codex alimentarius commission

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

WORLD HEALTH ORGANIZATION

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ALINORM 85/22A

JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX ALIMENTARIUS COMMISSION
16TH SESSION
GENEVA, 1-12 JULY 1985

REPORT OF THE EIGHTEENTH SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING OTTAWA, CANADA, 11-18 MARCH 1985

INTRODUCTION

1. The Codex Committee on Food Labelling held its 18th session in Ottawa, Canada from the 11 to 18 March 1985 by courtesy of the Government of Canada. The meeting was chaired by Mr. R.H. McKay, Director, Consumer Products Branch, Consumer and Corporate Affairs Canada. The session was attended by delegates and observers from the following 32 countries: Argentina, Australia, Austria, Brazil, Burma, Canada, Chile, China, Colombia, Cuba, Denmark, Finland, France, Gabon, Federal Republic of Germany, India, Ireland, Israel, Japan, Mexico, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, Thailand, Trinidad and Tobago, Turkey, United Kingdom, United States, Zimbabwe.

Observers were present from the following international organizations:

- Confederation des Industries Agro-Alimentaires de la CEE (CIAA)
- European Association of Advertising Agencies (EAAA)
- European Economic Community (EEC)
- Federation International Industries et du Commerce en Gros des vins (FIVS)
- International Atomic Energy Agency (IAEA)
- International Dairy Federation (IDF)
- International Féderation of Grocery Manufacturers Associations (IFGMA)
- International Frozen Food Association (IFFA)
- International Life Sciences Institute (ILSI)
- International Organization of Consumers Unions (IOCU)
- International Union of Nutrition Sciences (IUNS)
- World Federation of Advertisers (WFA)
- World Health Organization (WHO)

A list of participants, including the Secretariat and officers from FAO and WHO, is contained in Appendix I to this report.

2. The session was formally opened by Dr. A.J. Liston, Assistant Deputy Minister, Health Protection Branch, Health and Welfare Canada. He welcomed the participants and, in particular, the delegations of China and Zimbabwe which participated at this Committee for the first time after having joined the Codex Alimentarius Commission. Dr. Liston recalled that the first meeting of this Committee had been held twenty years ago and stated that the importance member countries attached to the work of this Committee was reflected in the ever increasing participation at sessions of CCFL. The full text of Dr. Liston's address is contained in Appendix II to this report.

3. The Chairman reminded the Committee that the Commission expected that the finalized texts of the Revised General Standard for the Labelling of Prepackaged Foods as well as of the Guidelines on Nutrition Labelling be submitted to the forthcoming session of the Commission. He emphasized that the Committee should make every effort to advance the two texts to Step 8 of the Procedure.

ITEM 2

ADOPTION OF THE AGENDA

4. The Committee agreed with the view of the Chairman that certain agenda items were of a complicated technical nature and should therefore be considered by Working Groups which in turn would report and present recommendations to the Committee. It identified three different Working Groups as follows:

(a) **WG I on Date Marking**

Terms of Reference

- To review provisions on date marking for shelf-stable products submitted by Codex Committees.

- To examine the provisions for date marking in the Guidelines for Date Marking and in the General Standard for the Labelling of Prepackaged Foods in the light of comments.

- To consider comments on exemptions from date marking and to establish a list of commodities to which such exemptions apply.

- To make recommendations on endorsements of date marking provisions in Commodity Standards.

(b) WG II on Certain Provisions of the Guidelines on Nutrition Labelling

Terms of Reference

- To consider methods of analysis to accompany the Guidelines on Nutrition Labelling.

- To review the definitions given in ALINORM 85/22, Appendix II, Section 2.

- To review the factor for converting nitrogen content to protein content.

- To review Section 4 of the Draft Guidelines on Nutrition Labelling (ALINORM 85/22, Appendix VI) in the light of government comments.

(c) WG III on (a) Guidelines on Labelling Provisions in Codex Standards and on (b) the Labelling of Non-Retail Containers

Terms of Reference

- To review the above Guidelines as contained in CX/FL 85/6 Part I and to adjust them to the Revised Text of the General Standard for the Labelling of Prepackaged Foods.

- To set up priority criteria and recommend a work plan for Codex Committees concerning the revision of labelling provisions in Codex Standards after the adoption of the General Labelling Standard.

- To consider the Survey of Provisions for the Labelling of Non-Retail Containers in Codex Standards (CX/FL 85/8) and paras. 9-18 of ALINORM 85/22 and

  (i) examine the need for Guidelines for the Labelling of Non-Retail Containers;

  (ii) examine the need to include advice on non-retail containers in the Guidelines on Labelling Provisions in Codex Standards and elaborate an appropriate wording.

5. The Committee agreed that the reports on these Working Groups would be considered under the relevant agenda items.

6. The Committee noted that WG III dealt with matters under item 6(a) as well as 8 and agreed to discuss these items consecutively. Several delegations felt that endorsements were an important task assigned to this Committee and, therefore, enough time should be set aside. It was agreed to take item 10 after item 7. With these amendments, the Committee adopted the provisional agenda for the session (CX/FL 85/1).

ITEM 3

MATTERS OF INTEREST TO THE COMMITTEE

7. The Committee had before it working paper CX/FL 85/2 containing matters of interest to the Committee arising from other Codex Committees. The Committee was informed that the document contained only information on Committees which had met after the 17th session of CCFL.

Executive Committee - 31st Session, ALINORM 85/3
Report on the Possible Use of a Codex Logo or Statement on Labels indicating Conformity with Codex Standards (paras. 48-51):

8. The Committee recalled that it had considered at its earlier session the feasibility of introducing a special mark on the label to indicate that a product complied with the relevant Codex Standard. At that time, the Executive Committee as well as the Commission had not been in favour of such a mark.

9. The Committee was informed that the WHO Executive Committee in January 1982 had held the view that there was a relationship between the furtherance of the acceptance of Codex Standards and the goal of health for all by the year 2000. One of the ways envisaged to obtain this aim was the possible introduction on labels of a Codex mark or "logo". A working paper, prepared by a consultant, concluded that the position of the Commission was still valid today as follows:

(a) The WHO and FAO names and emblems should not be used or incorporated into any mark used on labels. Experience had indicated that this would probably lead to abuse.

(b) The practical difficulties inherent in the use of a mark of conformity in general were such that it remained extremely doubtful if this would be a practical proposition today, even on a limited basis, as it would be difficult to withdraw a mark once introduced.

10. The paper referred also to the use of certification and inspection systems in countries and suggested that the Commission might envisage further studies with a view to attempting some encouragement of harmonization of the certification process - possibly the introduction of step-by-step procedures for a more structured approach by the Programme. The Executive Committee decided to request the Secretariat to issue a circular letter to governments asking them whether they thought there was a need for a certification system, whether such a system should be an international one or a national one, and what matters should be covered in the certificates to be issued.

Other Matters

11. The Committee noted that the other items in CX/FL 85/2 were related to other agenda items and decided to discuss them in context with the relevant items.

ITEM 4

CONSIDERATION OF DRAFT GUIDELINES ON NUTRITION LABELLING (SECTIONS 4 AND 5) AT STEP 7

12. The Committee had before it the report of the Ad Hoc Working Group on Definitions and Methodology (WG II) (CX/FL 85/4) which in addition to reviewing the definitions and factors for converting nitrogen content to protein content, reviewed the revised Section 4 of the Draft Guidelines on Nutrition Labelling based on Appendix II and VI of ALINORM 85/22 (see also paras. 106-108, 117-120 and 127-128) and government comments as contained in CX/FL 85/3, Addenda 1 and 2 (Egypt, Finland, Federal Republic of Germany, Ireland, Italy, Netherlands, New Zealand, Norway, Sweden, France, Switzerland, Thailand and International Dairy Federation) (see para. 4). The full text report of the Working Group is contained in Appendix VII to this report. The Working Group agreed to make available its report on Methods of Analysis to accompany the Guidelines on Nutrition Labelling later during the session (see para. 55 and Annex 1 to Appendix VII).

13. The report of the Working Group was presented to the Committee by Dr. M.C. Cheney of Canada who had chaired the WG II.

Section 2.6 and 2.7 - Definitions

14. The Committee noted that the Working Group recommended to change the definition of "sugars" to read as "sugars mean all monosaccharides and disaccharides present in a food." Such a change in the definition of "sugars" was recommended because many countries were of the opinion that methods for measuring oligosaccharides containing up to four hexose units were not fully developed. Further, the amount of these sugars present in the foods in many countries was very small except in those where corn sweeteners were used. The revised definition of sugars proposed by the Working Group was accepted by the Committee. No change in the existing definition of dietary fibre was proposed by the Working Group.

Section 3.2.7.1 - Calculation of Energy

15. The Committee was informed that in response to a comment from the Federal Republic of Germany, the Working Group had agreed to clarify the reference to alcohol by inserting "ethanol" in parenthesis afterwards. Also, since it was of the view that reference to specific conversion factors for minor components in food would lead to unnecessary complications without much gain, it recommended for the deletion of the last three lines of paragraph 3.2.7.1.

16. The Committee agreed with the views of the Working Group.

Section 3.2.7.2 - Protein Conversion Factor

17. The Committee noted that the Working Group had agreed to revise Section 3.2.7.2 to accommodate the use of different factors for the conversion of nitrogen to protein in Codex Standards. Realizing that use of a conversion factor other than that in a specific Codex Standard would lead to discrepancies in amounts of protein determined in the food and that declared on the label, the Working Group had agreed that the conversion factor referred to in the Codex standard should be used wherever available and a factor of 6.25 in all other circumstances. Accordingly 3.2.7.2 had been changed by the Working Group to read as follows:

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

Protein = Total Kjeldahl Nitrogen x 6.25 unless a different factor is given in a Codex Standard for that food."

18. The Committee noted that, in their written comments, several countries and international organizations had suggested specific conversion factors for protein derived from various animal and vegetable sources: milk and milk products, 6.38; cereals and vegetable proteins, 5.70; and others, 6.25. New Zealand suggested that a factor of 5.6 should be used for gelatin and its products.

19. The delegation of New Zealand supported by the delegation of Australia and the United States expressed the opinion that recognition of a factor 6.25 for converting nitrogen to protein for all foods was not appropriate. The delegate from Netherlands informed the Committee that problems may arise by using in mixed products specific conversion factors and cited as an example food containing different proteins. It was noted that at present only two Codex Committees (CCVP and CCPMPP) were using a specific conversion factor of 6.25 in their standards and guidelines. It was also noted that the Milk Committee has agreed to use the conversion factor of 6.38 in methods of analysis for milk and milk products as elaborated by the AOAC/ISO/IDF Working Group.

20. The delegate from Sweden proposed to include reference to "Codex Methods of Analysis" in the text proposed by the Working Group.

21. The Committee adopted the text proposed by the Working Group, as amended to include reference to Codex methods.

Section 3.2.3

22. The Committee agreed with the decision of the Working Group not to modify fatty acid information by including a requirement for the declaration of trans fatty acids and short chain fatty acids and retained Section 3.2.3 unchanged.

Relationship between Sections 3.3.3 and 4

23. The Chairman of the Working Group informed the Committee that a number of countries had expressed the view

that Section 4, Educational Nutrition Information, be deleted from the Guidelines, since the concept of educational nutrition information was not yet fully developed. The view had also been expressed that, since all requirements for nutrient labelling had been laid down in Sections 1 to 3 of the Guidelines, complementary guidelines for educational techniques on nutrition would serve a purpose only if they outlined the advantages, target groups of the population, etc., in some detail. Some countries had held the view that the section should be retained but in an abbreviated form.

24. The Committee was informed that the Working Group had redrafted Section 4 and had suggested that the term "Educational Nutrition Information" be replaced by the more appropriate term "Supplementary Nutrition Information" in recognition of the fact that all nutritional information on labels was of educational value. The Working Group proposed that only Sections 4.1.1, 4.1.2 and 4.1.3 be retained in the redraft and that other sub-sections in Section 4 relating to expression of nutrient content in relation to recommended daily (dietary) allowance and the amounts of intakes (RDAs/RDIs) be considered for inclusion as an alternative to the numerical declaration of nutrients in Section 3.3.3. The expression of nutrient content in terms of nutrient density, etc., was deleted.

25. The Working Group had noted that at present section 3.3.3 did not accommodate the system of expressing nutrient content in terms of RDAs/RDIs which was in use in several countries. In view of the fact that it agreed to delete Section 4.2 which dealt with the system of expressing nutrient content in terms of RDAs/RDIs, the Working Group had proceeded to make a provision for the system in Section 3.3.3.

26. The Committee agreed in principle with the amendment proposed by the Working Group and agreed to reopen discussion on the relevant sub-sections of Section 3.3 which had been finalized at the 17th session of the Committee.

Section 3.3.1

27. The Committee agreed that no change should be made to Section 3.3.1.

Section 3.3.2

28. The Committee agreed to clarifying the second sentence by amending the second half as follows: "... provided that the number of portions contained in the package is stated."

29. The delegate from the United Kingdom informed the Committee that, in many instances, the whole package is intended as a single portion and suggested that the wording be modified to make provision for a package containing a single portion. This was agreed.

Section 3.3.3

30. The Committee noted that the WG II had redrafted Section 3.3.3 of Appendix II to ALINORM 85/22 by incorporating the system referred to in para. 25 above and including the reference RDAs/RDIs originally contained in Section 4.2.4 of Appendix VI. The Committee was informed that some of these reference values were different from RDAs in individual countries and agreed that in the interest of international harmonization these values should be generally recommended for labelling purposes.

31. The delegate of Denmark supported by the delegation of the Federal Republic of Germany pointed out that the redraft made a provision for serving, which had not been accepted by the Committee at its last session and was of the view that the whole Section 3 of the Guidelines was adopted by the Committee at its last session and that discussion on this section should not be reopened.

32. The delegate of Australia expressed the view that Section 3.3.2 dealt with energy value and that Section 3.3.3 dealt with both macro and micro nutrients. He felt that it would facilitate discussion if macro nutrients and micro nutrients were dealt with in different sections. The proposal of Australia received the support of the United Kingdom.

33. The delegate of New Zealand brought the Committee's attention to the fact that the redraft of 3.3.3 made provision for nutrient declaration in different ways as metric units, RDAs/RDIs, per 100 g, per serving, and per portion. The multiple ways of nutrient declaration would confuse the consumer and in its view it should be only in metric units per 100 g/100 ml. The latter had the advantage that it provided consumers with adequate information for comparing the nutritional value of different foods. Other information could be given in addition and would be optional. The views of New Zealand were supported by Sweden, Norway, India and Denmark, Finland and the Federal Republic of Germany.

34. The United States was opposed to the above views, since space on the label was at a premium and nutrient declaration per 100 g/100 ml was not understood by the consumers in that country. In its view, no country should be forced to declare in more than one way.

35. The delegate from the United Kingdom expressed the view that it was not the intention of the redraft of Section 3.3.3 to require that a label should contain more than one of the options. Different ways for labelling were, however, appropriate to different countries, depending on the prevailing national legislation. Although satisfactory, the text, in view of the delegation of Switzerland, precluded the use of RDAs for energy and protein.

36. In view of the above remarks, it was decided that Sections 3.3.2 and 3.3.3 should be redrafted for further consideration. The following text prepared by the United Kingdom was placed before the Committee for consideration:

"3.3.2 Information on energy value should be expressed in kJ and kcal per 100 g or per 100 ml; and/or per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated; or per package if the package contains only a single portion."

"3.3.2A Information on the amounts of protein, carbohydrate and fat in the food should be expressed in grams per 100 g or per 100 ml; and/or per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated; or per package if the package contains only a single portion."

"3.3.3 Numerical information on vitamins and minerals should be expressed in metric units and/or as a percentage of the Reference RDA per 100 g or per 100 ml; and/or per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated; or per package if the package contains only a single portion. In addition, information on energy value and protein may also be expressed as percentages of Reference RDA. When Reference RDAs are used they should be based as far as possible on nutrient intakes recommended by the FAO/WHO. Until these have been reviewed, the following values should be used as the Reference RDA for labelling purposes in the interests of international standardization and harmonization:

Energy MJ (kcal)	9.5 (2300)
Protein g	50
Vitamin A ug	1000
Vitamin D ug	5

Vitamin E mg	10	
Vitamin C mg	60	
Thiamin mg	1.4	
Riboflavin mg	1.6	
Niacin mg	18	
Vitamin B6 mg	2	
Folacin ug	400	
Vitamin B12 ug	3	
Calcium mg	800	
Phosphorus mg	800	
Iron mg	14	
Magnesium mg	300	
Zinc mg	15	
Iodine ug	150	"

37. The United States informed the Committee that the new text proposed by the United Kingdom was a compromise that provided support for different views expressed by the participating countries. It was of the view that it would enable all countries to provide adequate nutrition labelling and adequate information to the consumer and supported the proposal.

38. Denmark and Sweden did not agree with the text. In their view, energy and macro nutrients should be expressed only per 100 g/100 ml and that, in addition, information could be given per serving or portion if needed.

39. The views of Denmark and Sweden were strongly opposed by the United States who brought to the attention of the Committee that if the text as proposed by Denmark and Sweden were accepted, it would have a strong reservation as expressed in para. 105 of last session's report (ALINORM 85/22).

40. Opposition by the United States to the suggested wording of Denmark and Sweden resulted from the fact that the metric system was not commonly used for labelling in that country and that expression per serving or portion was the system more meaningful and preferred by the consumer in that country. The wording proposed by Denmark and Sweden would require the United States to make dual declaration to meet its consumer needs, which might confuse the consumer.

41. The representative of IFGMA informed the Committee of the viewpoint of industry on nutrient declaration. Different ways of expressing nutrient declaration were being adopted by countries, some based on density, others based on quantity (per serving or portion). These are two different approaches and both could be useful in their own way.

42. The Codex Secretariat supported declaration by dual system at the present time in order to prevent divergent methods of declaration which, if accepted by different countries, would result in a non-tariff barrier. Experience with the present guidelines would probably lead to preference of one type of declaration in the future.

43. The United Kingdom was of the opinion that nutrition labelling was still in an experimental stage and, therefore, formal wording should not be imposed on consumers. However, numerical values per 100 g or 100 ml were preferable. The redraft offered flexibility to use different systems and the United Kingdom suggested that it should be adopted. This was supported by the delegation of Zimbabwe.

44. The Committee concluded that it was necessary to arrive at a compromise. The delegation of Denmark introduced a further revised text which included a new section to the effect that in countries where serving sizes were normally used, nutrient declaration may be expressed for serving only. The following text received the unanimous agreement of the Committee.

3.3.2 Information on energy value should be expressed in kJ and kcal per 100 g or per 100 ml or per package if the package contains only a single portion. In addition, this information may be given per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated.

3.3.3 Information on the amounts of protein, carbohydrate and fat in the food should be expressed in g per 100 g or per 100 ml, or per package if the package contains only a single portion. In addition, this information may be given per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated.

3.3.4 Numerical information on vitamins and minerals should be expressed in metric units and/or as a percentage of the Reference RDA per 100 g or per 100 ml or per package if the package contains only a single portion. In addition, this information may be given per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated. In addition, information on energy value and protein may also be expressed as percentages of Reference RDA. When Reference RDAs

are used they should be based as far as possible on nutrient intakes recommended by the FAO/WHO. Until these have been reviewed, the following values should be used as the Reference RDA for labelling purposes in the interests of international standardization and harmonization:

Energy MJ (kcal)	9.5 (2300)
Protein g	50
Vitamin A ug	1000
Vitamin D ug	5
Vitamin E mg	10
Vitamin C mg	60
Thiamin mg	1.4
Riboflavin mg	1.6
Niacin mg	18
Vitamin B6 mg	2
Folacin ug	400
Vitamin B12 ug	3
Calcium mg	800
Phosphorus mg	800
Iron mg	14
Magnesium mg	300
Zinc mg	15
Iodine ug	150

3.3.5 In countries where serving sizes are normally used, the information required by Sections 3.3.2, 3.3.3 and 3.3.4 may be given only per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated.

45. The Committee noted that the RDA values that had been proposed in square brackets throughout para. 4.2.4 of Appendix VI to ALINORM 85/22 had been amended, largely in accordance with the proposals of Switzerland (CX/FL 85/3, Add. I), and that the square brackets had been removed (now Section 3.3.4). The delegation of the Federal Republic of Germany expressed a reservation to the RDA values. The United Kingdom wished it to be recorded that there had been no discussion of these values or of the principles behind this selection. Most of the values except that for energy were those for 23-50 year old males taken from the United States Recommended Dietary Allowances, and were considerably higher than those of the FAO/WHO. The United Kingdom pointed out that it was unrealistic to expect people in developing countries and perhaps most people in developed countries to achieve these levels in nutrient intake. This could lead to a loss of confidence in the

nutritional quality of the food supply and to unnecessary use of vitamin and mineral supplements. It could also increase the difficulty of educating such populations to improve their diets through a better choice of unprocessed (unlabelled) as well as processed foods.

46. Switzerland suggested that biotin at a level of 0.2 mg and pantothenic acid at a level of 60 mg be included in the list of RDAs. The Committee did not agree with the Swiss proposal for inclusion of RDAs for biotin and pantothenic acid which had already been discussed at the 17th session. However, it was agreed that this matter should be referred to CCFSDU for its view.

47. The delegation of the Federal Republic of Germany enquired whether the RDAs contained in the new Section 3.3.4 of the Guidelines should be referred to CCFSDU for consideration. The Committee noted that the new terms of reference for CCFSDU included advice on nutritional aspects provided the request was made by the Committee concerned. In view of the United Kingdom comments, the Committee agreed that the list of RDAs should be referred to CCFSDU for comments but that this should not preclude advancement of the Guidelines.

Section 4 - Supplementary Nutrition Information

Section 4.1.1

48. The Working Group deleted reference in this section to the number of ways in which nutrition information could be presented. Such action was taken since a number of countries believed that many alternative ways of presenting nutrition information exist which were not included in the section and further refinement of this information should occur before inclusion into the Guideline.

49. The Committee agreed with the revised text for 4.1.1 proposed by the Working Group.

Section 4.1.2

50. The Working Group, however, considered it essential to make a provision for the use of food symbols which would prove useful for populations who have a high illiteracy rate and changed the existing text accordingly.

51. The Committee agreed with the revised text proposed by the Working Group.

Section 4.1.3 - unchanged.

Section 5

52. The Working Group made no change in the existing text for Sections 5.1-5.3.

53. The Committee agreed that the present definition for sugars and dietary fibre and declaration of energy value should be reviewed and accordingly changed Section 5.3 to read as:

> "Section 5.3
>
> The present definition of sugars as in Section 2.6 and that of dietary fibre as in Section 2.7 and the present declaration of energy as in Section 3.3.2 should be reviewed in the light of newer developments."

Status of the Guidelines

54. The Chairman of the Committee expressed the appreciation of the Committee to the WG II and the special drafting groups for their valuable work.

55. The Committee advanced the Draft Guidelines on Nutrition Labelling to Step 8 of the Procedure and recommended to the Commission that they be adopted at Step 8. The revised text of the Guidelines is included in Appendix III to this Report. The Committee received a report on Methods of Analysis from WG II CX/FL 85/4 Add. 1 (see para. 12) and agreed with the conclusions in that report. The Committee agreed that the methods included in the paper be circulated to governments, appropriate international organizations concerned with the development of methods and CCFSDU for comments. Dr. Cheney confirmed that she would continue to coordinate the work. The delegation of Australia wished to continue to participate at the Working Group.

ITEM 5

CONSIDERATION OF THE REVISION OF THE RECOMMENDED REVISED GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS AT STEP 7

56. The Committee had before it the above General Standard as contained in ALINORM 85/22, Appendix III and the comments of governments and international organizations as contained in document CX/FL 85/5 and Addenda. In addition, the Committee had available the report of a Working Group on Date Marking which is attached as Appendix VI to this report (see also para. 4). The Committee also took into account comments from other Committees reported in CX/FL 85/2.

57. The Chairman reminded the Committee that the provisions marked with a triple asterisk in ALINORM 85/22, Appendix III were for consideration at the present session. The Chairman briefly reviewed comments from Chile, Egypt, Finland, Ireland, Italy, Netherlands, New Zealand, Norway, Spain, Sweden, Thailand, United States of America, European Starch Association, and International Dairy Federation.

Section 4.2.1.3

58. Before discussing Section 4.2.2.1, the Committee considered the general question provided for in Section 4.2.1.3 as to whether the constituents of a compound ingredient for which a name had been established in a Codex Standard or in national legislation need not be declared if it constituted less than 25% of the food. Some delegations thought that the consumer should be informed as completely as possible of the ingredients in the food since in many cases these were of vital importance for health reasons. Other delegations were of the opinion that the upper limit should be lowered to 10-15%. It was also pointed out that for many ingredients fluctuations in supply and seasonal variations would make it necessary for manufacturers to make slight variations in the composition of ingredients and supported retention of a 25% limit to allow them flexibility in the marketplace. The Committee in general agreed with this point of view and decided to make no change to Section 4.2.1.3.

Section 4.2.2.1

59. The Committee then discussed the names of classes and the relevant class names under Section 4.2.2.1. The Committee noted that the list had been prepared by a Working Group in the

last session and had been circulated to governments for comments. Before discussing additions to the list, the Committee considered the class names already included in the standard and the foods which were covered by them.

Refined Oils Other Than Olive Oils

60. There was a proposal to include marine oils in this class. The Committee noted that this would cause linguistic difficulties and agreed that the present reference to animal and vegetable oils was sufficient. Several delegations proposed to include in the class name hydrogenated and/or partially-hydrogenated oils. The Committee agreed to the following wording:

> 'Oil', together with either the term 'vegetable' or 'animal', qualified by the term 'hydrogenated' or 'partially-hydrogenated' as appropriate.

61. The delegation of Sweden pointed out that in its country specific names were required for oils and fats and expressed a reservation to the use of only class names in these cases.

Refined Fats

62. The Committee accepted this item without change.

Starches, Other Than Chemically Modified Starches

63. The Committee accepted this item without change. In discussing this item, the Chairman noted the written comments of the European Starch Association which opposed the classification of chemically modified food starches as food additives and this Association suggested the transfer of these substances from Section 4.2.2.4 to Section 4.2.2.1. It was noted that this matter would be discussed at the next session of CCFA in detail.

All Species of Fish Where ...

64. The Committee accepted the class name "fish" without change. It was noted that the delegations of Canada, United States of America and Sweden required specific names and expressed their reservations.

All Types of Poultry Meat ...

65. The Committee accepted the class name "poultry meat" without change. It was noted that Canada, Finland, and Sweden required specific names and expressed their reservations.

All Types of Cheese ...

66. The Committee accepted the class name "cheese" without change.

All Spices and Spice Extracts ...

67. The Committee accepted an amendment to the text based on the written comments from the delegation of Chile:

(Name of Classes)	(Class Names)
All spices and spice extracts not exceeding 2% by weight either singly or in combination in the food.	'Spice', 'spices', or 'mixed spices' as appropriate.

All Herbs or Parts of Herbs

68. The Committee accepted an amendment to the text based on the written comments from the delegation of Chile:

(Name of Classes)	(Class Names)
All herbs or parts of herbs not exceeding 2% by weight either singly or in combination in the food.	'Herbs' or 'mixed herbs' as appropriate.

All Types of Gum Preparations...

69. The Committee noted that the correct translation in Spanish and French were 'goma base' and 'gomme base' respectively. No change was made to the class name as such.

All Types of Sucrose

70. The Committee accepted the class name "sugar" without amendment.

Anhydrous Dextrose and Dextrose Monohydrate

71. The Committee accepted a proposal to change the class name to "dextrose" or "glucose".

All Types of Caseinates

72. Following some discussion as to whether milk protein should be included as a class name, the delegation of the United States of America pointed out that, as defined, 'milk protein' could not be a class name. There were, however, Codex Standards for casein and acid caseinates which covered a range of products. The Committee decided not to include 'milk protein' as a class name and to leave 'caseinates' unchanged.

Dairy Butter of All Types...

73. The delegation of Sweden proposed to restrict the provision to the product derived from cow's milk; for butter derived from any other source, the animal of origin should be stated. The Secretariat pointed out that the Code of Principles concerning milk and milk products required that the origin of the milk shall be stated unless it is cow's milk. The delegation of the United States pointed out that butter needed no further definition and could not be used as a category for a range of products. The Committee agreed with this point of view and deleted the provision from the list.

Press, Expeller or Refined Cocoa Butter

74. The Committee noted that there was some discrepancy between the English and Spanish texts of the names of classes. It was agreed that the Secretariat would align the two versions.

All Crystallized Fruit...

75. After some discussion, the Committee agreed to retain this provision to allow some flexibility in composition without the necessity for declaration of the constituents. The delegations of the United States of America, Sweden, Finland and Canada disagreed with the retention of this provision.

Fermentation Vinegars ...

76. Several delegations pointed out that because vinegar came from widely divergent sources with different organoleptic characteristics, it would not be appropriate to class them collectively. The Committee agreed to delete the provision. The delegation of Switzerland expressed its reservation to this decision.

Proposed Additions to the List

77. The delegation of New Zealand referred to its written comments in which it was proposed to add "milk fat" and "milk solids non-fat" and "vegetable proteins" to the list of class names. The Committee did not pursue the proposal.

Section 4.2.2.3 - Class Names for Food Additives

78. The Committee was informed that the class name 'flour treatment agent' had been discussed at the recent session of the Codex Committee on Cereals, Pulses and Legumes. That Committee had considered the technological function of such agents and had separated them into two categories, 'flour improvers' and 'bleaching agents' which have been classified as 'processing aids', and wished to know from this Committee whether the term 'flour treatment agent' could be replaced by 'flour improvers'. The Committee noted that the Codex Committee on Food Additives had now defined 'processing aids' and that these did not require declaration on the label. There was general support for the proposed change to 'flour improvers' and the Committee made the necessary amendment to the list. The delegation of Switzerland expressed reservation to the amendment.

79. The Committee was informed that the Codex Committee on Food Additives (CCFA) had at its 18th session considered the proposal of the Committee of Fish and Fishery Products to include all of the phosphates contained in the food additive provisions in the Standards for Quick Frozen Blocks of Fish Fillets, Minced Fish Flesh and Mixture of Fillets and Minced Fish Flesh, and Quick Frozen Sticks (Fish Fingers) and Fish Portions Breaded or in Batter as "water binding agents."

80. The CCFA had discussed the above question at its 18th session and its Ad Hoc Working Group on Class Names had expressed the view that the class name "phosphates" provided adequate information to the consumer and there was therefore no necessity for including a new class name of food additive "water binding agents" in the existing list.

81. The CCFA had, however, disagreed with the opinion of the Working Group and had referred the question raised by CCFFP to this Committee. The Committee noted that the use of phosphates had also been raised at the Codex Committee on Processed Meat and Poultry Products where phosphates were considered to have a stabilizing function.

82. The delegation of Denmark pointed out that phosphates did not have a direct water binding function for fishery or meat products but provided the correct conditions for the flesh itself to regain its natural water binding capacity.

83. The delegate also pointed out that in some other Committees phosphates could be classified under other categories and that phosphates were not a class name in the true sense, since they did not relate to a function of the substances. Several delegations agreed with this point of view and proposed to delete phosphates from the class titles. A suggestion to use the chemical names of phosphates was not pursued since it was thought that such nomenclature would only confuse consumers.

84. After some further discussion, the Committee agreed that the term "water binding agent" should not be included at the present time and that, because of the multi-functional uses of phosphates, the provision should be deleted as a class title. The Committee also agreed to refer the matter back to the CCFFP and the CCPMPP for further consideration. The delegation of Spain pointed out that the deletion of phosphates could have an adverse affect on foods for which negative claims for phosphates were made and reserved its position to the deletion.

85. The Committee noted that the term "enzymes" did not indicate the function of the substances and that most of them were processing aids. The Committee agreed that those which were food additives could be covered by other class names or by specific names and decided therefore to delete "enzymes" from the list of class names.

86. The Committee noted that a footnote to Section 4.2.2.3 referred to a decision of the Committee to change the term permitting the use of class titles together with the specific name or the recognized numerical identification as required by national legislation from "may" to "shall" which had been introduced at the time when the report of the 17th session had been adopted. The Secretariat pointed out that, in its opinion, the Ad Hoc Working Group established at its 16th session had considered generic terms for ingredients and had recommended the use of class names in connection with either a specific number or the specific name of the food, without clarification whether this should be mandatory or advisory. The conditional interpretation rather than the obligatory one was reflected in para. 204 of ALINORM 85/22; however, the version included in the Standard was mandatory. The Committee agreed to the use of the word "shall". The delegations of the United States and Thailand reserved their position on this decision.

Section 4.7 - Date Marking and Storage Instructions

87. The Committee had before it the report of the Working Group on Date Marking (WG I) (see para. 4) which was presented by the Working Group Chairman, Mr. P. Rossier (Switzerland).

88. The Committee noted that the Working Group (WG I) had examined the date marking in the Guidelines for Date Marking and in the General Standard for the Labelling of Prepackaged Foods. It had noted that several Committees had departed from the date marking provisions in the current Guidelines for Date Marking and also noted that the provisions for date marking under 4.7.1 of the Revised General Standard provided only for date of minimum durability.

89. Some suggestions were made to provide for situations where other date marking provisions might be required by Commodity Committees. To take this into account, the delegation of Spain proposed the following footnote to the section:

> "The Codex Standards of specific products may exceptionally determine another date or dates defined in this General Standard, to replace or to accompany the date of minimum durability. Further, they may determine the exemption of the date marking of minimum durability when justifiably required by the product."

90. The Committee was informed that the Working Group had also considered Section 4.7.1 (vi) which provided for a list of products exempted from a required date of minimum durability.

91. The Working Group had agreed to recommend accepting the list exempting any foods as shown in ALINORM 85/22, para. 253, under Section 4.7.1 (vi) with the understanding that the list as provided for in ALINORM 85/22, Appendix III, Section 4.7.1 would be extended by those commodities which have been or may be specifically exempted by Codex Commodity Committees. To achieve this, it was agreed to add to Section 4.7.1 (vi) the following wording: "Specific commodities which have been exempted by Codex Commodity Committees." It was also agreed to include a specific exemption for chewing gum. (For the complete list of exemptions proposed by WG I, see Appendix VI). The delegation of Ireland expressed the view that products with a shelf-life of more than 18 months should be exempted from date marking.

92. The delegation of Spain pointed out that under the category of wines, there was an error in the Spanish text, which referred to liqueurs instead of liqueur wine. The Secretariat agreed to make the necessary corrections.

93. The delegation of Spain was of the opinion that other forms of date marking in addition to the date of minimum durability should be permitted where, in the opinion of Commodity Committees, circumstances required it. This point of view was supported by the delegation of Japan, since Japanese regulations, at present, required the date of manufacture.

94. In discussing the Working Group report, the Committee noted that WG III which was revising Guidelines on Labelling Provisions in Codex Standards including instructions for date marking would make very detailed recommendations on matters included presently in the Guidelines on Date Marking that might probably make the current Guidelines for Date Marking obsolete. With regard to the date marking provisions in the General Standard, several delegations were of the opinion that they could be interpreted as providing for date of minimum durability only. It was pointed out, however, that the introduction to Section 4 of the General Standard gave Commodity Committees generally the opportunity to deviate under certain conditions from the mandatory labelling requirements in that section, if necessary. This could also be done for date marking. The definitions for these were included in the List of Definitions in Section 2 for reference and use by Codex Committees. The Committee agreed to further discuss the matter when the report of WG III was available (see Appendix VIII).

95. The Committee adopted the report of the Working Group on Date Marking and thanked the Chairman and members for their work. It noted that the Working Group had also made recommendations for the endorsement for date marking provisions which would be considered under the appropriate agenda items.

Section 5 - Additional Mandatory Requirements for Specific Foods

96. The delegation of the Netherlands questioned whether there was a need to refer to "specific foods" in this section since mandatory labelling of all prepacked food was provided for under Section 4. It was agreed to remove reference to "specific foods" in the title of the section.

Section 5.1 - Quantitative Labelling of Ingredients

97. The delegation of New Zealand was of the opinion that "special emphasis" was not clear and proposed the deletion of 5.1.1 in its entirety. This proposal was supported by the delegation of the United States. The delegation of the Netherlands suggested retaining both Sections 5.1.1 and 5.1.2 as they advise the consumer of the presence or absence of a characterizing ingredient. Several delegations supported this point of view and the Committee decided to retain these provisions. There was also agreement that Section 5.1.3 could be deleted since claims relating to the presence of low contents of ingredients should not necessarily be given equal prominence. It was agreed to retain Section 5.1.4 (as a new 5.1.3) which made provisions for the labelling of ingredients used in small quantities in a food.

Section 5.2 - Irradiated Foods

98. The Committee noted that at its previous session, ALINORM 85/22, (paras. 265-279), there had been a full discussion on how to label irradiated foods. Opinions expressed at that time had led the Committee to avoid reference to the term "irradiation" and to include a provision 5.2.1 which read:[1/]

> "5.2.1 A food which has been treated with ionizing radiation energy shall include on the label the statement "treated by ionizing energy.""

99. The Committee had also agreed that two further sections

> "5.2.2 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 "processed by ionizing energy radiation in conjunction with the name of the product so treated.""
>
> "5.2.3 When a single ingredient product is prepared from a raw material which has been irradiated, the label of the product shall contain the statement "made from x processed by ionizing energy/ radiation.""

should be included in the body of the report so that these sections could be further discussed at its present session.

1/ The Observer from IAEA pointed out that the appropriate technological terms in these provisions should read: "ionizing energy/radiation".

100. The Committee had available the written comments from Finland, France, Netherlands, Norway, Spain, Sweden and Thailand. The delegation of Sweden informed the Committee that the whole question concerning irradiated foods was still under consideration by its government. It was of the opinion that, at the present time, the phrase "treated by ionizing energy" could mislead the consumer and that the term "treated by ionizing irradiation" might be more acceptable. This was supported by several delegations. The delegation of France indicated that its position on the matter had changed and expressed reservation about retaining Sections 5.2.2 and 5.2.3.

101. The delegations of the United Kingdom and the United States indicated that the matter was still under consideration by their national authorities and an official position had not yet been taken. The delegation of the United States stated that it was not in favour of labelling "second" generation products. In the United Kingdom, the weight of opinion so far indicated that both "first" and "second" generation products should be indicated and that the term "ionizing energy" was confusing. The delegations of Spain, India and Trinidad and Tobago agreed with this point of view regarding the declaration of "first" and "second" generation. Those delegations and the delegation of Colombia were also of the opinion that the term "irradiation" should be included in the provision. The delegation of France thought that such a description should refer only to "first" generation products. The delegations of the Federal Republic of Germany and India further stated that the requirements of Section 5.2.2 should appear in connection with the name of the food and that all irradiated ingredients should be declared.

102. The Observer of IAEA pointed out that the Commission had adopted in 1983, the Codex Revised General Standard for Irradiated Foods and a related Code of Practice. These documents had now been issued to governments, some of which are taking action to regulate the use of ionizing energy in connection with food and the marketing of irradiated food. There was, however, a lack of harmonization in government regulatory action. However FAO and IAEA had established an Advisory Group on regulatory and technological requirements for the authorization of the food irradiation process.

103. The Observer of IAEA pointed out that the treatment of food with ionizing energy gave the food improved shelf-life, satisfied quarantine requirements and contributed to the prevention of food-borne diseases without altering the nature

of the food. The Codex General Standard assumed that foods, both before and after irradiation, had to be still in conformity with existing Commodity Standards. With regard to labelling, the Advisory Group had noted the view of the Joint FAO/IAEA/WHO Expert Committee on the Wholesomeness of Irradiated Foods that the labelling of irradiated foods was not necessary for scientific reasons. However, the Advisory Group had agreed that there were sound technological grounds for informing food manufacturers that raw materials and other ingredients had been irradiated.

104. The Advisory Group had noted that in response to consumer demands for information or by analogy with other forms of processing as provided for in Section 4.1.2 governments might require special declarations on the label of irradiated prepackaged foods. The Advisory Group had been of the opinion that such labelling declarations should not be mandatory and that the requirement to label irradiated foods should be left with national authorities. The Advisory Group thought that labelling provisions related to irradiated ingredients would be of little value and finally that irradiated foods present in processed food products should not be so declared on the label unless they were present in amounts which would characterize the product.

105. There was further discussion on whether foods should be labelled "irradiated" or "treated with ionizing energy". The delegations of Thailand and Denmark were of the opinion that the labelling should include direct reference to "irradiation".

106. The Chair noted that the delegations of Colombia, Federal Republic of Germany, India, Spain, Sweden, Trinidad and Tobago and the United Kingdom shared this point of view. The delegation of the Federal Republic of Germany proposed to add the words "or a similar statement" in Section 5.2.1 following the statement "treated with ionizing energy".

107. The Observer of the IOCU informed the Committee that a survey showed that consumers wanted the fact of the irradiation treatment to be designated on the label. However, the Observer would prefer a term such as "processed with ionizing energy" or a symbol or almost any designation other than the term "irradiated".

108. The survey showed that the term "irradiation" held extremely negative connotations in the minds of consumers with

regard to health and the effects of radioactivity. It was therefore undesirable to use such a term when introducing a new process intended to bring benefit and health. To encourage positive thinking, IOCU had, in the past, suggested an internationally recognized symbol in conjunction with an educational program which would be beneficial in identifying foods processed with ionizing energy. The Observer from IAEA agreed with this point of view.

109. The delegation of Thailand informed the Committee that a survey in its country had shown that 85% of a population sample had preferred the term "ionizing irradiation". The delegation of the United States informed the Committee of a Gallup Poll conducted for the Canadian Department of Fisheries and Oceans which had shown that when given the choice of five labelling options, the least desired option was the term "irradiated" and "treated with ionizing radiation". The preferred terms were "freshness extended by irradiation" and "ionized fresh". The Observer of the IFGMA stated that the experience of his organization showed that it was best to leave the regulation of provisions for the irradiation of foods to national legislation. Different countries would give different regulations to reflect consumer concern with the irradiation of foods.

110. In view of the IOCU observations and the survey results, the delegation of the United States and the Observer from IFGMA thought that it was neither appropriate nor timely to oblige that the label indicate that foods had been irradiated. There should be an interim period in which governments would have the opportunity to decide which option was preferable to their consumers. In the meantime, it was of the opinion that Section 5.2.1 should remain in the standard unchanged.

111. There was some discussion on the provisions of Sections 5.2.2 and 5.2.3 which dealt with the labelling of irradiated products used as ingredients and irradiated single ingredient products respectively (see paras. 98 and 99). A number of delegations thought that these provisions should be included in the standard but that it was premature to require the use of specific terms with regard to irradiation while the matter was still under review in many countries. The delegation of the United Kingdom proposed a new wording. The delegation of the Federal Republic of Germany proposed that the specific statement be "in connection with the name of the food" and the delegation of the United States proposed the following wording: "in close proximity to the name of the food". The amended text reads as follows:

"5.2.1 A food which has been treated with ionizing radiation energy shall indicate on the label that treatment in close proximity to the name of the food."

"5.2.2 When an irradiated product is used as an ingredient in another food, this shall be so declared in the list of ingredients."

"5.2.3 When a single ingredient product is prepared from a raw material which has been irradiated, the label of the product shall contain a statement indicating the treatment."

112. The delegation of Denmark agreed, in general, with this proposal but could not accept Section 5.2.2 since in its opinion, when more than 5% of the ingredients in the product were irradiated, such treatment of the ingredients should be indicated in conjunction with the name of the food.

113. The delegation of the Federal Republic of Germany proposed the following text for Section 5.2.2:

"Foods containing ingredients which have been treated with ionizing rays, the statement "contains components treated with ionizing energy" or a similar statement is to be made in connection with the name of the food."

114. After some further discussion, the Committee agreed that the wording as contained in para. 111 should be included in the report and, recognizing that many governments had not taken a final position as to how the fact of irradiation should be declared, added a footnote to indicate that these sections remain under review. The delegation of Australia expressed concern that the present wording would leave it open for national authorities to require many different expressions. Such diversification created the risk of non-tariff barriers and was against the basic aims of the Codex Programme. In order to prevent the provision being used as a non-tariff barrier, the Committee noted the proposal of the delegation of Australia to urge national authorities to adopt the agreed provision without including more stringent provisions in the form of specific mandatory wording. This would enable manufacturers to use different forms of wording provided it adequately informed the consumer of the process and was not deceptive or misleading.

115. The Secretariat pointed out that the original text of the General Standard for Labelling of Prepackaged Foods contained the following provision in Section 5.2.:

> "Foods which have been treated with ionizing radiation shall be so designated."

Regret was expressed that it had not been possible to provide more precise advice at this point in time.

Section 6 - Exemptions from Mandatory Labelling Requirements

116. The Chairman summarized the written comments from Thailand, United States, Chile, Italy, New Zealand, Norway, the Netherlands, and Sweden. He noted that five countries supported the retention of a net contents declaration (Section 4.3). The delegation of Japan stated that in its country the maximum total surface area exemption is 30 cm^2 and thus it considered 50 cm^2 excessive for most products. After considerable discussion on whether the provision should relate to the total surface (25 cm^2) or to the largest individual surface (10 cm^2), the Committee agreed with the revision of Section 6.1 as follows:

> "With the exception of spices and herbs, small units where the largest surface area is less than 10 cm^2 may be exempted from the requirements of paragraphs 4.2 and 4.6 to 4.8."

117. The delegation of the United Kingdom, supported by the delegation of Ireland, expressed the view that an exemption should exist for packages having a weight or volume of 5 g or 5 ml, respectively.

118. The delegation of Sweden questioned the need for mandatory labelling information on food packaged for catering use, since such a provision could present a practical problem for the food industry. The delegations of Denmark, Ireland and the United Kingdom shared this concern. The delegation of Sweden then proposed the addition of a new Section 6.2, as follows:

> "A food for catering purposes need not be labelled on the package with other information than the name of the food and, if needed, storage instructions. If so labelled, other information required by this standard must be given in accompanying documents."

119. The Committee <u>did not</u> accept this proposal and <u>noted</u> that the Scope section of the standard covers food for catering purposes.

Section 7 - Optional Labelling

Section 7.1

120. The Chairman summarized the written comments from Egypt, Thailand, Sweden, France, and Italy. After a brief discussion, the Committee agreed to amendments to Section 7.1 proposed by the delegations of Australia and New Zealand as follows:

> "Any information or pictorial device written, printed, or graphic matter may be displayed in labelling provided that it is not in conflict with the mandatory requirements of this standard and those relating to claims and deception given in Section 3 - General Principles."

Section 7.2 - Grade Designations

121. The Committee agreed with the written comments of France to change 'should' to 'shall'. Therefore, the text was amended as follows:

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

Section 7.3 - Nutrient Labelling

122. The Committee agreed to the proposal of the delegation of Australia to delete this section, based on the reiteration of its view as expressed in para. 260 of ALINORM 85/22.

Section 8 - Presentation of Mandatory Information

Section 8.1 - General

Section 8.1.1

123. The Chairman reviewed the written comments of Egypt, Ireland, New Zealand and France.

124. In the interests of ensuring flexibility with respect to relabelling, the Committee agreed to revise the text as follows:

> "Labels on prepackaged foods shall be applied in such a manner that they will not become separated from the container."

Section 8.1.2

125. The Chairman noted the written comment of Sweden proposing deletion of sub-sections (ii) and (iii) on the basis that they were redundant, being covered by sub-section (i).

126. The Committee agreed to this deletion on the proviso that the word 'indelible' be added to (i). The text was amended as follows:

> "Statements required to appear on the label by virtue of this standard or any other Codex Standard shall be clear, prominent, indelible, and readily legible by the consumer under normal conditions of purchase and use."

Section 8.1.3

127. The Chairman summarized the written comments from Chile, France, Sweden and the United States. Several delegations expressed the view that 8.1.2, as amended, covered the substance of 8.1.3 and proposed its deletion. The Committee then agreed to delete 8.1.3. The delegations of Argentina and Spain expressed reservations with respect to this decision.

Section 8.1.4

128. The Committee agreed with the written comments of Sweden to change the phrase "the necessary information" to "all the mandatory information". The text was revised as follows:

> "Where the container is covered by a wrapper, the wrapper shall carry all the mandatory information or the label on the container shall be readily legible through the outer wrapper or not obscured by it."

Section 8.1.5

129. The Chairman reviewed the written comments of Chile, the Netherlands, Norway, Sweden, Spain, France, the United States and Thailand.

130. The Committee discussed at length a proposal based on written comments of the United States which read as follows:

> "The name of the food and the statement of net contents shall each appear in a prominent location

on that portion of the label normally intended to be presented to the consumer at the time of sale."

131. A number of delegations disagreed with the concept of a principal display panel as embodied in this proposal which presented significant problems for multilingual labelling. The Chairman recalled that this matter had been thoroughly discussed previously.

132. Some delegations proposed the inclusion of date marking in this section. In response, the delegation of Switzerland proposed the following text:

"The name, net contents and when required the date marking of the food shall appear in a prominent position in such a way that they can be read simultaneously."

133. The Committee then considered deletion of this section, prior to accepting the following proposal of the delegation of the Netherlands:

"The name and net contents of the food shall appear in a prominent position and in the same field of vision."

134. The delegation of Thailand expressed a reservation to this decision on the basis that the text failed to incorporate date marking.

Section 8.2 - Language

135. The Chairman reviewed the comments from Norway, Sweden, Italy, Finland, the Netherlands, United States, France and Thailand. The Committee agreed to delete the introductory unnumbered paragraph in this section.

136. The delegation of Thailand noted that in Thailand all mandatory labelling information must appear in the Thai language.

Section 8.2.1

137. The Committee agreed with a proposal from the delegation of the United Kingdom to provide flexibility in labelling food sold to linguistic minorities. This section was revised as follows:

"If the language on the original label is not acceptable to the consumer for whom it is intended,

a supplementary label containing the mandatory information in the required language may be used instead of relabelling."

Section 8.2.2

138. The Committee agreed with the written proposal of the United States to amend the text as follows in order to avoid possible problems associated with the words 'direct translation':

"In the case of either relabelling or use of a supplementary label, the mandatory information provided shall fully and accurately reflect that in the original label."

Status of the Standard

139. The Committee agreed to advance the Revised General Standard as contained in Appendix IV to Step 8 of the Procedure and recommended to the Commission that it be adopted at Step 8.

ITEM 6(a) AND ITEM 8

CONSIDERATION OF DRAFT GUIDELINES ON LABELLING PROVISIONS IN CODEX STANDARDS AND SURVEY OF PROVISIONS FOR THE LABELLING OF NON-RETAIL CONTAINERS IN CODEX STANDARDS

140. As outlined in para. 6, the Committee had agreed to discuss these items consecutively. The Committee had before it for discussion the redrafted version prepared by Australia of the Guidelines on Labelling Provisions in Codex Standards (CX/FL 85/6 - Part I), ALINORM 85/22 paras. 288-293, and the report of WG III CX/FL 85/8 - Add. 1.

141. The Chairman of the Working Group, Mr. L. Erwin (Australia), introduced the report of his group noting, in particular, that the "Draft Guidelines on Labelling Provisions in Codex Standards" had been revised to accommodate labelling provisions for non-retail containers. The full report of the Working Group can be found in Appendix VIII of this report.

142. The Committee agreed with the action of the Working Group on Provisions for the Labelling of Non-Retail Containers. The Committee also agreed with the view of WG III on the Guidelines on the Labelling of Non-Retail Containers and decided to recommend to the Commission not to continue with the elaboration of those Guidelines (Appendix VII to ALINORM 85/22) at the present time.

143. The Committee endorsed the following recommendation of WG III respecting the establishment of priority criteria and a work plan for Codex Committees concerning the review of labelling provisions after the General Standard is finalized:

(i) for those Codex Committees which are close to completing their work and will be adjourned sine die, top priority should be given to the revision of labelling provisions in Codex Standards which they have developed;

(ii) active Codex Committees in process of developing standards should include in their agendas the revision of the labelling provisions for such Codex Standards; and

(iii) where Codex Committees have completed their work and have adjourned sine die, the Committee Secretariat, in conjunction with the Codex Secretariat, should be requested to initiate a review of the labelling provisions in their standards in accordance with the procedure agreed to at the 15th session of the Commission.

144. The Committee then carried out a section by section review of the Draft Guidelines on Labelling Provisions in Codex Standards (as revised by WG III and contained in Annex 1 to Appendix VIII).

Section 1 - Purpose

145. The Committee accepted the entire text unchanged.

Section 2 - Endorsement of Food Labelling Provisions in Codex Standards

146. The Committee accepted the entire text unchanged.

Section 3 - Instructions to Codex Committees

147. The Committee accepted the text unchanged.

Section 4 - Labelling Provisions for Prepackaged Foods
Sub-Section 4.1.1

148. The Committee accepted the text unamended after carefully considering the possible inclusion in the preamble of references to Sections 5 and 6 of the General Standard. It was noted that a simple inclusion in the preamble by numerical

reference would not be sufficient. It was agreed that it would facilitate the application of these provisions if they appeared as specific sections in the Guidelines. This would necessitate their repetition in each Commodity Standard by reference to the General Standard. It was recognized that the wording of Sections 5 and 6 of the General Standard did not allow Codex Committees to interpret these provisions.

149. As a consequence of the foregoing decision, the Committee agreed that the title of Section 4.2.4.10 would be deleted and replaced by 'Additional Mandatory Requirements'. Furthermore, new sections, 4.2.4.11, 'Exemptions from Manadatory Labelling Requirements', and 4.2.4.12, 'Other Mandatory Requirements', would be inserted.

Sub-Section 4.1.2

150. The Committee accepted the text without amendment.

Sub-Section 4.2 - Specific and Optional Labelling Provisions

151. The Committee accepted the entire text unchanged, with the exception of deleting the reference to Sections 5 and 6 of the General Standard in Sub-section 4.2.2 in accordance with para. 149 above.

Sub-Section 4.2.4.1 - The Name of the Food

152. The Committee agreed to 4.2.4.1(ii) and (iii) unchanged and agreed to a minor amendment to 4.2.4.1(i) as follows:

> "The name of the food to be declared on the label shall be ...."

Sub-Section 4.2.4.2 - List of Ingredients

153. The Committee accepted the entire text unchanged.

Sub-Section 4.2.4.3 - Net Contents

154. The Committee accepted the entire text unchanged.

Sub-Section 4.2.4.4 - Drained Weight

155. The Committee agreed to the text.

Sub-Section 4.2.4.5 - Name and Address

156. The Committee agreed to the text.

Sub-Section 4.2.4.6 - Country of Origin

157. The Committee agreed to the text. The delegation of Argentina expressed a reservation to this section noting that declaration of country of origin was mandatory in Argentina.

Sub-Section 4.2.4.7 - Lot Identification

158. The Committee agreed to the text.

Sub-Section 4.2.4.8 - Date Marking and Storage Instructions

159. The Committee accepted the texts of 4.2.4.8(i) and (ii) unamended. The Committee agreed to a minor amendment to 4.2.4.8(iii) to include the phrase "for exceptional circumstances" as follows in order to provide also for those situations for which more than date marking was required:

> "Should a Codex Committee for exceptional circumstances determine another date or dates as defined in the General Standard, either to replace or to accompany the date of minimum durability, or alternatively decide that no date marking is necessary, a full justification for the proposed action should be submitted to the Codex Committee on Food Labelling."

160. Furthermore, the Committee agreed to a proposal from the delegation of Sweden to amend, in a non-substantive way, Section 4.7.1 of the General Standard in the following manner, in order to clarify that other forms of date marking in addition to the date of minimum durability would be acceptable:

> "If not otherwise determined in an individual Codex Standard, the following date marking shall apply...."

161. The Committee then agreed to a proposal put forward by the delegations of Switzerland and Australia, to cross-reference Section 4.7.1 to the Guidelines by using a footnote. The footnote will read as follows:

> "Please refer to 4.2.4.8(iii) of the 'Guidelines on Labelling Provisions in Codex Standards and on the Labelling of Non-Retail Containers'."

Sub-Section 4.2.4.9 - Instructions for Use

162. The Committee accepted the text unchanged.

Sub-Section 4.2.4.10 - Additional Mandatory Requirements (see also para. 149)

163. In accordance with para. 149, the Committee agreed with editorial changes and to a revision of this section as follows:

> "Quantitative labelling of ingredients and labelling of irradiated foods should be included by reference to Sections 5.1 and 5.2 of the General Standard, respectively."

Sub-Section 4.2.4.11 - Exemptions from Mandatory Labelling Requirements (see also para.)

164. In accordance with para. 149, the Committee agreed with editorial changes and to the inclusion of this new section, worded as follows:

> "Exemptions from mandatory labelling requirements should be included by reference to Section 6.1 of the General Standard."

Sub-Section 4.2.4.12 - Other Mandatory Requirements

165. In accordance with para. 149, the Committee agreed to include this section to read as follows:

> "Based on the nature of the food, it may be necessary to include other mandatory labelling provisions required by other Codex General Labelling Standards applicable to that food (e.g. Foods for Special Dietary Uses."

Section 5 - Labelling Provisions for Non-Retail Containers

Sub-Section 5.1

166. The Committee accepted the text without change.

Sub-Section 5.2

167. The Committee accepted the text without change.

Sub-Section 5.3

168. The Committee agreed to WG III's revision to the text and related footnotes. It also agreed to the Working Group Chairman's proposal to include "lot identification" in the last sentence and to a proposal from the delegation of New Zealand to include a reference to Section 5.2. The revised text reads as follows:

> 5.3 Where necessary, labelling provisions for non-retail containers should be included in individual Codex Standards in the following manner:
>
> "Labelling of Non-Retail Containers
>
> In addition to Sections 2, 3 and 5.2 of the General Standard for the Labelling of Prepackaged Foods (Codex STAN 1-1985), the following specific provision applies:
>
> Information on ...1/ shall be given either on the container or in accompanying documents, except that the name of the product, lot identification, and the name and address of the manufacturer or packer shall appear on the container2/. However, lot identification, and the name and address of the manufacturer or packer may be replaced by an identification mark provided that such a mark is clearly identifiable with the accompanying documents."
>
> 1/ Codex Committees should decide, based on the section for the Labelling of Prepackaged Foods in the same standard and on specific requirements for the food concerned, which provisions are to be included.
>
> 2/ Codex Committees may decide that further information is required on the container. In this regard, special attention should be given to the need for storage instructions to be included on the container.

169. The delegation of Spain expressed its reservation on this decision since, in its opinion, the replacement by an identification mark should be permitted on freight containers only.

170. The Chairman of the Committee expressed the appreciation of the Committee to the Chairman and members of WG III for the valuable work.

Status of the Guidelines

171. The Committee agreed that the Guidelines on Labelling Provisions in Codex Standards as in Appendix V should be available to Codex Committees together with the Revised General Standard, which has been advanced to Step 8 and decided therefore that, because of their uncontroversial nature, the Guidelines should not be placed in the Step Procedure but submitted directly to the 16th session of the Commission for adoption.

ITEM 6(b)
CONSIDERATION OF A SUMMARY PAPER ON PRESENTATION OF MANDATORY DECLARATIONS ON THE LABEL

172. The Committee had before it a paper prepared by the Canadian Secretariat contained in CX/FL 85/6 Part II and comments received thereto in CX/FL 85/6 Part II, Add. I (New Zealand, Norway, Philippines and Thailand). In introducing this paper, the Canadian Secretariat recalled that the subject of Harmonization of Mandatory Declarations on Labels had been discussed by the Committee on five separate occasions over a ten-year period. In addition, the Commission had considered this issue at its 13th session, 3-14 December 1979.

173. The attention of the Committee was drawn to the problem that results from governments establishing national requirements more stringent or covering areas not addressed in the General Standard for the Labelling of Prepackaged Food. These extra provisions were not deviations as defined by the acceptance procedure and thus did not have to be detailed when official acceptances were submitted by governments. Over the years, a number of proposals aimed at solving this problem had been put forward, but none proved to be satisfactory or workable.

174. The Committee agreed with the proposal of the Canadian Secretariat that this issue be referred to the Codex Committee on General Principles, with a view to developing a special acceptance procedure for food labelling. The Secretariat assured the Committee that there appears to be a sufficient number of outstanding issues which will require the Committee on General Principles to reconvene. The Committee wished to be kept informed of any further discussions of these matters.

ITEM 7

CONSIDERATION OF CERTAIN ASPECTS OF ADVERTISING INCLUDING LEGAL OPINIONS FROM FAO AND WHO

175. The Committee had before it for its discussion a working paper on advertising, CX/FL 85/7, consisting of the legal opinion of FAO and WHO on whether advertising was within the terms of reference of the Codex Alimentarius Commission, a summary paper on CCFL's work on advertising, and a proposal for a Code of Practice for Food Advertising, the latter two prepared by the delegation of Canada, and comments recorded in CX/FL 85/7, Adds. 1-4. While introducing the paper, the delegation of Canada emphasized that its role in preparing this document should not be considered to mean endorsement of the content by the Canadian government. To the contrary, Canada's position was that there was no need to elaborate a Codex Code of Practice for Food Advertising.

176. A substantial number of delegations and observers agreed with the Canadian view not to develop such a Code of Practice. Furthermore, the Committee's terms of reference to deal with this matter were questioned. The Committee's attention was drawn to the fact that a number of advertising codes already exist, both nationally and internationally, and that there seemed little value in adding to a crowded field.

177. The delegation of Sweden, supported by the delegations of Finland, Norway and India, held the view that, in view of the fact that food advertising was becoming more and more transnational in character, the elaboration of a Codex Code of Practice or Guidelines specifically for Food Advertising would be a worthwhile exercise in the interest of the consumer and suggested that work in this area continue.

178. The delegation of Australia expressed the view that the elaboration of such a Code did come within the terms of reference of the Committee. Further, there were known instances where advertising was a cause for concern. While there may not be a need to develop a Code at this time, the Committee should maintain its right to prepare a Code should such a need be demonstrated.

179. The Committee decided to recommend to the Commission that there was no need, at this time, to continue with work on a Code of Practice. The delegations of Sweden, Norway, Finland and India expressed their reservations to this decision.

180. The Committee also agreed with the observation of the delegation of Canada, supported by the delegations of Argentina and Australia, that there was a need to revise the Guidelines on Claims and the review of claims should not be confused with work on a Code of Practice for Food Advertising.

ITEM 9

ENDORSEMENT OF LABELLING PROVISION IN DRAFT STANDARDS AND DRAFT CODES OF PRACTICE

181. The Committee had before it working paper CX/FL 85/9 and Addendum 1 thereto which contained the labelling sections of Standards, Codes and Guidelines at Step 5 and 8 which had been submitted for endorsement.

182. Several delegations expressed concern about endorsing provisions now which would require revision in the very near future.

183. The Committee recognized that the endorsement of labelling provisions in Step 8 standards at the present time presented difficulties since the revised texts of the General Labelling Standard as well as the related Guidelines for Codex Committees had yet to be endorsed. It was further recognized that the original General Standard and the Guidelines for Date Marking were still in force and all endorsements would be related to these texts, subject to revision at a later stage.

Draft Standards at Step 8

Codex Committee on Processed Fruits and Vegetables Dates ALINORM 85/20 Appendix II

184. The delegation of Argentina, referring to its comments earlier in this session, (see para. 157), stated that the declaration of the country of origin was mandatory for all products in Argentina.

185. The Committee noted that the provisions in this standard had already been endorsed by the 16th session of this Committee. However, the standard had been amended to include glucose coating and date marking provisions. The Committee noted that CCPFV at its 17th session had elaborated date marking provision for inclusion in all standards. These date marking provisions were contained in Appendix V to ALINORM 85/20 and CCPFV had requested endorsement of consequential amendments to all standards for processed fruit and vegetables.

The Committee further noted that WG I had examined the proposed text and had expressed concern that the provisions deviated from the proposed section on date marking in the Revised General Standard. The Committee was also informed that WG I had considered another divergent text which had inadvertently been included in the Standard for Dates. The delegation of the United States informed the Committee that the proposed text for date marking had been thoroughly considered with a view to include specific provisions for products with a long shelf-life. Date marking for these products had been identified by this Committee for further examination.

186. The Committee decided to endorse the date marking provisions as contained in Appendix V in ALINORM 85/20 at the present time, bearing in mind that date marking provisions might have to be reconsidered after adoption of the Revised General Standard.

187. The Observer of the EEC pointed to an ambiguity in interpreting the present wording for the declaration of the month, i.e. whether it meant the beginning or the end of the month. The Committee recognized that this matter might require further consideration.

General Provision for Styles (ALINORM 85/20 Appendix III)

188. The Committee was informed that the CCPFV had been requested by the Commission to introduce general provision for styles in its standards as appropriate.

189. The Committee endorsed these provisions.

Packing Media, Composition and Labelling (ALINORM 85/20 Appendix IV)

190. The Committee was informed that CCPFV had decided to amend its standards, where applicable, to include a revised provision for packing media as adopted for canned apricots.

191. The Committee endorsed the provisions.

Alternative Names for Tropical Fruit Salad (ALINORM 85/20 paras. 82-86)

192. The CCPFV had, at the request of the Coordinating Committee for Asia, reconsidered Section 7.1.1 of the standard for Tropical Fruit Salad (CODEX STAN ⊠) with the view of including alternative names, i.e. "Tropical Fruit Cocktail" and "Tropical Fruit Mix". This was agreed by the Committee together with a footnote requesting governments to state their position on the name of this food. The Committee endorsed the provisions.

Canned Palmito (ALINORM 85/20 Appendix VII)
Canned Chestnuts and Chestnut Puree (ALINORM 85/20 Appendix VIII)

193. The Committee was informed that the labelling provisions in these two standards followed closely the layout of other standards for canned products developed by CCPFV. The delegation of Switzerland pointed to an inconsistency in the French text of the section dealing with country of origin. The Committee agreed that this should be aligned with the related provision of the General Standard.

194. The Committee endorsed the labelling provisions in both standards.

Joint ECE/Codex Alimentarius Group of Experts on Standardization of Fruit Juices

Date Marking of Shelf Stable Products (ALINORM 85/14, paras. 76-77)

195. The Committee noted that the Group of Experts had again considered date marking of shelf stable products and had decided to retain the date marking provisions as endorsed by the 16th session of the CCFL.

Liquid Pulpy Mango Products Preserved Exclusively by Physical Means (ALINORM 85/14 Appendix III)

196. The Committee noted that the Group of Experts had decided to discontinue work on the standard for mango juice and to include a provision in the name of the food of the standard for mango nectar permitting under certain circumstances the use of the term "mango juice" for products which consisted of at least 50% of mango pulp plus water. Consequently, the title of the standard was amended.

197. The Committee endorsed the change to the name of the food.

Committee on Food Additives
Food Grade Salt (Annex I to Appendix VIII, ALINORM 85/12)

198. The Committee noted that the section on labelling in the above standard was modified by CCFA at its 17th session in the light of its comments as outlined in paras. 320-322 of ALINORM 85/22.

199. The Committee proposed that the following changes be made:

Section 7.1.2

200. The Committee noted that the word "salt" is repeated and proposed a rewording for the clause to read as "The name 'salt' shall have in its close proximity or as part of that name a declaration of either 'food grade' or 'cooking' or 'table'." The amendments are editorial.

Section 7.1.4

201. The Committee noted that the word "salt" is repeated and suggested a rewording to read as "Where salt is used as a carrier for one or more nutrients, and sold as such for public health reasons, the name of the product shall be further qualified by the term as "fluoridated", "iodated", "iodized", "fortified with iron", "fortified with vitamins" and so on as appropriate." The amendments are editorial.

Section 7.6

202. The Committee proposed that "and/or the packer" be deleted to make the wording to be in line with that present in other standards endorsed by it.

Section 7.7

203. The Committee noted that this section included storage instructions and suggested that the title of the section be changed to read as "Date marking and storage instructions".

204. The Committee agreed with the conclusion of the Working Group on Date Marking that date marking was applicable only to food grade salt, used as a carrier for nutrients and suggested inclusion of a new section 7.7.1(a) to read as "The date marking is applicable only to salt used as a carrier of nutrients."

Section 7.8 - Bulk Packs

205. The Committee noted that salt moved in international trade in bulk containers and proposed for inclusion in this section, the text in 5.3 Provisions for Labelling of Non-Retail Containers as contained in the "Guidelines on Labelling Provisions in Codex Standards (Appendix V)."

206. The Committee endorsed the labelling section with the suggested changes in the text.

Coordinating Committee for Europe
Vinegar (European Regional Standard ALINORM 85/19 Appendix II)

207. The Committee recalled that it had already endorsed the labelling provisions in the standard but that certain matters had been referred back to Coordinating Committee for Europe. The Committee was informed that, as advised, Section 8.1.5 on negative claims had been deleted and that no provision had been included for date marking. The Committee recalled that it had exempted vinegars from date marking in the Revised General Standard and confirmed its previous endorsement of the standard.

Committee on Cereals Pulses and Legumes
Wheat Flour (ALINORM 85/29 Appendix II)

208. The labelling provisions in the standard had already been endorsed by the 17th session of this Committee except for the declaration of nutrients and date marking.

209. The Committee was informed that CCPL had deleted the wording "for a purpose other than to replace nutrients lost in processing" and endorsed the amended text of Section 8.3 "Declaration of Nutritive Value". The Committee decided, however, to clarify the meaning of the provision after mineral by inserting commas after "mineral" and after "Section 3.4.2".

210. The Committee endorsed Section 8.8 on date marking and storage instruction which complied with the Guidelines on Date Marking (for details on declaration of the month, see para. 187).

211. The Committee was informed that CCCPL had included in all its standards provisions for non-retail containers similar to that in the Standard for Fruit Juices since a large proportion of the products covered by the standard was traded in non-retail containers. The Committee noted that these provisions might require revision after the adoption of the Guidelines on Labelling Provision on Codex Standards but agreed to endorse the present provision.

Maize (Corn) (ALINORM 85/29 Appendix III)
Whole Maize (Corn) Meal (Appendix IV)
Degermed Maize (Corn) Meal and Maize (Corn) Grits (Appendix V)

The Committee noted that provision for non-retail containers similar to those for wheat flour had been introduced in the Codex Standards. The Committee endorsed these provisions and

confirmed endorsements of the provision for date marking in the standards for Whole Maize Meal and Degermed Maize Meal and Maize Grits.

Coordinating Committee for Africa
Gari - African Regional Standard (ALINORM 85/28 Appendix III)

212. The Committee noted that a number of provisions included in the standard were different from the requirements in the General Standard. The Committee also noted that the Coordinating Committee for Africa would not have an opportunity prior to the 16th session of the Commission to consider any amendment which might be proposed by this Committee. It was therefore agreed to temporarily endorse the provisions, and to ask the Coordinating Committee for Africa to consider the inclusion of provisions for lot identification and to bring the provisions for date marking into line with those of the General Guidelines for the Labelling of Prepackaged Foods. It was also recommended that other provisions in the standard should be carefully reviewed in the light of the Revised General Standard as and when adopted.

Committee on Foods for Special Dietary Uses (CCFSDU)
General Standard for the Labelling and Claims for Prepackaged Food for Special Dietary Uses (ALINORM 85/26 Appendix III)

213. The Committee recalled that it had at its 17th session decided that products covered by the above standards fell also under the General Standard and that only several specific sections should be considered by CCFSDU. The other provisions should be included by reference to the General Standard for the Labelling of Prepackaged Foods. The Committee noted that the 15th session of the Commission had agreed with the above view and had requested CCFSDU to align the two General Standards. The Committee noted further that the CCFSDU had complied with those instructions and amended the above standard as contained in Appendix III ALINORM 85/26.

214. The Committee endorsed the above standard.

Proposed Draft Standards and Amendments at Step 5 of the Procedure

215. The Committee noted that those Committees which had submitted the labelling provisions of Step 5 standards for endorsement would have another opportunity to consider such provisions as and when the Commission had adopted the General Standard and the related Guidelines on Labelling of Prepackaged Foods. It was therefore agreed not to examine the labelling

provisions of the Step 5 standards in detail but to consider matters of substance which members of this Committee thought it important to bring to the attention of the Commodity Committees and to the Commission.

216. The Committee very briefly reviewed the labelling provisions in the General Standard for Fruit Nectars (ALINORM 85/14 Appendix IV) and for Certain Pulses (ALINORM 85/29 Appendix VI) but did not raise specific points.

Codex Committee on Processed Fruits and Vegetables
Honey (ALINORM 85/20 Appendix IX)

217. The delegation of Australia thought that the declaration of apparent sucrose content in section 6.1.5 was, as presently drafted, highly technical and was open to misinterpretation.

Codex Committee on Vegetable Proteins (CCVP)
General Standard for Vegetable Protein Products (ALINORM 85/30 Appendix IV)

218. The Committee was informed that CCVP had considered whether the labelling section also applied to food packed in bulk and destined further processing and had agreed that it would be useful to include such provisions in Section 8.9.

219. The Committee noted that the question of provisions for the labelling of non-retail containers generally had been examined by WG III and appropriate provisions had been included in Draft Guidelines on Labelling Provision in Codex Standards. It was agreed that CCVP should consider the proposals of the Working Group instead of the wording of 8.9. This applied also to other standards developed by the Committee.

220. The Committee also requested the CCVP to amend Section 8.1.2 to require the declaration of the protein content as percentage of dry weight.

Soy Protein Products (ALINORM 85/30 Appendix V)

221. It was pointed out that as presently drafted the General Standard on VPP as well as the specific standard for Soy Protein Products covered soy protein products, the difference being in the required protein content. Since this might also have a bearing on the name of the food, the Committee felt that clarification should be sought from the CCVP on the relationship between the two standards.

Wheat Gluten (ALINORM 85/30 Appendix VI)

222. The Committee agreed that the comments on the other two standards also applied to the above standard.

Table Olives (revised text of Codex STAN 66 1981) (ALINORM 85/33 Appendix III)

223. The Committee noted that the above revision was carried out by the International Olive Oil Council in cooperation with the representatives of members of the Codex Alimentarius Commission. The revised text of the standard already included in part references to the Revised General Labelling Standard. The Committee noted that this standard contained provisions on date marking which were different from the Guideline text and that Section 9.8 - "Exemptions and Additional Provisions" contained requirements more detailed than those included in the General Standard.

224. The delegation of Spain pointed out that Section 9.8 had been taken over from the IOOC trade standard. The Committee was of the opinion that the need for these provisions should be reviewed. It was also agreed that in the English version, the term "cover" should be replaced by "lid".

Codex Committee on Foods for Special Dietary Uses Follow-up Foods (ALINORM 85/26 Appendix IV)

225. The Committee was informed that CCFSDU had included in the section on labelling reference to the revised text of the General Labelling Standard. The Committee agreed that these references should be reviewed after adoption of the General Labelling Standard by the Commission. The Committee agreed that CCFSDU had been correct in using the General Labelling Standard as reference where applicable.

Proposed Amendments to the Codex Standard for Infant Formula

226. The representative of WHO informed the Committee that CCFSDU at its 14th session had considered a paper on implications for Codex Standards of the WHO International Code of Marketing of Breast Milk Substitutes (CX/FSDU 84/9). The CCFSDU had concluded that in order to foster a close link between the standard and the international code Section 10.10 of the Infant Formula Standard be amended to include the following sentence: "In this case, the provisions of Article 9 of the International Code of Marketing of Breast Milk Substitutes of the World Health Organization should be duly taken into account."

227. The Committee noted that this provision was recommended to the Commission for adoption at Step 5.

GUIDELINES AND CODES OF PRACTICE

Committee on Processed Meat and Poultry Products (ALINORM 85/16)

Draft Code of Hygienic Practice for Processed Meat and Poultry Products at Step 8 (Appendix II)

228. The Committee noted that the definition of 2.1.1 Ingredients and 2.1.3 Lot and the text under 6.5.6 Lot Identification were similar to those included in other Guidelines and endorsed the different sections.

Proposed Draft Guidelines for the Use of Vegetable Protein Products (VPP) and Milk Protein Products (MPP) in Processed Meat and Poultry Products at Step 5 (APPENDIX IV)

229. The Committee noted that CCPMPP, while elaborating the above Guidelines followed the same format of the General Guidelines on the Utilization of Vegetable Protein Products (VPP) in food.

230. The Committee was informed that there was extended discussion on the name of processed meat and poultry products in which VPP was used for functional and optional purposes or as a partial substitute of meat and poultry and noted that the alternate texts proposed for the name of the product in the Guidelines were similar to those in the General Guidelines for the use of VPP.

231. The Committee expressed the opinion that its comments on General Guidelines for the use of VPP would refer to the above Guidelines as well.

Codex Committee on Vegetable Protein Products Proposed Draft General Guidelines for the Utilization of Vegetable Protein Products in Foods

Name of the Food

232. The Committee noted that the CCVP had discussed an outstanding problem with regard to the partial substitution of the protein in an animal product with VPP.

233. The Committee had not been able to reconcile two divergent opinions with regard to how such products should be labelled and had referred the matter to the Executive Committee.

234. The Chairman of the CCVP, Dr. Norman Tape, informed the Committee that the point of principle which had been referred to the Executive Committee for its opinion was as follows: "Where a name had been established for a food in a Codex Standard, could that name be used as part of the name of a food where some of the protein content of a food had been replaced by vegetable protein?"

235. The question had been discussed at the 31st session of the Executive Committee (ALINORM 85/3, para. 139) which had "agreed with the thoughts expressed in para. 63 of the Report of the 6th session of the Codex Committee on General Principles, which, in substance, permitted the use of a name laid down in a Codex Standard as part of the name of another similar product not covered by the standard, provided that (i) the name was appropriately qualified, (ii) the section entitled 'General Principles' in the General Standard for the Labelling of Prepackaged Foods was complied with, and (iii) the Scope section of the standard was taken fully into account."

236. The United Kingdom said that it could not accept the view of the Executive Committee which seemed to allow for substitute vegetable protein products up to 99% in a product which was defined in a Codex Standard. The United Kingdom therefore maintained its position as expressed at the 3rd session of the Committee on Vegetable Protein Products that the names of products defined in Codex Standards should be protected in the interests of consumers. The United Kingdom had no wish to restrict the use of VPP as substitutes but names of foods should properly reflect this fact.

237. The delegations of France, the Netherlands, Norway, Spain and Sweden supported this position.

238. The delegation of Denmark informed the Committee that a similar problem had arisen at the 13th session of the Codex Committee on Processed Meat and Poultry Products when discussing the uses of VPP in partial substitution of meat or poultry in the Proposed Draft Guidelines for the Use of Vegetable Protein Products and Milk Protein Products in Processed Meat and Poultry Products and that the United Kingdom had proposed an alternative text based on the same principle as above (para.).

239. The delegation of the United States pointed out that at both the CCVP and the CCPMPP a number of delegations had taken the opposite viewpoint namely that partial substitution for the protein of animal protein product by VPP should be allowed under specified conditions.

240. The Observer of the IFGMA pointed out that both substituted and imitation meat products suitably labelled had been on the market for some time and were widely accepted and sometimes, for health reasons preferred.

241. The Committee recognized that opinions on the matter were also divided at this Committee and agreed to refer the matter to the 16th session of the Commission for further discussion.

Joint ECE/Codex Alimentarius Group of Experts on Standardization of Fruit Juices (ALINORM 85/14)

Draft Guidelines on Mixed Fruit Juices (Appendix VI) and Mixed Fruit Nectars (Appendix VII)

242. With regard to the above draft Guidelines, the delegation of Switzerland drew the attention of the Committee to an inconsistency between the last sentence of Section 2.1 - Description and Section 4.1.1 - The Name of the Food. In Section 4.1.1, it is stated that a mixed fruit juice (nectar) may only be named as such when it consists of more than 4 juices. This was noted by the Committee.

SPECIFIC DATE MARKING PROVISIONS

Codex Committee on Fish and Fishery Products (CCFFP)

Revised Draft Standard for Canned Pacific Salmon (Step 8) (ALINORM 85/18 Appendix II)

Proposed Draft Standard for Quick Frozen Blocks of Fish Fillets, Minced Fish Flesh and Mixtures of Fillets and Minced Fish Flesh (Step 3) (ALINORM 85/18 Appendix III)

243. The Chairman of WG I informed the Committee that the CCFFP had decided not to include a provision for date marking in the Salmon standard because it was a low acid product which remained stable over a number of years.

244. The CCFFP had made a similar decision with regard to the standard for Quick Frozen Blocks in line with a general decision of the Joint FAO/ECE Joint Group of Experts on the Standardization of Quick Frozen Foods not to require date marking for such products.

245. The delegations of New Zealand and Switzerland were of the opinion that even when date marking was not required, the fact should be so stated in the standard in view of the introductory wording in Section 4.7.1 of the Revised General Standard.

246. The delegation of Switzerland was further of the opinion that some form of date marking should be required even for certain shelf-stable products as a matter of information to the consumer.

247. The delegations of Australia, the Federal Republic of Germany, France, Israel, the Netherlands, Spain, Thailand and Zimbabwe agreed with this point of view.

248. Other delegations and the Observer of IFGMA thought that technological reasons given by the CCFFP justified exemption from date marking, since with shelf-stable products abusive storage conditions were a major factor in which case no form of date marking would be of information to the consumer.

249. After further discussion, the Committee decided not to endorse the provisions in the above standards but to refer them back to the CCFFP for further consideration.

Codex Committee on Processed Meat and Poultry Products (CCPMPP)

Canned Corned Beef (Codex STAN 8-1981)

250. The Committee, noted that the CCPMPP had also considered this to be a shelf-stable product and, as such, did not require date marking provisions.

251. The Committee, in line with the decision it had made for Canned Pacific Salmon, referred the standard for Canned Corned Beef back to CCPMPP for further consideration.

Non Shelf-Stable Products

252. The Committee noted that the CCPMPP had proposed general date marking and storage instructions for the above products and endorsed them on the understanding that they would be reconsidered as and when the General Standard and the assorted Guidelines on labelling had been adopted.

AGENDA ITEM 10

CONSIDERATION OF PROPOSAL TO AMEND THE CODEX GENERAL GUIDELINES ON CLAIMS TO COVER NEGATIVE CLAIMS

253. The Committee had before it CX/FL 85/10 prepared by the delegation of Australia based on comments received to CL 1984/19 from Australia, Canada, Ireland, Finland, New Zealand, Norway, Sweden, Switzerland, Thailand, and the United States. The Chairman expressed the opinion that the paper

covered very important issues related to certain types of claims and should therefore be subject to extensive discussion. Having regard to the time contraints, he proposed to the Committee that high priority be given to this item at the next session and that in the meantime government comments be requested on the document. The Chairman expressed the appreciation of the Committee to the delegation of Australia for preparing the paper. The Committee agreed that the above paper should be attached to the report (see Appendix IX).

ITEM 11

FUTURE WORK

254. The Committee agreed that the major task at its next session would be the endorsement of labelling provisions in Codex Standards which had been revised in accordance with the Revised Text of the General Standard to the Labelling of Prepackaged Foods.

255. The delegation of the Netherlands emphasized the importance of rediscussing the Guidelines on Claims and that certain negative nutritional claims needed to be further qualified, especially since the Committee had deleted sections related to certain claims from the Guidelines on Nutrition Labelling. The Committee agreed that the item on claims in future work should include those claims.

256. The Committee agreed that the following should appear on its agenda for the next session:

1) Endorsement of labelling provisions in draft standards and of revised labelling provisions in existing Codex Standards.

2) Amendment of the General Guidelines on Claims in general and in particular with regards to claims in the light of the working paper on Negative Claims (CX/FL 85/10) and comments thereon, of the points raised in connection with item 10 (see para. 253) and the remarks made by the delegation of the Netherlands on nutritional claims.

3) Progress Report of Ad Hoc Working Group on Methodology for Guidelines on Nutrition Labelling.

4) Matters arising from other Committees and the Commission.

ITEM 12

OTHER BUSINESS

257. None.

ITEM 13

DATE AND PLACE OF NEXT SESSION

258. The Committee was informed that it had been proposed to hold the next session of the Committee in mid-April 1987 in Ottawa. The exact date would be communicated in due course after consideration between the Canadian and the Codex Secretariat.

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APPENDIX II

Opening remarks for the Eighteenth Session of the
Codex Committee on Food Labelling
10:00 a.m., March 11, 1985
Government Conference Centre

Mr. Chairman, Delegates, Observers, Ladies and Gentlemen, on behalf of the Government of Canada, may I welcome you to the 18th session of the Codex Committee on Food Labelling.

As Minister of Agriculture for Canada, the work of this Committee and the Codex Alimentarius Commission in general, is of interest to me.

In reviewing the history of the Food Labelling Committee I was reminded that you are now into your second decade of deliberations. The first session was held here in Ottawa from June 21 to June 25, 1965 and was attended by delegates and observers from 10 countries. Interest in the work of this Committee has obviously grown over the years and you now have 32 countries and 12 international organizations in attendance.

Your Committee can reflect with justifiable pride upon the accomplishments over the years. These include:

- The General Standard for the Labelling of Pre-packaged Foods which was first adopted by the Commission in 1969 and I note that your are now concluding your revision of that very important standard;
- The endorsement of over 200 world-wide Standards which have been adopted by the Codex Alimentarius Commission;

-The Codex General Guidelines on Claims;

- The Guidelines for Date Marking of Prepackaged Foods for the Use of Codex Committees;

- and your current work on the Guidelines on Nutrition Labelling; to name a few.

Canada is indeed proud of its role as host country for your Committee for these past 20 years and I would like to thank those Canadians who have participated in this work over the years, and have contributed in their own way, to its success. I would also like to thank the Secretariat of the Joint FAO/WHO Food Standards Programme in Rome for their personal efforts in preparing for, and guiding the activities of this Committee over the years. Most of all I would like to thank you, the delegates, for without your considerable efforts and willingness to promote international cooperation, the work of this committee and others within the Codex program would never be accomplished.

The Commission itself has grown from more than 40 countries at its inception in 1962 to its current membership of 129 countries. I would particularly like to welcome the delegations from the Peoples' Republic of China and Zimbabwe the newest members of the Commission. We welcome you to the Commission and look forward to your participation

at this meeting.

The Commission, at its 15th Session had emphasized the importance of your work on the Draft Guidelines on Nutrition Labelling and the revised text of the General Standard for the Labelling of Prepackaged Foods. The Commission agreed on the need to conclude your deliberations on these two important items before its next Session scheduled to take place in Geneva later this year.

I know you have a very busy week ahead of you. However, I am confident that you will succeed because I know you have the best interests of the international community at heart. I hope your busy schedule will allow you an opportunity to enjoy the many attractions in the City of Ottawa and surrounding areas.

I wish you every success and hereby declare the 18th Session of the Codex Committee on Food Labelling - **OPEN.**

DRAFT GUIDELINES ON NUTRITION LABELLING
(Advanced to Step 8 of the Procedure)

PURPOSE OF THE GUIDELINES

- To ensure that nutrition labelling is effective:

  (i) in providing the consumer with information about a 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 supplementary nutrition information on the label.

- 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.

- To ensure that no nutritional claims are made without nutrition labelling.

PRINCIPLES FOR NUTRITION LABELLING

A. Nutrient Declaration

-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. 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 no meaningful way in which knowledge about individual requirements can be used in labelling.

B. Supplementary Nutrition Information

-The content of supplementary nutrition 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.

C. Nutrition Labelling

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

1. SCOPE

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

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

2. DEFINITIONS

For the purpose of these guidelines:

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

2.2 Nutrition labelling consists of two components:

(a) nutrient declaration;

(b) supplementary nutrition information.

2.3 Nutrition Declaration means a standardized statement or listing of the nutrient content of a food.

2.4 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 following do not constitute nutrition claims:

(a) the mention of substances in the list of ingredients;
(b) the mention of nutrients as a mandatory part of nutrition labelling;
(c) quantitative or qualitative declaration of certain nutrients or ingredients on the label if required by national legislation.

2.5 Nutrient means any substance normally consumed as a constituent of food:

(a) which provides energy; or
(b) which is needed for growth, development and maintenance of life; or
(c) a deficit of which will cause characteristic bio-chemical or physiological changes to occur.

2.6 Sugars means all mono-saccharides and di-saccharides present in food.

2.7 Dietary fibre means edible plant and animal material not hydrolyzed by the endogenous enzymes of the human digestive tract as determined by the agreed upon method.

2.8 Polyunsaturated fatty acids means fatty acids with cis-cis methylene interrupted double bonds.

3. NUTRIENT DECLARATION

3.1 Application of Nutrient Declaration

3.1.1 Nutrient declaration should be mandatory for foods which nutrition claims as defined in Section 2.4 are made.

3.1.2 Nutrient declaration should be voluntary for all other foods.

3.2 Listing of Nutrients

3.2.1 Where nutrient declaration is applied, the declaration of the following should be mandatory:

3.2.1.1 energy value; and

3.2.1.2 the amounts of protein, available carbohydrate (i.e. carbohydrate excluding dietary fibre) and fat; and

3.2.1.3 the amount of any other nutrient for which a nutrition claim is made;and

3.2.1.4 the amount of any other nutrient considered to be relevant for maintaining a good nutritional status, as required by national legislation.

3.2.2 Where a claim is made regarding the amount and/or the type of carbohydrate, the amount of total sugars should be listed in addition to the requirements in Section 3.2.1. The amounts of starch and/or other carbohydrate constituent(s) may also be listed. Where a claim is made regarding the dietary fibre content, the amount of dietary fibre should be declared.

3.2.3 Where a claim is made regarding the amount and/or type of fatty acids, the amounts of saturated fatty acids and of polyunsaturated fatty acids should be declared in accordance with Section 3.3.7.

3.2.4 In addition to the mandatory declaration under 3.2.1, 3.2.2 and 3.2.3, vitamins and minerals may be listed in accordance with the following criteria:

3.2.4.1 Only vitamins and minerals for which recommended intakes have been established and/or whch are of nutritional importance in the country concerned should also be declared.

3.2.5 When nutrient declaration is applied, only those vitamins and minerals which are present in significant amounts should be listed.*

3.2.6 In the case where a product is subject to labelling requirements of a Codex standard, the provisions for nutrient declaration set out in that standard should take precedence over but not conflict with the provisions of Sections 3.2.1 to 3.2.5 of these guidelines.

3.2.7 Calculation of Nutrients

3.2.7.1 Calculation of energy

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

Carbohydrates	4 kcal/g - 17 kJ
Protein	4 kcal/g - 17 kJ
Fat	9 kcal/g - 37 kJ
Alcohol (Ethanol)	7 kcal/g - 29 kJ
Organic Acid	3 kcal/g - 13 kJ

3.2.7.2 Calculation of Protein

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

Protein = Total Kjeldahl Nitrogen x 6.25

unless a different factor is given in a Codex Standard or in the Codex method of analysis for that food.

3.3 Presentation of Nutrient Content

3.3.1 The declaration of nutrient content should be numerical. However, the use of additional means of presentation should not be excluded.

3.3.2 Information on energy value should be expressed in kJ and kcal per 100 g or per 100 ml or per package if the package contains only a single portion. In addition, this information may be given per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated.

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* As a rule, 5% of the recommended intake (of the population concerned) supplied by a serving as quantified on the label should be taken into consideration in deciding what constitutes a significant amount.

3.3.3 Information on the amounts of protein, carbohydrate and fat in the food should be expressed in g per 100 g or per 100 ml or per package if the package contains only a single portion. In addition, this information may be given per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated.

3.3.4. Numerical information on vitamins and minerals should be expressed in metric units and/or as a percentage of the Reference RDA per 100 g or per 100 ml or per package if the package contains only a single portion. In addition, this information may be given per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated. In addition, information on energy value and protein may also be expressed as percentages of Reference RDA. When Reference RDAs are used they should be based as far as possible on nutrient intakes recommended by the FAO/WHO. Until these have been reviewed, the following values should be used as the Reference RDA for labelling purposes in the interests of international standardization and harmonization:

Energy MJ (kcal)	9.5 (2300)
Protein g	50
Vitamin A ug	1000
Vitamin D ug	5
Vitamin E mg	10
Vitamin C mg	60
Thiamin mg	1.4
Riboflavin mg	1.6
Niacin mg	18
Vitamin B6 mg	2
Folacin ug	400
Vitamin B12 ug	3
Calcium mg	800
Phosphorus mg	800
Iron mg	14
Magnesium mg	300
Zinc mg	15
Iodine ug	150

3.3.5 In countries where serving sizes are normally used, the information required by sections 3.3.2, 3.3.3 and 3.3.4 may be given only per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated.

3.3.6 The presence of available carbohydrates should be declared on the label as "carbohydrates". Where the type of carbohydrate are declared, this declaration should follow immediately the declaration of the total carbohydrate content in the following format:

"Carbohydrate ...g, of which sugars ...g".

This may be followed by the following:

"x" ... g
where "x" represents the specific name of any other carbohydrate constituent.

3.3.7 Where the amount and/or type of fatty acids is declared, this declaration should follow immediately the declaration of the total fat in accordance with section 3.3.3.

The following format should be used:

fat ..... g

of which polyunsaturated ... g

and saturated ..... g

3.4 Tolerances and Compliance

3.4.1 Tolerance limits should be set in relation to public health concerns, shelf-life, accuracy of analysis, processing variability and inherent lability and variability of the nutrient in the product, and, according to whether the nutrient has been added or is naturally occurring in the product.

3.4.2 The values used in nutrient declaration should be weighted average values derived from data specifically obtained from analyses of products which are representative of the product being labelled.

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

4. Supplementary Nutrition Information

4.1.1 Supplementary nutrition information is intended to increase the consumer's understanding of the nutritional value of their food and to assist in interpreting the nutrient declaration. There are a number of ways of presenting such information that may be suitable for use on food labels.

4.1.2 The use of supplementary nutrition information on food labels should be optional and should only be given in addition to and not in place of the nutrient declaration, except for target populations who have a high illiteracy rate and/or comparatively little knowledge of nutrition. For these, food group symbols or other pictorial or colour presentations may be used without the nutrient declaration.

4.1.3 Supplementary nutrition information on labels should be accompanied by consumer education programmes to increase consumer understanding and use of the information.

5. PERIODIC REVIEW OF NUTRITION LABELLING

5.1 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.

5.2 A review of optional information for nutrition education including food groups will be needed as target groups increase in literacy and nutrition knowledge.

5.3 The present definition of sugars as in section 2.6 and that of dietary fibre as in section 2.7 and the declaration of energy as in section 3.3.2 should be reviewed in the light of newer developments.

APPENDIX IV

DRAFT GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS

(Advanced to Step 8 of the Procedure)

1. SCOPE

This standard applies to the labelling of all prepackaged foods to be offered as such to the consumer or for catering purposes and certain aspects relating to the presentation thereof.

2. DEFINITION OF TERMS

For the purpose of this standard:

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

"Consumer" means persons and families purchasing and receiving food in order to meet their personal needs.

"Container" means any packaging of food for delivery as a single item, whether by completely or partially enclosing the food and includes wrappers. A container may enclose several units or types of packages when such is offered to the consumer.

For use in Date Marking of prepackaged food:

"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 the 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.

"Food" means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drinks, 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 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" means 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 definitive quantity of a commodity produced essentially under the same conditions.

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

"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.

"Foods for Catering Purposes" means those foods for use in restaurants, canteens, schools, hospitals and similar institutions where food is offered for immediate consumption.

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. 1/

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.

4. MANDATORY LABELLING OF PREPACKAGED FOODS

"The following information shall appear on the label of prepackaged foods as applicable to the food being labelled, except to the extent otherwise expressly provided in an 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:

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

4.1.1.2 In other cases, the name prescribed by national legislation shall be used.

4.1.1.3 In the absence of any such name, either a common or usual name existing by common usage as an appropriate descriptive term which was not misleading or confusing to the consumer shall be used.

1/ Examples of descriptions or presentations to which these general principles refer are given in Appendix I, General Guidelines on Claims (as will appear in the final version).

4.1.1.4 A "coined", "fanciful", "brand" name, or "trade mark" may be used provided it accompanies one of the names provided in subsections 4.1.1.1 to 4.1.1.3.

4.1.2 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 physical condition of the food including but not limited to the type of packing medium, style, and the condition or type of treatment it has undergone; for example: dried, concentrated, reconstituted, smoked.

4.2 List of Ingredients

4.2.1 Except for single ingredient foods, a list of ingredients shall be declared on the label.

4.2.1.1 The list of ingredients shall be headed or preceded by an appropriate title which consists of or includes the term 'ingredient'.

4.2.1.2 All ingredients shall be listed in descending order of ingoing weight (m/m) at the time of the manufacture of the food.

4.2.1.3 Where an ingredient is itself the product of two or more ingredients, such a compound ingredient may be declared, as such, in the list of ingredients provided that it is immediately accompanied by a list in brackets of its ingredients in descending order of proportion (m/m). Where a compound ingredient for which a name has been established in a Codex standard or in national legislation constitutes less than 25% of the food, the ingredients other than food additives which serve a technological function in the finished product need not be declared.

4.2.1.4 Added water shall be declared in the list of ingredients 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. Water or other volatile ingredients evaporated in the course of manufacture need not be declared.

4.2.1.5 As an alternative to the general provisions of this Section, dehydrated or condensed foods which are intended to be reconstituted by the addition of water only, the ingredient may be listed in order of proportion (m/m) in the reconstituted product provided that a statement such as "ingredients of the product when prepared in accordance with the directions on the label" is included.

4.2.2 A specific name shall be used for ingredients in the list of ingredients in accordance with the provision set out in Section 4.1 (Name of the Food) except that:

4.2.2.1 The following class names may be used for the ingredients falling within these classes:

Name of Classes	Class Names
Refined oils other than olive	'Oil'together with either the term 'vegetable' or 'animal', qualified by the term 'hydrogenated' or 'partially-hydrogenated', as appropriate.
Refined fats	'Fat' together with - either, the term 'vegetable' or 'animal', as appropriate.
Starches, other than chemically modified starches	'Starch'.
All species of fish where the fish constitutes an ingredient of another food and provided that the labelling and presentation of such food does not refer to a specific species of fish.	'Fish'.
All types of poultrymeat where such meat constitutes an ingredient of another food and provided that the labelling and presentation of such a food does not refer to a specific type of poultrymeat.	'Poultrymeat'.
All types of cheese where the cheese or mixture of cheeses constitutes an ingredient of another food and provided that the labelling and presentation of such food does not refer to a specific type of cheese	'Cheese'.
All spices and spice extracts not exceeding 2% by weight either singly or in combination in the food.	'Spice', 'spices', or 'mixed spices', as appropriate.

All herbs or parts of herbs not exceeding 2% by weight either singly or in combination in the food.	'Herbs' or 'mixed herbs', as appropriate.
All types of gum preparations used in the manufacture of gum base for chewing gum.	'Gum base'.
All types of sucrose.	'Sugar'.
Anhydrous dextrose and dextrose monohydrate.	'Dextrose' or 'glucose'.
All types of caseinates.	'Caseinates'.
Press, expeller or refined cocoa butter.	'Cocoa butter'.
All crystallized fruit not exceeding 10% of the weight of the food.	'Crystallized fruit'.

4.2.2.2 Notwithstanding the provision set out in Section 4.2.2.1, pork fat, lard and beef fat shall always be declared by their specific names.

4.2.2.3 For food additives falling in the respective classes and appearing in list of food additives permitted for use in foods generally, the following class titles shall be used together with the specific name or recognized numerical identification as required by national legislation. 1/

1/ Governments accepting the standard should indicate the requirements in force in their countries.

Anti-caking agent(s)
Antioxidants(s)
Colour(s)
Emulsifier(s)
Flavour Enhancer(s)
Glazing Agent(s)
Preservative(s)
Stabilizer(s)
Thickener(s)/Gelling agent(s)
Anti-foaming agent(s)
Flour improver(s)
Artificial Sweetener(s)
Acidity Regulator(s)
Propellant(s)
Raising Agent(s)/Baking Powder
*Emulsifying Salt(s)

4.2.2.4 The following class titles may be used for food additives falling in the respective classes and appearing in lists of food additives permitted generally for use in foods:

Flavour(s) and Flavouring(s)
Modified Starch(es)

The expression "flavours" may be qualified by "natural", "nature identical", "artificial" or a combination of these words as appropriate.

4.2.3 Processing Aids and Carry-Over of Food Additives

4.2.3.1 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 included in the list of ingredients.

4.2.3.2 A food additive carried over into foods at a level less than that required to achieve a technological function, and processing aids, are exempted from declaration in the list of ingredients.

4.3 Net Contents and Drained Weight

4.3.1 The net contents shall be declared in the metric system ("Systeme International" units). 1/

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* Only for processed cheese and processed cheese products.

1/ The declaration of net contents represents the quantity at the time of packaging and is subject to enforcement by reference to an average system of quantity control.

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

4.3.3 In addition to the declaration of net contents, a food packed in a liquid medium shall carry a declaration in the metric system 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 in canned fruits and vegetables only, 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.

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.

4.7 Date Marking and Storage Instructions

4.7.1 If not otherwise determined in an individual Codex standard, the following date marking shall apply: 1/

(i) The "date of minimum durability"shall be declared.

1/ Please refer to Section 4.2.4.8(iii) of the 'Guidelines on Labelling Provisions in Codex Standards.

(ii) This shall consist at least of:

- the day and the month for products with a minimum durability of not more than three months

- the month and the year for products with a minimum durability of more than three months. If the month is December, it is sufficient to indicate the year.

(iii) The date shall be declared by the words:
-"Best before...." where the day is indicated
-"Best before end ..." in other cases.

(iv) The words referred to in paragraph (iii) shall be accompanied by:

- either the date itself; or
- a reference to where the date is given.

(v) The day, month and year shall be declared in uncoded numerical sequence except that the month may be indicated by letters in those countries where such use will not confuse the consumer.

(vi) Notwithstanding 4.7.1 (i) an indication of the date of minimum durability shall not be required for:

- fresh fruits and vegetables, including potatoes which have not been peeled, cut or similarly treated;
- wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;
- beverages containing 10% or more by volume of alcohol;
- bakers' or pastry-cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;
- vinegar;
- food grade salt;
- solid sugars;
- confectionery products consisting of flavoured and/or coloured sugars;
- chewing gum.

4.7.2 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.

4.8 Instructions for Use

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

5. ADDITIONAL MANDATORY REQUIREMENTS

5.1 Quantitative Labelling of Ingredients

5.1.1 Where the labelling of a food places special 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.

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

5.1.3 A reference in the name of a food to a particular ingredient shall not of itself constitute the placing of special emphasis. A reference in the labelling of a food to an ingredient used in a small quantity and only as a flavouring shall not of itself constitute the placing of special emphasis.

5.2 Irradiated Foods 1/

5.2.1 A food which has been treated with ionizing radiation/ energy shall indicate on the label that treatment in close proximity to the name of the food.

5.2.2 When an irradiated product is used as an ingredient in another food, this shall be so declared in the list of ingredients.

5.2.3 When a single ingredient product is prepared from a raw material which has been irradiated, the label of the product shall contain a statement indicating the treatment.

1/ The text of this section remains under review.

6. EXEMPTIONS FROM MANDATORY LABELLING REQUIREMENTS

6.1 With the exception of spices and herbs, small units where the largest surface area is less than $10cm^2$ may be exempted from the requirements of paragraphs 4.2, and 4.6 to 4.8.

7. OPTIONAL LABELLING

7.1 Any information or pictorial device written, printed, or graphic matter may be displayed in labelling provided that it is not in conflict with the mandatory requirements of this standard and those relating to claims and deception given in Section 3 - General Principles.

7.2 Grade Designations

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

8. PRESENTATION OF MANDATORY INFORMATION

8.1 General

8.1.1 Labels in prepackaged foods shall be applied in such a manner that they will not become separated from the container.

8.1.2 Statements required to appear on the label by virtue of this standard or any other Codex standards shall be clear, prominent, indelible and readily legible by the consumer under normal conditions of purchase and use.

8.1.3 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.

8.1.4 The name and net contents of the food shall appear in a prominent position and in the same field of vision.

8.2 Language

8.2.1 If the language on the original label is not acceptable, to the consumer for whom it is intended, 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 fully and accurately reflect that in the original label.

ALINORM 85/22A
APPENDIX V

DRAFT GUIDELINES ON LABELLING PROVISIONS IN CODEX STANDARDS

1. Purpose

1.1 These guidelines are intended to assist Codex Committees in elaborating labelling provisions in Codex Standards for the purpose of ensuring:

(i) uniform presentation of the provisions;
(ii) compliance with the General Standard for the Labelling of Prepackaged Foods (hereafter referred to as the General Standard), wherever appropriate;
(iii) a uniform and consistent approach in cases where additional or different provisions to those in the General Standard are necessary in respect of individual foods.

2. Endorsement of Food Labelling Provisions in Codex Standards

2.1 Under the working procedures of the Codex Alimentarius Commission, all labelling provisions in Codex Standards have to be submitted to the Codex Committee on Food Labelling for endorsement (Procedural Manual, 5th Edition, pages 68-69). For this purpose, all standards should be referred to the Labelling Committee after they have been advanced to Step 3, and preferably after advancement to Step 5 but before they are considered by the Committee concerned at Step 7. However, such reference should not be allowed to delay the progress of the Standard to the subsequent Steps of the Procedure.

2.2 The Labelling section of all Codex standards in the course of elaboration should include a statement, as appropriate, indicating the endorsement status of the provisions.

3. Instructions to Codex Committees

3.1 Codex Committees should prepare a section on labelling in each draft standard and this section should contain all the labelling provisions of the standard. The provisions should be included either specifically or by reference to the appropriate paragraphs in the General Standard. The section may also contain provisions which are exemptions from, additions to, or which are necessary for the interpretation of the General Standard in respect of the product concerned (Procedural Manual, 5th Edition, page 54).

4. Labelling Provisions for Prepackaged Foods

4.1 General Labelling Provisions

4.1.1 Labelling provisions for prepackaged foods should be included in individual Codex Standards by reference to the General Standard in the following manner:

"LABELLING OF PREPACKAGED FOODS

In addition to Sections 2,3,7 and 8 of the General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985) the following specific provisions apply:"

4.1.2 The sections of the General Standard referenced in the above statement are those which are applicable to all prepackaged foods and therefore should be included by reference in all Codex Standard.

4.2 Specific and Optional Labelling Provisions

4.2.1 In many instances, further sections of the General Standard may also be applicable to particular foods and should also be included by reference.

4.2.2 Depending on the type and nature of the product, certain of the requirements of Section 4 of the General Standard may not be suitable for unqualified inclusion in Codex Standards by reference. However, care should be taken that any changes:

(i) are consistent in both format and intent with the General Standard;

(ii) provide the consumer with adequate information which is not misleading or confusing;

(iii) are in a form suitable for uniform adoption by governments with a view to facilitating international trade.

4.2.3 When a Codex Committee decides to exempt a specific labelling provision or deviates from that in the General Standard, a detailed justification statement giving the reasons for such a decision should be provided along with the draft standard when it is submitted to the Codex Committee on Food Labelling for endorsement.

4.2.4 In preparing specific labelling provisions, the following guidelines should apply:

4.2.4.1 The name of the food

The name of the food should be determined in accordance with Section 4.1.1 of the General Standard and included in individual Codex Standards in the following manner:

(i) The name of the food to be declared on the label shall be .....

(ii) Additional provisions in accordance with Section 4.1.2 of the General Standard may be necessary to provide for the declaration of a descriptive term(s) as part of the name or in close proximity to it.

(iii) The "name and description" of the food (i and ii above) should be selected with care as they have extensive implications in regard to the acceptance of Codex Standards by governments. This is because full acceptance requires that governments allow products complying with a Standard to be distributed freely under the "name and description" laid down in the Standard (Procedural Manual, 5th Edition, page 22). The Codex Committee on General Principles has decided that for the purposes of acceptance of Codex Standards, the "name and description" is the sum of all the relevant provisions in "The name of the food" section of a Standard (ALINORM 79/35, para. 59). It should also be kept in mind that the Codex Committee on General Principles has decided that "the name and description" laid down in the Standard is not intended to prevent the legitimate use, for a product not included in the scope of the Standard, of any of the relevant provisions in "The name of the food" section with appropriate accompanying qualifying statements, provided that they are in compliance with Section 3, General Principles, of the General Standard (ALINORM 79/35, para. 63).

4.2.4.2 List of Ingredients

(i) The listing of ingredients should be in accordance with Section 4.2 of the General Standard. Wherever possible, provision should be stated in individual Codex Standards in the following manner:

"List of Ingredients

A complete list of ingredients shall be declared in accordance with Section 4.2 of the General Standard".

4.2.4.3 Net Contents

(i) Net contents should be declared in accordance with the provisions of Sections 4.3.1 and 4.3.2 of the General Standard; having regard to the nature of the food Codex Committees should determine the manner in which net contents should be declared in accordance with provisions in Section 4.3.2 of the General Standard.

(ii) It may also be necessary to include additional provisions to define clearly the net contents of a product (for example, net contents exclusive of glaze).

4.2.4.4 Drained Weight

For individual products packed in a liquid medium a decision should also be taken, on the basis of Section 4.3.3 of the General Standard, on whether a declaration of drained weight should be required. If such a provision is necessary, it should be stated in the following manner:

"Drained Weight

The drained weight shall be declared in the metric system (Système international units)".

4.2.4.5 Name and Address

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food should be included by reference to Section 4.4 of the General Standard.

4.2.4.6 Country of Origin

The country of origin of the food should be included by reference to Section 4.5 of the General Standard.

4.2.4.7 Lot Identification

Lot identification should be included by reference to Section 4.6 of the General Standard.

4.2.4.8 Date Marking and Storage Instructions

(i) Based on a study of the nature of the food, Codex Commodity Committees should determine whether there is a need for Date Marking provisions and storage instructions.

(ii) Where it is determined that a Date of Minimum Durability is required then the provisions

should be in accordance with Sections 4.7.1 and 4.7.2 of the General Standard.

(iii) Should a Codex Committee for exceptional circumstances determine another date or dates as defined in the General Standard, either to replace or to accompany the date of minimum durability, or alternatively decide that no date marking is necessary, a full justification for the proposed action should be submitted to the Codex Commitee on Food Labelling.

4.2.4.9 Instructions for Use

Having regard to the nature of the food, where instructions for use are considered to be necessary, they should be in accordance with Section 4.8.1 of the General Standard.

4.2.4.10 Additional Mandatory Requirements

Quantitative labelling of ingredients and labelling of irradiated foods should be included by reference to Sections 5.1 and 5.2 of the General Standard, respectively.

4.2.4.11 Exemptions from Mandatory Labelling Requirements

Exemptions from mandatory labelling requirements should be included by reference to Section 6.1 of the General Standard.

4.2.4.12 Other Mandatory Requirements

Based on the nature of the food, it may be necessary to include other mandatory labelling provisions by other Codex General Labelling Standards applicable to that food (e.g. Foods for Special Dietary Uses).

5. Labelling Provisions for Non-Retail Containers

5.1 Where the Scope of a Codex Standard is not limited to prepackaged foods, a provision for labelling of non-retail containers should be included.

5.2 Non-retail containers are defined as follows:

"Non-retail Containers means any form of packaging of foods not covered by the General Standard for the Labelling of Prepackaged Foods 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 packages, 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".

5.3 Where necessary, labelling provisions for non-retail containers should be included in individual Codex Standards in the following manner:

"Labelling of Non-Retail Containers
In addition to Sections 2, 3 and 5.2 of the General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985), the following specific provision applies:

Information on ...1/ shall be given either on the container or in accompanying documents, except that the name of the product, lot identification, and the name and address of the manufacturer or packer shall appear on the container 2/.

However, lot identification, and the name and address of the manufacturer or packer may be replaced by an identification mark provided that such a mark is clearly identifiable with the accompanying documents."

1/ Codex Committees should decide, based on the section for Labelling of Prepackaged Foods in the same standard and on specific requirements for the food concerned, which provisions are to be included.

2/ Codex Committees may decide that further information is required on the container. In this regard, special attention should be given to the need for storage instructions to be included on the container.

APPENDIX VI

Working Group on Date Marking

1. The following countries and observers participated in the Working Group. Argentina, Canada, Colombia, Cuba, Federal Republic of Germany, Finland, Israel, Japan, Mexico, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, Thailand, United Kingdom, United States of America, Zimbabwe, EEC, IFFA, IFGMA.

2. The Working Group had the following terms of reference:

1. To review provisions on date marking for shelf stable products made by Codex Commodity Committees.
2. To examine the provisions for date marking in the Guidelines for Date Marking and in the General Standard for the Labelling of Prepackaged Foods in the light of comments.
3. To consider comments on exemptions from date marking and to establish a list of commodities to which such exemptions apply.
4. To make recommendations on endorsements of date marking provisions in Commodity Standards.

It was agreed first to discuss item 2 of the Terms of Reference.

3. The Working Group began by considering Section 4.7.1 (vi) of the Revised General Standard which provides for a list of products exempted from a required date of minimum

durability. The Working Group agreed to accept the list exempting any foods as shown in "ALINORM 85/22 para 253 under Section 4.7.1 (vi) with the understanding that Commodity Committees may add to this list as provided for in Alinorm 85/22 Appendix III, Section 4, and to include in the list at this time chewing gum and subsequently those commodities which have been or may be specifically exempted by Codex Commodity Committees.

4. It agreed to add to Section 4.7.1 (vi) after the list of exemptions the following wording:"Specific commodities which have been exempted by Codex Commodity Committees (See also Introduction to Section 4)".(See Appendix I).

5. The Working Group noted that several committees had departed from the date marking provisions in the current Guidelines on Date Marking and the provision for date marking under Section 4.7.1 of the Revised General Standard (ALINORM 85/22 Appendix III). It was recognized that the Revised General Standard had not yet been adopted by the Commission and some suggestions were made to modify the date marking provisions to take account of products with a shelf-life of more than 18 months. After further discussion, the following additional text was proposed as a footnote to Section 4.7.1 by the delegation of Spain,

"The Codex Standards of specific products may

exceptionally determine another date or dates defined in this General Standard, to replace or to accompany the date of minimum durability. Further, they may determine the exemption of the date marking of minimum durability when justifiably required by the product".

The proposal was retained for discussion by the Committee in plenary.

6. In considering for endorsement the date marking provisions of standards from the Commodity Committees, a majority of the Working Group wanted uniform language to be prescribed for expressing the date of minimum durability and indicated a preference for the wording set forth in ALINORM 85/22, Appendix III, Section 4.7.1 or a reference to the General Standard. They agreed that the Committee on Processed Fruit and Vegetables and other Committees which had provided for an 18 month limit for yearly date-marking should adopt that language for all Standards in which date-marking is prescribed, if the Commission approves the Revised General Standard for Labelling Prepackaged Foods.

ENDORSEMENTS

I. CODEX COMMITTEE ON PROCESSED FRUITS AND VEGETABLES
17th Session, ALINORM 85/20

Dates

Section 7.7 - Date Marking

"7.7.1 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, ad the shelf-life of the product is valid to the end of a given year, the expression "end (stated year)" may be used as an alternative.

7.7.2 In addition to the date of minimum durability, any special conditions for the storage of the food shall be indicated if the validity of the date depends thereon.

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

It was noted that the provisions followed the Guidelines for Date Marking and endorsement was recommended.

(e) Canned Palmito (Appendix VII)

7.8 Date Marking and Storage Instructions

7.8.1 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, but not more than 18 months, the month and year will suffice and for those with a shelf-life of 18 months or more, the year wil suffice.

The month may be indicated by letter in those countries where such use will not confuse the consumer. In the case of products requiring a declaration of month and year, or year only, and the shelf-life of the product is valid to the end of a given year, the expression "end (stated year)" may be used as an alternative.

7.8.2 In addition to the date of minimum durability, any special conditions for the storage of the food shall be indicated if the validity of the

date depends thereon.

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

Canned Chestnuts and Chestnut Puree (Appendix VIII):

7.6 Date Marking and Storage Instructions

7.6.1 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 3 months, but not more than 18 months, the month and year will suffice. The month may be indicated by letter in those countries where such use will not confuse the consumer. In the case of products requiring a declaration of month and year, or year only, and the shelf-life of the product is valid to the end of a given year, the expression "end (stated year)" may be used as an alternative.

7.6.2 In addition to the date of minimum durability any special conditions for the storage of the food shall be indicated if the validity of the date depends thereon.

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

It was noted that the provisions deviated from the text proposed in the General Standard under Section 4.7.1 and endorsement was not recommended.

II. CODEX COMMITTEE ON FOOD ADDITIVES, 17th SESSION, ALINORM 85/12

(a) Food Grade Salt (Annex I to Appendix VIII)

7.7 Date Marking

When salt is used as a carrier for nutrients and sold as such for public health reasons, date marking is needed whenever the shelf-life of the product is valid to the end of a given time.

7.7.1 The "date of minimum durability" (preceded by the words "best before") shall be declared by the month and year. 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 shelf-life of the product is valid to the end of a given year, the expression "end (stated year)" may be used as an alternative.

It was noted that salt used as a carrier for nutrients was a special category of food grade salt and the proposed provisions were recommended for endorsement.

V. COMMITTEE ON CEREALS, PULSES AND LEGUMES 4th Session (Alinorm 85/29)

(a) wheat flour (Appendix II - (Paras. 97-103)

(b) Maize (Corn) (Appendix III) - Whole Maize (Corn) Meal (appendix IV) - Degermed Maize (Corn) Meal and Maize (Corn) Grits (Appendix V).

Concerning section 8.8 - Date Marking and Storage Instructions, CC/PL did not change the text which was identical to that in the Codex Guidelines on Date Marking.

Endorsement of the provisions was recommended.

VI. COORDINATING COMMITTEE FOR AFRICA - 6th session (Alinorm 85/28)

(a) Gari (African Regional Standard) (Appendix III)

7.5 Date Marking
The date of manufacture or packaging and the date of minimum durability shall be declared.

It was noted that the provisions required the date of manufacture or packaging, as well as the date of minimum durability. It was recognized that this was a regional product and that the method of manufacture might well require both provisions. The Working Group recommended endorsement and also that the date of minimum durability be brought into line with Section 4.7.1 of the Revised General Standard.

CODEX COMMITTEE ON PROCESSED FRUIT & VEGETABLES - 17th Session (Alinorm 85/20)

(a) Honey (Appendix IX)

6.5 Date Marking and Storage Instructions
(a) 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 3 months, but not more than 18 months, the month and year will suffice. The month may be indicated by letter in those countries where such use will not confuse the consumer. In the

case of products requiring a declaration of month and year, or year only, and the shelf-life of the product is valid to the end of a given year, the expression "end (stated year)' may be used as an alternative.

(b) In addition to the date of minimum durability, any special conditions for the storage of the food shall be indicated if the validity of the date depends thereon.

(c) Where practicable, storage instructions shall be in close proximity to the date marking.

Endorsement was not recommended. See para (6) of this report.

II. JOINT ECE/CODEX ALIMENTARIUS GROUP OF EPXERTS ON STANDARDIZATION OF FRUIT JUICES - 16th Session (Alinorm 85/14)

(a) General Standard for Fruit Nectars Preserved Exclusively by Physical Means Not Covered by Individual Standards (Appendix IV)

(b) Liquid Pulpy Mango Products Preserved Exclusively by Physical Means (Appendix

(c)Draft Guidelines on Mixed Fruit Juices (Revised Text) (appendix VI)

(d)Draft Guidelines on Mixes Fruit Nectars (Appendix VII)

8.7 Date Marking
The "date of minimum durability" (preceded by the words "best before") shall be declared by the month and year in uncoded numerical sequence except that for products with a shelf-life of more than 18 months, the 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, and the shelf-life of the product is valid to the end of a given year, the expression "end (stated year)" may be used as an alternative.

Endorsement was not recommended. The Working Group recommended that the provisions be re-discussed and brought into line with the Date Marking provisions of the General Standard.

IV. CODEX COMMITTEE ON VEGETABLE PROTEINS - 3rd Session (Alinorm 85/30)

(a) General Standard for Vegetable Protein Products (Appendix IV)

8.7 Date Marking
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 the 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 shelf-life of the product is valid to the end of a given year, the expression "end (stated year)" may be used as an alternative.

(b) Soy Protein Products (Appendix V)

8.7 Date Marking
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 the 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 shelf-life of the product is valid to the end of a given year, the expression "end (stated year)" may be used as an alternative.

(c) Wheat Gluten (Appendix VI)

8.7 Date Marking
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 the 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 shelf-life of the product is valid to the end of a given year, the expression "end (stated year)" may be used as an alternative.

Endorsement of the Date Marking provisions was recommended.

CODEX COMMITTEE ON FISH AND FISHERY PRODUCTS - 16th Session (Alinorm 85/18)

Revised Draft Standard for Canned Pacific Salmon (Step 8)

79. It was noted that at the last session of the CCFFP there had been a full discussion on date marking. It had been pointed out that canned salmon was a low acid

canned food where no interaction between can and contents would normally occur over a period of 10-15 years, and there had been a good measure of agreement that date marking could not provide useful information to the consumer and should not be included in this Standard.

80. The Committee decided to maintain the decision it had taken at its previous session not to include any form of date marking in the present standard.

Draft Standard for Quick Frozen Blocks of Fish Fillets, Minced Fish Flesh and Mixtures of Fillets and Minced Fish Flesh (Step 3)

Date Marking

154. The CCFFP re-affirmed its previous discussion (See Alinorm 83/18, para 149) that date marking was not required. The Working Group agreed to bring these decisions to the attention of the Committee in plenary.

8. Codex Committee on Processed Meat and Poultry Products - 13th Session (Alinorm 85/16)

235. The Committee recalled the decisions that it had taken at its 10th session (Alinorm 79/16, paras 68-80) Firstly, that shelf-stable products which had a long storage life did not require date marking and a date of minimum durability would be a contradiction in terms and sometimes misleading. s Secondly, for non-shefl-stable products, date marking should be minimum durability.

238. The delegation of Denmark expressed the view that date marking of shelf-stable products which are commercially sterile would make problems for the consumer. In its view,declaration of date of minimum durability for shelf-stable products would be a contradiction and sometimes was misleading. This opinion received support from a number of countries and had the Committee's agreement. In the opinion of the Committee, shelf-stable products could be defined as those which had an expected shelf-life of at least 18 months under normal conditions of storage.

239. During discussion the question was raised whether the principle of positive date marking of shelf-stable foods could be regarded as a general one. It was pointed out that there were fundamental differences in the properties of commercially sterile products in respect of for example, can corrosion and texture degradation that no general rule could be applied and that the problem was best solved on a commodity by commodity basis.

240. Accordingly, Canned Corned Beef falls in the class of shelf-stable products and the Committee agreed that no provision on date marking should be included in

the standard for Canned Corned Beef (CODEX STAN 8-1981).

243. The following wording for Date Marking will be included in all standards considered non-shelf-stable:

6.6 Date Marking and Storage Instructions

6.6.1 For products which are not shelf-stable, i.e. which may be expected not to keep for at least 18 months in normal conditions of storage and sale, and whch are packaged in a container ready for offer to the consumer or for catering purposes, the following date marking shall apply:

(i) The "date of minimum durability" shall be declared.

(ii) This shall consist at least of:
- the day and the month for products with a minimum durability of not more than three months;
- the month and the year for products with a minimum durability of more than three months. If the month is December, it is sufficient to indicate the year.

(iii) The date shall be declared by the words:
- "Best before ..." where the day is indicated.
- "Best before end ..." in other cases.

(iv) The words referred to in paragraph (iii) shall be accompanied by:
- either the date itself, or
- a reference to where the date is given.

(v) The day, month and year shall be declared in uncoded numerical sequence except where the month may be indicated by letters in those countries where such use will not confuse the consumer.

6.6.2 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.

6.6.3 For products which are not shelf-stable and which are packaged in containers not offered directly to the consumer nor for catering purposes,adequate storage and distribution instructions shall be declared."

The Working Group referred to its discussions in para (5) and did not recommend endorsement of the provisions proposed for products considered non-shelf-stable. It was noted that the CCPMPP had defined shelf-stable products as those whch had an expected shelf-life of at least 18 months under normal conditions of storage and on this basis

had agreed that no provisions on date marking should be included in the standard for Canned Corned Beef.

The Working Group agreed that the matter should be further discussed by the Committee in plenary.

APPENDIX I TO WORKING GROUP REPORT ON DATE MARKING

(vi) Nothwithstanding 4.7.1 (i), an indication of the date of minimum durability shall not be required for:

- fresh fruits and vegetables, including potatoes, which have not been peeled, cut or similarly treated;
- wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;
- beverages containing 10% or more by volume of alcohol;
- bakers' or pastry-cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;
- vinegar;
- food grade salt;
- solid sugar;
- confectionery products consisting of flavoured and/or coloured sugars.
- chewing gum
- specific commodities which have been exempted by Codex Commodity Committees (See also introduction to Section 4).

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APPENDIX VII

Report of the Ad Hoc Working Group on Definitions and Methodology for use in Guidelines on Nutrition Labelling.

1. The Working Group consisted of representatives of the following countries and international organizations: Canada, Denmark, Netherlands, Norway, Sweden, Switzerland, Federal Republic of Germany, United Kingdom, United States of America, FAO, WHO, IOCU, IDF.

   Dr. M.C. Cheney, Canada acted as Chairperson and Dr. D. Buss, U.K. and Miss P. Steele, Canada as rapporteurs.

2. The Working Group met to:

   a) consider methods of analysis to accompany the Draft Guidelines on Nutrition Labelling

   b) Review the definitions given in ALINORM 85/22 Appendix II, Section 2

   c) Review factors for converting nitrogen content to protein content

   d) Review section 4 of the Draft Guidelines on Nutrition Labelling (ALINORM 85/22, Appendix VI) in the light of Government comments.

3. The Working Group agreed to consider methods

of analysis after they had discussed points (b), (c) and (d)

4. Definitions

4.1 There was no discussion of definition 2.1 to 2.5 or 2.8.

4.2 The definition of sugars was changed to "Sugars means all monosaccharides and disaccharides present in a food". It was also agreed that the definition should be reviewed in 5 years when analytical methodology has improved.

4.3 The definition of dietary fibre was not changed but the Working Group agreed that it should be reviewed in 5 years.

5. Protein Conversion Factor

The Working Group agreed to revise section 3.2.7.2 to accommodate the use of different factors for the conversion of nitrogen to protein in selected Codex Standards. The following wording was agreed for paragraph 3.2.7.2:

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

Protein = Total Kjeldahl nitrogen x 6.25

unless a different factor is given in a Codex standard for that food.

6. Energy Conversion factors

The Working Group also agreed to clarify the reference to alcohol by inserting 'ethanol' in parenthesis afterwards, and to delete the last three lines of paragraph 3.2.7.1.

7. Section 3.3.3

The following proposed wording was accepted by five of the nine countries represented in the Working Group. Four countries favoured the present wording of section 3.3.3.

Proposed Wording

3.3.3 Numerical information on nutrients should be expressed in metric units and/ or as a percentage of the Reference RDA/RDI, as appropriate, per 100 g or per 100 ml; and /or per serving as quantified on the label; or per portion provided that the number of portions in the package is stated. When reference RDAs are used, they should be based as far as possible on nutrient intakes recommended by FAO/WHO. Until these have been reviewed, the following values should be used as Reference RDA/RDI for labelling purposes in the interests of international standardization and harmonization:

Energy MJ (kcal)	9.5 (2300)
Protein g	50
Vitamin A ug	1000
Vitamin D ug	5

Vitamin E mg	10
Vitamin C mg	60
Thiamin mg	1.4
Riboflavin mg	1.6
Niacin mg	18
Vitamin B6 mg	2
Folacin ug	400
Vitamin B12 ug	3
Calcium mg	800
Phosphorus mg	800
Iron mg	14
Magnesium mg	300
Zinc mg	15
Iodine ug	150

8. The Working Group agreed to the following redraft of Section 4. The term "educational nutrition information" was replaced by "supplementary nutrition information", in recognition of the fact that all nutritional information on labels is of educational value.

4. Supplementary Nutrition Information

4.1.1 Supplementary nutrition information is intended to increase the consumer's understanding of the nutritional value of their food and to assist in interpreting the nutrient declaration. There

are a number of ways of presenting such information that may be suitable for use on food labels.

4.1.2 The use of supplementary nutrition information on food labels should be optional and should only be given in addition to and not in place of the nutrient declaration, except for target populations who have a high illiteracy rate and/or comparatively little knowledge of nutrition. For these, food group symbols or other pictorial or colour presentations may be used without the nutrient declaration.

4.1.3 Supplementary nutrition information on labels should be accompanied by consumer education programmes to increase consumer understanding and use of the information.

9. Section 3.2.3

A recommendation by the I.D.F. to modify fatty acid information to include a declaration of trans fatty acids and short chain fatty acids was not accepted by the Working Group. The Group agreed that the existing Section 3.2.3 remain unchanged.

METHODS OF ANALYSIS

10. The Working Group based its discussions on a document entitled "Guidelines for Methods of Analysis for Nutrition Labelling," an earlier version of which had been circulated to members by the Canadian Secretariat on 14 December 1984. Written comments had been received, and additional papers on vitamin E and dietary fibre analysis were also noted.

11. The recommended methods of analysis for nutrition labelling are given in ANNEX I. In making these recommendations, the following points were borne in mind:

(i) That there are different constraints on methods of analysis for labelling purposes and those for control or regulatory purposes. In particular, much wider tolerances may be acceptable for labelling, and the amounts to be declared on labels may also depend on the use of additional conversion factors. The Working Group recommended that the factors used for converting retinol isomers and carotenes to vitamin A and for converting tocopherols and tocotrienols to vitamin E should be reviewed by the Codex Committee on Foods for Special Dietary Uses.

(ii) That the Codex Committee on Methods of Analysis

and Sampling has recommended that all methods be collaboratively tested. All the methods in ANNEX I are those of the AOAC. Where comparable methods have been developed by other organizations, e.g. ISO and IUPAC, they may also be appropriate, and it was agreed that these international organizations should be asked if further methods should be added to the list.

(iii) That certain sophisticated instrumentation may not be available in developing countries. Therefore, a number of additional methods not requiring such instrumentation should be included in ANNEX I.

(iv) That for certain nutrients in certain commodities, Codex Alimentarius Methods in ANNEX I are recommended for use only where no other methods have been agreed.

12. The Working Group recommends that the methods in ANNEX I be circulated to governments and to the CCFSDU and to appropriate international organizations for comment.

ANNEX I

RECOMMENDED METHODS OF ANALYSIS FOR NUTRITION LABELLING

Parameter to be Measured	Method	Type
Energy	1/	I
Alcohol (Ethanol)	AOAC 1984, XIV, 9.020-9.037 (spirits) 10.023-10.033 (beers) and 11.005-11.006 (wines)	III
Organic acids	To be established	
Available Carbohydrate (by difference)	2/	I
Ash	3/ AOAC 1984, XIV, 7.009	I
Loss on drying	AOAC 1984, XIV, 7.003	I
Total sugars, starch and other carbohydrates	To be established	
Protein	4/ AOAC 1984, XIV, 2.057	I & II
Fat	To be established	
Saturated and Poly-unsaturated fat	To be established	
Dietary Fibre	To be established	

ANNEX I

RECOMMENDED METHODS OF ANALYSIS FOR NUTRITION LABELLING

Parameter to be Measured	Method	Type
Vitamin A	HPLC method for retinol isomers and carotenes to be established	
Vitamin D	AOAC 1984, XIV, 43.235-43.249 AOAC 1984, XIV, 43.118-43.127	III
Vitamin E	AOAC 1984, XIV, 43.129-43.137; 43.147-43.151 HPLC method to be established	III
Vitamin C	AOAC 1984, XIV, 43.076-43.081; 43.064-43.068	III
Thiamin	AOAC 1984, XIV, 43.024-43.030; 43.031-43.034; 43.035-43.038	III
Riboflavin	AOAC 1984, XIV, 43.039-43.047; 43.209-43.217	III
Niacin	AOAC 1984, XIV, 43.048-43.059; 43.167-43.174; 43.191-43.199	III
Vitamin B6	AOAC 1984, XIV, 43.229-43.234 HPLC method to be established	III
Folic Acid	Microbiological assay method to be established	
Vitamin B12	AOAC 1984, XIV, 43.175-43.182	III

ANNEX I

RECOMMENDED METHODS OF ANALYSIS FOR NUTRITION LABELLING

Parameter to be Measured	Method	Type
Calcium, Iron, Zinc and Magnesium	Atomic absorption method AOAC, 1984, XIV, 7.096-7.100	III
Phosphorus	AOAC, 1984, XIV, 2.019-2.025	III
Iodine	AOAC, 1984, XIV, 47.003-47.008 Further method to be established	III

1/ By calculation from the amounts of protein, carbohydrate, fat, alcohol and organic acid using the following conversion factors:

(a)	Protein	- 4 kcal/g or 17 kJ/g
(b)	Carbohydrate	- 4 kcal/g or 17 kJ/g
(c)	Fat	- 9 kcal/g or 37 kJ/g
(d)	Alcohol	- 7 kcal/g or 29 kJ/g
(e)	Organic Acid(s)	- 3 kcal/g or 13 kJ/g

2/ Available carbohydrate is determined by difference from the results of the determination of total fat, ash, protein, loss on drying and, where appropriate, dietary fibre.

3/ A lower temperature of 550°C is recommended for ashing of products which have a high content of calcium and sodium. Methodology similar to the one recommended for estimation of ash in condensed milk.

4/ The amount of protein is calculated using the formula

Protein = Total Kjeldahl Nitrogen x 6.25

unless a different factor is given in a Codex standard or a Codex method of analysis for that food.

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APPENDIX VIII

WORKING GROUP ON GUIDELINES ON LABELLING PROVISIONS IN CODEX STANDARDS AND ON THE LABELLING OF NON-RETAIL CONTAINERS

Participating Countries and International Organizations: The Netherlands, Denmark, United Kingdom, Ireland, United States of America, Norway, Sweden, India, Australia, Canada, Thailand, Spain and FAO. The Working Group was chaired by Mr. L. Erwin, Australia, and Rapporteur was Dr. C. Hudson, U.S.A.

1. Review of Draft Guidelines on Labelling Provisions in Codex Standards.

It was agreed that the Guidelines should aim at assisting Codex Committees in elaborating labelling provisions in Codex standards in a consistent manner and ensuring a uniform style of presentation.

The Working Group noted that the Guidelines already aligned with the revised General Standard for the Labelling of Prepackaged Foods and agreed that they should be used in conjunction with it.

The Working Group also noted that provisions for the labelling of non-retail containers had already been included in a large number of Codex standards where the Scope was not limited to prepackaged goods. Further, some standards applied only to products for manufacturing and they were always in non-retail containers.

It was decided that because of the extensive trade in non-retail containers, especially at the international level, some guidance on the labelling of such containers was highly desirable. It was agreed that suitable instructions for labelling of non-retail containers should be included in the Guidelines.

The Working Group reviewed Document CX/FL 85/6 Part I Appendix I being "Proposed Draft Guidelines on Labelling Provisions in Codex Standards" as prepared by the delegation of Australia. A revised draft as agreed by the Working Group is given at Appendix 1.

2. Consideration of the Survey of Provisions for the Labelling of Non-Retail Containers in Codex Standards (CX/FL 85/8 and Paragraphs 9-18 of ALINORM 85/22).

(a) Examination of the need for Guidelines for the Labelling of Non-Retail Containers.

(b) Examination of the need to include advice on non-retail containers in the Guidelines on Labelling Provisions in Codex Standards and elaborate an appropriate wording.

The Working Group noted that Codex Committee on Food Labelling at its 17th Session concluded that it would not be wise to incorporate provisions on non-retail containers in the General Labelling Standard at that time in view of the higher priority to finalize the General Labelling Standard. However, it would review the need for the Guidelines on Non-Retail Containers after finalization of the General Labelling Standard.

The Working Group recalled that the Codex Commission had sought a fuller justification for the need for Guidelines on the Labelling of Non-Retail Containers.

It was agreed that labelling provisions for non-retail containers would be desirable for international trade in a number of commodities and that such provisions have been found necessary in many Codex Standards. It was decided to incorporate a section on Labelling Provisions for Non-Retail Containers within the Guidelines on Labelling Provisions, rather than to continue at this time the development of separate Guidelines as under CX/FL 85/8.

The Working Group therefore recommends that development of the Guidelines (CX/FL 85/8 Appendix II) be discontinued and that suitable instructions for labelling provisions for non-retail containers be incorporated into the Guidelines on Labelling Provisions.

3. Establishment of Priority Criteria and Recommendations on a Work Plan for Codex Committees concerning the Revision of Labelling Provisions in Codex Standards after Adoption of the General Labelling Standard.

The Working Group noted that the labelling section of virtually all Codex Standards would need to be amended to align with the revised General Labelling Standard. It was recognized that endorsements of the revised labelling provisions for all standards at the same time would most likely take up more time

than available in a full session of the Codex Committee for Food Labelling. In this regard, it is recommended that the Commission should advise Codex Committees of the following priorities concerning the review of labelling provisions after the General Labelling Standard is finalized.

(1) For those Codex Committees which are close to completing their work and will be adjourned sine die, top priority should be given to the revision of labelling provisions in Codex Standards which they have developed.

(2) Active Codex Committees in process of developing standards should include in their agendas the revision of the labelling provisions for such Codex Standards.

(3) Where Codex Committees have completed their work and have adjourned sine die, the Committee secretariat, in conjunction with the Codex secretariat, should be requested to initiate review of the labelling provisions in their standards in accordance with the procedure agreed to at the 15th Session of the Commission.

ANNEX I

DRAFT GUIDELINES ON LABELLING PROVISIONS IN CODEX STANDARDS

1. Purpose

1.1. These guidelines are intended to assist Codex Committees in elaborating labelling provisions in Codex Standards for the purpose of ensuring:

(i) uniform presentation of the provisions;

(ii) compliance with the General Standard for the Labelling of Prepackaged Foods (hereafter referred to as the General Standard), wherever appropriate;

(iii) a uniform and consistent approach in cases where additional or different provisions to those in the General Standard are necessary in respect of individual foods.

2. Endorsement of Food Labelling Provisions in Codex Standards

2.1 Under the working procedures of the Codex Alimentarius Commission, all labelling provisions in Codex Standards have to be submitted to the Codex Committee on Food Labelling for endorsement (Procedural Manual, 5th Edition, pages 68-69). For this purpose, all standards should be referred to the Labelling Committee after they have been advanced to Step 3, and preferably after advancement to Step 5 but before they are considered by the Committee concerned at Step 7. However, such reference should not be allowed to delay the progress of the Standard to the subsequent Steps of the Procedure.

2.2 The Labelling section of all Codex standards in the course of elaboration should include a statement, as appropriate, indicating the endorsement status of the provisions.

3. Instructions to Codex Committees

3.1 Codex Committees should prepare a section on labelling in each draft standard and this section should contain all the labelling provisions of the standard. The provisions should be included either specifically or by reference to the appropriate paragraphs of the General Standard. The section may also contain provisions which are exemptions from, additions to, or which are necessary for the interpretation of the General Standard in respect of the product concerned (Procedural Manual, 5th Edition, page 54).

4. Labelling Provisions for Prepackaged Foods

4.1 General Labelling Provisions

4.1.1 Labelling provisions for prepackaged foods should be included in individual Codex Standards by reference to the General Standard in the following manner:

> "LABELLING OF PREPACKAGED FOODS
>
> In addition to Sections 2, 3, 7 and 8 of the General Standard for the Labelling of Prepackaged Foods (CODEX STAN. 1-1985), the following specific provisions apply:"

4.1.2 The sections of the General Standard referenced in the above statement are those which are applicable to all prepackaged foods and therefore should be included by reference in all Codex Standards.

4.2 Specific and Optional Labelling Provisions

4.2.1 In many instances, further sections of the General Standard may also be applicable to particular foods and should also be included by reference.

4.2.2 Depending on the type and nature of the product, certain of the requirements of Sections 4, 5 and 6 of the General Standard may not be suitable for unqualified inclusion in Codex Standards by reference. However, care should be taken that any changes:

(i) are consistent in both format and intent with the General Standard;

(ii) provide the consumer with adequate information which is not misleading or confusing;

(iii) are in a form suitable for uniform adoption by governments with a view to facilitating international trade.

4.2.3 When a Codex Committee decides to exempt a specific labelling provision or deviates from that in the General Standard, a detailed justification statement giving the reasons for such a decision should be provided along with the draft standard when it is submitted to the Codex Committee on Food Labelling for endorsement.

4.2.4 In preparing specific labelling provisions, the following guidelines should apply:

4.2.4.1 The name of the food

The name of the food should be determined in accordance with Section 4.1.1 of the General Standard and included in individual Codex Standards in the following manner:

"The name of the food

The name of the food shall be ...."

(ii) Additional provisions in accordance with Section 4.1.2 of the General Standard may be necessary to provide for the declaration of a descriptive term(s) as part of the name or in close proximity to it.

(iii) The "name and description" of the food (i and ii above) should be selected with care as they have extensive implications in regard to the acceptance of Codex Standards by governments. This is because full acceptance requires that governments allow products complying with a Standard to be distributed freely under the "name and description" laid down in the Standard (Procedural Manual, 5th Edition, page 22). The Codex Committee on General Principles has decided that for the purposes of acceptance of Codex Standards, the "name and description" is the sum of all the relevant provisions in "The name of the food" section of a Standard (ALINORM 79/35, para. 59). It should also be kept in mind that the Codex Committee on General Principles has decided that "the name and description" laid down in the Standard is not intended to prevent the legitimate use, for a product not included in the scope of the Standard, of any of the relevant provisions in "The name of the food" section with appropriate accompanying qualifying statements, provided that they are in compliance with Section 3, General Principles, of the General Standard (ALINORM 79/35, para. 63).

4.2.4.2 List of Ingredients

(i) The listing of ingredients should be in accordance with Section 4.2 of the General Standard. Wherever possible, provision should be stated in individual Codex Standards in the following manner:

"**List of Ingredients**

A complete list of ingredients shall be declared in accordance with Section 4.2 of the General Standard."

4.2.4.3 Net Contents

(i) Net contents should be declared in accordance with the provisions of Section 4.3.1 and 4.3.2 of the General Standard; having regard to the nature of the food Codex Committees should determine the manner in which net contents should be declared in accordance with provisions in Section 4.3.2 of the General Standard.

(ii) It may also be necessary to include additional provisions to define clearly the net contents of a product (for example, net contents exclusive of glaze).

4.2.4.4 Drained Weight

For individual products packed in a liquid medium a decision should also be taken, on the basis of Section 4.3.3 of the General Standard, on whether a declaration of drained weight should be required. If such a provision is necessary, it should be stated in the following manner:

"Drained Weight

The drained weight shall be declared in the metric system (Systeme international units)".

4.2.4.5 Name and Address

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food should be included by reference to Section 4.4 of the General Standard.

4.2.4.6 Country of Origin

The country of origin of the food should be included by reference to Section 4.5 of the General Standard.

4.2.4.7 Lot Identification

Lot identification should be included by reference to Section 4.6 of the General Standard.

* **4.2.4.8 Date Marking and Storage Instructions**

(i) Based on a study of the nature of the food, Codex Commodity Committees should determine whether there is a need for Date Marking provisions and storage instructions.

(ii) Where it is determined that a Date of Minimum Durability is required then the provisions should be in accordance with Sections 4.7.1 and 4.7.2 of the General Standard.

(iii) Should a Codex Commodity 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 reasons for the proposed action.

* **4.2.4.9 Instructions for Use**

Having regard to the nature of the food, where instructions for use are considered to be necessary, they should be in accordance with Section 4.8.1 of the General Standard.

* **4.2.4.10 Additional Requirements**

Based on a study of the nature of the food, it may be determined whether additional requirements covered in Sections 5 and 6 of the General Standard are necessary.

5. Labelling Provisions for Non-Retail Containers

5.1 Where the Scope of a Codex Standard is not limited to prepackaged foods, a provision for labelling of non-retail containers should be included.

5.2 Non-retail containers are defined as follows:

"Non-Retail Containers means any form of packaging of foods not covered by the General Standard for the Labelling of Prepackaged Foods and includes, but is not limited to, the following: containers of foods destined for further industrial processing, containers of foods destined for repackaging into

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* These sections may need expansion in the light of decisions taken by the plenary on Sections 4, 5 and 6 of the General Standard.

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."

5.3 In cases where Codex Committees decide that provisions for labelling of non-retail containers are required, it is recommended that the following wording be used:

> "Information on ...1/ should either be given on the container or in accompanying documents, except that the name of the product, lot identification, and the name and address of the manufacturer or packer should appear on the container. 2/However, the name and address of the manufacturer or packer may be replaced by an identification mark provided that such a mark is clearly identifiable with the accompanying documents."

1/ Codex Committees should decide, based on the section for the Labelling of Prepackaged Foods in the same standard and on specific requirements for the food concerned, which provisions are to be included.

2/ Codex Committees may decide that further information is required on the container.

WORKING PAPER ON NEGATIVE CLAIMS

1. BACKGROUND

Concern has been expressed in the Codex Committee on Food Labelling on a number of occasions in the past five years over the increasing use of negative claims. At its 16th Session (May 1982), the Committee considered that the General Guidelines on Claims should be reviewed with special attention being given to negative claims (ALINORM 83/22, para 204). This was reiterated at the Committee's 17th Session (October 1983) and it was agreed that the matter should be considered at its next meeting (ALINORM 85/22, paras 330-332)

The delegation of Australia undertook to prepare a discussion paper on negative claims for the 18th Session of the Committee. In order to facilitate this task, member countries were invited via Circular Letter 1984/19(FL) to submit their views on how negative claims should be controlled and to provide details on any initiatives they may have already taken on this matter.

Replies were received from Canada, Ireland, Finland, New Zealand, Norway, Sweden, Thailand, the USA and Australia. These are set out in Appendix I of this paper, together with earlier comments submitted by Switzerland on this topic.

2. NATURE OF NEGATIVE CLAIMS

A negative claim is any representation which highlights the absence of particular substances or a group of substances from food, or their non-addition to food. (Claims which state that a substance is present but at a reduced level - eg "Reduced Salt" - do not fall into this category and are outside the scope of this paper.) In essence there are two types of negative claims currently in use and these are set out below:

2.1 CLAIMS WHICH INDICATE COMPLETE ABSENCE

Examples: "no .....", "contains no .....";
"free from .....", ".....-free";
"non-.....", "un-.....", ".....-less";
"without .....".

These claims are unequivocal in meaning as they clearly state that the substances or group of substances to which they apply are not present in the product. They would be expected to take into account any possibility of the substances in question being introduced into the food indirectly through other ingredients by means of carry-over.

2.2 CLAIMS WHICH INDICATE QUALIFIED ABSENCE

Examples: "no added .....", "no ..... added".

Claims expressed in this manner imply that the substance may be present in the product on a natural basis. Such claims would not be valid if the substance was added indirectly through other minor ingredients (eg. salt in mixed spices) apart from any naturally-occurring level.

3. MAJOR CATEGORIES OF NEGATIVE CLAIMS

To facilitate discussion on this subject, negative claims have been divided into the following categories which depict the major types of claims currently being used:

3.1 CLAIMS FOR FOOD ADDITIVES

These claims may be presented either in a general manner (eg "no food additives") or for a specific class of food additive (eg "no preservatives"). Further, they may be qualified by the word "artificial" which could suggest that natural substances have been used. There are also claims which highlight the absence of a specific food additive which may have particular health considerations (eg "contains no monosodium glutamate").

3.2 NUTRIENT CLAIMS

These types of claims are generally linked to currently espoused nutrition concepts and concerns. They tend to suggest or imply that the food has a particular nutritional property given the absence or non-addition of the substance mentioned. Examples of these claims include "no added suger", "unsweetened", "salt-free", "non-fat", etc.

3.3 RELIGIOUS OR LIFESTYLE CLAIMS

Certain negative claims have been introduced to cater for dietary restrictions imposed by religious beliefs or lifestyle (eg vegetarian). Examples would include "contains no pork", "no animal fat".

3.4 INDIRECT NATURAL CLAIMS

The majority of these claims are designed to reinforce the "natural" attributes of a particular food. The types of claim which are prevalent on this class of product include "no white flour", "no refined sugar", "no artificial ingredients", etc.

3.5 CLAIMS LINKED TO SPECIAL DIETARY USES

Negative claims have been utilized to highlight the absence of certain substances in foods which are intended for specific dietary regimens. They include such expressions as "gluten-free", "protein-free", "non-alcoholic", "free from caffeine", "lactose-free". As such they are very closely related to Nutrient Claims mentioned in 3.2 above. The distinction between the two is that one is specifically directed at special dietary uses while the other (ie nutrient claims) is applied to foods for general consumption and tends to reflect overall nutritional considerations.

4. APPROACH TO NEGATIVE CLAIMS

Based on advice received from member countries, there are two ways in which negative claims can be approached:

Firstly such claims can be regarded as a useful and meaningful aid to consumers in understanding the nature of the food to which they are applied. They offer a simple and direct means of alerting consumers to the absence or non-addition of substances which may be of importance for health, ethnic, religious or personal reasons.

The second approach is to prohibit negative claims on the basis that they cast doubt not only on comparable products and the ingredients contained therein but also on the validity of compulsory lists of ingredients and food technology in general. Such declarations tend to emphasise qualities which are often only marginal and may therefore give a completely wrong impression of the food and its use.

It is common under either approach to have exceptions. For instance some types of negative claims may be prohibited under the first approach while others may be permitted in the second category.

One factor which has been emphasised by a number of countries is the relationship between the substance declared and the ingredients permitted by the relevant standard. Generally negative claims have been accepted if they apply to substances one would normally expect to find in the product in question. This would of course apply if the substance was approved as an optional ingredient in the standard. Conversely if the substance is not permitted (either specifically or generally), then claims have not been allowed on the basis that they imply that like products may contain such substances. An alternative approach has been to allow the latter claims provided they are accompanied by a statement which indicates that such substances are prohibited by law.

5. OPTIONS FOR CONTROL

Under Codex there are a number of alternative means of controlling negative claims. Although it is possible to develop overall guidelines and set them out in the General Guidelines on Claims (refer Appendix II), it should be recognised that other Standards are in existence which might more appropriately cover certain categories of negative claims. Draft proposals, together with comments, are set out below as a basis for discussion.

5.1 GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS

Proposal: Continue to assess negative claims on an individual basis under the General Principles (Section 2.1) of this standard, namely:

> "Prepackaged food shall not be described or presented on any label or in any labelling in a manner which is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect."

Comment: This preserves the status quo and would permit negative claims provided they were neither false nor misleading. While false claims could be readily identified, there still remains the problem as to which claims are misleading or deceptive and how world-wide uniformity could be achieved on this question.

5.2 GENERAL GUIDELINES ON CLAIMS

Proposal A: All negative claims could be prohibited by inserting a new provision in Section 3 of the Guidelines along the following lines:

The following claims are prohibited:

"3.6 Claims which highlight the absence of substances or groups of substances from food or their non-addition to food."

[An alternative approach would be to define "negative claims" under Section 2 of the Guidelines and simply state in Section 3.6: "Negative Claims"]

Comment: This approach tends to reinforce Section 3.5 of the Guidelines which prohibits any claim which could give rise to doubt about the safety of similar food or which could arouse or exploit fear in the consumer.

Proposal B: Place a general prohibition on negative claims as above but add the following qualification:

"unless they are specifically permitted by other Codex standards or guidelines"

Comment: Under this proposal recognition is given to the possibility that some negative claims may be helpful to consumers. Such claims would still require control and would therefore have to be subject to specific provisions which could be included in more relevant Codex standards or guidelines.

Proposal C: Insert Proposal A in Section 4 of the Guidelines which specifies that such claims "are misleading".

Comment: As any false or misleading labelling is prohibited by Section 2.1 of the General Labelling Standard, this approach is identical to Proposal A in that it gives effect to a full prohibition.

Proposal D: A special provision could be developed for inclusion in Section 5 of the Guidelines to permit negative claims subject to certain conditions or restrictions. Examples of this approach are set out below:

"(iv) Claims which highlight the absence or non-addition of particular substances to food may be used provided that:

(a) the relevant Codex Standard permits the food to contain such substances

or

(b) in the case of substances which are prohibited by law, this fact is clearly and prominently indicated on the label (in conjunction with the claim)"

Comment: These restrictions are based directly on what the relevant standards do or do not permit. Under (a), the difference between the food in question and other products can be emphasised. Sub-section (b) is optional and provides an additional requirement which qualifies (and possibly discourages) references to prohibited substances.

Proposal E: The previous approach depends, to a large degree, on the extent to which products have been standardised. To overcome this problem a revised wording of Sub-section (iv) could be considered:

"(iv) Claims which highlight the absence or non-addition of particular substances to food may be used provided that the substance referred to is an ingredient which:

(a) consumers would normally expect to find in the food; and

(b) has not been substituted by another giving the food corresponding qualities."

Comment: This is a general approach and ensures that negative claims are not used to disguise the possibility of other similar ingredients being substituted in their place. Its generality may however pose problems for uniform interpretation.

Proposal F: Like Proposal B, the approaches set out in D and E, could be further qualified by covering negative claims for which specific controls have been (or may be) developed. For example, Proposal E could be preceded by the following statement:

"(iv) Subject to more specific requirements which may appear in other Codex standards and guidelines, claims which highlight ....."

Comment: As will be seen from the following proposals, scope exists in a number of areas to specifically regulate certain categories of negative claims. Should this eventuate then it will be necessary to qualify any general provision accordingly. It is also possible to limit any of the above proposals to one or more of the negative claim categories mentioned in Section 3 of this paper.

5.3 DRAFT GUIDELINES ON NUTRITION LABELLING

Proposal: In these Guidelines (ALINORM 85/22, Appendix II) 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." Under this definition many negative claims which refer to nutrients would automatically constitute a nutrition claim (eg "no added sugar", "sodium-free", "protein-free", "non-fat", etc) and therefore invoke full nutrition labelling. Although there appears to be little room for any other interpretation, the Committee may wish to clarify this point by including a statement in the "nutrition claim" definition along the following lines:

"Any claim which refers to the absence or non-addition of a nutrient or class of nutrient is regarded as a nutrition claim."

Comment: Full nutrition labelling imposes a number of conditions and restrictions on negative nutrition claims and eliminates, to a large extent, the possibility of consumers being mislead over the nature and nutritive value of the food in question. With this additional labelling requirement, insignificant claims are unlikely to be made and, in any event, consumers would be in a position to readily compare products with similar claims.

5.4 STANDARDS FOR FOODS FOR SPECIAL DIETARY USES (FSDU)

Proposal: "Foods for Special Dietary Uses" are defined as "those foods which are specially processed or formulated to satisfy particular dietary requirements which exist because of a particular physical or physiological condition and/or specific diseases and disorders and which are presented as such. The composition of these foodstuffs must differ significantly from the composition of ordinary foods of comparable nature, if such ordinary foods exist" (ALINORM 83/26, Appendix III, Section 2.1). If a food which contains a negative claim falls into this category then it will need to comply with any specific standard which may have been developed (eg "Gluten-free" statements are controlled by the Codex Standard for Gluten-Free Foods) or the Draft General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Uses which is currently at Step 8 of the Codex Procedure (ALINORM 83/26, Appendix III). In order to clarify the situation in regard to negative claims, the FSDU Committee could be requested to include in the latter standard the following statement (in square brackets) under the definition of "claims":

"2.5 Claims means any representation which states, suggests or implies that the food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality which render it suitable for a special dietary use. The inclusion of substances mentioned only on a list of ingredients or as part of nutritional labelling shall not constitute a claim. [However any statement which highlights the absence or non-addition of a substance and, as a consequence, implies that the food may be suitable for a special dietary use shall constitute a claim under this standard.]"

Comment: The above standard imposes a number of additional conditions and restrictions (particularly nutritional labelling requirements) for foods which are marketed for special dietary uses. A number of negative claims could easily fall into this category and the enforcement of this standard could help discriminate between "fashionable marketing" claims and those of a genuine nature.

5.5 MORE SPECIFIC CONTROLS

Most of the above proposals have been directed at controlling negative claims either on a general basis or for a particular category of claim. There are however a number of specific claims which have acquired widespread usage over the years and have been the subject of individual controls in several countries. The two most common claims are set out below together with a summary of the types of restrictions imposed.

"SALT-FREE", "NO ADDED SALT", "NO ADDED SODIUM", "UNSALTED", ETC.

The claim "salt-free" is generally regarded as unacceptable on the basis that most foods contain small amounts of sodium chloride. The other claims have normally been accepted, provided they are statements of fact and therefore capable of substantiation. In one instance "sodium-free" has been permitted provided that the food contains less than 5 milligrams per serving and that full nutritional labelling accompanies the claim.

"SUGAR-FREE", "NO SUGAR", "UNSWEETENED", "NO ADDED SUGAR", ETC.

These terms appear to be split into two categories, namely: "sugar-free"/"no sugar"/"sugarless" and "unsweetened"/"no added sugar". The former are either prohibited outright or permitted only on foods which do not contain any carbohydrates. The latter are usually allowed, provided the claim is accompanied by a statement of the total carbohydrate or energy in that food. One problem which has been highlighted is the propensity of the term "sugar" to be used deceptively if applied only to sucrose and not extended to cover all other saccharides (refer definition of "sugar" under Section 2.6 of the Guidelines on Nutrition Labelling).

Specific provisions on these types of claims can be developed for inclusion under Section 5 of the General Guidelines on Claims or Section 6 of the General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Uses or any other specifically related FSDU standard.

6. CONCLUSION

The Committee has available to it multiple choices for controlling negative claims. This extends from a general prohibition or general acceptance to specific controls for special categories of claims or designated statements. Although these controls have been presented in the paper largely on an individual basis, it may be necessary in the final analysis to adopt more than one type of approach.

One area which needs to be carefully examined is that for nutrient and FSDU claims. Codex is already developing standards and guidelines which, upon close assessment, appear to cover these types of claims. Depending on the Committee's interpretation it may be necessary and desirable to clarify this situation in each of the documents or, alternatively, to develop provisions which specifically exclude such claims.

Every attempt has been made to reflect each country's approach in the alternatives provided. However, given the divergence of government views, it has not been possible to suggest or recommend one particular line for the Committee to follow.

The task of controlling negative claims is difficult. Notwithstanding this, the Committee should make every endeavour to reach agreement on a uniform approach to the question. In the interests of facilitating international trade, it is strongly recommended that the Committee resist the temptation of leaving control to "national practices in the country where the food is sold". This type of approach has been opposed by the Executive and Commission and consequently has not been advocated as an option in this discussion paper.

CODEX MEMBER COUNTRY RESPONSES TO CIRCULAR LETTER 1984/19(FL)

CANADA

In their "Guide for Food Manufacturers and Advertisers", Consumer and Corporate Affairs, Canada has developed the following controls for negative statements:

"53. NEGATIVE STATEMENTS

Many consumers during the past few years have become very concerned about some of the ingredients in their food including food additives and are seeking information about the addition of preservatives, sugar, salt, caffeine, flavour enhancers such as monosodium glutamate to foods. Since this information can be found in the list of ingredients on the label, statements indicating the absence of certain ingredients may be misleading since they imply that competitive brands of such products contain these ingredients and that these ingredients are undesirable. On the other hand, negative statements such as 'contains no preservatives' may be acceptable under circumstances where the information is useful to consumers and is not misleading.

In general and in addition to the above, a negative statement is acceptable about missing substance(s) in a food when all the following three conditions are satisfied:

a. The statement is true and the substance or group of substances, which is claimed to be absent, is completely absent from the product. This includes substances that may be introduced by means of an ingredient or a component or by any means whether it is intentional or unintentional.

b. The food is unique in some way when compared with same food produced by other manufacturers, in that a good number of the latter foods contain the substance or substances.

c. The Regulations allow but do not make it mandatory for the substance to be added to that food.

When the claim 'contains no preservatives' is made consumers expect such a product to contain none of the known preservatives (including those defined in the legislation) in any amount even when present at a level below that required to preserve the food or even when carried over as an incidental additive by any ingredient for whatever purpose. 'Contains no added preservatives' has the same meaning as above, except that it is implied some naturally occurring preservatives may be present. Salt, sugar and vinegar are not regarded as preservatives by consumers and therefore no objection is taken to the claim 'contains no preservative' when such ingredients are present.

The negative term, 'no sugar added' or equivalent expression warrants special mention because of a Regulation B.01.034 which requires that the carbohydrate content of a food, in grams per 100 grams, grams per 100 millilitres or on a percentage basis, be declared if a statement or claim relating to the carbohydrate, sugar, or starch content is made in advertising or labelling.

In addition, there are specific compositional, labelling and advertising requirements for foods that can be described as carbohydrate-reduced foods or sugar-free foods. See Section B.64. There seems to be four major reasons for making the statement, 'no sugar added' on the label of or in an advertisement for a food:

a. To warn the purchaser that a food does not have the typical sweet taste expected.

b. To warn the purchaser that a sweetener such as sucrose, fructose or glucose has not been included in a product for packaging or shipping economy and needs to be added before consumption.

c. To appeal to those on a diet, primarily diabetics, but also to those wishing to lose weight and persons wishing to limit their intake of a sugar.

d. To attract those who try to avoid 'refined sugars'.

The term 'no sugar added', for purposes of labelling and advertising, generally means that no known sugars, such as honey or molasses or other sweeteners containing sucrose, fructose, glucose or any monosaccharide or disaccharides are added directly or indirectly to the food. If the food contains an ingredient to which a sugar has been added, this statement would be false and misleading. If an ingredient added to a food contains a significant amount of naturally occurring sugar or sugars, then the food is regarded as having had sugar added. Aspartame is not regarded as sugar. It is nevertheless a nutritive sweetener. The following are examples of acceptable and unacceptable uses of the term:

a. If the food is customarily consumed with a sugar, eg fruit drink mixes, a statement should accompany the expression 'no sugar added' to the effect that sugar should be added during the preparation of the food. A statement such as 'sweeten to your own taste' would meet this requirement.

b. If a sugar is 'not added' as means of reducing the carbohydrate content and the food satisfies the compositional and labelling requirements of a carbohydrate-reduced food or a sugar-free food, the term 'no sugar added' is acceptable.

c. If the statement, 'no sugar added' is used to describe a food which is sweetened with some other product such as honey or molasses and the expression is intended to indicate the non-addition of refined sugar (sucrose) rather than the non-addition of sugars (mono or disaccharides) there should be no deception if this expression is accompanied, in equal prominence, by an indication of the replacement sweetener, for example, 'contains no sugar, sweetened with honey'. In addition, the amount of carbohydrate in the food should be declared in the prescribed manner.

d. If the Regulations do not provide for the addition of any kind of sugar, eg apple juice, the terms 'no sugar added' and 'unsweetened' are considered misleading.

e. If the manner in which the claim 'no sugar added' is made gives the impression that the product is sufficiently reduced in energy to recommend in weight reducing diets and in fact the product does not meet that criteria, then the claim is regarded as misleading.

The following are examples of unacceptable uses of negative terms:

a. 'Fat-free' when describing gelatin or other foods that never contain fat.

b. '99% fat-free' skim milk since skim milk never contains more than 0.3% fat.

c. 'No mutton' for weiners when the composition of the restaurant pack and retail pack of weiners differ in that the restaurant pack contains mutton but the retail pack does not. When an ingredient is advertised as being absent from a specific brand of product, it would be expected that such an ingredient would not be present in the same brand of products sold at all levels of trade.

d. Unsulphured molasses - While sulphur dioxide was used in the processing of molasses in the past, in recent times this practice has stopped. Therefore, all molasses is unsulphured and the term is no longer needed to characterize the product."

IRELAND

Advised that they have no observations to offer on negative claims.

FINLAND

The National Board of Trade and Consumer Interests in Finland has elaborated guidelines on negative claims as follows:

"2. NEGATIVE CLAIMS

The purpose of the labelling provisions is to make sure that every prepackaged food is furnished with sufficient product information including a list of ingredients and additives. This information makes it easier for consumers to choose a suitable product. However, some manufacturers want to use negative claims for describing such properties that the food specifically does not have.

The National Board of Trade and Consumer Interests is normally against the use of negative claims, because such claims usually emphasize properties that are fashionable but unessential from the point of view of nutrition. Negative claims may thus divert the consumers' attention from more essential properties. Such claims may additionally be used for the purpose of giving a food a privileged position, which may not be justified, if compared to other corresponding food products.

There are, however, a few cases in which negative claims can be considered justified.

2.1 Claims implying that a food contains no additives

According to the provisions concerning labelling and the declaration of food additives, the additives used in the manufacture of a food shall be declared on the label in connection with the heading 'additives' either by group names indicating their use or by specific names mentioned in the official list of permitted food addtives. This lay-out permits one to see at once which substances are ingredients and which are additives. The list of additives shall be declared on the label except in cases where the food contains no additives whatsoever. If the food contains neither additives nor spices or salt, and if the manufacturer wants to emphasize this fact, he may use claims such as 'without additives' or 'no additives' supposing that additives other than salt and spices are permitted to be used in that particular food and that corresponding foods containing additives mentioned in the list of additives are offered for sale.

2.2 'Salt-free' and 'no added salt'

It is apparent from the list of additives on a prepackaged food whether or not the food contains salt. The National Board of Trade and Consumer Interests is of the opinion that such a declaration of salt is normally sufficient. However, if the food contains neither added salt, mixtures of spices containing added salt nor other corresponding preparations, although equivalent foods usually contain added salt, the name of the food complying with commercial practice may be extended by the words 'no added salt'. The comparison must, however, not be based on nutritionally insignificant additions of salt.

The claim 'salt-free' is regarded as unacceptable because many foods contain natural sodium chloride.

2.3 'Sugar-free', 'no sugar', 'unsweetened' and other equivalent claims

The National Board of Trade and Consumer Interests is of the opinion that the provisions and regulations concerning sweeteners, food additives and the declaration of nutritive value of foods normally provide the manufacturer with sufficient possibilities to declare added sweeteners. If a food is unsweetened, information about this is to be found either in the list of ingredients or in that of food additives. As it it extremely important for certain groups of people to know that a food has not been sweetened, this fact should appear from the name of the food complying with commercial practice. In cases like this the term "unsweetened" may be used on condition that no sweeteners that may be regarded as ingredients or additives have been added into the food.

If a food is labelled as 'unsweetened', it must fulfill the following three conditions at the same time:

- There must be an equivalent sweetened alternative with the same composition and the same use. For instance Finncrisp cannot be labelled as unsweetened because it has no sweetened equivalents

- If sweeteners have been added, their amounts must be so great that there is a controllable and recognizable difference between a sweetened and an equivalent unsweetened product. An example of such a product is pastry, which can be either sweetened or unsweetened.

- The amount of food normally consumed must be so great that the absence of sweeteners has an essential effect on a person's regimen. Daily consumption figures for eg certain sauces and spice products are normally so small that there is no need to underline the difference between a sweetened and an unsweetened product.

The National Board of Trade and Consumer Interests is furthermore of the opinion that the amount of energy as well as that of protein, fat and carbohydrates should be declared on foods labelled as 'unsweetened' as stipulated in the decision of the National Board of Trade and Consumer Interests on the declaration of the nutritive value of foods (499/51/79). Such information is of a special importance for diabetics, who may otherwise get the impression that one can eat a food labelled as unsweetened without any quantitative restrictions.

Expressions such as 'no sugar', 'no added sugar' etc. are to be regarded as unacceptable, because the consumers take the word 'sugar(s)' to mean also other sweeteners than saccharose. It is furthermore to be noted that the Decree on Sweeteners (517/80, Section 9) forbids the use of the designation 'low sugar'. Claims and expressions that may be used in connection with sweeteners and their amounts must have been accepted in the Decree of Sweeteners.

2.4 'Gluten-free', 'protein-free', 'non-alcoholic', 'caffeine-free'

Negative expresions indicating that a certain substance is not present in a food may be justified on foods intended for special dietary uses. In unclear cases the supervision authorities are requested to contact the National Board of Trade and Consumer Interests.

Coffee may be labelled 'caffeine-free', if it contains no caffeine. The designation 'non-alcoholic' can be used in connection with such non-alcoholic beverages as are referred to in the Decree on Soft Drinks (577/72). The designation 'non-alcoholic' may also be used in connection with preparations referred to in the Decree on Cosmetic Preparations (456/77). In other cases this designation should be avoided.

NEW ZEALAND

New Zealand supports the proposal of Switzerland regarding claims for the absence of ingredients as set out on page 18 of document CX/FL 82/4 Part 1. New Zealand's new food regulations, which are expected to pass into law in 1984, will contain a provision for the control on claims for the absence of food additives. This will be similar to the proposal of Switzerland but with a more restricted application, as follows:

"No printed, pictorial, or other descriptive matter appearing on or attached to or supplied or displayed with any food shall claim the absence in that food of a food additive, unless that food is permitted by these regulations to contain that food additive."

In addition, the proprosed regulations are expected to contain the following two provisions regarding claims:

"Where the words 'no added sugar' or the word 'unsweetened' or words of similar meaning appear on a label of a package of any food containing carbohydrate, the label shall also contain a statement of the proportion of the total carbohydrate in that food."

"Neither the words 'sugar free' nor the word 'sugarless' shall appear on the label of a package of food if the food contained in the package contains carbohydrate".

NORWAY

The following information had been provided by the Norwegian Directorate of Health, within the Ministry of Social Affairs:

"Negative claims are often used to emphasise a special quality of a food. This type of declaration is not yet directly regulated by the Norwegian authorities, but we have seen several undesirable effects from such declarations:

1. Positive declaration of all ingredients of a food is mandatory. The use of negative declarations on some products may make the consumer believe that other corresponding products have an incomplete declaration and may undermine the system of mandatory positive declaration.

2. Negative claims may be used to emphasize qualities which in reality are marginal and may give a completely wrong impression of the food and its use.

3. Negative claims are often more misguiding than guiding. This may be the case if an ingredient is substituted by another which gives the food approximately the same qualities or if a food is claimed not to contain an ingredient which it is unusual or even illegal to use in the product.

As a conclusion to the above, food should in our opinion be described by what it consists of and - if desirable - what treatment it has been subjected to. Declaration of what it does not contain and what treatment it has not been subjected to is not desirable.

The Directorate of Health has in its Draft Regulation for Labelling of Prepackaged Foods proposed a provision with the wording:

'Negative claims are not permitted unless special permission has been granted by the Directorate of Health'.

The authorities would according to this have the possibility to evaluate and regulate negative claims.

Negative claims may be approved if a food does not contain an ingredient that one normally expects to find in the product. This ingredient must not be substituted by another giving the food corresponding qualities. If that is the case, then the substituting ingredient must be positively declared.

In addition, the use of negative claims will only be permitted when the absence of an ingredient has importance beyond the selling aspect, ie is of importance to special groups of the population with defined needs."

SWEDEN

The Swedish National Food Administration and the National Board for Consumer Policy have jointly issued guidelines on labelling and other information on packaged foods. In a few cases expressions like "free from" or "without ... added" are mentioned in these guidelines. For instance, "free from caffeine" shall be used when coffee has been treated so that no more than 50 mg caffeine remains per 100 g coffee.

In other cases, when there are no special provisions, negative claims should be used with care and only when it is possible to explain and justify the expressions. If a substance is not normally present in a food or if the food law does not allow a certain additive or substance, expressions like "without" etc may not be used.

The expressions "free from milk-protein, lactose, gluten, salt or protein" bring the food into the group of foods-for-special-dietary-uses and special permission by the National Food Administration to use such expressions is required.

Any expression that indicates that a product can prevent or cure disease is to be regarded as a medical claim and such claims are normally not permitted in connection with foods.

SWITZERLAND

When commenting on the General Principles section of the Revised General Standard for the Labelling of Prepackaged Foods (refer CX/FL 82/4, Part 1, Page 18) Switzerland suggested that a statement covering "negative claims" should be included and proposed the following wording:

"Claims as to the absence of ingredients are not authorized unless the addition of such ingredients is permitted in the standard concerned."

They suggested that, in the above circumstances, it was in fact permissible to point out to the consumer the absence of certain ingredients.

THAILAND

Thailand is of the opinion that the control of negative claims can be done by elaborating guidelines. Displaying of negative claims must be in conformity with the specified recommendation in order to protect the consumer.

In Thailand, at present, negative claims are controlled through 68th Notification of the Ministry of Public Health (1982), Re: Labels. The quality of products which display negative claims, when tested, must be as described in the label.

USA

The United States Department of Agriculture has issued a set of guidelines for negative ingredient labelling for meat and poultry products as follows:

"NEGATIVE INGREDIENT LABELING

ISSUE: Appropriate policy for the approval or denial of meat and poultry product labels bearing negative ingredient statements.

POLICY: The guidelines for the use of negative ingredient statements on meat and poultry product labels are as follows:

1) Negative labeling is allowed if it is not clear from the product name that the ingredient is not present. For example, the use of 'no beef' on the label of Turkey Pastrami would clarify that the product is not the traditional beef product

2) Negative labeling is allowed if the applicant can demonstrate that the statements are beneficial for health purposes, religious preference, or other similar reasons. For example, highlighting the absence of salt in a product would be helpful to those persons on sodium restricted diets

3) Negative labeling is allowed if the claims are directly linked to the product packaging, as opposed to the product itself. For example, flexible retortable pouches could bear the statement 'No Added Preservatives, Refrigeration or Freezing Needed With This New Packaging Method'

4) Negative labeling is allowed when the statements are accurate, with the provision that when such claims call attention to the absence of ingredients in a product that are prohibited by regulation or policy, the statements must clearly and prominently indicate this fact so as not to be misleading or create false impressions. For example, 'USDA Federal regulations prohibit the use of preservatives in the product' would be an acceptable statement on a ground beef label.

RATIONALE: It is believed that negative ingredient labeling, if properly employed, can be useful and meaningful to consumers as an aid in understanding product contents. It also offers a simple and direct means of alerting consumers to the absence of ingredients they might not want for health, ethnic or personal reasons. Using the above guidelines, the Agency can protect consumers from claims believed to be misleading without precluding the use of accurate informative statements on product labels."

AUSTRALIA

A number of specific provisions on negative claims have been developed for adoption by Australian States and Territories as follows:

"(10) Save where otherwise expressly prescribed by these regulations, the term 'no added sugar' or 'unsweetened' or any similar term shall not be used in a label on or attached to a package containing or an advertisement for food, unless that food contains no added sugar or, as the case may be, is unsweetened.

Where a term specified in this subregulation is used in the label or advertisement, there shall immediately follow a statement giving the energy value per 100 g or 100 ml of such food in letters of the same size, style and colour of type as those used for the term 'no added sugar' or 'unsweetened' or, as the case may be, similar term.

(11) The term 'sugarless', 'sugar free', 'sugar restricted' or any similar term shall not be used in a label on or attached to a package containing or an advertisement for food.

(24) Save where otherwise expressly prescribed by these regulations, the term 'no added sodium', 'no added salt', or 'unsalted' or any similar term shall not be used in the label on or attached to a package containing or in an advertisement for food unless that food and the ingredients of that food contain no added sodium compound, no added salt or as the case may be, are unsalted."

The following general proposal was originally developed for inclusion in a Draft Standard for Claims which is presently being held in abeyance:

"Unless specifically provided otherwise in these standards, there shall not be used in the label or published in an advertisement any claim which states or implies that a food does not contain a substance where the addition of that substance is not specifically provided for by these standards, unless such claim is immediately followed by a statement of equal prominence that the substance is not permitted by these standards."

Australia is also in the process of preparing Nutritional Labelling proposals for prepackaged foods. In these guidelines a specific provision has been inserted to make it clear that any negative nutritional claim is considered to be a nutritional claim, and thereby invoking full nutrient declaration.

ALINORM 85/22A
APPENDIX IX
ANNEX 2

CODEX GENERAL GUIDELINES ON CLAIMS

1. PURPOSE AND GENERAL PRINCIPLES

1.1 These guidelines are intended to provide examples of claims to which the following principle applies:

> No food shall be described or presented in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.

1.2 As far as prepackaged foods are concerned, these guidelines are an amplification of Section 2.1 (General Principles) of the General Standard for the Labelling of Prepackaged Foods.

2. DEFINITION

For the purpose of these guidelines, a claim is 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.

3 PROHIBITED CLAIMS

The following claims are prohibited:

3.1 Claims stating that any given food will provide an adequate source of all essential nutrients, except in the case of well defined products for which a Codex standard regulates the admissible claims or where appropriate authorities have accepted the product to be an adequate source of all essential nutrients.

3.2 Claims implying that a balanced diet of ordinary foods cannot supply adequate amounts of all nutrients.

3.3 Claims which cannot be substantiated.

3.4 Claims as to the suitability of a food for use in the prevention, alleviation, treatment or cure of a disease, disorder, or particular physiological condition unless they are:

(a) in accordance with the provisions of Codex standards or guidelines for foods under jurisdiction of the Committee on Foods for Special Dietary Uses and follow the principles set forth in these guidelines

or,

(b) in the absence of an applicable Codex standard or guideline, permitted under the laws of the country in which the food is distributed.

3.5 Claims which could give rise to doubt about the safety of similar food or which could arouse or exploit fear in the consumer.

4. MISLEADING CLAIMS

The folowing claims are misleading:

4.1 Meaningless claims including comparatives and superlatives.

4.2 Claims as to good hygienic practice, such as "wholesome", "healthful", "sound".

4.3 Claims that the nature or origin of a food is "organic" or "biological".

5. CLAIMS SUBJECT TO CONTROL

5.1 The use of the following claims should be controlled:

(i) An indication that a food has obtained an increased or special nutritive value by means of the addition of nutrients, such as vitamins, minerals and amino acids may be given only if such an addition has been made on the basis of nutritional considerations. This kind of indication should be subject to legislation by the appropriate authorities.

(ii) The terms "natural", "pure", "fresh" and "home made", when they are used, should be in accordance with the national practices in the country where the food is sold. The use of these terms should be consistent with the prohibitions set out in Section 3.

(iii) Religious or Ritual Preparation of a food may be claimed provided that the food conforms to the requirements of the appropriate religious or ritual authorities.