

# codex alimentarius commission



FOOD AND AGRICULTURE  
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Agenda Item 4 b)

CX/FL 10/38/6

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD LABELLING

#### Thirty-eighth Session

Quebec City, Canada, 3 - 7 May 2010

#### CONSIDERATION OF ISSUES RELATED TO MANDATORY NUTRITION LABELLING

(Prepared by Australia)

#### BACKGROUND

1. At its 37<sup>th</sup> Session the Codex Committee on Food Labelling (2009), considered a discussion paper prepared by an electronic working group led by Australia, on issues and considerations related to mandatory nutrition labelling in the absence of nutrition claims. The discussion paper was also used to facilitate discussion at the Physical Working Group held immediately prior to the 37<sup>th</sup> Session of the Committee<sup>1</sup>.
2. The Committee then considered the report<sup>2</sup> of the Physical Working Group that included discussion on the issues that should be considered when deciding on mandatory/voluntary nutrition labelling. The physical working group did not make any recommendations as to which type of labelling should be followed but rather had identified the issues that should be considered when deciding on mandatory/voluntary nutrition labelling: costs and benefits, application of mandatory nutrition labelling, implementation and support mechanisms, compliance and enforcement and international trade considerations.
3. During the discussion on the outcomes of the Physical Working Group several delegations expressed the view that the issue of mandatory nutrition labelling could be discussed together with the concept of having a core list of nutrients that are always to be labelled and a supplementary list of nutrients that could be labelled. Some delegations stated that flexibility should be left to member states on how to implement the various rules taking into account consumer understanding and the problems of small and medium size enterprises. Several delegations felt that use of the valuable results of the working group could be made through an expanded advisory paper prepared by FAO/WHO to assist countries that are considering nutrition labelling.
4. The Representative of the FAO said that FAO currently supported many capacity building projects and had developed tools on many issues related to Codex work and work on assisting countries considering nutrition labelling could be considered.

<sup>1</sup> Alinorm 09/32/22 paragraph 44 - 49

<sup>2</sup> CRD 25

5. The Committee agreed that the report of the electronic working group identified a number of practical issues that might be of interest to governments that are considering mandatory or voluntary nutrition labelling in order to address issues related to the implementation of the Global Strategy on Diet, Physical Activity and Health. The Committee<sup>3</sup> further agreed that the delegation of Australia would revise and finalize the discussion paper based on comments made at the session and present it to the 38<sup>th</sup> Session of the Committee for review and possible publication as an appendix to the report so that it could be widely available to serve as a tool for governments that are considering mandatory or voluntary nutrition labelling.

6. Australia has revised the discussion paper taking into account comments made by members at the physical working group and at the 37<sup>th</sup> session of the committee. In addition Australia has reorganised some sections of the text together with some editorial amendments in an effort to make the paper more readable as a standalone appendix to the report of the 38<sup>th</sup> Session of the Committee. The revised paper is provided for consideration by the 38<sup>th</sup> Session of the Committee and is at Appendix 1.

### **Recommendation**

7. That the 38<sup>th</sup> Session of the Committee reviews the document at Appendix 1 with a view to its inclusion in the report of the 38<sup>th</sup> Session as an Appendix and that it be used as tool by governments when considering the implementation of mandatory labelling or voluntary nutrition labelling.

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<sup>3</sup> Alinorm 09/32/22 paragraph 49

## ISSUES RELATED TO MANDATORY NUTRITION LABELLING

### PREAMBLE

This document has been prepared by the Codex Committee on Food Labelling for use as a tool by governments in considering the implementation of mandatory nutrition labelling for pre-packaged foods at the national level. This refers to nutrition labelling that would be applied to virtually all pre-packaged foods in the absence of a nutrition claim.

### INTRODUCTION

1. The decision to implement mandatory nutrition labelling needs careful consideration in the context of the relevance of the information to populations in different countries, and of implications for international trade. The level of consumer awareness or consumer understanding and use of food labels varies among countries and regions. To be an effective tool for public health promotion, consumers need to be adequately informed by the information on the label and educated as to its use in making dietary choices. Nutrition labelling requirements should ideally be accompanied by consumer education campaigns and the ability of nations to undertake such educational efforts needs to be considered.
2. The introduction of mandatory nutrition labelling on pre-packaged foods is a way to provide information to consumers and has the potential to lead to public health improvements. Consumers can use nutrition labels to compare and choose between food products and plan their diets.
3. The introduction of mandatory nutrition labelling may encourage manufacturers to reformulate products to improve their nutritional quality, thus increasing the availability of healthier products in the marketplace. While the move from voluntary to mandatory nutrition labelling can involve additional cost to government and industry, cost has not been identified as a major issue by those countries that have implemented mandatory nutrition labelling.
4. In exploring the possibility of adopting mandatory nutrition labelling, consideration should be given to the development of appropriate education resources for consumers; support for industry; and allowing for the possibility of exemptions e.g. on the basis of business size; type and/or size of outlet; food characteristics (eg plain tea and coffee, unflavoured/unsweetened water, herbs and spices); or type and/or size and shape of packaging.
5. Some approaches to mandatory nutrition labelling focus on negative nutrients. Positive nutrients associated with a decreased risk of non-communicable diseases should also be considered for mandatory labelling.
6. Issues of importance that may require further consideration when discussing implementation of mandatory nutrition labelling, include (but may not be limited to) the following:
  - i. costs and benefits associated with the introduction of mandatory nutrition labelling;
  - ii. particular needs of the country ;
  - iii. the role that mandatory nutrition labelling could potentially play in supporting public health initiatives; and
  - iv. the foods that mandatory nutrition labelling may not apply to;
  - v. practical issues related to implementation, application, compliance and enforcement such as resource and technical considerations, infrastructure and communication; and
  - vi. implications for trade.

## 1. COSTS AND BENEFITS

The introduction of mandatory nutrition labelling has potential costs and benefits.

### Costs

Costs associated with implementation of mandatory nutrition labelling may include but are not limited to:

- (a) Costs to consumers
  - increased food prices, as costs incurred by industry may be passed on to consumers; and
  - too much information on a label, which may impact on consumers' ability to absorb and evaluate other information, such as information related to ingredients and safe handling.
  
- (b) Costs to Government
  - building the capacity of laboratories and training the personnel required for monitoring and surveillance of compliance with nutrition labelling;
  - development of official guidelines on nutrition labelling to the food industry and consumers in order to facilitate the implementation and the use of nutrition labelling;
  - development of official databases on nutrient composition of foods to support small and medium businesses to implement nutrition labelling; and
  - development of nutrition education materials and programmes for consumers and industry explaining the new requirements.
  
- (c) Costs to industry
  - administrative costs, which are costs of interpreting the regulation and deciding on an appropriate action in response to the regulation;
  - costs of testing and/or use of databases to determine the nutrient content;
  - printing costs, the costs of changing the printing plates or other printing mechanism; and
  - inventory costs, the value of the labels in inventory that cannot be used due to the new regulation.

### Benefits

Benefits associated with the introduction of mandatory nutrition labelling may include but are not limited to:

- (a) Benefits to consumers – consumers could see some benefits immediately and directly while others would become apparent over time. The benefits include:
  - wider access to nutrition information;
  - the opportunity to make consistent comparisons between food products and across categories;
  - information on labels may potentially influence behaviour and lead to flow-on public health benefits, thereby serving as a link between the consumer, nutrition education and public health outcomes;
  - the potential to lower health-care costs to the individual and society over time, due to reductions in diet related preventable non-communicable diseases; and
  - providing an incentive for manufacturers to reformulate products to improve the nutritional quality, thus increasing availability of products that contribute to a healthy and balanced diet in the marketplace.

- (b) Benefits to government
- supporting initiatives for populations to make food choices that contribute to healthy and balanced diets; and
  - potential for savings in public health costs in the treatment of chronic non-communicable diseases related to diet.
- (c) Benefits to industry
- improved consumer confidence associated with greater disclosure of nutrition information; and
  - the provision of nutrition information so that consumers are able to select products based on ready comparison between products and across food categories.

## 2. IMPLEMENTATION

- 2.1 There are a range of issues surrounding implementation that may be faced by businesses:
- a possible lack of technical capacity and resources required for determining the nutritional values to be declared; and
  - it is expected that small and medium sized enterprises would bear disproportionate costs of mandatory nutrient declaration on labels.
- 2.2 To assist in this respect there are a variety of possible exemptions that could be applied to mandatory nutrition labelling, including:
- all unpackaged food;
  - perishable cooked food ready for direct consumption which is packaged on retail premises in response to demand by a purchaser;
  - small packages with total surface area of .e.g. less than 10 cm<sup>2</sup>, packages that have shapes such that a label cannot be affixed or refillable bottles. In such cases, nutrition information could be provided by alternate means such as a telephone number, hang tags, address or website;
  - foods that contain insignificant amounts of all of the nutrients required to be declared under the mandatory nutrition labelling requirements. Examples of such foods could include coffee beans, tea leaves, plain unsweetened instant coffee and tea, unsweetened/unflavoured water, condiments, flavour extracts, and food colours. If this exemption were to apply, it would first be necessary to determine a definition of ‘an insignificant amount’ of a nutrient;
  - exempting declaration of those nutrients that could be declared as zero;
  - foods that do not contribute significantly to dietary intake of the population of the country in question (the implementation of this option would first require a definition of ‘significant’); and
  - packaged foods supplied by small businesses.
- 2.3 A number of potential technical difficulties associated with the introduction of mandatory nutrition labelling include:
- availability of suitable laboratory facilities, equipment and staff training to check for nutrition labelling compliance and accuracy;
  - the cost, accuracy and repeatability of alternate methods of analysis;
  - variability in nutrient levels due to geographic source and seasonal fluctuation of ingredients;
  - development of official databases on nutrient composition of foods to facilitate determination of nutrition information by manufacturers allowing for appropriate tolerance values (these

would need to be defined) to account for the inherent variability in amounts of nutrients and the variability in laboratory analysis;

- determining an adequate transition period for the implementation of mandatory nutrition labelling;
- determining those products which must carry mandatory nutrition labelling, and
- linking to nutrition education programmes and education materials for consumers.

### Support Mechanisms

2.4 A range of issues surrounding the implementation of mandatory nutrition labelling and mechanisms for supporting its introduction are discussed in Section 2.2 above. Some of the resource and technical considerations identified in Section 2.3 may be addressed or significantly reduced through provision of appropriate support mechanisms, such as:

- nutrient calculation software or similar online tools;
- food composition databases;
- allowing a long (e.g. 2 year or 3 -5 years for products with a long shelf life) period for phasing-in before enforcement takes place, for example regulatory authorities could provide transition periods or temporary relief under certain circumstances for businesses to use existing label inventory and prepare new labels to conform to the nutrition labelling requirements;
- allowing alternate means of deriving nutrient values, e.g. manufacturer's analysis or by calculation from database values of the ingredients used;
- government and businesses access to the necessary infrastructure. One such consideration might be development of IT infrastructure (including internet based systems) through government and industry partnerships;

2.5 In order to facilitate labelling implementation consideration should be given to communications strategies that might include:

- consumer education campaigns; and
- involvement of relevant stakeholders (industry, consumers, medical community, academia, and state and local authorities).

## **3. COMPLIANCE AND ENFORCEMENT**

3.1 Codex members have identified a variety of compliance and enforcement mechanisms currently operating or being considered in the future, these are summarised below:

- the specific requirements and penalties for non-compliance are gazetted and administered by national food safety authorities, and surveillance and enforcement activities undertaken to ensure compliance;
- monitoring of compliance is conducted by local food inspectors through inspection of food traded and by official public laboratories; and
- compliance is tested through labelling audits and manufacturing audits.

3.2 Compliance and enforcement issues that may impact on the introduction of mandatory nutrition labelling include:

- the capacity and infrastructure of industry and regulatory authorities;
- access to analytical testing and/or reliable, validated databases for determining nutrient content (availability and validity of methods);

- variability in analytical methods and the use of different laboratories may lead to differing results;
- permitted variability from declared value (accounting for inherent analytical variability and variations within good manufacturing practices); and
- costs to public and private sectors for compliance, monitoring and enforcement including follow-up corrective actions.

#### **4. INTERNATIONAL AND TRADE CONSIDERATIONS**

4.1 The introduction of mandatory nutrition labelling on a global scale, and the level of alignment with national nutrition labelling requirements, may have implications for global food trade. Considerations include, but are not limited to:

- the possible impact on existing trading alliances or trading blocks, for example the regulation of mandatory nutrition labelling being harmonized in some instances would facilitate the trade in food within the alliance; and
- should mandatory nutrition labelling be introduced worldwide in a uniform manner, this could be a facilitator to trade. Currently, food manufacturers who export their products to various countries sometimes need several labels, due to the variation in the labelling regulations country-to-country.