

# codex alimentarius commission

FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD HEALTH  
ORGANIZATION

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CODEX ALIMENTARIUS COMMISSION  
Eleventh Session, Rome, 29 March - 9 April 1976

REPORT OF THE ELEVENTH SESSION OF THE  
CODEX COMMITTEE ON FOOD LABELLING  
Rome, 25-26 March 1976

## INTRODUCTION

1. The Eleventh Session of the Codex Committee on Food Labelling, hosted by the Government of Canada, was held at FAO Headquarters, Rome, on 25 and 26 March 1976. The session was opened by Miss Vivian Wightman, Permanent Representative of Canada to FAO, who welcomed the participants. Mr. H.W. Wagner, Director, Consumer Fraud Protection Branch, Department of Consumer and Corporate Affairs, Canada, was Chairman of the Session.

2. The session was attended by 69 participants, including representatives and observers from the following countries:

Australia	Ghana	Norway
Bangladesh	Ireland	Poland
Belgium	Italy	Senegal
Brazil	Japan	Spain
Canada	Madagascar	Sweden
Denmark	Netherlands	Switzerland
France	New Zealand	Thailand
Germany, Fed. Rep. of	Nigeria	United Kingdom
<u>Observer Country</u>		United States of America
South Africa		Union of Soviet Socialist Republics

3. Observers from three International organizations were present. The List of Participants, including the representatives of FAO, is attached as Appendix I to this Report.

## ADOPTION OF AGENDA

4. Following a brief discussion the Committee adopted the agenda without change. In addition, the Committee agreed, if time permitted, to discuss the labelling provisions for Yogurt and Sweetened Yoghurt, Cream for Direct Consumption, Edible Acid Casein and Edible Caseinates.

## ENDORSEMENT OF LABELLING PROVISIONS IN VARIOUS CODEX COMMODITY STANDARDS

### DRAFT STANDARD FOR QUICK FROZEN SPINACH (ALINORM 76/25A, App. I, Step 8)

5. The labelling provisions had been endorsed at the Committee's Tenth Session (ALINORM 76/22, para 25). The Committee discussed a new sub-section (6.1.2) concerning labelling provisions for products presented in other styles (sub-section 2.4.2) than those described specifically (sub-section 2.4.1). It was agreed to endorse sub-section 6.1.2. The Committee briefly considered the redrafted provision on characterizing ingredients and agreed to the text of sub-section 6.1.3.

6. The delegation of Japan was of the opinion that in sub-section 6.6 the term "lot" should be replaced by the term "date of production" and that lot identification should be mentioned specifically in sub-section 6.8 Bulk Containers. This observation also applied to other standards.

7. The delegation of Sweden drew the attention of the Committee to the need to have storage instructions covering the whole chain of distribution and all types of packs, including outer containers, in addition to instructions for the consumer. It was pointed out that the Group of Experts on Quick Frozen Foods was elaborating a Code of Practice for the Handling of Quick Frozen Foods which covered the distribution chain. The Committee agreed to the wording of sub-section 6.7 and decided to endorse all labelling provisions of the standard.

DRAFT GENERAL STANDARD FOR JAMS (FRUIT PRESERVES) AND JELLIES (ALINORM 76/20A, App. II

8. The delegation of Japan proposed to delete in the list of Names of the Food (7.1.1): Extra Jam (Specification A), and Jam or Fruit Spread (Specification B). The Committee agreed not to make any change.

9. With regard to the (optional) use of the name "Mint Jelly" (7.1.2(b)), several delegations were of the view that this product was in fact Mint Flavoured Apple Jelly and should be labelled as such. In the discussion which ensued the argument was brought up that a change in the name would create problems in countries where, for this particular product, traditionally the name "Mint Jelly" was used.

10. It was pointed out that for Quick Frozen Spinach (ALINORM 76/25A, App. I), a parallel case existed and that a solution had been found by including a provision under the "Name of the Food", which in general terms dealt with the naming of products to which distinctive flavours had been added.

11. The Committee agreed to introduce this wording - slightly adapted - in the present standard, but also to allow for one exception - 7.1.2(b) to read: "When any ingredient has been added which imparts to the food the distinctive flavour of the ingredient, the name of the food shall be accompanied by the term "flavoured with x" or "x flavoured", as appropriate. In the case of apple jelly that is coloured green and flavoured with mint, the traditional name "Mint Jelly" may be used".

12. It was pointed out that in sub-section 7.1.3 the requirement that the name of the product in all cases be accompanied by a statement indicating the percentage of the fruit ingredient was linked to a provision on the description of products with soluble solids level below 65%. Several delegates held the view that the description of low sugar products should be dealt with in sub-section 7.1.1 in addition to the names for products covered by Specifications "A" and "B". It was also suggested to subdivide the provision.

13. The Committee was informed that a special working group had dealt with the question of the name of the food and that the present wording appeared to be the best possible compromise. In view of the extent to which the matter had been discussed by the Commodity Committee it was agreed not to make any change.

14. The delegation of the Federal Republic of Germany pointed out that in its view, acceptance by governments of provisions allowing products to be labelled "in accordance with the law and custom of the country in which the product is sold" would pose difficulties. This provision makes it difficult for a country to state its position as it is not possible to indicate a deviation as defined by the acceptance procedure. This particular phraseology had been used in the standards for Tuna and Bonito in Water or Oil and for Milk Chocolate. In the case of the latter, the Labelling Committee agreed that if the standard were to be adopted by the Commission at Step 8, the letter to governments requesting acceptance should request that the responding governments indicate precisely their requirements for labelling. It was agreed to discuss this question at the next full session of the Committee.

15. Some delegates stated, in view of the decision of the Committee at its Tenth Session (May 1975), that food additives should appear solely in the list of ingredients (ALINORM 76/22, para 97), that the requirement in sub-section 7.1.8 that the addition of artificial colour be declared in conjunction with the name of the product should be deleted. Other delegates expressed the opinion that in the specific case of jams, which many consumers regarded to be a "natural" product, this provision was appropriate.

16. The Committee decided, however, to delete the provision. The delegations of Canada, and the Federal Republic of Germany, reiterated their position taken at the Tenth Session, where they held the view that in the interest of the consumer there could be valid reasons for providing this kind of information in conjunction with the name of the product. The delegation of Poland shared this view.

17. It was pointed out that in the provision for the list of ingredients (7.1.2) reference was made only to sub-section 3.2(c) of the General Standard for the Labelling of Prepackaged Foods, and not to 3.2(b) as in other standards. The Committee agreed that both sub-sections should be included in the standard.

18. The Committee noted that a provision (7.2.2) had been included requiring ascorbic acid which has been added to preserve colour be declared as such in the list of ingredients. The question was posed why a particular substance should be singled out when the General Standard for the Labelling of Prepackaged Foods allowed for class names to be used.

19. It was pointed out that the wording was the result of a compromise and was identical with that agreed to by the Tenth Session of the Commission for Canned Peaches which, however, as was stated, should not be regarded as a precedent. The Committee agreed to make no change.

20. The Committee endorsed the Labelling Section of the Standard as amended.

CITRUS MARMALADE (ALINORM 76/20A, App. III - Step 8)

21. It was noted that in the Description Section provision had been made for definitions for Marmalade and for Jelly Marmalade (2.1.1 and 2.1.2). The Committee agreed that in the Labelling Section under the name of the food the names of both products should be given:

"7.1.1 The name of the product shall be "Marmalade" or "Jelly Marmalade", as appropriate".

22. In view of the list of optional ingredients provided for in the standard (3.1.2), the Committee agreed to include a provision (7.1.6) dealing with the naming of marmalades to which distinctive flavours had been added in analogy with what had been decided for Jams and Jellies:

"When any ingredient has been added which imparts to the food the distinctive flavour of the ingredient, the name of the food shall be accompanied by the term "flavoured with x" or "x flavoured", as appropriate".

23. The delegations of Norway and Sweden stated to hold the view that, in the interest of the consumer, the percentage of in-going sugar should be declared. The Committee decided not to include such a provision in the standard.

24. In the list of ingredients (7.2.1) a reference to sub-section 3.2(b) of the General Labelling Standard was introduced consequential to the decision of the Committee regarding Jams and Jellies as reported in para 17.

25. The Committee endorsed the Labelling Section of the Standard as amended.

CANNED MATURE PROCESSED PEAS (ALINORM 76/20A, App. IV - Step 8)

26. The Committee briefly discussed the desirability to revise the provision dealing with the declaration of characteristic flavourings or seasonings (7.1.2) in a similar manner as had been done in the standards for Jams and Jellies and for Marmalade. It was decided not to make a change in this provision of the name of the food.

27. A proposal was made and the Committee agreed to delete the requirement (7.1.5) that the addition of artificial colour should be declared in conjunction with the name of the product. It was thought that the listing of the colouring substances in the list of ingredients would suffice. In this connection it was pointed out that peas which were not green by nature could not be coloured green with the colouring matters listed. The delegations of Canada, Federal Republic of Germany and Poland opposed the deletion of the provision.

28. As had been agreed to for the Processed Fruits Standards (para 17), a reference to sub-section 3.2(b) of the General Labelling Standard was included in the provision for the List of Ingredients of this standard.

29. The delegation of France, supported by several delegations, pointed out that the General Labelling Standard required that foods packed in a liquid medium normally discarded before consumption should carry a declaration of the drained weight of the food (3.3(b)). This requirement was not included in the standard. It was stated that in the Commodity Committee no agreement could be arrived at on this question and that the present wording was a compromise. The Committee noted that at its next

full session it would have a discussion on the question and that on the basis of decisions reached amendments could be made to all standards.

30. The Committee endorsed the Labelling Section of the standard as amended.

QUICK FROZEN FILLETS OF FLAT FISH (ALINORM 76/18, App. II - Step 8)

31. The Committee noted that the labelling provisions of this standard had been previously endorsed at its Tenth Session (May 1975, ALINORM 76/22, para 18).

32. The Chairman noted that the Fish and Fishery Products Committee, at its Tenth Session (October 1975) had made a recommendation to provide for styles of products not specifically named (ALINORM 76/18, para 65). The Committee agreed that if the Commission endorsed the provision for these additional styles, then appropriate amendment should be made to the labelling section of this standard and other standards where applicable.

33. The amendment to the labelling section (6) would be as follows:

"If the product is produced in accordance with Section \_\_\_\_\_, the label shall contain, in close proximity to the name of the food, such additional words or phrases that will avoid misleading or confusing the consumer".

34. The delegation of Sweden was of the opinion that the following additional provisions should be included in all standards for quick frozen fishery products:

- (i) storage instructions for the use of carriers and retailers of quick frozen products;
- (ii) keeping and storage directions for the consumer; and
- (iii) an indication of product durability for the consumer.

35. The delegation of the Federal Republic of Germany was of the opinion that provisions on date marking should be included in all three standards concerning fish and fishery products. The Committee took no action on the proposals made by Sweden and the Federal Republic of Germany.

36. The delegation of Japan expressed its view concerning the name of the food (sub-section 6.1.1) and suggested that fillets cut from blocks should normally be labelled as such.

37. The provision for lot identification (6.6) was amended in accordance with the decision recorded in para 44.

CANNED CRAB MEAT (ALINORM 76/18, App. IV - Step 8)

38. The Committee noted that this standard had also been endorsed at its Tenth Session (ALINORM 76/22, para 19) and that amendment to the labelling provisions would be required should the Commission endorse the styles provision as noted in para 32 above. The amendment would be similar to that outlined in para 33.

39. The delegation of Japan expressed a reservation concerning section 7.4 and suggested that the declaration of the weight of drained crab meat should be voluntary because it would be extremely difficult to control the amount of juice arising in the process of steam disinfection at the specific level. The provision was not amended.

40. The provision for lot identification (7.7) was amended in accordance with the decision recorded in para 44.

QUICK FROZEN SHRIMPS OR PRAWNS (ALINORM 76/18A, App. III - Step 8)

41. The Committee noted that the Presentation Section (2.3) contained a provision for "other presentations" and in line with the decision taken for Quick Frozen Spinach, the Labelling Section of this standard required appropriate amendment. The Committee agreed that the following section would be inserted as sub-section 6.1.3 with appropriate re-numbering of the remainder of Section 6.1:

"If the product is produced in accordance with sub-section 6.3.2 the label shall contain in close proximity to the word "shrimps" or "prawns" such additional words or phrases that will avoid misleading or confusing the consumer".

42. The delegation of Japan expressed the view that the last two lines of sub-section 6.3 List of Ingredients should be deleted.

43. Considerable discussion then took place concerning sub-section 6.6.2 "Country of Origin". The Committee agreed to amend this section to "when the product undergoes further processing in a second country which changes its nature, the country in which

the processing is performed shall be considered to be the country of origin for the purpose of labelling".

44. Discussion also took place concerning sub-section 6.7 "Lot Identification". The Committee agreed to revise the text of this section to "each container shall be permanently marked in code or in clear to identify the producing factory and the lot".

45. The delegation of Japan expressed the view that the meaning of "lot" should be clarified. The delegation of the Netherlands suggested that a definition for lot identification be elaborated to clarify the term. The Committee agreed to discuss this matter at its next full session.

46. The delegation of Sweden referred to the additional provisions for storage instructions and for a durability indication, which it had suggested in para 34 concerning quick frozen fillets of flat fish.

47. The labelling provisions of this standard were thus endorsed with the above-noted amendments.

#### DRAFT STANDARD FOR CANNED BABY FOOD (ALINORM 76/26A, App. III - Step 8)

##### Declaration of Nutritive Value

48. The Committee discussed whether it would be sufficient to declare the nutritional information contained in 9.3.1 and 9.3.2 only per 100 g of the food as sold and to delete the requirement for declaration per a specified quantity of the food as suggested for consumption. The delegation of Japan expressed the view that in all standards, where applicable, the energy value should preferably be expressed in calories. If expressed in kilojoules the calorie equivalent should be in close proximity thereto. The Committee agreed to leave the provisions 9.3.1 and 9.3.2 unchanged.

##### Date Marking

49. The Secretariat drew the attention of the Committee to an error in sub-section 9.8.1 on date marking, which did not reflect the decision of the Codex Committee on Foods for Special Dietary Uses. The Committee on Foods for Special Dietary Uses, at its Ninth Session (Sept. 1975) had discussed the subject of date marking in connection with the standard for Infant Formula in accordance with the guidance given to it by the Codex Committee on Food Labelling (paras 77, 78 of ALINORM 76/22) and had decided to amend the date marking provisions for all the three standards for foods for infants and children to read as follows:

"9.8.1 The date of manufacture or, preferably, the date of minimum durability shall be declared in clear and whichever is used shall be indicated" (para 28 of ALINORM 76/26A).

The Committee based its deliberations on the above text.

50. The delegation of Sweden wished it to go on record that in all standards before the Committee on Foods for Special Dietary Uses both the date of minimum durability and the date of expiry were preferable to the date of manufacture. It was agreed that the date of manufacture would not provide the consumer with any information on the quality of the product and it was therefore not suitable to substitute the date of minimum durability. Consequently, the Committee amended sub-section 9.8.1 to read as follows:

"9.8.1 The date of minimum durability shall be declared".

The delegation of Sweden wished to put "minimum" in square brackets. The Committee noted that the Committee on Foods for Special Dietary Uses was in fact the only Committee that had set up date marking provisions in accordance with the recommendations made by the Labelling Committee at its Tenth Session and that it would be prudent to await the decision of the Commission on the matter.

51. Several delegations were of the opinion that in the context of date marking consideration should be given also to the date of expiry as a possible alternative for the date of minimum durability. The Committee decided to endorse on a conditional basis the amended version of 9.8.1 as set forth in para 43 subject to approval by the Eleventh Session of the Commission.

### Storage Instructions (9.8.2)

52. Some delegations were of the opinion that storage instructions should appear on the label and not only on the accompanying leaflet. It was pointed out that for technical reasons the manufacturer should have the option to provide the instructions either on the label or on an accompanying leaflet. Furthermore, the suggestion was made to amend sub-section 9.8.2 to include information on the appropriate temperature for storage of the product. The Committee decided, however, to leave sub-section 9.8.2 unchanged.

53. All labelling provisions of this standard were endorsed with the exception of sub-section 9.8.1 which was conditionally endorsed pending the decision of the Eleventh Session of the Commission concerning date marking.

### INFANT FORMULA (ALINORM 76/26A, Appendix II - Step 8)

54. The Committee discussed, at length, whether the date of manufacture could substitute for the date of minimum durability. These deliberations resulted in general agreement that the date of manufacture was not informative to the consumer in providing important information about product stability.

55. Again, several delegations were of the opinion that an expiry date was a valuable and perhaps preferable alternative to the date of minimum durability.

56. Based on the discussion, the Committee decided to amend Section 10.8.1 as follows:

"The date of minimum durability shall be declared".

The delegation of Sweden expressed the opinion that the word "minimum", as noted in the statement in para 50 above should be placed in square brackets.

57. The delegation of Sweden reiterated its opinion in favour of storage instructions on the label, instead of on the accompanying leaflet as previously expressed in para 52.

58. All labelling provisions of this standard were endorsed with the exception of Section 10.8.1 which was conditionally endorsed pending the decision of the Commission concerning date marking.

### DRAFT STANDARD FOR PROCESSED CEREAL-BASED FOODS FOR INFANTS AND CHILDREN (ALINORM 76/26A, Appendix IV - Step 8)

#### List of Ingredients (9.2.2)

59. It was pointed out that sub-section 9.2.2 concerning the form of declaration of ingredients and food additives differed from the related provision in the standard for Canned Baby Food. Whereas the relevant provision in the Standard for Infant Formula was different for technological reasons there was no indication that the provision should be different and the Committee decided to amend sub-section 9.2.2 in accordance with the wording of sub-section 9.2.2 of the standard for Canned Baby Food as follows:

"9.2.2 The specific name shall be declared for ingredients and food additives. In addition, appropriate class names for these ingredients and additives may be included in the label".

#### Declaration of Nutritive Value

60. The Committee noted that the Committee on Foods for Special Dietary Uses had, at its Ninth Session, reconsidered the provisions dealing with the declaration of nutritive value in the standard for Infant Formula. It had decided to delete sub-section 10.4 concerning the declaration of nutrients in terms of percentage of the recommended daily intake, which was neither informative nor feasible (para 26 of ALINORM 76/26A). As a consequence, the Committee decided to delete provision 9.3.2 and to substitute it with the text of sub-section 9.3.2 of the standard for Canned Baby Foods, to read as follows:

"9.3.2 In addition to any other nutritional information required by national legislation the total quantity in the final product of each vitamin and mineral added according to Section 4.2.2 shall be declared per 100 g as well as according to the service size of the food suggested for consumption".

### Date Marking

61. The Secretariat explained that the same error appeared in the provision for date marking 9.8.1 as already mentioned for Canned Baby Food in para 49 and that also in the standard for Processed Cereal-Based Foods for Infants and Children the text of 9.8.1 should have read as follows:

"9.8.1 The date of manufacture or, preferably, the date of minimum durability shall be declared and whichever is used shall be indicated".

62. The delegation of Sweden reiterated its reservation on the provision contained in sub-section 9.8.1 and expressed the view that the word "minimum" should be put in square brackets.

63. In accordance with the discussions which took place on date marking in the standards for Canned Baby Food and for Infant Formula (para 50) the Committee decided to endorse conditionally the following wording of sub-section 9.8.1:

"The date of minimum durability shall be declared".

64. Several delegations were of the opinion that in the context of date marking consideration should also be given to the date of expiry as a possible alternative for the date of minimum durability.

65. Sweden further reiterated its opinion that storage instructions should appear solely on the label.

66. All labelling provisions of this standard were endorsed with the exception of Section 9.8.1 which was conditionally endorsed pending the decision of the Commission concerning date marking.

### GUIDELINES FOR DATE MARKING OF PREPACKAGED FOODS

67. The Committee had before it documents CX/FL 76/2, which contained the text of the Guidelines as they appeared in Appendix III to ALINORM 76/22 (Food Labelling Report of the Tenth Session); LIM.1 to CX/FL 76/2 which, taking into account the government comments, contained a revised version of the Guidelines; late comments from the Netherlands and Sweden; the Chairman further read out an aide-mémoire received from South Africa which arrived too late for reproduction.

#### Title

68. The Committee agreed with the proposal of the Secretariat that the title of the document be expanded, stating that the Guidelines were "for use of Codex Commodity Committees". This reflected the general notion that in commodity standards date marking provisions should be introduced.

#### Purpose of Date Marking (1) and Scope (2)

69. At the Tenth Session of the Committee the purpose of date marking had been discussed in detail. Agreement was reached on a positive statement. However, no agreement had been reached on a provision confirming the purpose and implying that date marking does not indicate safety in use of the food product; neither should it be confused with control marks for lot identification. This restrictive clause had been placed in square brackets.

70. It was noted that in the revised Guidelines (LIM.1) the intent of date marking had been reworded and was phrased in more general terms: "to give to the consumer a date which will provide some information about the quality of the product". It was also noted that the restrictive clause had been amended and furthermore had been moved into the Scope Section.

71. Several delegations said they were in favour of not specifying the type of information to be provided by date-marking. The delegation of Sweden held the view that a clear expression of the purpose of date marking was required, namely that it provided "meaningful and appropriate" information and that these terms should replace the word "some".

72. With regard to the revised restrictive clause, specifying that "the date given does not indicate the quality of the product nor its fitness for consumption", which some delegations thought more properly should be part of the purpose provision, a number of observations were made. It was proposed to insert the word "necessarily"

before "indicate", to substitute "guarantee" for "indicate" and "safety in use" for "quality" or just to insert the words "safety in use" and also to reinstate part of the original wording that date marking could only be informative "assuming the product is properly stored".

73. It was also suggested that instead of combining 1.1 and 2.2, the restrictive clause (2.2) should be moved to the Section on Definition of Types of Date Marking to follow the definitions for Date of Manufacture and of Packaging.

74. The Committee discussed all the suggested amendments at considerable length and finally agreed to accept a proposal submitted by the delegation of Switzerland: "The purpose of date marking is to give the consumer a date which will provide information about the quality of the product provided that it has been properly stored. This does not mean that date marking guarantees either acceptable quality or the safety of the product". This wording replaced the text given in LIM.1 for 1.1 and 2.2.

75. The delegation of Sweden reserved its position concerning the wording of the purpose of date marking with reference to the following items:

- (i) in the first sentence the word "acceptable" should be inserted before "quality";
- (ii) the second sentence should be deleted.

76. One delegation expressed the view that the term "scope" was a misnomer. This matter was not discussed further. The Committee concurred with the remainder of the Scope Section.

#### Definition of Types of Date Marking

77. In order to limit the types of date marking and to avoid confusion in the mind of the consumer, the delegation of Belgium proposed to combine the date of packaging with the date of manufacture. However, the Committee agreed to leave the definitions for date of manufacture (sub-section 3.1) and date of packaging (sub-section 3.2) unchanged.

78. The delegation of Sweden indicated a reservation on sub-sections 3.1 and 3.2 and suggested that the phrase "these dates do not indicate safety of the product nor an indication of its fitness for consumption" be added to these sub-sections. They further expressed a view that if the option was made to use the type of date marking defined in sub-sections 3.1 and 3.2, it would be necessary to combine them with an indication of the durability of the food product.

79. The delegation of the Federal Republic of Germany, supported by the delegation of Denmark, reiterated the need for a statement in the guidelines to the effect that a combination of dates, where appropriate, should not be excluded.

80. Considerable discussion then ensued concerning sub-section 3.3 "Sell-by-Date". A number of delegations suggested that this sub-section be removed entirely from the guidelines. On the other hand, other delegations were of the opinion that the sell-by-date should be retained.

81. The delegation of the USA suggested that sub-section 3.3 be reworded as follows:

"Sell-by-date - the date before which unrestricted retail sale is appropriate but after which retail sale under restricted conditions may be appropriate".

82. The Committee finally agreed to amend sub-section 3.3 by re-introducing the slightly amended wording of sub-section 3.3 from Appendix III, ALINORM 76/22. This sub-section as amended reads as follows: "Sell-by-Date - The "sell-by" date is the last date of offer for retail sale after which there remains a reasonable storage period in the home".

83. The delegation of the Netherlands proposed the elaboration of two separate definitions: one for "sell-by-date" and one for "pull date" as it considered these terms to have different meanings. Consequently it opposed the re-introduction of the amended sub-section 3.3 from Appendix III, ALINORM 76/22. It had observed, during the discussions, that some delegations regarded "sell by" date as a recommended last date of sale at the retail level, while other delegations saw it as a date after which sale of the product should not be permitted.

84. The delegation of Sweden expressed the opinion that the definition in sub-section 3.5 on "Expiry date" should be altered in the following manner: "Use-by-Date ; the date which signifies the end of the estimated period under any stated storage condition during which the product will retain any specific qualities for which tacit or express claims have been made of any other quality attributes, normally expected by the consumer. After sale, the food should still remain satisfactory for a short period of time for consumption in the home".

85. As an explanation why the last sentence in the wording of sub-section 3.5 in Appendix III, ALINORM 76/22 had been deleted in the Swedish proposal, the delegation of Sweden expressed the opinion that it is within the jurisdiction of national authorities to decide when a food may no longer be offered for sale.

86. The delegation of the Netherlands was of the opinion that the wording of sub-section 3.5 was not acceptable (see also para 82).

87. Due to time constraint, the Committee left Sections 4 and 5 as set out in LIM.1 to CX/FL 76/2 unchanged. However, the delegation of Sweden expressed the view that in sub-section 5.1 first consideration should be given to the use by date for perishable food products and to the date of durability for other food products. The delegation of the Netherlands stated that it could not agree with the present wording of sections 4 and 5 as set out in LIM.1 to CX/FL 76/2

#### CONCLUSION

88. Based on the discussions, the Committee realized that at present it would not be possible to reach an agreement on the complete text of the "Guidelines for Date Marking of Prepackaged Foods for the Use of Codex Commodity Committees".

89. It was suggested to invite another round of government comments to overcome difficulties evidently still inherent in the text.

90. The delegations of the USA, Belgium and the Netherlands expressed their concern that the document as presently drafted was not ready for consideration by the Commission.

91. However, other delegations emphasized the importance which member countries and Commodity Committees attached to finalization of these guidelines on date marking.

92. The majority of the Committee agreed that sufficient progress had been made to justify the submission of the guidelines for consideration by the Commission and decided to request authorization from the Commission for distribution of these guidelines to member governments and Commodity Committees following the finalization of the document at the Twelfth session of the Codex Committee on Food Labelling.

93. The delegation of the USA, supported by the delegations of Belgium and the Netherlands, wished to reserve their position with respect to the decision noted in para 92. They were of the opinion that such a decision was tantamount to requesting the Commission's pre-approval at its Eleventh Session of the guidelines which this Committee would further elaborate at its next full session with the intention to send them out to governments and Commodity Committees as final guidelines.

#### OTHER BUSINESS

94. Time did not permit discussion of the standards for milk products as had been envisaged at the time of the adoption of the agenda.

#### DATE AND PLACE OF NEXT SESSION

95. The Committee was informed by Dr. D.G. Chapman, Chairman of the Codex Alimentarius Commission, that no full session of the Codex Committee on Food Labelling was scheduled by FAO to be held in the current biennium. Recognizing the need to proceed in the work on many important items such as date marking, claims, nutritional labelling, etc., which were of utmost importance as guidance to the work of Commodity Committees and considering the workload on endorsement of labelling provisions in standards, that falls upon the Committee, an attempt was being made to adjust the schedule of meetings with the aim of holding a full session of the Committee in the present biennium.

96. The approval of the Director-General of FAO to hold a session in 1977 was being sought.

97. Subject to concurrence, it was proposed to hold the Twelfth Session of the Codex Committee on Labelling from 16-20 May 1977 in Ottawa in conjunction with the already scheduled other North American meetings.

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DRAFT GUIDELINES FOR DATE MARKING OF PREPACKAGED FOODS  
FOR THE USE OF CODEX COMMODITY COMMITTEES

1. Purpose of Date Marking

1.1 The purpose of date marking is to give the consumer a date which will provide information about the quality of the product provided that it has been properly stored. This does not mean that date marking guarantees either the acceptable quality or the safety of the product.

2. Scope

2.1 Only date marking in clear, that is a clear unmistakable date which may be correctly interpreted by the consumer and which is designated according to one of the standard definitions given below, constitutes "date marking" in the sense in which it is used in these guidelines.

2.2 The marking of a date in code for lot identification or any other control purpose does not constitute "date marking" in the sense used in these guidelines. However, the use of an open date for control purposes, for example, for lot identification, is not excluded but it is to be recognized that such a date would not qualify as "date marking" unless there is a clear indication of the kind of "date marking" specifically defined below, and also that such "date marking" has been agreed by the Codex Committee concerned as being suitable for the product in question.

3. Definition of Types of Date Marking

3.1 Date of Manufacture - The date on which the food becomes the product as described.

3.2 Date of Packaging - The date on which the food is placed in the immediate container in which it will be ultimately sold.

For certain food products these two dates will be the same.

3.3 Sell-by Date - The "sell-by" date is the last date of offer for retail sale after which there remains a reasonable storage period in the home.

3.4 Date of Minimum Durability - The date which signifies the end of the period under any stated storage conditions during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond that date the food may still be perfectly satisfactory.

3.5 Expiration Date (Estimated Last Consumption Date) (Use-By Date) - The date which signifies the end of the period under any stated storage conditions, after which the product probably will not have the quality attributes normally expected by the consumer. The food must not be sold after this date because of the nature of the loss of the value of the specific qualities.

4. Storage Instructions

In addition to the date, any special conditions for the storage of the food should be indicated if the validity of the date depends thereon.

5. Instructions to Codex Commodity Committees

5.1 Based on a study of the nature of the food, the Codex Commodity Committee shall determine the type of dating. First consideration should be given to the date of minimum durability. If, in the opinion of the Commodity Committees, this date is not appropriate for the commodity in question, the date of manufacture should be the next option. If neither of these date markings are suitable, the Commodity Committees should choose from the other alternatives listed in Section 3 above. Finally, it may decide that a date is not necessary.

5.2 The kind of storage and/or keeping instructions which will form part of the labelling requirements in the standard shall be decided, provided that the product is not stable under normal room conditions.