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ALINORM 74/22

JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX ALIMENTARIUS COMMISSION
Tenth Session, Geneva, July 1974

REPORT OF THE EIGHTH SESSION OF THE
CODEX COMMITTEE ON FOOD LABELLING
Ottawa, 28 May - 1 June 1973

1. The 8th session of the Codex Committee on Food Labelling, hosted by the Government of Canada, was held in Ottawa, Canada, 28 May - 1 June, 1973. The session was opened by Mr. J. B. Seaborn, Assistant Deputy Minister, Consumer Affairs, Department of Consumer and Corporate Affairs. Dr. D.G. Chapman, Director, Food Advisory Bureau, Health Protection Branch, Health and Welfare, Canada, was Chairman of the session. Representatives from 25 countries were present. Observers were present from 8 International Organizations (See Appendix I for the List of Participants).

2. The delegation of Argentina, on behalf of the Spanish speaking delegations, expressed its appreciation to the Canadian Secretariat for the provision of the working documents for the session in Spanish.

Adoption of the Agenda

3. The Committee unanimously adopted the Provisional Agenda.

4. The delegation of Argentina regretted that it was unable to form any opinion on the remaining items of the agenda, other than Endorsements, Nutrient Labelling of Foods, Date Marking and the Exemption of Very Small Units from a declaration of a complete list of ingredients, as it had not received the relevant documentation and, therefore, reserved its right to present further comments.

ENDORSEMENT OF LABELLING PROVISIONS IN CODEX COMMODITY STANDARDS

DRAFT STANDARD FOR CANNED TUNA AND BONITO IN WATER OR OIL (STEP 8)

The Name of the Food

5. The delegations of the Federal Republic of Germany and Sweden stated that the words after "qualified or not" in the first sentence in sub-section 6.1.1 should be deleted, as in their opinion, with the existing text, governments would not have to indicate specifically in their acceptances where they might have deviations from the standard as regards the name of the food. Some delegations considered that in such cases deletion of the latter part of the sentence would not solve this problem. However, other delegations thought that, even with the present text, if there were any deviations as regards the name of the food, this would be indicated by the accepting country according to the Procedure for the Acceptance of Codex Standards (Acceptance with minor deviations). It was pointed out that when a standard was submitted to governments for acceptance which provided for several alternatives as regards the name of the food, the accompanying letters inviting acceptance could request governments to indicate specifically whether or not they had any deviations in relation to the choice of names. The Committee agreed to maintain the existing text.

Net Contents

6. The delegations of the Federal Republic of Germany, Sweden and Venezuela indicated that in addition to the net weight they preferred to have the ingoing weight of fish declared on the label. The delegation of Sweden informed the Committee that according to Swedish law a declaration of the drained weight of the fish in this product was also required. It was

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pointed out that different manufacturing processes and storage conditions would have an effect on the drained weight of the product. As regards the ingoing weight there was a problem of its relationship to the weight of solid fish obtained on emptying the can. The Committee decided to retain the present text.

Lot Identification

7. The delegation of the Federal Republic of Germany stressed that a clear distinction should be made between date marking and lot identification, as the first was of direct interest to the consumer and should be in clear, whereas the second was more for the purposes of control and could be in code. Although some delegations thought that date marking could also be in code, others were of the opinion that it should be in clear. As a general point concerning the Draft Standards for Canned Tuna and Bonito in Water or Oil, Canned Crab Meat and Quick Frozen Fillets of Flat Fish, and taking into account that it had not yet decided on any definitions for date marking, or defined what type of date marking should be applied to each product, the Committee agreed to provide for a section dealing with Lot Identification for all three standards and to point out to the Commodity Committee that date marking as such had not been covered in this section. It further agreed that the date of production could constitute a part of lot identification but that lot identification did not necessarily constitute date marking. The Committee also decided to substitute the words "producing factory" for "cannery" as some delegations pointed out that there were difficulties in translating "cannery" into their own languages.

Conclusion

8. The Committee endorsed the labelling provisions for this standard after inserting the words "producing factory" to replace the word "cannery" in sub-section 6.7.

DRAFT STANDARD FOR CANNED CRAB MEAT (STEP 7)

List of Ingredients

9. The Committee, seeing no reason why only the optional ingredients should be declared, deleted the word "optional" from sub-section 7.3.

Country of Origin

10. The delegation of Venezuela pointed out that there was no section dealing with "country of origin" in the labelling provision for the standard. The Committee agreed that this must have been inadvertently omitted and included a section similar to the one in the Draft Standard for Canned Tuna and Bonito in Water or Oil.

Lot Identification

11. The Committee substituted the words "producing factory" for "producing firm" to bring this sub-section into line with the decision which it had taken on Canned Tuna and Bonito in Water or Oil (see paragraph 7).

Conclusion

12. The Committee endorsed the labelling provisions of this standard after making the following amendments:

- (a) deletion of the word "optional" in sub-section 7.3;
- (b) insertion of a Section on "Country of Origin";
- (c) changing the heading of sub-section 7.6 to read "Lot Identification";
- (d) replacing the word "cannery" by the words "producing factory" in sub-section 7.6.

GENERAL REMARKS CONCERNING THE LABELLING OF PREPACKAGED FOODS

Country of Origin

13. The delegation of Spain drew the Committee's attention to the second paragraph of the sub-section dealing with country of origin, where it was pointed out that the fact of processing in a second country and changing the nature of the product did not necessarily apply to all prepackaged food. The Committee agreed to keep this sub-section in the

labelling provisions of those standards which were before it for endorsement, however, it decided to request all Commodity Committees to give careful consideration to the merits of automatically attracting sections of the General Standard for the Labelling of Prepackaged Foods, to the individual standards which they were elaborating.

14. The delegation of Argentina stated that, in accordance with the legislations of its country, the declarations of the country of origin, for all standards, is a mandatory requirement and recommended the general adoption of this regulation.

Storage Instructions

15. As a general remark pertaining to all frozen food standards, the delegation of Sweden reiterated its opinion regarding the need for a provision giving instructions on storage, particularly during transport and retail trade, to maintain the quality of the product, and suggested a temperature of -18°C or lower as the criterion. The attention of the Committee was drawn to the General Code of Practice for Quick Frozen Foods now being elaborated by the Joint ECE/Codex Alimentarius Group of Experts on the Standardization of Quick Frozen Foods. In this Code the problem of temperature maintenance during transportation and storage would be dealt with specifically.

Net Contents

16. The delegation of Sweden reiterated, as a general point, that the drained weight as well as the net contents, should be declared on the label. The delegation of the Federal Republic of Germany also indicated that, in addition to the net weight, their legislation required the declaration of the ingoing weight on the labels of canned products.

DRAFT GENERAL STANDARD FOR QUICK FROZEN FILLETS OF FLAT FISH (STEP 7)

Date Marking and Identification

17. In accordance with its earlier decision which it had taken relating to the Draft Standards for Canned Tuna and Bonito in Water or Oil and Canned Crab Meat (paragraph 7), the Committee agreed to provide for a similar section dealing with "Lot Identification" in lieu of the existing 6.6.

Additional Requirements

18. It was agreed that the Commodity Committee be requested to give consideration to the possible inclusion of the phrase used in some other standards, i.e., "information for keeping and cooking of the product shall be given on retail packs".

Conclusion

19. The Committee noted that the standard would be before the Commodity Committee for reconsideration at Step-7 and, therefore, decided not to endorse the labelling provisions at this time.

DRAFT STANDARD FOR QUICK FROZEN RASPBERRIES (STEP 8)

The name of the Food

20. The delegation of the Federal Republic of Germany, as a general remark also applying to the Draft Standards for Quick Frozen Peaches and Quick Frozen Bilberries, reiterated its opinion that, in conjunction with the name of the product, it would prefer to have an indication of the quantity of added sugars (see also ALINORM 72/25, para 49).

Conclusion

21. The labelling provisions for this standard were endorsed without amendment.

DRAFT STANDARD FOR QUICK FROZEN SPINACH (STEP 7)

22. There were no comments on this standard beyond the general points raised on previous standards applicable to this product and the labelling provisions were endorsed without amendment.

DRAFT STANDARD FOR QUICK FROZEN PEACHES (STEP 7)

23. Taking into account its earlier decision concerning the country of origin (see para 13), it was agreed that the Commodity Committee's attention should be drawn to this point as to whether sub-section 6.5.2 was applicable to this product. The Committee endorsed the labelling provisions without amendment.

DRAFT STANDARD FOR QUICK FROZEN BILBERRIES (STEP 7)

24. The labelling provisions for this standard were endorsed without amendment.

DRAFT STANDARD FOR COCOA (CACAO) BEANS, COCOA (CACAO) NIB, COCOA (CACAO) MASS, COCOA PRESS CAKE AND COCOA DUST (COCOA FINES) FOR USE IN THE MANUFACTURE OF COCOA AND CHOCOLATE PRODUCTS (STEP 8)

25. The Secretariat pointed out changes which had been made at the 10th session (May 1973) of the Committee on Cocoa Products and Chocolate in the labelling section of the above Draft Standard and, in particular, the addition of a new provision in 7.6 "Presentation of Information".

26. The Committee noted that the standard was intended for primary products used in the manufacture of cocoa and chocolate products which would not be offered for direct sale to the consumer. It was, therefore, agreed that the provisions in the General Standard for the Labelling of Prepackaged Foods did not apply to this Standard.

List of Ingredients

27. Some delegations expressed the view that a complete list of ingredients should be declared on the label by specific names. It was also pointed out that class names for alkalizing and neutralizing agents had not yet been decided upon, and such class names would be required in the list of ingredients for other cocoa and chocolate products.

28. The Committee agreed to endorse the labelling provisions of the standard without amendment. The problem of designating alkalizing and neutralizing agents as class names is dealt with in paras 85 and 86 of this Report.

DRAFT STANDARDS FOR COCOA BUTTERS, COCOA POWDER (CACAO) AND SWEETENED COCOA POWDER (SWEETENED POWDER) AND CHOCOLATE (STEP 6)

29. The Committee was informed that the Draft Standards for Cocoa Butters, Cocoa Powder (Cocoa) and Sweetened Cocoa Powder (Sweetened Powder) and Chocolate had been returned, by the Commodity Committee to Step 6 of the Procedure for a further round of government comments, and decided, therefore, to defer consideration of the labelling provisions of these standards until they were before the Labelling Committee for endorsement at Step 8. It was agreed to draw the Commodity Committee's attention to the reference to the General Standard for the Labelling of Prepackaged Foods in the Draft Standard for Cocoa Butters, which would not be applicable, as this product was not sold in prepackaged form.

DRAFT STANDARD FOR JAMS (FRUIT PRESERVES) AND JELLIES (STEP 7)

The Name of the Food

30. The Committee noted that an additional clause (7.1.6) had been added by the Commodity Committee stating that "the addition of artificial colour shall be declared in conjunction with the name of the product (e.g., x with colour added)".

31. Several delegations objected to the selective declaration of the addition of artificial colours when the declaration of colours is already provided for in the list of ingredients. Other delegations were of the opinion that such a declaration would be in the interest of the consumer.

Conclusion

32. The Committee, noting that the Draft Standard had been retained at Step 7, with a view to its revision in the light of the findings of an informal working group, decided, therefore, not to endorse the labelling provisions of this standard, but to await the decisions of the Commodity Committee.

DRAFT GENERAL STANDARD FOR CITRUS MARMALADE (STEP 7)

The Name of the Food

33. The Committee noted that a small introductory phrase, reading "Except as provided in 7.1.2", had been added to section 7.1.3 in order to clarify the designation of a mixed product. The Committee agreed to endorse the labelling provisions without amendment.

DRAFT STANDARD FOR RAISINS (STEP 8)

Sulphur dioxide

34. Some delegations considered that the addition of sulphur dioxide should be declared on the label in such a way that the consumer could clearly see for what purpose it had been used, e.g., "SO₂ added as a preservative" or "SO₂ added as a bleaching agent". The delegation of the Federal Republic of Germany preferred a clear and prominent declaration indicating that the product had been treated with sulphur dioxide.

35. The delegation of Belgium queried the use of the word "golden" which, in their opinion, implied that the product bleached with sulphur dioxide, was of a superior nature. The Committee decided to maintain the existing text.

Use of the term "natural"

36. The delegation of Canada, supported by the delegation of Japan, stated that they did not consider raisins could be termed as "natural", if they had been coated with mineral oil.

Conclusion

37. The Committee endorsed the labelling provisions of this standard after agreeing that the introductory statement to the section on Labelling, found in all the other recommended international standards, should be inserted.

DRAFT STANDARD FOR CANNED MANDARIN ORANGES (STEP 8)

38. The Committee was informed concerning the amendments which had been made to the labelling provisions of the standard by the Commodity Committee at its last session (21-25 May, 1973). The Committee noted that provisions had been included for the mandatory declaration of mixed sizes in close proximity to the name of the product as well as optional declarations of size classifications in whole segment style and an additional sub-section requiring the declaration of reconstituted juice in the list of ingredients. In addition, the Commodity Committee had brought this standard into line with the other canned fruit standards, regarding the packing medium and had made the consequential labelling amendments.

39. The delegation of the United States pointed out that there were some inconsistencies in the declarations regarding predominance of water, and that not all possible combinations were covered.

Conclusion

40. The Committee agreed to endorse the labelling provisions of this standard without amendment.

DRAFT STANDARD FOR INFANT FORMULA (STEP 8)

The Name of the Food

41. The Committee noted that the Commodity Committee, at its 7th session (October, 1972), had considered the proposal made by the Food Labelling Committee at its 7th session (June, 1972) to amend the provision for the name of the food, but had unanimously recommended that steps be taken to retain the original name of the product as described in the Standard (ALINORM 74/26, paras 103-105). The Committee decided to agree with the original text as recommended by the Commodity Committee.

Declaration of Nutritive Value

42. The delegation of Sweden stated that "in Sweden special requirements for the labelling of Infant Formula are being prepared and that the level of linoleic acid (given in per cent of total available calories) may have to be stated". It further stated that their general

remark on the declaration of nutritive value was pertinent also for Infant Formula - e.g., "in Sweden it is compulsory that declarations of nutritive value be made per 100 g of food as sold (for compulsory as well as for optional declarations), the only exception being the declaration of fatty acids. For Infant Formula the proposed special requirements will require a declaration per 100 g as well as a statement of nutritive value per litre food prepared for consumption, according to the directions for preparation given on the container."

Lot Identification

43. After a full discussion of this sub-section, as well as on the provision on "Information for Utilization" (9.9), the Committee agreed, in line with the decision it had taken earlier during the session, to distinguish between lot identification and date marking, and revised the sub-section as follows:

9.8 Lot Identification

Each container shall be embossed or otherwise permanently marked, in code or in clear, to identify the producing factory and the lot.

9.9 Date Marking and Storage Instructions

9.9.1 The date of manufacture or the date of expiry shall be declared in clear and whichever is used shall be indicated.

9.9.2 Storage instructions shall appear on the label or on the accompanying leaflet.

44. The delegation of Sweden reserved its position with regard to the inclusion of the date of manufacture under the heading "Date Marking", as, in their opinion, this date should be inserted under "Lot Identification". The delegation of Belgium, supported by the delegation of Argentina, pointed out that in their opinion it should be possible to allow for a flexible expiry date, depending on the conditions of storage and the type of commodity and reserved their positions regarding the use of the "date of expiry" for storage purposes. The delegation of Switzerland stated that in its view only the declaration of the expiry date should be mandatory.

Conclusion

45. The Committee endorsed the labelling provisions of this standard as amended in para 43 and after deletion of the word "storage" from sub-section 9.9 in the version of the standard as contained in ALINORM 72/26, Appendix III.

DRAFT STANDARD FOR CANNED BABY FOODS (STEP 6)

Declaration of Nutritive Value

46. The Committee's attention was drawn to sub-section 9.3.2 in the standard: "A statement on the label of the quantity of each vitamin and mineral added to the food shall be subject to national legislation". Although there was some agreement that, depending on local conditions, variations in the quantity of vitamins and minerals in the product might be required, the Committee generally held the view that such statements in principle should not be permitted in the labelling provisions of standards, as governments would not be obliged to indicate their deviations when accepting standards with such general wording. The Committee expressed its concern that Commodity Committees might circumvent problems by introducing such a clause. It was agreed to request the Executive Committee for guidance on this basic matter.

Lot Identification

47. The Committee decided to recommend to the Commodity Committee that it take into consideration the changes made to the Draft Standard for Infant Formula in relation to Lot Identification and Date Marking and the possible applicability of these sections in the Draft Standard for Canned Baby Foods.

Conclusion

48. The Committee, noting that this Draft Standard was at Step 6, decided not to endorse the labelling provisions at this time.

DRAFT STANDARD FOR YOGHURT (YOGURT) (STEP 5 OF THE PROCEDURE FOR THE ELABORATION OF MILK AND MILK PRODUCTS STANDARDS)

List of Ingredients

49. At its previous session, the Committee had pointed out that a full declaration of ingredients would be useful in products of this nature as well as an indication as to whether the specific names of food additives or class names should be used (ALINORM 72/22, para 32). The Committee, noting that this point had not been discussed at the last session of the Joint FAO/WHO Committee of Government Experts on the Code of Principles concerning Milk and Milk Products, reaffirmed its previous statement. The delegation of Netherlands was of the opinion that a declaration of the generic names would suffice.

Date Marking

50. The Committee noted that in the Standard, no provision had been made for date marking. It considered that yoghurt was a product of a very perishable nature and a requirement providing for appropriate date marking would be desirable. The delegation of Italy pointed out that storage instructions should also be given on the container.

Conclusion

51. The Committee, in the light of the above discussions, decided not to endorse the labelling provisions of this Draft Standard at this time.

CLAIMS

Possible Revision of Section 2 of the Recommended International General Standard for the Labelling of Prepackaged Foods to include Claims

52. Upon examination of the comments of governments in reply to the request in para 39 of the Report of the Seventh Session of this Committee (ALINORM 72/22), it became apparent that there was no agreement as to whether it would be possible to revise Section 2 of the General Standard for the Labelling of Prepackaged Foods in order to include the question of claims.

Types of claims to be considered

53. In accordance with para 38 of the same report, the Committee discussed the particular type of claims which could be considered within its purview. It was agreed that general terms such as "wholesome", "natural", "biological", "purex", "fresh", "organic" and "superlatives" were such general claims. However, it was also pointed out that the Committee should keep under review the problems presented by claims for general properties relating to health, including the implicit claims implied by nutritional labelling.

Guidelines for Claims

54. The Committee was advised that the Codex Committee on Foods for Special Dietary Uses had indicated that it was developing statements on claims for dietetic foods which were its responsibility, and expressed the view that there should not be a duplication of work in this field. These statement should be before the Codex Committee on Food Labelling at the appropriate time. The Committee then decided that there should be developed general guidelines on Claims for the use of Codex Commodity Committees. It was indicated that such guidelines would need a definition of claims, and it was suggested that a simplified definition of claims for the purposes of the Codex Alimentarius could be developed based on definitions discussed at this and previous meetings. In setting out such guidelines it was suggested that there should be general remarks indicating that claims must be capable of being justified, that therapeutic, preventive and curative claims must be prohibited. There were also suggestions that there should be included a requirement that the claims be factual and truthful, should be able to be objectively substantiated and should not be misleading in any way. However, depending on the legal system, the burden of proof for substantiating or disproving a claim would lie with different parties.

55. There should also be a reference to the requirement of Section 2 of the General Standard for the Labelling of Prepackaged Foods. As well, there should be a preliminary attempt at indicating the conditions under which the general terms mentioned above can be used. It was agreed that the Canadian Secretariat should prepare these Guidelines and distribute them to

governments for comments well in advance of the next full meeting of this Committee. Such comments when received, should be used to produce a revised version of these Guidelines which will be available for the next full meeting of this Committee.

NUTRITIONAL LABELLING OF FOODS

56. Dr. J.A. Campbell, as Chairman of the Committee on Food Standards for the International Union of Nutritional Sciences, gave a resumé of a position paper (CX/FL 73/6) which he had prepared on this subject. Various schemes currently under consideration internationally, for labelling the nutrient content of foods were mentioned. In this paper it was recommended that prior to the adoption of any such scheme nationally or internationally, there should be a careful review of the need for labelling, the available data on nutrient requirements and food composition, and a study of the implications of any proposals both to governments and to industry, and the food supply.

Purpose of nutritional labelling

57. In discussing the purpose of nutrient labelling, the delegation of the Federal Republic of Germany pointed out that in addition to the obvious purpose of educating and informing the consumer, nutrient labelling would also prevent unjustified claims on the labels of foods. A number of delegations indicated the system used in their countries, and the foods to which such declarations were limited, such as, dietetic foods. Several delegations emphasized the need for an educational campaign for consumers to avoid the misuse of nutritional labelling as an unjustified sales argument and to ensure that such labelling would be meaningful to consumers. A number of delegations further emphasized the fact that the recommended daily intake of the various nutrients would vary depending on the dietary pattern in a given country as well as climate, sex, age, type of work and manner of preparation of the food, etc. The need for nutrient labelling provisions in Codex standards, particularly at this stage, was challenged by some delegations. The delegation of Italy pointed out that in order to avoid confusion between foods generally consumed and dietetic foods, declarations as to nutritive value should be limited exclusively to dietetic foods and foods for infants.

Future action

58. The Committee agreed that the matter needed further study, and that the paper before it should be submitted to governments for comments. Governments were also requested to furnish details on the exact requirements in their countries for such nutritional labelling and the kinds of foods to which it was restricted. This was requested in view of the fact that practical experience on a wide range of foods in this field was limited. On the basis of the comments and other information received by the Canadian Secretariat, a further paper would be developed for consideration at the next full meeting of the Committee.

DATE MARKING

General remarks

59. There was considerable discussion on the topic of date marking, in which a number of delegations pointed out the present situation with respect to the date marking of foods in their countries. Although it was considered desirable from the point of view of the consumer to have only one type of date marking, the Committee realized that due to the differing nature of various foods, this would not be practical. The delegation of Italy expressed the view that, in order to simplify and facilitate comprehension by the consumer, there should be only two dates: the date of manufacture and the expiry date. The delegation of France suggested that the five types of date marking listed in the working document (CX/FL 73/7), date of manufacture, date of packaging, sell-by date, minimum durability date and the expiry date could be reduced to three, one related to the production phase of the food, i.e., the date of production or packaging, one related to the sale, particularly the retail sale of the product - the sell-by date - and a third related to the consumption of the food - a minimum durability or expiry date.

Guidelines for date marking

60. It was agreed that guidelines for date marking were needed for Codex Commodity Committees. The Australian delegation was of the view that such guidelines should indicate

the most appropriate types of date marking for use with particular groups of commodities, as envisaged, taking into account the comments contained in the working paper for the Seventh Session of this Committee (CX/FL 72/5). It was also agreed that it should be left to the Codex Commodity Committees to decide which of the defined types of date marking could be used according to the nature of the given product for which a standard was being elaborated.

Purpose of Date Marking

61. A number of delegations emphasized that the purpose of the date marking should be clearly indicated in such guidelines, and the delegation of Sweden suggested that the purpose of date marking a food was to give the consumer true information about the date by which the food can be used, without risk of any important changes to its hygienic or characteristic qualities which are essential to the consumer. To ensure this purpose, date marking must be accompanied by adequate storage instructions telling the consumer how to keep the food in question. The delegation of the Federal Republic of Germany suggested that the purpose of date marking was to provide the consumer with full information as to the condition of the product in order that the suitability of a food for a given purpose might be judged. It was pointed out that the purpose of date marking was to ensure freshness of the food and not as a means of health control. The Chairman pointed out that the Committee had agreed on a statement as to the purpose of date marking at its Seventh Session (ALINORM 72/22, para 41). It was agreed that these statements would all be considered in the development of the section dealing with the purpose of date marking in the draft guidelines. In addition, it was agreed that date marking, since it was for the information of the consumer, should be in clear. The observer from IOCU pointed out that, to the consumer, a use-by date would be the most useful. The delegation of the Federal Republic of Germany pointed out that if the minimum durability date was applied in such a manner so that foods exceeding the date and which are still in good condition were not removed from the market, then both the producer and the consumer would benefit, the latter in terms of possibly lower priced foods. It was also pointed out that without such an application of this type of date marking provision, the risk existed of restricting distribution to the larger, higher volume retailers.

62. The Committee agreed that the Canadian Secretariat should be invited to prepare draft guidelines for date marking, taking into account the discussion at this and previous meetings and all documentation prepared on this subject for the Committee. Such guidelines would be intended for the use of Codex Commodity Committees in developing date marking provisions for the individual standards being elaborated. It was further agreed that guidelines would be sent to governments well in advance of the next full session of this Committee in order that a revised draft would be before it for consideration.

HARMONIZATION OF NON-TECHNICAL DETAIL ON LINGUISTIC BASIS

63. The delegation of Norway presented a brief resumé of the above working paper (CX/FL 73/8), which it had prepared following an observation it had made at the previous session of the Committee, concerning the consequences of the absence of international agreement on uniform presentation of information on labels in countries using the same language. In particular, the paper dealt with the need for the harmonization, by language, of the location of the mandatory information as required in the standards, and the size of type on the label. A number of delegations expressed their support for the idea of harmonization with regard to the actual presentation on the label. It was pointed out that such regulations, although not drawn up nor enforced for the purposes of restricting competition, often had such an effect, and thus might constitute non-tariff barriers to trade. The Committee noted that this problem would become increasingly evident as more governments made their positions known regarding acceptances. The Committee further noted that a number of acceptances had already been recorded which indicated deviations with respect to this particular aspect in the labelling provisions.

64. The Committee observed that in the European Economic Community, the difficulties posed by this problem had been dealt with by a series of double provisions in all Directives or Standards. The Representative of the European Economic Community stated that "As regards the harmonization at the Community level of national legislations on foods intended in the first place to overcome technical barriers to trade, it is imperative that a product meeting

the common standards applying to it, may circulate freely within the whole Community. With respect to labelling, this objective is covered by a provision prohibiting member countries from enacting regulations more rigid than those found in the common standard. Furthermore, each common standard shall contain a general principle under which member countries cannot prohibit nor impede the marketing of a food meeting the regulations found in that standard, and, in particular, those regulations concerning labelling and processing."

65. It was suggested that a general approach of a similar nature could possibly be adopted by the Codex Alimentarius Commission. Such a procedure was thought to be in accordance with the General Principles of the Codex Alimentarius. The delegation of France proposed the following: "There should be no obstacle to trade resulting from provisions for the lay-out of labels provided that the food product is in conformity with the General Standard for the Labelling of Prepackaged Foods and with the standard for the product itself." A prior condition would be that the standards had been accepted by governments. It was also suggested that a catalogue be made of deviations based on non-technical labelling details, in the acceptance of standards by governments and the issue should be kept under regular review.

66. The Committee agreed to invite the comments of governments as to the extent to which they would be prepared to waive or change their labelling regulations with regard to non-technical details. Governments would also be requested to provide, if available, lay-outs for the labelling of foods or detailed labelling requirements, particularly in the form of pictorial formats.

CONTROL FOR THE ADVERTISING OF PREPACKAGED FOODS IN MAIL-ORDER CATALOGUES

67. The delegation of the Federal Republic of Germany briefly introduced its working paper (CX/FL 73/9), on the above subject. A number of delegations pointed out that, in their opinion, the sale of prepackaged foods through mail-order catalogues did not have any significant effect on international trade. It was noted that in some countries regulations on advertising also covered labelling in mail-order catalogues. In view of the limited interest, the Committee agreed that it was not necessary to prepare a formal Committee statement on this topic or to pursue the matter any further.

EXEMPTIONS OF VERY SMALL UNITS FROM DECLARATION OF A COMPLETE LIST OF INGREDIENTS ON LABELS

68. In the general discussion which followed the introduction of the above paper (CX/FL 73/10), it emerged that a number of delegations were in favour of exempting very small units from the declaration of a complete list of ingredients on labels. The delegation of Poland, supported by the delegation of the Federal Republic of Germany, stated that very small units may be exempted from a declaration of ingredients with the exception of food additives such as colouring matters, preservatives, etc. Furthermore, the delegation of Poland pointed out that the meaning of the words "very small units" should be defined.

69. Some delegations considered that very small units could be defined either by volume, weight, maximum size in any dimension or surface area. The suggestion was made that a very small unit might be 25 ml, 25 g, 5 cm or 50 cm². The Committee took the general view that the most important criteria for judging what mandatory information should be declared on the label was the availability of space.

70. It was decided to request the appropriate Codex Commodity Committees to indicate what, in their opinion, constitutes very small units which might be exempt from a declaration of a list of ingredients or other mandatory information on a product by product basis. It was further agreed that they should be requested to indicate the order of priority in which such mandatory statements could be exempted. The delegation of the Federal Republic of Germany stated that other items such as the declaration of net contents could be regarded as exemptions in connection with special products.

LABELLING OF BULK CONTAINERS

71. The Committee had before it for consideration a working paper on the above subject (CX/FL 73/11), which had been prepared by the FAO Secretariat. Several delegations pointed out the need for a clear definition as to what constituted a bulk container. It was pointed out that some products carried in bulk containers could be intended for retail sale directly to the consumer.

72. Concerning the labelling of bulk containers, the Representative of the European Economic Community stated that "the Community makes a distinction as to whether the merchandise is sold or not in the retail trade. In fact, when the containers are marketed by a retailer, these containers should always have a label or be marked directly, notwithstanding their weight or volume. However, for products which are not intended for sale at the retail level and where the weight or the volume exceeds certain limits (variable according to the product), the labelling statements may only be shown on a commercial document accompanying the product."

73. The Committee agreed that a bulk container, ready for retail sale directly to the consumer, is considered as coming under the definition of "prepackaged" in the General Standard for the Labelling of Prepackaged Foods and must be labelled as such.

74. The Committee agreed that the Canadian Secretariat should draft General Guidelines for the Labelling of Bulk Containers, taking into account the above discussions and the working paper CX/FL 73/11.

NET CONTENTS

75. The Chairman of the Committee reviewed the history of the interpretation of the meaning of net contents in the General Standard for the Labelling of Prepackaged Foods. A large majority of the countries replying to the questionnaire sent out in 1973 had expressed themselves in favour of a declaration of net contents based on the average net contents of a number of containers. Several other delegations, who had not replied to the questionnaire, also expressed themselves in favour of this view. The Committee decided that the declaration of net contents was intended to be on the basis of "average contents" as determined from an adequate sample of containers. The delegations of Japan, the Netherlands and the United Kingdom, supported by the observer of IOCU stated their objections to this decision of the Committee.

76. The delegation of Japan stated, as its answer to the questionnaire on the declaration of net contents, that "the laws for the control of weights and measures in Japan apply to any products in commercial trade, without exception and thus include food products. This law aims at maintaining accurate and precise measuring practices in commercial trade. In order to implement this law, the enforcement regulations require that either the declared net contents or drained weight on the label of individual units of foods shall be present at the time of retail sale, even if the nature of the product is such that there may be an inevitable loss or gain of moisture during the course of distribution.

77. However, these regulations define the allowable limits, not only of shortage, but also of excess, for the difference between the actual contents and the declaration on the label, depending upon the filling or packaging process for the product. For instance, for canned foods, with a few exceptions, the allowable shortage limit is 2% and the excess is 4%. Accordingly, the delegation of Japan cannot agree with the approach of the Committee in the interpretation of the net content declaration based on the average concept, especially for enforcement purposes."

78. The delegation of Japan drew the attention of the Committee to the fact that, at this session, it had endorsed the labelling provisions in the Draft Standard for Canned Mandarin Oranges. In this standard the net contents, which in Japan is the minimum fill, were required to be determined on the basis of the sampling plans for prepackaged foods, and on the contrary, the average concept was adopted for the determination of the lot acceptance of the minimum drained weight in the standards. In the opinion of the Japanese delegation only one of the three sampling plans suggested in the working paper CX/FL 72/8, on "Approaches to Determining Net Contents" was based on the average concept. This was Plan B, using the standard deviation method and range method.

79. It was the view of the delegation of the United Kingdom that a legal requirement under which at least the declared quantity is required to be offered, would be preferable. Such a requirement would fit in logically with a pattern of enforcement based on inspection at the point of retail sale, whereas a requirement for average content accords better with statistical control at the point of manufacture or importation. In their judgement such a system of enforcement at the point of sale would be more intelligible and comprehensible to

the consumer, and would alone afford a measure of assurance of quantity comparable with the assurance given to the purchaser on the other topics currently under discussion. This system also would render unnecessary government intervention in the determination of permitted levels of tolerance and the choice of sampling systems.

80. The observer from the IOCU noted that a basic principle adopted in the General Standard for the Labelling of Prepackaged Foods, is that no information appearing on the label should be capable of misleading the consumer, and objected strongly to the abandoning of such a basic principle of consumer protection and urged that a definition of net contents based on minimum contents be adopted.

81. As a result of the request in the questionnaire regarding the sampling plans used in individual countries, a number of delegations described the sampling plans used to determine net contents in their countries. Several delegations expressed their concern that the subject of sampling plans for net contents was apparently, at this time, not on the agenda for the next meeting of the Codex Committee on Methods of Analysis and Sampling. It was agreed that the Codex Committee on Methods of Analysis and Sampling should be urged to take up the matter at the earliest opportunity, preferably at its next meeting in September, 1973 since documentation is available to it on this matter.

OTHER BUSINESS

Modified Starches

82. The delegation of the Netherlands presented a proposal to alter the class listing of modified starches in the General Standard for the Labelling of Prepackaged Foods, so that it would be removed from the list of class titles for food additives in Sub-Section 3.2 (c)(ii), and be included in the list of class titles for food ingredients in Sub-Section 3.2 (c)(i). The Committee agreed to refer the matter to the Codex Committee on Food Additives on the assumption that the question concerned chemically modified starches only, as the physically and enzymatically modified starches were already considered as starches and were listed as food ingredients.

Class Titles for Food Additives

83. It was decided to draw the attention of the Codex Committee on Food Additives to the need for a clear conformity between the class titles of that Committee and those in the Recommended International Standard for the Labelling of Prepackaged Foods. The Committee noted that the Food Additives Committee (ALINORM 72/12, para 81), intends to amend the current list of class titles and send it to the Codex Committee on Food Labelling for further consideration.

84. Nevertheless, the Committee agreed that the responsibility for suggesting class titles as such was the concern of the Commodity Committees.

Alkalizing and Neutralizing Agents

85. The delegation of Switzerland observed that in endorsing the labelling provisions in the Draft Standard for Cocoa Beans, Cocoa Nib, Cocoa Mass, Cocoa Press Cake, and Cocoa Dust, for use in the manufacture of Cocoa and Chocolate Products, the Committee had endorsed the use of the class titles.

86. The delegation of Switzerland expressed the opinion that in view of this decision it would be necessary to amend Sub-Section 3.2 (c)(ii) of the General Standard for the Labelling of Prepackaged Foods by adding the afore-mentioned class titles. It was pointed out, however, that Sub-Section 3.2 (a)(i) stated that "a complete list of ingredients shall be declared on the label in descending order of proportion, except, (i), as otherwise provided in a Codex standard". The Committee agreed that this exemption permits the use of these class titles in the labelling of these products.

Identification of Products Sold Under Private Label Brands

87. The Committee considered a suggestion by the delegation of the Netherlands, which was as follows:

"3.4(b) In case the manufacturer's name and address are not declared in clear on the prepackaged food, the name and address of the producing factory shall be declared in code".

The delegation of the Netherlands observed that the identification of a product sold under a private label brand which was either made by several manufacturers, or by one manufacturer and distributor to several retail points, was extremely difficult to control without a suitable mark identifying the producing factory,

88. A number of delegations supported this view point, however, after further discussions, the Committee decided to request the delegation of the Netherlands to prepare a paper on this whole problem, indicating the reasons and the need for such an amendment and its possible implications.

Substitution of Name and Address of Manufacturer by Authorized Quality or Nationality Mark

89. The delegation of Denmark referred to paragraph 39 of the Report of the 14th Session of the Joint FAO/WHO Committee of Government Experts on the Code of Principles concerning Milk and Milk Products, concerning the provisions for "Name and address", where their delegation had stated "that butter was often marketed without indication of the name and address of the manufacturer, but with an authorized quality or national brand mark together with a control or serial number enabling the control authorities of the manufacturing country to identify the manufacturer." It had, therefore, suggested that the provision in the Standard for Butter concerning name and address should be amended so that such an authorized mark could be given instead of the name and address of the manufacturer, packer, etc. The Milk Committee took the view that this suggestion could apply to many food products and requested that this matter be considered by the Codex Committee on Food Labelling in relation to the General Standard for the Labelling of Prepackaged Foods.

90. The Committee, however, was of the opinion that this was a specific problem and was not generally applicable to food products. It, therefore, decided that this matter be referred back to the Milk Committee and agreed that it could be considered under the appropriate standard when it came before it for endorsement.

DATE, PLACE AND AGENDA FOR NEXT SESSION

91. The Chairman proposed, subject to the time schedule for Codex Meetings, that the next session of the Codex Committee on Food Labelling should be a two-day meeting prior to the Commission meeting in Geneva in the summer of 1974, primarily for the purpose of endorsing labelling provisions in Codex Standards.

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