

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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Agenda Item 4, 6, 7, 9, 13

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ORIGINAL LANGUAGE ONLY

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD LABELLING

Forty-sixth Session

Virtual

27 September - October 1 and 7, 2021

Comments from Nigeria

#### Agenda Item 4

(CCAFRICA, CCNASWP, CCFFV, CCNE, CCNFSDU, CCPFV and CCSCH)

#### A. FAO/WHO Coordinating Committee for Africa (CCAFRICA)

- i. Regional Standard for Fermented Cooked Cassava-Based Products
- ii. Regional Standard for Fresh Leaves of *Gnetum* spp.
- iii. Draft Regional Standard for Dried Meat

#### B. FAO/WHO Coordinating Committee for North America and South West Pacific (CCNASWP)

- i. Draft Regional Standard for Fermented Noni Fruit Juice
- ii. Regional Standard for Kava Products for Use as a Beverage when mixed with Water

#### C. Codex Committee on Fresh Fruits and Vegetables (CCFFV)

- i. Standard For Kiwifruit
- ii. Standard For Garlic
- iii. Standard For Ware Potatoes
- iv. Standard For Yam

#### D. FAO/WHO Coordinating Committee for the Near East (CCNE)

- i. Regional Standard for Mixed Zaatar

#### E. Codex Committee on Processed Fruits and Vegetables (CCPFV)

- i. Standard For Gochujang
- ii. Standard For Chili Sauce
- iii. Revision to the Standard for Mango Chutney (CXS 160-1987)
- iv. General Standard for Dried Fruits
- v. General Standard for Canned Mixed Fruits

## F. Codex Committee on Spices and Culinary Herbs (CCSCH)

- i. Draft Standard for Dried Oregano
- ii. Draft Standard for Dried Roots, Rhizomes and Bulbs — Dried or Dehydrated Ginger
- iii. Draft Standard for Dried Floral Parts-Cloves
- iv. Draft Standard for Dried Basil
- v. Proposed Draft Standard for Dried Seeds – Nutmeg

Nigeria supports the endorsement by CCFL46 of the labelling provisions presented by the respective Codex Committees above, for their commodities: CCAFRICA, CCNASWP, CCFV, CCNE, CCPFV and CCSCH.

Nigeria, however, would like to note that specific provisions for labelling of non-retail containers be consequentially amended to align with the final adopted guidance for the labelling of non-retail containers of foods which is still ongoing work at CCFL.

## G. Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU)

- i. Review of the Standard for Follow Up Formula: Section A: Follow-Up Formula for Older Infants

Nigeria generally supports, in the spirit of compromise and in the interest of progressing the standard in the step process, the text of Section 9.6.5 with an amendment to the language for the names of the product for young children. This is in the interest of maintaining consistency in the alternate product names and to highlight the fact that the product may not yet be a drink as packaged; that it may be a concentrated liquid product or powdered product which needs to be (reconstituted) into a drink.

However, Nigeria also notes that the words 'with added nutrients' in one of the alternate product names is still an area of concern.

**9.6.5:** *The labelling of follow-up formula for older infants shall not refer to infant formula, Drink/Product for young children with added nutrients or Drink/Product for young children, or formula for special medical purposes intended for infants, including numbers, text, statements, or images of these products.*

- ii. Proposed Draft Revised Standard for Follow-Up Formula (CXS 156-1987) Section B: Drink/Product for Young Children with Added Nutrients or Drink for Young Children

Nigeria proposes an amendment to the language for the names of the product for young children in 9.1.2 and 9.1.3 being cognizant of the fact that the product may not yet be a drink as packaged; that it may be a concentrated liquid product or powdered product which needs to be (reconstituted) into a drink. Further, Nigeria does not support the inclusion of the words 'with added nutrients' to the product name as this constitutes a nutrient content claim and suggests or implies that the products are somewhat necessary to meet the nutritional needs of young children. There are explicit statements from the World Health Organization (WHO) that these products are not necessary; the name should therefore not suggest or imply that they are necessary for meeting the nutritional needs of young children.

- iii. Proposed Draft Guideline for Ready-To-Use Therapeutic Foods (RUTF)

Nigeria supports the endorsement of the labelling provisions for RUTF as presented to CCFL46 as they are aligned with the *General Standard for the Labelling of Prepackaged Foods (GSLPF)*.

## Agenda Item 6

Nigeria appreciates Costa Rica and New Zealand for the preparation of the document 'CX/FL 21/46/6 – Proposed Draft Guidelines on Front-of-Pack Nutrition Labelling'.

Having considered all sections of the proposed draft guidelines on Front-of-Pack Nutrition Labelling presented in Appendix II and taking into account the specific questions posed in Appendix I, Nigeria would like to provide the following specific comments.

## Section 2.2

### Exclusion of alcoholic beverages from FOPNL

Nigeria supports the exclusion of alcoholic beverages from FOPNL because of the potential risk of suggesting to consumers that the products have a nutritional benefit which does not exist.

### Exclusion of Foods for young children

Nigeria does not support the outright exclusion of foods for young children from FOPNL as the products could contain significant quantities of nutrients of concern for diets: total sugar, added/free sugar, sodium/salt, total fat, saturated fat, and trans-fatty acids. This target population, because of their vulnerability, are particularly at risk for developing diet-related non-communicable diseases (NCDs) in later life if exposed to the risk factors at this early stage of life. Acquiring a taste for sweet foods at this age could contribute to developing a preference for such foods, unhealthy dietary habits, and possibly a lasting preference for sweet foods, also increasing the risk for diet-related non-communicable diseases.

FOPNL on foods for older infants and young children would be a valuable tool for informing consumers where the products contain high amounts of nutrients of concern.

## Section 2.3 Exemptions

Nigeria supports Option A, to retain Section 2.3.

**Rationale:** The exemptions highlighted are in line with existing provisions of the *Guidelines on Nutrition Labelling* (CXG 2-1985).

## Section 3. Definition of Front-of-Pack Nutrition Labelling (FOPNL)

Nigeria supports the deletion of the word “interpretative” so that the text of section 3.1 reads as follows:

Front-of-pack nutrition labelling (FOPNL) is a form of supplementary nutrition information that presents simplified, ~~interpretative~~ nutrition information on the front-of-pack of pre-packaged foods. It can include symbols/graphics, text or a combination thereof that provide information on the overall nutritional value of the food and/or on nutrients included in the FOPNL at a national level.

**Rationale:** The word “Interpretative” is prescriptive as the FOPNL landscape is evolving. Deletion of “interpretative” will facilitate the introduction of varied FOPNL systems in line with specific national contexts.

### Replies to Specific questions outlined in Appendix 1

**Question 1:** Do you confirm the Committee majority preference to delete Section 5 and to incorporate relevant aspects from Section 5 to Section 4?

Nigeria supports deleting section 5 and incorporating relevant aspects from section 5 in section 4 as this will avoid duplication in parts of the guidelines.

**Question 2:** Do you agree that the proposed text for principle 4.3.1 manages the potential for conflict of interest in the development of a FOPNL system?

Nigeria is of the opinion that the proposed text does not manage the potential for conflict of interest in the development of a FOPNL system. Nigeria proposes an alternate text which replaces the word ‘**collaboration**’ with ‘**consultation**’ such that the clause reads:

*4.3.1 FOPNL should be government led but developed in **consultation** with all interested parties including private sector, consumers, academia, public health associations among others.*

**Rationale:** For a government-led activity which is intended to adequately manage the potential for conflict of interest, the degree of engagement between government and the other relevant stakeholders should be limited to consultation.

**Question 3:** Do you agree with the change in focus for principle 4.3.2. to focus on facilitating consumer use of FOPNL?

Proposed Principle 4.3.2. [FOPNL should be implemented in a way that facilitates consumer use of the FOPNL]

Nigeria does not support the proposed change and would like the original Principle 4.3.2 to be retained with the following text:

*Principle 4.3.2: FOPNL should be implemented in a way that **encourages** food manufacturers' use of the FOPNL on food labels.*

**Rationale:** There is already an existing principle which addresses facilitating understanding and use of FOPNL by consumers (Principle 4.2.1). An additional principle directed at industry should be included (thus retain original Principle 4.3.2 with the word 'encourages') as this will facilitate the uptake of FOPNL by the food industry and thereby enhance availability to the consumers. The word 'maximizes' is subjective; small and medium enterprises (SMEs) particularly need to be encouraged on the uptake of FOPNL for product labels.

**Question 4:** Considering the proposed changes to the principles, do you agree with deleting the principle groupings?

Nigeria supports the deletion of principle groupings.

**Rationale:** The principle groupings were relevant in guiding the development of the draft guidelines for FOPNL at the initial stages, however there is no longer value in retaining the groupings at this stage.

**Question 5:** Which of the following options do you prefer for the placement of the Guidelines on FOPNL:

- part of section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985)
- as an Annex to section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985)
- a stand-alone document

Nigeria supports the placement of the Guidelines on FOPNL as a stand-alone document with cross reference to section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985).

**Rationale:** Having the guidelines as a stand-alone document highlights and emphasises the importance of FOPNL.

**The Committee is invited to consider advancing the Guidelines to Step 5 or Steps 5/8.**

Nigeria supports the advancement of the Guidelines to Step 5, subject to addressing the comments made in the various sections of the draft guidelines and other outstanding issues, especially regarding the principles.

**Rationale:** The outstanding aspects of the document need to be discussed further and consensus agreements reached before the Guidelines are considered ready for advancement through Step 5/8.

## Agenda Item 7

Nigeria would like to thank the United Kingdom (UK), Japan, Chile, India, and Ghana for the work on the Proposed Draft Guidelines on Internet Sales/e-Commerce.

Nigeria supports the advancement of the work on this item to step 5 for adoption by CAC44.

**Specific comments:**

1. **Review the requirements relating to minimum durability within the draft guidance (Appendix II Section 4 paragraph 3) and consider whether the requirements as given balance the needs of consumers and industry.**

Nigeria is of the opinion that the requirements relating to minimum durability do not balance the needs of consumers and industry.

2. **Review the proposed alternative wording of sections 4 & 5 (CX/FL 21/46/7, Appendix II, 'Proposed alternative wording of section 4 & 5) and consider whether:**
  - i. the proposed alternative wording is too significant of a departure from the current guidance.
  - ii. the proposed alternative wording contains information which could be included to make the current guidance more effective.

Nigeria confirms the suitability of the alternative text drafted for sections 4 & 5 as presented and supports the removal of the square brackets.

**Rationale:** The alternative text uses language that is more concise and understandable, clearly summarising all the required information and does not mention minimum durability.

3. Consider whether the issue of cross-border e-Commerce sales is outside the scope of the draft guidance and should be referred to the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS).

Nigeria notes that if the issues are specifically related to labelling of products traded through e-Commerce, they are within the purview of CCFL and thus within the scope of the draft guidance.

#### Agenda Item 9

Nigeria supports the proposal for new work on the use of technology in food labelling.

**Rationale:** Innovation and use of technology in food labelling are valuable tools which are being deployed globally, rapidly. Also, consumers are increasingly more aware and demanding detailed and accurate information about their foods. Codex guidance and harmonized requirements for these tools is necessary for protecting the consumer's health and ensuring fair practices in food trade. The new work will present a framework for providing comprehensive information to consumers to enable them to make more informed decisions on their food choices.

#### Agenda Item 13

Nigeria would like to express her appreciation to the CCFL Canadian Secretariat for the analysis of comments in reply to CL 2020/09/OCS-FL and amendment proposals.

Nigeria believes this to be an important piece of work therefore re-confirms that there are benefits to having a set of uniform and agreed criteria for evaluation and prioritization of new work proposals for the CCFL. This will provide the necessary guidance to ensure that new, emerging, and urgent issues receive timely attention.

#### Specific comments:

- i. Regarding the development of prioritization criteria specific to CCFL, Nigeria supports the proposed changes to Annex 1 which present a rating system of 'high, medium, and low' without numerical scores assigned to each rating. Nigeria also supports Option 1: Using the framework as presented in Annex I, which provides flexibility on how to apply prioritization criteria specific to CCFL, to help guide discussions and evaluate new work proposals by an *ad hoc* working group.

**Rationale:** Option 1 provides for flexibility in application of prioritization criteria for new work proposals.

