

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 5

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Twenty-seventh Session

GUIDELINES ON THE PREVENTION AND CONTROL OF FOOD FRAUD

(Comments of Ghana, Nigeria, Republic of Korea, Thailand and East African Community)

Ghana

Question 1 – Section 1: Pre-amble/Introduction

Position

Ghana supports retention of sub-para “6 bis”

Rationale

The text re-enforces the need to establish and maintain an anti-food fraud culture as well as the complementary role the human behaviours play in the success of any strategy employed to combat food fraud.

Question 3 – Section 2: Purpose / Scope

Position

Ghana supports the retention of text in square brackets in footnote 3

Rationale

Issues of intellectual property rights do not fall within the jurisdiction of a National Food Control System.

Question 4 – Section 2: Purpose / Scope

Position

Ghana supports the retention of text in square brackets paragraph 7bis.

Rationale

Investigation and prosecution are preserve of states. Individual states have laws that prescribe how offences of such nature are dealt with.

Question 5 – Section 5: Principles

Position

Ghana agrees with the two principles as articulated in Section 5 and the retention of the text in the square brackets. and the accompanying text with a proposal to open both phrases

Rationale

The text emphasises the objective for the prevention of food fraud.

Question 6 – Section 6: Roles and Responsibilities

Position

Ghana supports the retention of sub-paragraphs ‘b. bis’ and ‘e’. We also propose merging ‘b. bis’ and ‘c’ to read

“Have measures in place to mitigate the risk that the food products and ingredients are not authentic and ensure that the nature, safety, quality, and substance are accurately represented including representing food for sale in a manner that does not deceive or mislead consumers.

Rationale

The sub-paragraphs do not conflict or seem repetitive. They have different meanings and complement each other to achieve the objective of the Guideline.

The proposed amendment provides clarity to the text.

Position

Ghana supports the inclusion of paragraph. '15 ter' with an amendment to read as:

"Enhance collaboration to better integrate neutral technologies in the food chain which can aid more effective and efficient prevention of food fraud."

Rationale

The guideline should not be prescriptive to specific technologies but open to the use of any available neutral technologies that allow Members flexibility to deploy suitable and accessible neutral technologies.

Nigeria

Nigeria appreciates the work done by the electronic working group chaired by the United States of America and co-chaired by China, European Union, Islamic Republic of Iran, and United Kingdom)

Nigeria supports proposal for the retention of Paragraph 6 b, is with inclusion of stakeholder collaborations considering their critical role that stakeholders play in an effective anti-food fraud strategy.

Rationale The paragraph emphasizes the importance of human behaviour in safeguarding the integrity of the food supply chain.

Republic of Korea

It is of Korea's opinion that feed should be included in the guideline.

To answer Q3 related to footnote 3, ROK would like to withdraw the previous position stated on CL2023-66-FICS. However, ROK has not decided whether GI is to be included in the guideline, so it is regrettable to provide no comment on the issue at this time.

Thailand

Thailand wishes to express our appreciation to the Electronic Working Group (chaired by the United States of America and co-chaired by China, European Union, Islamic Republic of Iran, and United Kingdom) for the continuous and diligent efforts in preparing the "Draft Guidelines on the Prevention and Control of Food Fraud (CX/FICS 24/27/5, Appendix 1)" for consideration.

Our comments and responds on Appendix 1 are as follows:

General comments

To be consistent and avoid confusions, terms with the same meaning should be used correspondingly throughout the entire document.

However, we found that some different terms are used in the similar situation or interpretation, so we recommend that the terms should be used in consistency throughout the document. For example, 1) "government authorities" with "competence authorities", 2) "any countries" with "other governments".

Clarifications for these terms' meaning and intention would enhance understanding and implementation of the document. For example, whether both "other government authorities" and "any countries" mean other countries.

Section 1: Preamble / Introduction

• Question 1: Should sub-paragraph "6 bis" be retained?

This paragraph should not be retained, because the prevention, detection, mitigation, and control of food fraud are sufficient for protecting consumers' health and ensuring fair practices in food trade.

For "anti-food fraud culture", it is a new concept and term introduced to Codex for the first time. Additional information relevant to the term should be provided, such as more explanations for greater understanding. And, it would be very useful, if the document provide or recommend approaches or methods on how to elaborate and consequently reach the mentioned culture.

Nevertheless, if the CCFICS meeting considers that the current concept and context in the document focusing on prevention, detection, mitigation, and control of food fraud are sufficient for protecting consumers' health and ensuring fair practices in food trade. it seems that "anti-food fraud culture" may not needed.

Section 2: Purpose / Scope

- **Question 2: In paragraph 7, should the addition of “that may impact human food safety” be retained?**

The “Draft Guidelines on the Prevention and Control of Food Fraud” should cover only feeds for food producing animals that affect human food safety. So, the phrase “that may impact human food safety” should be added to ensure that the document covers only feed for food producing animals with impact on food safety.

- **Question 3: What, if anything, should be explicitly stated with respect to Geographical Indications (GIs)? This issue is currently in Footnote 3 as bracketed text. Exchanges on this question should be supported by information from the CAC Chairperson and the Codex secretariat.**

1. The document should not address intellectual property (IP) such as Geographical Indications (GIs), as it is beyond the scope of Codex, including protecting consumers’ health and ensuring fair practices in food trade.

2. And, we would like to ask for clarification for the phrase “related labeling restrictions” which do not represent a risk to public health and are beyond the scope of Codex”. Whether the labelling restrictions are related to IP/GI or are they separate issues? Are there any examples of the labelling restrictions that should be excluded e.g. organic product labeling?

- **Question 4: Should 7bis be retained?**

We have no objection to retain paragraph 7bis.

Section 3: Definitions

- **“Food Integrity”**

The definition of “Food Integrity” should be retained, while “with respect to” should replace “from its” for appropriateness. So, the definition should be read:

“The status of a food product in which it is not altered or modified ~~from its~~ with respect to expected characteristics, including food safety, quality, composition and nutritional properties.”

Section 5: Principles

- **Principle 1: Control and Prevention of Food Fraud**

- **Question 5: b. Under Principle 1, specifically, which phrase in square brackets should be retained? Or should both be retained?**

The phrase “the integrity of the food supply chain” should be retained, as it is clear and suitable for the context of this principle.

Section 6: Roles and Responsibilities

- **Paragraph 9d, 9e and 11f**

We would like to ask for clarifications for these paragraphs as follows:

1. Both “other government authorities” and “any countries” are used in the paragraphs, whether both of them mean other countries.

2. If they are the same meaning or intention, to be clear, only one term should be used throughout the entire document for consistency and avoiding confusions.

3. Whether these paragraphs intended to address or provide information on the communication between different countries?

- **Paragraph 10**

- **Question 6: Commenters pointed out redundancies between sub-paragraphs ‘b. bis’ and ‘e’. Should one of the sub-paragraphs be deleted?**

We support to delete sub-paragraph ‘b. bis’, while retain Paragraph e, as it is more appropriate for the role and responsibility of FBOs.

- **Paragraph 10f**

We do not oppose paragraph 10f, however the term “anti-food fraud culture” should be removed, as it is a new term which additional descriptions would be needed. So, the paragraph should be read:

“Create awareness and understanding of food fraud throughout the FBO ~~and build an anti-food fraud culture in all elements of the organization.~~”

Section 7: Relevant Activities for Competent Authorities

● Paragraph 11a

For the first paragraph, the phrase “laws, regulations and guidance” should be removed, as it is unnecessary. So, the paragraph should be read:

“Reviewing their NFCS and determine whether their system has an adequate regulatory and legislative framework (~~laws, regulations, guidance~~) and appropriate policies...”

● Paragraph 13

We would like to ask for clarification for the phrase “all other relevant competent authorities” that whether it means both competent authorities of local government and other countries’ governments?

Section 8: Cooperation, collaboration and exchange of information between competent authorities

● Paragraph 14

We would like to ask for clarification for the phrase “all other relevant competent authorities” that whether it means both competent authorities of local government and other country’s government?

Question 7: A member of the EWG suggested the inclusion of Para. 15 ter. Should this new para. be included?

We do not support the inclusion of Para. 15 ter, as it is unnecessary with redundant information.

East African Community

General Comment: EAC appreciates the EWG for the work well done and notes the progress made in developing these guidelines. EAC recommends advancing the Draft Guidelines on the Prevention and Control of Food Fraud to the next Codex standard elaboration process.

Question 1.

Position: EAC supports to retain Para 6 bis with inclusion of stakeholder collaborations considering their critical role that stakeholders play in an effective anti-food fraud strategy.

Justification: Para 6 bis. provides additional information on the role of behavior of people and their culture.

EAC further proposes the text in the square brackets to be amended to read: Fundamental to the successful functioning of any food fraud combatting strategy is **stakeholder collaboration** in the establishment and maintenance of an anti-food fraud culture acknowledging the importance of human behaviors in protecting the integrity of the food supply chain and presenting food/feed in a manner so as not to deceive consumers

Justification: stakeholder involvement is important in ownership in the implementation of strategic actions

Question 2:

Position: EAC Proposes the deletion of the words in square brackets and be rearranged to read:

The purpose is to provide guidance to competent authorities and FBOs on the prevention, detection, mitigation, and control of food fraud including **Feed for Food producing animals** to help protect the health of consumers and to ensure fair practices in food trade., ~~including feed for food-producing animals [that may impact human food safety]~~. Aspects related to food fraud are already addressed through many existing Codex texts; this guidance is intended to support or supplement existing Codex texts by providing additional guidance specific to food fraud that can be considered within NFCS³.

Justification: The deleted wording in square brackets is already covered in the first part of the para.

Question 3.

Position: EAC proposes the retention of footnote 3 as is without any amendments on intellectual property.

Justification: Intellectual properties are covered by different Competent authorities’ jurisdictions within the region and are beyond the scope of this guideline.

Question 4.

Position: EAC supports that 7bis be retained and remove the square brackets.

Justification: This is outside the scope of Codex. Investigation and prosecution are handled differently depending on the country's legal system.

Question 5a:

Position: EAC proposes the retention of the two broad-based principles. EAC further proposes that the principle one heading should be arranged to read ~~Control and~~ **Prevention and Control of Food Fraud**.

Justification: To align with the flow of the text in the chapeau of para 8.

Question 5b:

Position: EAC Proposes to retain 'fair trade practices'

Justification: To align with the Codex mandate and since integrity is covered in measures to protect consumers.

Question 6.

Position: EAC supports the deletion of 'b. bis' and the retention of 'e'

Justification: This is because clause 10 'e' is clear and broad enough to cover 'b. bis'.

Question 7.

Position: EAC Supports the retention of 15 ter

Justification: Considering the impact of food fraud as an emerging risk in food safety, it is recommended to leverage on new technologies in-order to devise mitigative measures that are important in the prevention and control of food fraud.