



JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON FOOD LABELLING

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DISCUSSION PAPER ON SUSTAINABILITY LABELLING CLAIMS

Prepared by New Zealand and the European Union

1. INTRODUCTION

Generic guidance applicable to all claims is currently provided in the *General Guidelines on Claims* (CXG 1-1979). However, at the time the guidelines were developed, sustainability-related labelling was not prevalent on food.

As agreed at the 46th Session of the Codex Committee on Food Labelling (CCFL46) this paper explores whether there is value or need for new work on sustainability claims within the mandate of CCFL. It also analyses responses received from Codex members and observers to Circular Letter (CL) CL2022/12-FL on existing and proposed sustainability labelling.

2. BACKGROUND

Increasing global awareness of sustainability, including the impacts of climate change, environment, animal welfare, and labour rights, has resulted in greater consumer interest in information on the sustainability of food products. The conclusion of the UN Food Systems Summit in September 2021 reinforced the importance of encouraging sustainable food systems and the need for consumers to be making purchases with a sustainability lens.

Businesses are responding by providing an increasing amount of sustainability-related labelling on food products with varying criteria as the basis for this labelling. This is making it difficult for consumers to make informed decisions and compare the sustainability of different food products. Sustainability-related labelling can fuel consumer demand for more sustainable foods and be a powerful tool in driving practices to improve the sustainability of food systems. The development of sustainability-related labelling and its ability to be trusted are thus likely to have a significant impact on fair practices in trade.

Sustainability-related labelling was raised at CCFL46 in September 2021. As a result, CCFL46 agreed that New Zealand and the European Union would prepare a discussion paper to explore possible work on sustainability claims and that a CL would be issued to take stock of sustainability claims in countries to support preparation of the discussion paper. The paper would assist the Committee to decide whether there was value or need for new work in this area.

Codex's mission is to '*protect consumer health and promote fair practices in food trade by setting international science-based food safety and quality standards*'¹. The first goal in the Codex Strategic Plan 2020-2025 is to address current, emerging, and critical issues in a timely manner. This identifies that Codex will need to be proactive and flexible to respond in a timely manner to opportunities and challenges. The strategic plan also recognises the role of Codex and Codex standards in achieving the United Nations' Sustainable Development Goals (SDGs). This identifies several SDGs where Codex can particularly support their achievement, including SDG12 '*ensuring sustainable consumption and production patterns*'.

¹ Codex Strategic Plan 2020-2025. Available at: <https://www.fao.org/3/ca5645en/CA5645EN.pdf>

Achieving the SDGs are a strong focus for the Food and Agriculture Organization of the United Nations and the World Health Organization.

Sustainability Labelling Stocktake

To assist in the development of this discussion paper, [CL 2022/12-FL](#) was issued. The CL asked Codex members and observers to provide details of all implemented or proposed sustainability-related labelling in their country. The CL acknowledged that many definitions of sustainability exist, and that for the purposes of the stocktake the broad United Nations definition of sustainability was used:

“meeting the needs of the present without compromising the ability of future generations to meet their own needs.”²

Three pillars: environmental, economic, and social sustainability are considered to contribute to this broad definition.

- “*Environmental sustainability*” focuses on maintaining all the earth’s environmental systems in balance with natural resources consumed only at a rate that they can be replenished.
- “*Economic sustainability*” aims to enable human communities across the globe to access the resources, financial and other, they need to meet their needs, such as secure sources of livelihood.
- “*Social sustainability*” focusses on ensuring universal human rights and basic needs are attainable by all people to keep their families and communities healthy. This includes labour and cultural rights.

A total of 25 responses were received to CL 2022/12-FL (16 member countries; 1 member organisation; 8 observers). Responses ranged from submitters acknowledging the presence of sustainability-related labelling on foods within their country but had no means to collate such information, to very comprehensive collections of labelling with detail on each provided.

Two hundred and seventy-three sustainability-related labels were submitted in the responses received. These were collated into a spreadsheet available [here](#). This spreadsheet includes 208 unique sustainability-related labels. This reflects removal of:

- Duplication; and
- Labels with limited information provided relevant to the spreadsheet fields.

The spreadsheet is a collation of responses received to the CL and as such does not capture all sustainability-related labelling initiatives currently available and used on food labels. It should be considered illustrative rather than exhaustive. One submitter provided a link to an external database which tracks sustainability-related standards worldwide. These labels were not entered into the spreadsheet but are available here: <https://www.standardsmap.org/en/home>.

² Report of the World Commission on Environment and Development: Our Common Future, 1987 Available at: [United Nations Brundtland Commission](#)

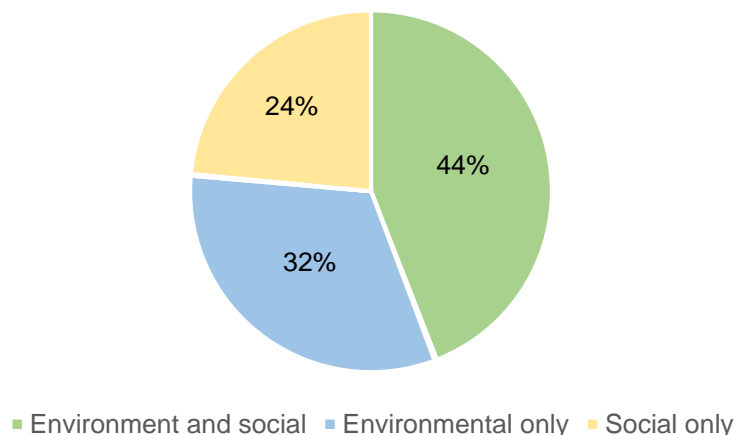


Figure 1: Sustainability-related labelling provided in stocktake by pillar

Most sustainability-related labelling captured in the stocktake included some environmental aspects (76%) (Figure 1). Examples of types of environmental labelling included carbon footprint, maintaining biodiversity, and preserving natural resources (such as forestry and fisheries). Examples of social impacts included animal welfare and fair pay/trade. Many labels coupled environmental and social aspects. The spreadsheet collates the labelling in these three groups.

Most labelling in the stocktake were signalling/positive endorsement type labels (84%), where the label can only be applied to products meeting certain conditions. Graded/scoring type labels made up 10%, and these apply a scale to how well the product performs against certain criteria.

Nationally and internationally implemented labelling were equally reported and most of the labelling captured were already implemented (95%). The majority were privately owned (82%) and verified by a third party (66%). Certification was included in 59% of the labelling initiatives. There was limited government and public³ labelling (12%), and these were generally limited to specific areas such as organics, animal welfare, vegan, and vegetarian. Some Codex members reported their governments conducting pre-market or post-market reviews of non-governmental sustainability-related labelling and regulatory actions when labelling was found not compliant with general requirements such as not being misleading.

Most labelling considered aspects of the process(es) leading to the final product (65%) and very few only considered attributes of the final product (5%), such as use of specific ingredients (e.g. palm oil or upcycled ingredients) or packaging recycling initiatives. Some labelling certified a company overall rather than the process(es) leading to a product or an individual product. Just under half of the labelling (44%) were limited to certain foods (such as wine, cocoa, organic products), with about a third (31%) applicable to all foods (packaged or unpackaged).

Overall, the stocktake illustrates the large number and diversity of sustainability-related labelling currently available. It is not always clear what these sustainability labels (as they are presented on foods) are based on and therefore consumers may not be able to make informed decisions and comparisons about sustainability aspects of foods.

Given the global focus on sustainability, the use of sustainability-related labelling on food products will likely only increase.

Proposal for new CFFL work on sustainability labelling

There is a globally recognised need to improve the sustainability of food systems. Global efforts to address major crises such as climate change, land degradation, biodiversity loss and ensuring sustainable

³ Public bodies such as agencies that are financed by public funds but are not part of the governments or regulatory authorities

livelihoods will continue, and along with it the number of sustainability-related labelling, prompting the need for best-practice guidance based on robust science.

Sustainability-related labelling meets the Codex definition of a claim⁴ as these generally provide information about particular characteristics of the food such as its production, process, composition and/or any other quality.

The *General Guidelines on Claims* (CXG 1-1979) provide generic guidance applicable to all claims and examples on when a claim may be potentially misleading. This includes “*Meaningless claims including incomplete comparatives and superlatives*”. While these general guidelines apply to sustainability-related labelling, the *General Guidelines on Claims* were developed in 1979, at a time when sustainability-related labelling was not prevalent on food. The myriad of diverse sustainability-related labelling and the potential for more with a global focus, highlights there may be a need for global guidance specific to sustainability-related labelling to ensure these meet the requirements of the *General Guidelines on Claims*. Specifically, to ensure sustainability-relating labelling are not presented in a false, misleading or deceptive manner, and that they are substantiated and meaningful so consumers can make informed choices. No such guidance currently exists. The provision of global best practice guidance on sustainability-related labelling could prevent the proliferation of different local sustainability-related labelling requirements which could limit consumers’ ability to make informed decisions and hinder efficient and sustainable trade. Greater harmonisation between sustainability-related labelling may support achieving SDG12.

CCFL has notably in its mandate to draft provisions on labelling applicable to all foods and to study problems associated with the advertisement of food with particular reference to claims and misleading descriptions.

The [terms of reference for CCFL](#) are:

- (a) to draft provisions on labelling applicable to all foods;
- (b) to consider, amend if necessary, and endorse draft specific provisions on labelling prepared by the Codex Committees drafting standards, codes of practice and guidelines;
- (c) to study specific labelling problems assigned to it by the Commission; and,
- (d) to study problems associated with the advertisement of food with particular reference to claims and misleading descriptions.

CCFL is thus well placed to provide high level guidance for sustainability-related labelling to assist governments (or other stakeholders) looking to develop and implement sustainability-related labelling or frameworks to regulate such labelling.

A project document for new work on sustainability-related labelling for CCFL is included in Appendix 1. This proposes the development of high-level guidance and principles for sustainability-related labelling. The location or placement of the guidance has not been specified and is proposed to be considered at a later stage should CCFL agree to the new work.

It is acknowledged that the scope of the new work will need to be managed and specifically that it is outside the scope of CCFL to develop technical criteria for the substantiation of sustainability-related labelling. The proposal also does not require the development of technical criteria by any other Codex Committee.

Recommendations

The Committee is invited to:

- a) Consider and agree to initiate new work on sustainability-related labelling as presented in the project document in Appendix 1.
- b) Agree that such work be limited to high-level guidance and principles for developing sustainability-related labelling on food.

⁴ The *General Guidelines on Claims* (CXG 1-1979) define a claim as: *For the purpose of these guidelines, a claim is any representation which states, suggests or implies that a food has particular characteristics relating to its origin, nutritional properties, nature, production, processing, composition or any other quality.*

APPENDIX 1

PROPOSAL FOR NEW WORK ON SUSTAINABILITY-RELATED LABELLING**Background**

CCFL46 agreed that New Zealand and the European Union would prepare a discussion paper to explore possible work on sustainability claims within the mandate of CCFL to assist the Committee to decide whether there was value or need for new work in this area. A CL was issued to take stock of sustainability claims in countries. Responses to the CL were used to support preparation of the discussion paper and this project document.

1. PURPOSE AND SCOPE OF THE NEW WORK

The purpose of the proposed work is to provide guidance to assist governments and other relevant stakeholders looking to develop, implement and/or regulate sustainability-related labelling.

The scope of the proposed work is to develop high-level principles for sustainability-related labelling to ensure the labelling meets the requirements of the *General Guidelines on Claims* (CXG 1-1979), specifically to ensure sustainability-related labelling is:

- Not 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;
- Substantiated;
- Meaningful and;
- where possible comparable or harmonised.

This would help consumers make informed choices about the relative sustainability of products and assist in reducing barriers to trade.

2. RELEVANCE AND TIMELINESS

There is a globally recognised need to improve the sustainability of food systems to address major crises such as climate change, land degradation and biodiversity loss, and to ensure sustainable livelihoods. Sustainability-related labelling can fuel consumer demand for sustainable foods and be a powerful tool in driving practices to improve the sustainability of food systems. As a result, sustainability-related labelling is expected to increase.

The stocktake illustrates the large number and diversity of sustainability-related labelling currently used on food products. These are based on varying attributes and criteria. It is important this labelling meets the requirements of the *General Guidelines on Claims* to ensure these are not presented in a false, misleading or deceptive manner, and are substantiated and meaningful so consumers can make informed choices. More specific guidance for sustainability-related labelling is needed to assist governments and other relevant stakeholders looking to develop, implement and/or regulate such labelling.

There is currently no global guidance for governments on sustainability-related labelling or claims for food. The development of best practice guidance for governments and other relevant stakeholders looking to develop, implement and/or regulate sustainability-related labelling is therefore timely. The Codex Strategic Plan 2020-2025 identifies that Codex will need to be proactive and flexible to respond in a timely manner to opportunities and challenges. This plan also recognises Codex's role in supporting the sustainable development goals.

3. MAIN ASPECTS TO BE COVERED

It is proposed the high-level guidance covers the following aspects:

- Purpose
- Scope
- Definition of sustainability-related labelling (if required and appropriate)
- General principles for sustainability-related labelling

The location or placement of this guidance has not been specified and is proposed to be considered at a later stage.

4. ASSESSMENT AGAINST THE CRITERIA FOR ESTABLISHMENT OF NEW WORK PRIORITIES

General criterion

Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries

Consumer protection – there is a current proliferation of sustainability-related labelling which considers a wide array of factors contributing to sustainability. Without global guidance and underpinning principles upon which this type of labelling should be based, there is a risk of consumers being misled and not being able to make informed decisions with respect to the sustainability of the foods they are buying.

Fair practices in trade – Providing underpinning high-level principles to assist governments (or other stakeholders) in the development, implementation and/or regulation of sustainability-related labelling before such national legislation is developed by member countries will promote harmonisation and facilitate trade.

Criteria applicable to general matters

a) *Diversification of national legislations and apparent resultant or potential impediments to international trade*

The stocktake demonstrates the proliferation of diverse sustainability-related labelling internationally. Currently, there is relatively limited government regulation for sustainability-related labelling and where present this focuses on specific areas such as organic or vegetarian claims. However, it is likely that government regulation for sustainability-related labelling will increase given the focus on sustainability by consumers and the UN. High-level principles to provide guidance to assist governments (or other stakeholders) in the development, implementation and/or regulation of sustainability-related labelling are therefore timely. Providing such guidance before legislation is widely developed nationally will promote harmonisation and facilitate trade.

b) *Scope of work and establishment of priorities between the various sections of the work.*

It is proposed that guidance is developed for sustainability-related labelling to assist governments (and other stakeholders) in the development, implementation and/or regulation of sustainability-related labelling.

c) *Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body(ies)*

This work would be in line with the [2030 Agenda for Sustainable Development](#) adopted by the United Nations and its Sustainable Development Goals (SDGs). SDG12 '*ensuring sustainable consumption and production patterns*' is particularly relevant. Achieving the SDGs are a strong focus for the Food and Agriculture Organization of the United Nations and the World Health Organization.

The conclusion of the UN Food Systems Summit in September 2021 reinforced the importance of encouraging sustainable food systems and the need for consumers to be making purchases with a sustainability lens. Providing global guidance in the form of high-level principles for sustainability-related labelling would help ensure consumers could make informed decisions based on robust, substantiated labelling.

d) *Amenability of the subject of the proposal to standardization*

Many countries look to Codex for clear and unambiguous guidance on labelling. The purpose of the proposed work is to develop such guidance to assist governments (or other stakeholders) in the development, implementation and/or regulation of sustainability-related labelling. While the *General Guidelines on Claims* require that information voluntarily provided on labels (claims) are not presented in a false, misleading or deceptive manner, and are substantiated and meaningful, more specific guidance for sustainability-related labelling is needed to assist governments and other stakeholders looking to develop, implement and/or regulate such labelling in ensuring these requirements are met. Since the development of the *General Guidelines on Claims* in 1979 there have been a number of Codex texts developed to provide additional guidance on specific types of claims where this has been deemed necessary, such as the *Guidelines for Use of Nutrition and Health Claims* (CXG 23-1997) and the *General Guidelines for Use of the Term "Halal"* (CXG 24-1997).

e) Consideration of the global magnitude of the problem or issue.

Increasing global awareness on sustainability, including the impacts of climate change, environment, animal welfare, and labour rights, has resulted in businesses providing consumers with greater information on the sustainability of food products. The stocktake of sustainability-related labelling shows there is an increasing number of sustainability-related labelling being developed for food products with varying criteria as the basis for the label statements/claims. This is making it difficult for consumers to make informed decisions and compare the sustainability of products. The development of sustainability-related labelling and the reliability of this labelling is thus likely to have a significant impact on fair practices in trade. The information collected during the stocktake also indicates that the development of this type of labelling is widespread amongst the Codex regions, including through the development of international schemes.

5. RELEVANCE TO CODEX STRATEGIC OBJECTIVES

The proposed new work is in line with the Commission's mandate for the development of international standards, guidelines and other recommendations for protecting the health of consumers and ensuring fair practices in food trade. The new work will contribute to advancing Strategic Goals 1, 2, 3.

Strategic Goal 1: Address current, emerging and critical issues in a timely manner

Increasing global awareness on sustainability, including the impacts of climate change, environment, animal welfare, and labour rights, has resulted in businesses providing consumers with greater information on the sustainability of food products. Sustainability-related labelling on food is diverse and growing. Government regulations in this area will likely increase and the development of Codex guidance would therefore be timely.

Strategic Goal 2: Develop standards based on science and Codex risk-analysis principles

High level guidance on sustainability-related labelling would help ensure clearer understanding of how to meet the substantiation requirements of the *General Guidelines on Claims* for such labelling, therefore ensuring sustainability-related labelling is based on science.

Strategic Goal 3: Increase impact through the recognition and use of Codex standards

The Codex Strategic Plan 2020-2025 recognises the role of Codex and Codex Standards in achieving the United Nations' SDGs. This identifies several SDGs where Codex can particularly support their achievement, including SDG12 '*ensuring sustainable consumption and production patterns*'. Achieving the SDGs are a strong focus for the Food and Agriculture Organization of the United Nations and the World Health Organization. Sustainability-related labelling can fuel consumer demand for sustainable foods and be a powerful tool in driving practices to improve the sustainability of food systems. The development of sustainability-related labelling and its reliability are thus likely to have a significant impact on fair practices in trade.

Developing high level guidance, including underpinning principles, to assist governments (or other stakeholders) in the development, implementation and/or regulation of sustainability-related labelling, could help in the achievement of SDG12. By elaborating on how to ensure sustainability-related labelling is not presented in a false, misleading or deceptive manner, and is substantiated and meaningful so consumers can make informed choices, this guidance will increase the impact of the *General Guidelines on Claims*.

The new work is proposed to be undertaken via an electronic working group, which will facilitate equal participation opportunity for all members.

6. RELATION BETWEEN THE PROPOSAL AND OTHER EXISTING CODEX DOCUMENT

Sustainability-related labelling meets the definition of a claim outlined in *General Guidelines on Claims* (CXG 1-1979). These provide generic guidance applicable to all claims and examples on when a claim may be potentially misleading. While these general guidelines apply to sustainability-related labelling, the *General Guidelines on Claims* were developed at a time when sustainability labelling was not used on food labels. The myriad of diverse sustainability-related labels, the potential for labels with a global sustainability focus and their application to foods that are subject to international trade highlight the need for more specific guidance on what is needed to ensure sustainability-related labelling to meet the requirements of the

General Guidelines on Claims namely that they are not misleading and that they are substantiated and meaningful to consumers to allow them to make informed purchasing decisions.

The principles relevant to sustainability-related labelling would be applicable horizontally across all prepackaged foods.

7. REQUIREMENT FOR AND AVAILABILITY OF EXPERT SCIENTIFIC ADVICE

None identified. It is proposed the guidance would be high level and should not develop technical criteria for substantiation of sustainability-related labelling.

8. NEED FOR TECHNICAL INPUT TO THE STANDARD FROM EXTERNAL BODIES

There will be opportunity to consult with relevant bodies if necessary, throughout the process. Consideration of evidence-based consumer understanding and use of sustainability-related labelling could be useful.

9. PROPOSED TIMELINE

Subject to the Codex Alimentarius Commission approval at its next session, it is expected that the work can be completed in three sessions of the Committee on Food Labelling.