adoption of additional or different provisions in a Codex standard, in respect of labelling, where the circumstances of a particular food would justify their incorporation in that standard.

2. DEFINITION OF TERMS

For the purpose of this standard:

"Claim" means any representation which states, suggests or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality.

"Container" means any form of packaging of food for sale as a single item, whether by completely or partially enclosing the food in such a way that the contents cannot be altered/are not accessible without opening or changing the packaging, and includes wrappers. A container may enclose several units or types of prepackaged food when such is presented for sale to the consumer.

For use in Date Marking of prepackaged foods:

"Date of Manufacture" means the date on which the food becomes the product as described.

"Date of Packaging" means the date on which the food is placed in the immediate container in which it will be ultimately sold.

"Sell-by Date" means the last date of offer for sale to the consumer after which there remains a reasonable storage period in the home.

"Date of Minimum Durability" ("best before") means the date which signifies the end of the period under any stated storage conditions during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond that date the food may still be perfectly satisfactory.

"Use-by Date" (Recommended Last Consumption Date) (Expiration Date) means the date which signifies the end of the estimated period under any stated storage conditions, after which the product probably will not have the quality attributes normally expected by the consumers. After this date, the food should not be regarded as marketable.

1/ The Codex Committee on Food Labelling is currently preparing Guidelines for the Labelling of Non-Retail Containers of Food (ALINORM 81/22, Appendix VIII) which are intended to cover the labelling of all containers of food not subject to the provisions of this General Standard.

"Food" means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drink, chewing gum and any substance which has been used in the manufacture, preparation or treatment of "food" but does not include cosmetics or tobacco or substances used only as drugs.

"Food Additive" means any substance not normally consumed as a food by itself / and not normally used as a typical ingredient of the food /, whether or not it has nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food results, or may be reasonably expected to result, (directly or indirectly) in it or its by-products becoming a component of or otherwise affecting the characteristics of such foods. The term does not include "contaminants" / or substances added to food for maintaining or improving nutritional qualities /.

"Ingredient" means any substance, including a food additive, used in the manufacture or preparation of a food / and present in the final product although possibly in a modified form /.

"Label" includes any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food.

"Labelling" includes any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food, including that for the purpose of promoting its sale or disposal.

/"Lot" means a quantity of food produced under essentially the same conditions, all packages of which shall bear a suitable marking that identifies the production during a particular time interval, and usually from a particular "line" or other critical processing unit. /

"Prepackaged" means packaged or made up in advance in a container, ready for sale to the consumer.

/"Principal Display Panel" means the surface of a package which, either through design or general use, is customarily displayed to the consumer." /

"Processing Aid" means a substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or its ingredients, to fulfil a certain technological purpose during treatment or processing and which may result in the non-intentional but unavoidable presence of residues or derivatives in the final product.

/"Sell" includes offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale or exchange, dispose of for any consideration whatsoever, or transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid.

"Sell" includes sell, offer for sale, expose for sale, have in possession for sale, and distribute. /

### 3. GENERAL PRINCIPLES

3.1 Prepackaged food shall not be described or presented on any label or in any labelling in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect. Any claims shall be in accordance with the General Guidelines on Claims which are given in Appendix I. 1/

1/ General Guidelines on Claims (ALINORM 79/22, Appendix II) will be appended to the finalized text.

3.2 Prepackaged food shall not be described or presented on any label or in any labelling by words, pictorial or other devices which refer to or are suggestive either directly or indirectly, of any other product with which such food might be confused, or in such a manner as to lead the purchaser or consumer to suppose that the food is connected with such other product.

3.3 The General Principles referred to in Sections 3.1 and 3.2 shall also apply to advertizing.

#### 4. MANDATORY LABELLING OF PREPACKAGED FOODS

The labels of all prepackaged (food) foods shall bear the following information, (required by sub-sections 4.1 to 4.6 of this Section), as applicable to the food being labelled, except to the extent otherwise expressly provided in a (specific) individual Codex standard.

##### 4.1 The Name of the Food

4.1.1 The name shall indicate the true nature of the food and normally be specific and not generic.

(i) Where a name or names have been established for a food in a Codex standard, at least one of these names shall be used.

(ii) In other cases, a common or usual name shall be used, if one exists.

(iii) Where no common name exists, an appropriate (descriptive name) designation which is not misleading or confusing to the consumer shall be used or a "coined", "fanciful" or "brand" name, or "trade mark" may be used provided it is accompanied by such a designation.

4.1.2 (A "coined" or "fanciful" name, however, may be used provided it is not misleading and is accompanied by an appropriately descriptive term.)

4.1.3 There shall appear on the label either in conjunction with, or in close proximity to the name of the food, such additional words or phrases, as necessary, to avoid misleading or confusing the consumer in regard to the true nature and condition of the food including the type of packing medium, style, and the condition or type of treatment it has undergone; for example: dried, freeze-dried, quick-frozen, concentrated, reconstituted, esterified, smoked.

##### 4.2 List of Ingredients

4.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion, except as otherwise provided in a Codex standard.

(3.2 (a)(iii) In the case of foods in respect of which the national legislation does not require a complete declaration of ingredients provided that such ex-exemptions have been granted because the food is of well known composition, and the absence of a declaration of ingredients is not prejudicial to the consumer, and the information provided on the label enables the consumer to understand the nature of the food.)

(i) The list shall be preceded by a suitable heading which indicates that the ingredients are listed in descending order of proportion.

(ii) In the case of dehydrated foods which are intended to be reconstituted by the addition of water or milk, the ingredients may be listed in order of proportion (m/m) in the reconstituted product provided that a statement such as ingredients when reconstituted in accordance with the directions on the label is included.

(iii) All ingredients / with the exception of water and other volatile products, / shall be listed in descending order of ingoing weight (m/m) / at the time of the manufacture of the food. /

(iv) Water and other volatile products (e.g. vinegar) shall be listed in order of their weight (m/m) in the finished product. The amount shall be calculated by deducting from the weight of the finished product the total weight of the other ingredients /.

4.2.2 Where an ingredient of a food (has more than one component, the names of the components shall be included in the list of ingredients, except where such an ingredient is a food for which a Codex standard has been established and such standard does not require a complete list of ingredients) is itself the product of two or more ingredients, the latter shall be declared in brackets, in descending order of proportion (m/m), following the actual ingredient of which they form a part.

4.2.3 A specific name shall be used for ingredients in the list of ingredients except that:

(i) for ingredients falling in the respective classes, the following class titles may be used:

(animal fat(s))	herb(s)
(animal oil(s))	spice(s)
(vegetable fat(s))	starch(es)
(vegetable oil(s))	(other than modified starches)

(ii) for (substances) food additives falling in the respective classes and appearing in (Codex Standards or) Codex lists of food additives permitted for use in foods generally, the following class titles may be used, except in cases where there are more specific requirements in individual Codex standards:

anticaking agent(s)  
antioxidant(s)  
bleaching agent(s)  
carrier solvent(s)  
colour(s)  
emulsifier(s)  
flavour(s)  
flavour enhancer(s)  
enzyme preparation(s)  
preservative(s)  
stabilizer(s)  
thickener(s)  
non-nutritive sweetener(s)  
antifoaming agent(s)  
neutralizer(s)  
acidifier(s)

4.2.4 Added water shall be declared in the list of ingredients (if such a declaration would result in a better understanding of the product's composition by the consumer) except when the water forms part of an ingredient such as brine, syrup or broth used in a compound food and declared as such in the list of ingredients.

4.2.5 Processing aids and carry-over of food additives

(i) A food additive carried over into a food in a significant quantity or in an amount sufficient to perform a technological function in that food as a result of the use of raw materials or other ingredients in which the additive was used shall be treated and regarded as an additive to that food and included in the list of ingredients. (Section 4 of the Carry-Over Principle).

(ii) Food additives carried over into foods at levels less than those required to achieve a technological function, and processing aids, are exempted from declaration in the list of ingredients. (Section 3 of the Carry-Over Principle).

4.3 Net Contents and Drained Weight

4.3.1 The net contents and drained weight shall be declared, where required, in (either) the metric ("Système International units) (or avoirdupois or both) system(s) of measurement (as requested by the country in which the food is sold).

4.3.2 The net contents shall be declared in the following manner:

(i) for liquid foods, by volume;

(ii) for solid foods, by weight, except that when such foods are usually sold by number a declaration by count may be made or, if not, the number of items can be clearly seen and easily counted without opening the package;

(iii) for semi-solid or viscous foods, either by weight or volume.

4.3.3 Foods packed in a liquid medium (normally discarded before consumption) shall carry a declaration of the drained weight of the food. For the purposes of this requirement, liquid medium means water, aqueous solutions of sugar and salt, fruit and vegetable juices, or vinegar, either singly or in combination.

4.4 Name and Address

4.4.1 The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

4.5 Country of Origin

[4.5.1 The country of origin of the food shall be declared (if its omission would mislead or deceive the consumer).]

Or

[4.5.1 The country of origin shall be declared unless the product is sold within the country of origin.]

4.5.2 When a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

4.6 Lot Identification

4.6.1 Each container shall be embossed or otherwise permanently marked in code or in clear to identify the producing factory and the lot.

5. ADDITIONAL (OR DIFFERENT) MANDATORY REQUIREMENTS FOR SPECIFIC FOODS

5.1 Date Marking and Storage Instructions

Unless otherwise specified in an individual Codex standard for a food, the following shall apply:

(i) The "date of minimum durability" (preceded by the words "best before") shall be declared by the day, month and year in uncoded numerical sequence except that for products with a shelf life of more than three months, the month and year will suffice.

(ii) The month may be indicated by letters in those countries where such use will not confuse the consumer.

(iii) In the case of products requiring a declaration of month and year only, and the month to be indicated is December, the expression may be stated as "end (stated year)".

5.1.2 In addition to the date of minimum durability, any special conditions for the storage of the food shall be declared on the label if the validity of the date depends thereon.

## 5.2 Instructions for Use

5.2.1 Directions for use, including reconstitution if applicable, shall be included on the label, as necessary, to ensure correct utilization of the food.

## 5.3 Nutrient Labelling

5.3.1 Any nutrient labelling shall be in accordance with the Guidelines on Nutrition Labelling which are given in Appendix II. 1/

## 5.4 Quantitative Labelling of Ingredients

5.4.1 Where the labelling of a food places emphasis on the presence of one or more valuable and/or characterizing ingredients, or where the description of the food has the same effect, the ingoing percentage of the ingredient (m/m) at the time of manufacture shall be declared.

5.4.2 Similarly, where the labelling of a food places emphasis on the low content of one or more ingredients, the percentage of the ingredient (m/m) in the final product shall be declared.

5.4.3 Declarations covering Sections 5.4.1 and 5.4.2 shall be given equal prominence to the claims relating to the presence of low content of the one or more ingredients in question.

## 5.5 Irradiated Foods

5.5.1 A food which has been treated with ionizing radiation shall (be so designated) include as part of its name a statement, as appropriate, that it has been so treated, such as "irradiated X", "X treated by irradiation", "X processed by ionizing radiation" or "X processed by electron - or gamma - radiation", where X represents the food.

5.5.2 When an irradiated product is used as an ingredient in another food, this shall be declared in the list of ingredients by use of the term "irradiated" in conjunction with the name of the product so treated.

## 6. EXEMPTIONS FROM MANDATORY LABELLING REQUIREMENTS

6.1 With the exception of spices and herbs, small units (of up to 25 g (ml)/15 g (ml)) (or) (with a total surface area of less than 50 cm<sup>2</sup>) may be exempted from the requirements of paragraphs (4.2., 4.3, 4.6. to 4.9) provided that such information is displayed on a display box, sign, placard or similar item placed near or adjacent to the foods when presented for sale to the consumer.

(nor would mislead or deceive the consumer in any way whatsoever in respect of the food) of this standard including those relating to claims and deception given in Section 3, General Principles.

1/ The Guidelines on Nutrition Labelling (at present at Step 5 of the Procedure, see Appendix V) will be appended to the finalized text.

7.2 Grade Designations

If grade designations are used, they should be readily understandable, and not be misleading or deceptive in any way.

8. PRESENTATION OF MANDATORY INFORMATION

8.1 General

8.1.1 Labels on prepackaged foods shall be securely attached and except as otherwise specified in Section 8.2 shall not be superimposed on other labels or lithographed containers. They shall not be attached by any person other than the manufacturer or his authorized agent.

8.1.2 Statements required to appear on the label by virtue of this standard or any other Codex standard shall:

(i) be clear, prominent and readily legible by the consumer under normal conditions of purchase and use;

(ii) not be obscured by designs or other written, printed or graphic matter;

(iii) be indelible and in contrasting colour to that of the background.

8.1.3 The letters in the name of the food shall be in a size (reasonably related) similar to the most prominent printed matter on the label.

8.1.4 Where the container is covered by a wrapper, the wrapper shall carry the necessary information or the label on the container shall be readily legible through the outer wrapper or not obscured by it:

8.1.5 (In general) the name and net contents of the food shall appear in a prominent position on (that portion of the label normally intended to be presented to the consumer at the time of sale) the principal display panel.

8.1.6 Mandatory information required to appear on the label shall be in accordance with the Guidelines for the Presentation of Mandatory Labelling as given in Appendix III. 1/

8.2 Language

(The language used for the declaration of the statements referred to in paragraph 4.1 shall be a language acceptable to the country in which the food is intended for sale).

8.2.1 If the language on the original label is not acceptable, a supplementary label containing the mandatory information in the required language may be used instead of relabelling.

8.2.2 In the case of either relabelling or a supplementary label, the mandatory information provided shall be a direct translation from the original label and shall not be altered in any way.

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1/ Under elaboration, will be appended to the finalized text (see para. 104).

Explanatory Note:

Underlined sections: proposed additions to CAC/RS 1-1969.

( ): proposed deletions from CAC/RS 1-1969.

REPORT OF THE WORKING GROUP ON DRAFT GUIDELINES FOR  
THE LABELLING OF NON-RETAIL CONTAINERS OF FOOD

1. Composition of the Working Group:

Australia, Canada, Denmark, Finland, France, Gabon, New Zealand, Norway, Saudi Arabia, Sweden, United Kingdom and United States of America.

2. The Working Group appointed Mr. Erwin (Australia) as its Chairman and Dr. D.A. Jonas (United Kingdom) as Rapporteur.

3. The Working Group noted that its terms of reference were to examine the comments provided on the draft guidelines as summarized in document CX/FL 80/4 for the purpose of advising on the "scope" and "definitions" sections of the draft guidelines referred to above. The Working Group agreed to keep in mind the comments made by a number of Codex Commodity Committees and also agreed to extend its discussions to cover the entire draft guidelines.

4. The Working Group reached the following conclusions:

Title: There was some discussion of whether "containers" or "packages" was more appropriate. It was concluded that either term would be acceptable provided it was clearly defined. Since the definition of "container" would be considered in relation to the General Standard, it was decided to retain it pending this discussion.

Purpose: It was agreed to delete the provision beginning "Such advice ..." including the examples (i) to (v).

Scope: There was an extended discussion about the scope of the draft guidelines. The United Kingdom proposed that since sales to caterers and foods repacked at the point of sale were subject to the same considerations of consumer protection as direct sales to the consumer, they would more appropriately come within the scope of the General Standard for the Labelling of Prepackaged Foods. There was general support for this proposal and it was agreed to recommend it for adoption by the Committee.

Some members of the Working Group questioned the need to include freight containers within the guidelines. The delegation of Gabon, supported by the delegation of Saudi Arabia, drew the Group's attention to a number of difficulties that this might cause, especially for developing countries. In particular, the delegation of Gabon cited the problems in his country caused by the use of codes as the only identification mark on some freight containers. Whilst, the Working Group appreciated these difficulties, the consensus was that freight containers should not come within the scope of these guidelines, but rather that there might be a need for separate guidelines, possibly along the lines of the ATP. It was finally decided to place the provision relating to freight containers, under Definitions, in square brackets.

There was also discussion of the need to include in the guidelines foods transported principally for further industrial processing. The Working Group concluded that this provision should remain.

In the light of these discussions, it was agreed that the Secretariat would consider the wording of paragraph 2.1.1. Subsequently, the Secretariat concluded that retention of this provision was no longer necessary as the substance of the provision was now contained in the revised definition of "non-retail containers".

Definitions: The Working Group agreed to confine its consideration to those definitions which would not be discussed by the Committee during its revision of the General Labelling Standard.

(a) Non-Retail Containers: after some discussion, it was agreed that the list should be open ended. The following definition was agreed:

"Non-retail container means any form of packaging of foods not covered by the General Standard for the Labelling of Prepackaged Foods (CAC/RS 1, Rev. 1) and includes, but is not limited to, the following: containers of foods destined for further industrial processing, containers of foods destined for repackaging into consumer sized prepackages, outer containers for a quantity of packaged or prepackaged foods, containers of raw materials and prepackaged foods for use in vending machines."

(b) In view of the reference to foods for further industrial processing, it was agreed that a definition of "processing" should be included. The following definition based on Section 3.5 b of the present General Labelling Standard was adopted:

"Processing means any treatment which changes the nature of the food."

General Principles: The delegation of Gabon drew attention to some inconsistencies between the English and French texts and provided a revised wording for the latter (see LIM 1). There was general agreement in the Working Group to the intent of the General Principles although it was recognized that they might need revision following discussion of the General Labelling Standard.

Labelling: There was general discussion on the specific labelling requirements in Section 5, although it was recognized that these would have to be aligned with the revised General Labelling Standard. The following changes were made:

(a) Although it was recognized that the exclusion in 5.2.4 related only to the list of ingredients, it was considered it would be more appropriately placed under clause 5.9 covering exemptions.

(b) The first sentence of 5.8 was extended to make specific reference to date marking as follows: "All non-retail containers should carry easily understood information to enable stocks to be properly rotated and where appropriate suitable date marking."

The delegation of Finland, supported by Norway, proposed that additives should be quantitatively declared and by specific rather than class names in the list of ingredients in order to adequately inform the user. It was noted, however, that such a requirement went beyond the General Labelling Standard and further had implications for all ingredients. It was, therefore, decided to make no change.

Presentation of Information:

It was decided that the reference to "accompanying documents" was somewhat ambiguous insofar as such documents did not always physically accompany the goods. The Working Group agreed that the phrase should be amended to refer to "related documents".

The delegation of Denmark raised the question of the language problems when non-retail containers were required to be handled in different countries which used different languages. There was general agreement that this could be a problem but that there was no simple solution. It was noted that ISO had attempted to cover this type of difficulty by the use of symbols.

5. The revised text appears in the Annex to this report.

DRAFT GUIDELINES FOR THE LABELLING OF NON-RETAIL CONTAINERS OF FOOD  
(Sideline Sections may need to be amended in line with any amendments to the General Labelling Standard)

1. PURPOSE

The purpose of the Guidelines for the Labelling of Non-Retail Containers of Food is to provide advice on the labelling of all containers of food not subject to the provisions of the General Standard for the Labelling of Prepackaged Foods (CAC/RS 1-1969) or to any other General Labelling Standard for Specified Prepackaged Foods adopted by the Codex Alimentarius Commission.

2. SCOPE

2.1 These guidelines are intended to apply to the labelling of containers which are not intended for direct retail sale; they are defined in Section 3 and will be named hereafter "non-retail containers".

3. DEFINITIONS

For the purpose of these guidelines:

"Label" includes any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food;

"Labelling" includes the label and any written, printed or graphic matter relating to and accompanying the food;

"Container" means any form of packaging of food for sale as a single item, whether by completely or partially enclosing the food, and includes wrappers;

"Prepackaged" means packaged or made up in advance, ready for retail sale, in a container;

"Packaged" means enclosed or made up in advance, ready for its intended use, in a container;

"Processing" means any treatment which changes the nature of the food.

"Ingredient" means any substance, including a food additive, used in the manufacture or preparation of a food and present in the final product.

"Non-retail containers" means any form of packaging of foods not covered by the General Standard for the labelling of Prepackaged Foods (CAC/RS 1, Rev. 1) and includes, but is not limited to, the following: containers of foods destined for further industrial processing, containers of foods destined for repackaging into consumer size prepackages, outer containers for a quantity of packaged or prepackaged foods, containers of raw materials and prepackaged foods for use in vending machines and freight containers being of permanent construction, designed for re-use and intended for handling and transport of large consignments without intermediate reloading.]

4. GENERAL PRINCIPLES

The labelling of non-retail containers of food should be in accordance with the following General Principles:

4.1 Food in non-retail containers should not be described or presented on any label or in any labelling in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.

4.2 Food in non-retail containers should not be described or presented on any label or in any labelling by words, pictorial or other devices which refer to or are suggestive either directly or indirectly, of any other product with which such food might be confused, or in such a manner as to lead the purchaser to suppose that the food is connected with such other product.

5. LABELLING OF NON-RETAIL CONTAINERS

The following information should be given on the label of non-retail containers.

5.1 The Name of the Food

5.1.1 The name of the food should indicate the true nature of the food and normally be specific and not generic.

5.1.1.1 A common or usual name should be used if one exists.

5.1.1.2 Where no common name exists, an appropriate descriptive name should be used.

5.1.1.3 A "coined" or "fanciful" name, however, may be used provided it is not misleading and is accompanied by an appropriate descriptive term.

5.1.1.4 Specific information related to processing or treatment may be stated in appropriate descriptive term in close proximity to the name of the food.

5.2 List of Ingredients

5.2.1 A complete list of ingredients should be declared on the label in descending order of proportion by weight, except that in the case of dehydrated foods which are intended to be reconstituted by the addition of water or milk, the ingredients may be listed in order of proportion in the reconstituted product provided that the list of ingredients is headed by a statement such as "ingredients when reconstituted in accordance with the directions on the label".

5.2.2 Where an ingredient of a food has more than one component, the names of the components should be included in the list of ingredients.

5.2.3 A specific name should be used for ingredients in the list of ingredients except that class titles for ingredients may be used in accordance with General Standard for the Labelling of Prepackaged Foods.

5.3 Net Contents

5.3.1 The net contents should be declared in either the metric ("Système International" units) or avoirdupois or both systems of measurement as required by the country in which the food is sold. The declaration should be made in the following manner:

(a) for liquid foods, by volume;

(b) for solid foods, by weight, except that when such foods are usually sold by number a declaration by count may be made;

(c) for semi-solid or viscous foods, either by weight or volume.

5.3.2 In the case of non-retail containers which enclose a quantity of packaged foods, a net quantity declaration (e.g. 20 x 2 kg net packs) may be used as an alternative to the net contents declaration.

5.4 Name and Address

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food should be declared.

5.5 Country of Origin

The country of origin of the food should be declared if its omission would mislead or deceive the purchaser.

5.6 Additional or Different Requirements

Where a Codex standard has been established for the food, the declarations required in Sections 5.1 to 5.5 with the exception of Sections 5.2.4 and 5.3.2 should conform to the relevant provisions of that standard.

5.7 Storage and Handling Instructions

Where specific conditions are to be observed for storage and/or handling of the food in non-retail containers to maintain the quality of the food, the appropriate storage and/or handling instructions should appear on the label.

5.8 Stock Rotation and Durability Information

All non-retail containers should carry easily understood information to enable stocks to be properly rotated and where appropriate, suitable date marking. The outer container of a quantity of prepackaged food should bear the same date mark and storage instructions as the prepackaged food.

5.9 Exemptions

5.9.1 Where food in non-retail containers is destined solely for further processing and also in the case of freight containers the information required in sub-sections 5.2 to 5.6 may be replaced by an identification mark and given only in the related documents, provided that such a mark is clearly identifiable with the related documents.

5.9.2 In the case of non-retail containers which enclose a quantity of packaged foods already labelled with a list of ingredients, sub-sections 5.2.1 to 5.2.3 are optional.

6. PRESENTATION OF INFORMATION

Information should be given as follows:

6.1 General

6.1.1 Statements appearing on the label and/or the related document should be clear, prominent and readily legible under normal conditions of purchase and use.

6.1.2 The statements referred to in sub-section 6.1.1 should not be obscured by designs or by other written, printed or graphic matter and should be in contrasting colour to that of the background.

6.1.3 The language used for the declaration of the statements referred to in sub-section 6.1.1 should be a language acceptable to the country in which the food is intended for sale. If the language of the original label is not acceptable, a supplementary label containing the mandatory information in an acceptable language may be used instead of re-labelling.

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