



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

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DISCUSSION PAPER ON FUTURE WORK AND DIRECTION OF CCFL

Prepared by New Zealand

INTRODUCTION

- 1) At the 43rd meeting of the Codex Committee on Food Labelling (CCFL43) in 2016, the Committee agreed to investigate possibilities for the future direction and work of the Committee. It was agreed that Canada would prepare a paper summarising previously identified work that had not been taken forward, as well as presenting current work and proposals for future work. CCFL also agreed that the paper would be kept current at each session with a different delegation taking responsibility each time. This paper was subsequently presented at the CCFL44 in 2017 and updated and re-presented at CCFL45 in 2019 and CCFL46 in 2021.
- 2) At CCFL46, the Committee agreed that New Zealand would next update the discussion paper on future work and direction for CCFL.
- 3) The Committee also agreed to request members and observers to provide information on issues for inclusion in the paper. A request for submissions, CL 2022/70-FL was issued to Codex members and observer organisations in October 2022, open until January 2023. A total of seven responses were received from six Member countries: Argentina, Mexico, New Zealand, Paraguay, the Kingdom of Saudi Arabia and the United Kingdom (UK); and one observer organisation: International Chewing Gum Association (ICGA).
- 4) This paper presents:
 - a) Potential work for CCFL;
 - b) Emerging issues of relevance to CCFL;
 - c) Proposals regarding work areas previously considered by the Committee; and
 - d) An inventory table of potential CCFL future work (Appendix I).

POTENTIAL WORK FOR CCFL

- 5) No new potential work items for CCFL were raised in response to CL 2022/70-FL. Comments received on existing potential work proposals for CCFL are summarised below. More information on these potential work areas is included in Appendix I, Inventory of Future Work.
 - a) **Trans fatty acids (TFAs)**
- 6) Argentina, Paraguay and the Kingdom of Saudi Arabia expressed their support for CCFL work on TFA labelling. Paraguay and the Kingdom of Saudi Arabia noted that this work will help consumers make informed decisions about a substance harmful to health. Paraguay also noted CCFL work on TFA could help to avoid diversification of national legislation, helping to facilitate international trade.
- 7) Argentina stated they agree with the draft new work proposal on TFA provided at appendix 1 of CX/FL 21/46/12. They noted several references to pre-packaged processed foods in this proposal and

highlight the term 'processed foods' is not defined in the existing *Guidelines on Nutrition Labelling (CXG-2-1985)* or the *General Standard for the Labelling of Pre-packaged Foods (CXG 1-1985)*. Therefore, they suggest referring to 'prepackaged foods' in line with these Codex texts.

- 8) Several respondents highlighted their existing TFA regulations. For example, Argentina, Mexico and Paraguay require the declaration of trans fatty acid content in the nutritional information and partially hydrogenated oils in the list of ingredients. Argentina and Paraguay also require totally hydrogenated oil to be declared in the ingredients list. The Kingdom of Saudi Arabia has banned the use of partially hydrogenated oils in food products in 2020.
- 9) A separate discussion paper has been prepared on the TFA work for consideration by CCFL. Members are referred to CX/FL 23/47/11.

b) Principles and Criteria for Food Labelling Exemptions in Emergencies

- 10) Mexico stated they took no action regarding the labelling of prepackaged food and non-alcoholic beverages due to the COVID-19 Pandemic. They do not consider that certain labelling requirements for prepackaged food and non-alcoholic beverages should be relaxed or temporarily exempted. If there were specific instances where this was required, this should be addressed in the standard applicable to the product.
- 11) CCFL46 agreed that the USA would prepare a separate discussion paper on this topic. The paper will be published as CX/FL 23/47/8.

c) Establish a definition for 'added sugars'

- 12) Mexico noted their regulations on the labelling of prepackaged foods and non-alcoholic beverages use and define the term 'added sugars'. The Nutrient Profile Model of the Pan American Health Organization was used as the basis to establish this definition.
- 13) ICGA noted growing interest from consumers and regulators at a national level on added sugars labelling and whether these should be included in the nutrition declaration. ICGA believe the current lack of definition for added sugars may hinder CCFL efforts to harmonise nutrition labelling. They consider a harmonised definition for added sugars in the *Guidelines on Nutrition Labelling (CXG-2-1985)* would facilitate determining their public health significance and reduce the risk of misinterpretations which could mislead the consumer.

d) Sustainability claims

- 14) Mexico considered this issue is relevant, however not within the scope of Codex.
- 15) New Zealand welcomes Committee discussion on the discussion paper on sustainability-related labelling at CCFL47. They noted the stocktake undertaken to inform the discussion paper illustrated that sustainability related labelling is widespread on food products and that claims within this area are likely to become more common as time goes on. New Zealand also noted this paper concludes that work on sustainability claims on food is within the terms of reference of CCFL.
- 16) A separate discussion paper has been prepared on sustainability claims for consideration by CCFL. Members are referred to CX/FL 23/47/12.

e) Review the definition of 'small unit'

- 17) Mexico noted their regulations exempt different sized packages from requiring certain labelling elements on the label, some of which align with the definition of small unit (10cm²). They also have exemptions from a nutrient declaration for products whose largest area is less than 78cm² (provided a webpage or number is provided on the label to obtain this information) and their front of pack system has been designed for products whose main display area is ≤ 40 cm².
- 18) ICGA requested CCFL revisit the definition of 'small unit' to reduce barriers to trade and protect consumers as this is not harmonised across countries. Regarding *the Guidelines on Nutrition Labelling (CXG 2-1985)*, they request that 'small packaging' be defined to increase harmonisation. They request consistency between labelling exemptions for small units and for exemptions from nutrition labelling and therefore also front-of-pack nutrition labelling.

EMERGING ISSUES OF RELEVANCE TO CCFL

19) No new emerging issues of relevance for CCFL were raised in response to CL 2022/70-FL.

PROPOSALS REGARDING WORK AREAS PREVIOUSLY CONSIDERED BY THE COMMITTEE

a) Establish Guidelines on health- related warnings

- 20) ICGA reiterated their support for CCFL to consider work on health “warnings” or statements such as “Contains phenylalanine”, “High caffeine content, not recommended for use by children”, etc. They believe CCFL has a role to help the international community in developing a common understanding of how health related warnings are regulated through specific criteria.
- 21) ICGA proposed the development of new labelling provisions which would enable the use of health-related warnings on a case-by-case basis, reflecting up-to-date science and thorough risk assessments. They proposed that this could be accompanied by guidelines for food business operators to explain the scope and applicability of such health-based warnings.
- 22) ICGA stated that should preference be for general guidelines, they proposed using the same template as the non-addition claim section of the *Guidelines for the use of Nutrition and Health Claims (CXG 23-2013)*.

b) Discussion paper on a criteria for the definition of “high in” nutritional descriptors for fats, sugars and sodium

- 23) ICGA highlighted that the *Guidelines for Use of Nutrition and Health Claims (CXG 23-1997)* do not contain criteria for ‘high in’ nutrient content claims for fats, sugars and sodium. They are also not aware of any countries having established such criteria except in some front of pack nutrition labelling schemes.
- 24) ICGA support the establishment of harmonized criteria for ‘high in’, based on non-ambiguous and globally accepted scientific evidence, supported by a broad stakeholder consensus, including public health authorities, without pre-conception as to whether the criteria would be based on per 100 grams basis or on other basis (e.g. daily servings, portions consumed at once, etc.).

c) Use of the terms flavours/flavourings and other qualifier terms

- 25) ICGA consider that 4.2.3.4 of the *General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)* should be in line with the classification for flavourings in the *Guidelines for the Use of Flavourings (CXG 66-2008)* for the expression of Aroma.

d) Natural

- 26) ICGA highlighted that a definition of natural is provided in ISO/TS 19657 for business-to-business operations. This would need to be considered should CCFL commence work in this space. Alternatively, CCFL could encourage ISO-member National Standards Bodies to adopt such ISO technical standards, rather than undertaking new work in this area.

e) Vegetarian and Vegan

- 27) ICGA highlighted that the work on ‘vegetarian’ and ‘vegan’ undertaken by ISO/TC 34 committee is now finalised as ISO 23662:2021. This would need to be considered should CCFL commence work in this space. Alternatively, CCFL could encourage ISO-member National Standards Bodies to adopt such ISO technical standards, rather than undertaking new work in this area.

RECOMMENDATIONS

28) The Committee is invited to:

- a) Consider and agree to initiate new work on trans fatty acids as presented in CX/FL 23/47/11.
- b) Consider and agree to initiate new work on sustainability-related labelling as presented in CX/FL 23/47/12.

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- c) Note the comment received on Principles and Criteria for Food Labelling Exemptions in Emergencies when considering CX/FL 23/47/8
 - d) Consider whether discussion papers should be prepared on any of the topics identified in the Inventory of Work (Appendix I), noting the comments received in this discussion paper;
 - e) Request the Secretariat to issue a Circular Letter inviting new work proposals or emerging issues; and
 - f) Identify a different delegation to take on responsibility for the discussion paper, who would be responsible to:
 - i. update the inventory table of CCFL future work (found in Appendix I), including input from the Circular Letter and removing items approved as new work; and
 - ii. prepare an updated discussion paper on future work and emerging issues for consideration by CCFL48.

APPENDIX I

**CODEX COMMITTEE ON FOOD LABELLING
INVENTORY OF FUTURE WORK**

	Issue	Year discussed	Description	Reference
PREVIOUS WORK IDENTIFIED BY THE COMMITTEE				
1	<i>Truthful but Misleading Claims Labelling</i>	2001-2004	This discussion paper identified a number of types of truthful but misleading claims, such as “cholesterol free” on a potato that would never contain cholesterol. Discussion did not lead to identification of new work items.	CX/FL 17/44/9
2	<i>Natural</i>	1990-1994, 2010	This work focused on establishing a definition for “natural” and criteria for “minimal processing”. It was noted that the use of these terms was already addressed by provisions in section 5.1 (claims) and the differing meanings of “natural” in various languages was also noted as a problem. In 2010, an observer proposed that the General Guidelines on Claims (CAC/GL 1-1985) be revised to include a definition of natural; however, there was no agreement to new work due to the guidance already provided in section 5.	CX/FL 17/44/9
3	<i>Vegetarian</i>	1997-2000	Proposals were presented for definitions of "Vegan", "Ovo-lacto Vegetarian" and "Lacto Vegetarian", for possible inclusion in either the General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985), or, as conditional claims, in the General Guidelines on Claims (CAC/GL 1-1979). CCFL agreed to discontinue work in 2000 on Proposed Draft Guidelines for the Use of the Term "Vegetarian" as current differences in the definition and understanding of the term 'vegetarian' from country to country were too wide to allow the development of guidelines at the international level, and it was not possible to establish a common definition.	CX/FL 17/44/9
4	<i>Country of Origin Labelling</i>	2000-2005	Delegates had differing opinions on whether the Codex guidance provided in the General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1 – 1985) on origin labelling was adequate or not and if there were difficulties in interpretation of the existing provisions. There was no consensus to recommend new work.	CX/FL 17/44/9
5	<i>Advertising</i>	1972-1990, 2004-2008	Advertising had been discussed at length over the years, including whether the committee should develop a code of practice for food advertising and whether advertising by the electronic or mass media was under the mandate of CCFL. In 1985, the committee discussed a working paper including legal opinions from FAO and WHO, a summary paper of CCFL's work on advertising, and a proposal for a Code of Practice for Food Advertising. It was recommended that there was no need at that time to continue work on a code of practice for	CX/FL 17/44/9

	Issue	Year discussed	Description	Reference
			advertising of food. Further discussions occurred from 1987-1989 but no new work was generated. In 2008, a definition of advertising in relation to nutrition and health claims was adopted by the 31st Session of the Codex Alimentarius Commission and included in the Guidelines for the Use of Nutrition and Health Claims, CAC/GL 23-1997.	
6	<i>Criteria for the Definition of "high in" Nutritional Descriptors for Fat, Sugar, and Sodium</i>	2017, 2019	<p>Currently Codex guidelines only include the "low in" criteria focused on nutritional deficiencies, it is suggested that criteria be developed for "high in" fat, sugar, and sodium.</p> <p>At CCFL45, the Committee agreed that while the work was valuable, it was premature to consider it at this time and it should await the progress of the work on FOPNL and the discussions in CCNFSDU on nutrient profiling. This topic would be retained in the paper on future work and direction for CCFL in order to keep track of the possible need for work at a later stage.</p>	<p>CX/FL 17/44/9</p> <p>REP19/FL, para. 121 FL/45 CRD/16</p>
7	<i>Use of the terms flavours/flavourings and other qualifier terms</i>	2017	<p>Revision of Section 4.2.3.4 of CXS 1-1985</p> <p>The issue of use of the terms 'Flavour' and 'Flavouring' was raised owing to inconsistency in the use of terms as laid down in Codex Guidelines on the use of Flavourings and the standards addressing labelling of flavourings. This matter was considered in the CCFA48 which agreed to revise sections 4.1(c) and 5.1(c) of the <i>General Standard for the Labelling of Food Additives when sold as such</i> (CXS 107-1981); and to recommend to CCFL43 to consider the revision of section 4.2.3.4 of the <i>General Standard for the Labelling of Prepackaged Foods</i> (CXS 1-1985), taking into account the proposed revisions. The issue was discussed in the CCFL44 wherein, it was decided not to make any revisions to the class titles "flavours" and "flavourings" in section 4.2.3.4 as these terms were already included in various national legislations in a number of countries. The Committee also noted that there might be a need to revise the qualifiers "natural", "nature identical", "artificial" as well other related sections in the Standard, i.e. section 5, and agreed that this could be addressed as part of overall improvements of CXS 1-1985</p>	<p>CX/FL 17/44/2-Add.1</p> <p>REP 18/FL, para. 9</p>
8	<i>Consumer preference claims</i>	2017	At CCFL43 there was discussion of a proposal to revise the General Guidelines for the use of the term "Halal" (CXG 24-1997). The Committee agreed not to proceed with the revision as proposed but noted that the proposal raised a question on how to deal with consumer preference claims in a broader way. New Zealand suggested that CCFL may want to consider further work on consumer preference claims in this broad sense.	REP 18/FL, para. 52
POTENTIAL NEW WORK				
9	<i>Labelling of Foods in</i>	2017, 2021	It was suggested that either a new standard be developed or the General	CX/FL 17/44/9;

	Issue	Year discussed	Description	Reference
	<i>Multipack Format</i>		Standard for the Labelling of Prepackaged Foods (CXS 1-1985), be amended in several sections, including the scope, definitions, general principles, and mandatory labelling, to include labelling of prepackaged foods that include multipacked prepackaged foods (labelling of a package that contains or displays a certain number of units of the same or different products, each unit labelled individually); prepackaged foods in a joint presentation (a package that contains two or more units of products of a different nature, individually prepackaged and labelled together); and the inclusion of promotional items within multipacks.	Updated discussion paper and project document will be presented in CX/FL 23/47/9
10	<i>Alcohol Labelling and Guidance</i>	2017	<p>For most the consumption of alcohol does not cause significant harm, but for many populations and individuals alcohol does pose harmful health effects. Given one of the primary objectives of the Codex standards is the protection of health it is important that consideration of such concerns be incorporated into the Codex labelling framework. An example for consideration is the provision of information on labels around alcohol strength and content and the energy content in the product.</p> <p>Mandatory energy labelling of alcoholic beverages is rare internationally. With obesity on the rise globally, a number of agencies (global and within countries) are looking at strategies to combat this. Energy labelling on alcohol is something a number of countries are looking at as part of this and therefore it may be prudent for Codex to look at this to aid international harmonization.</p> <p>CCFL45 requested the Russian Federation to revise the discussion paper (CX/FL 19/45/10) presented at CCFL45.</p>	CX/FL 17/44/9
11	<i>Innovation – use of technology in food labelling</i>	2017,2021	As information and communication technologies are becoming more powerful, more diverse, more accessible, and more widespread, there is opportunity to explore, at an international level, new approaches for providing consumers valuable information about the foods they buy. Use of electronic labelling, known as “e-labelling” is already in use on some very small packaged sized consumer goods such as telecommunications devices, in Canada, the US, Australia, Japan, the United Arab Emirates, and Costa Rica. In the EU it is common for users of electronic devices to be directed to a website for instructions for use. CCFL could consider if e-labelling could be used for some food labelling, such as the development of principles on what information needs to be attached to a food and what could be found on a website.	CX/FL 17/44/9: Updated discussion paper and project document: CX/FL 21/46/9
12	<i>Date Marking – additional guidance</i>	2013,2016	The 41 st session of CCFL established an electronic working group on date marking, which identified the following areas that might require additional guidance, for future work once the revision of the <i>General Standard for the Labelling of Prepackaged Foods</i> (CODEX STAN 1-1985) is completed:	CCFL44 CRD5

	Issue	Year discussed	Description	Reference
			<ul style="list-style-type: none"> a. date marking on frozen foods b. date marking and storage instructions to reflect a wide variation in climatic conditions c. storage instructions and expected shelf life on products post opening d. ethical considerations: <ul style="list-style-type: none"> i) exportation of expired or close to expired products ii) tampering of date marks e. date marking for special situations: <ul style="list-style-type: none"> i) date marking on primary and secondary packaging ii) date marking on foods which will be processed further and iii) simplified date marking for small food businesses f. use of coded date marks and voluntary date marks g. inclusion of general principle statements <p>In addition to the above two areas of potential work, the following topics were identified by member countries in response to a circular letter, CL 2016/31-FL, sent to members in September 2016¹. This circular letter provided an opportunity for members to raise emerging issues relevant to the work of CCFL.</p>	
13	<i>Class Names and other labelling in guidelines and standards in need of updating</i>	2017	<p>Recognizing that many of the existing CCFL-developed standards and guidelines were developed a number of years ago, it may be worthwhile in the light of new information and trends, to review these texts to determine whether updating and revision is appropriate. Class names, for example, could be reviewed for relevancy by surveying member countries to gauge the degree of consistency of national legislation with the Codex standard. Depending on the outcome, new work could be proposed to promote fair practices in food trade. Similar surveys could be carried out for other elements of the labelling standards and guidelines, such as net contents and drained weight and name and address.</p>	CX/FL 17/44/9
14	<i>Sugar Labelling - Establish a definition for 'added sugars'</i>	2017	<p>There has been increasing international attention on added sugars, including recent developments in labelling of added sugars. However, there is no internationally agreed definition for 'added sugars' which leads to difficulties in harmonising labelling standards.</p> <p>Additionally, because "added sugars" are not chemically different to sugars naturally occurring in foods such as fruit and milk, it is difficult to distinguish</p>	CX/FL 17/44/9

	Issue	Year discussed	Description	Reference
			<p>between added and naturally occurring sugars using analytical methods and so there are considerations with respect to standard methods for analysing added sugar content of foods and beverages and enforcement capabilities.</p> <p>A harmonized definition for “added sugars” would facilitate the interpretation of data to determine the public health significance of such claims and that the current lack of definition may present barriers to CCFL work on harmonising nutrition labelling; and that a harmonized definition could further reduce the risks of misinterpretations which could mislead the consumer.</p>	
15	<i>Nutrition Labelling / Ingredient Labelling</i>	2017	<p>With the increasing focus on food for health, and Codex’s objective of protecting human health there is continued pressure to ensure consumers have all the information they need to make informed decisions. This is particularly the case where there are known health risks associated with certain foods such as high levels of consumption of sugars and fats. Including the source of fats and oils and the potential to group different types of sugar in the ingredients list are two initiatives currently being explored in some countries.</p>	CX/FL 17/44/9
16	<i>Harmonization of criteria for the use of additional health related mentions for specific types of food</i>	2017	<p>The suggestion is to establish general guidelines covering additional health-related mentions, (e.g. "Phenylketonuric, contains phenylalanine" and "high caffeine content, not recommended for use by children, pregnant women breastfeeding or people sensitive to caffeine"), since certain ingredients or other substances or products when used in food production, and still present in the finished product, may cause allergies or intolerances in some people.</p>	CX/FL 17/44/9
17	<i>Principles and Criteria for Food Labelling Exemptions in Emergencies</i>	2021	<p>CCFL could consider future work to assist countries in determining any food labelling requirements that may be temporarily relaxed or exempted to mitigate the impacts of national or global public health emergencies, such as the current COVID-19 pandemic.</p> <p>In response to COVID-19, a number of countries have implemented temporary flexibilities, including nutrition labelling in the food service industry and certain country of origin labelling requirements. As well, other countries have taken the approach of identifying “low-risk” food labelling requirements to relax or exempt.</p> <p>The flexibilities and guidance that countries are currently considering and implementing vary in scope, timing, and potential impact on fair trade and consumer protection. Given this existing variance and the certitude that future global emergencies will occur, high-level international principles and criteria may be helpful in guiding countries’ risk based decision-making processes on what food labelling requirements may be relaxed, for whom, how long, and under what emergency circumstances.</p>	CX/FL 23/47/8
18	<i>Review and harmonize the</i>		<i>The General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)</i>	

	Issue	Year discussed	Description	Reference
	<i>definition of 'small unit'</i>		<p>defines "small unit" as a product with a surface area of less than 10 cm squared. These foods are exempt from mandatory labelling requirements regarding the list of ingredients, lot identification, date marking, storage instructions and instructions for use.</p> <p>It has been noted that exemptions for small units regarding front of pack nutrition labelling and the back of pack nutrient declaration should also be aligned. Within Codex provisions, nutrient declaration is mandatory for all pre-packaged foods for which a nutrition or health claim is made, but certain foods may be exempted on the basis of small packaging.</p>	
19	<i>Trans Fatty Acid</i>	<i>2010, 2021</i>	The consumption of TFA is strongly associated with increased risk of coronary heart disease (CHD) and related mortality, and any reduction in TFA intake may help decrease CHD risk. CCNFSDU41 (2019) agreed to discontinue the work on the condition for a claim for "free" of TFAs and asked CCFL to consider possible actions in CCFL to support trans fat intake reduction.	<p>CX/FL 21/45/12 Appendix I</p> <p>CX/FL 23/47/11</p>
20	<i>Contactless Trade of Food</i>		<p>The increased importance of contactless/minimal contact trade of food and the related increase in the importance of e-commerce and internet sales of food during the COVID-19 pandemic and moving forward has been noted.</p> <p>The increase in contactless trade of food could likely increase the adoption and growth of other 'contactless' forms of technology such as 3D printing of food. The information requirements for foods produced in this way may be an area that guidance from CCFL is needed in the future.</p>	
21	<i>Sustainability Claims</i>	<i>2021</i>	As issues related to the environment and climate change grow in importance for consumers, there may be a need for CCFL to consider guidance on potential 'sustainability' or credence claims that could be made on or about foods.	CX/FL 23/47/12