

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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REP16/FL
May 2016

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Thirty-ninth Session

FAO Headquarters, Rome, Italy

27 June – 1 July 2016

REPORT OF THE FORTY-THIRD SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING

Ottawa, Canada

9 – 13 May 2016

NOTE: This report includes Circular Letter CL 2016/16-FL

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CL 2016/16-FL

May 2016

TO: Codex Contact Points
Interested International Organizations

FROM: Secretariat
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SUBJECT: Distribution of the Report of the 43rd Session of the Codex Committee on Food Labelling (REP16/FL)

The Report of the 43rd Session of the Codex Committee on Food Labelling is attached. It will be considered by the 39th Session of the Codex Alimentarius Commission (Rome, Italy, 27 June – 1 July 2016).

MATTERS FOR ADOPTION BY THE 39TH SESSION OF THE COMMISSION

Proposed Draft texts at Step 5 of the Codex Procedure

Proposed Draft Revision of the *General Standard for the Labelling of Prepackaged Foods*: Date marking (Para. 49 and Appendix II).

Governments and international organizations wishing to comment on the above document should do so in writing, in conformity with the *Procedure for the Elaboration of Codex Standards and Related Texts* (Procedural Manual of the Codex Alimentarius Commission) **by email**, to the above address, **before 10 June 2016**.

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SUMMARY AND CONCLUSIONS

The summary and conclusions of the 43rd Session of the Codex Committee on Food Labelling are as follows:

Matters for Adoption by CAC39

The Committee:

Advanced the proposed draft revision of the *General Standard for the Labelling of Prepackaged Foods: Date Marking to Step 5* for adoption by CAC39 (para 49, Appendix II).

Matters for approval by CAC39

Forwarded the following project document for approval as new work:

Guidance for the labelling on non-retail containers (para.54 and Appendix III).

Other matters of interest to CAC39

The Committee:

proposed that CAC39 identify an appropriate forum to continue work on the proposed draft revision of the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Organic Aquaculture* or to discontinue this work (para. 27);

discontinued discussion on issues related to internet sales of food (para. 55);

agreed to not proceed with the revision of the *General Guidelines for the Use of the Term "Halal"* (CAC/GL 24-1997), but to consider a discussion paper on issues surrounding consumer preference claims (paras 62 – 63).

agreed to prepare discussion papers on front-of-pack labelling (para. 70) and future work of CCFL (para. 71).

Matters for other subsidiary bodies

The Committee:

Executive Committee of the Codex Alimentarius Commission (CCEXEC)

agreed there was no need to develop a particular work management approach, but could consider such an need in the future (para. 6).

CCASIA, CCSCH, CCFFV, CCFA

endorsed the labelling provisions in the standards submitted by CCASIA, CCSCH, CCFFV and CCFA (paras 11 - 22).

Committee on Food Import and Export Inspection and Certification Systems (CCFICS)

agreed not to consider the matter of food integrity/food authenticity, but to wait for discussion and decision from CCFICS (para. 7).

Committee on Food Hygiene (CCFH)

agreed to request advice from CCFH on the appropriateness of the food safety criterion 1 to exempt foods from date marking (para. 42, Appendix II).

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INTRODUCTION

1. The Codex Committee on Food Labelling held its Forty-third Session in Ottawa, Ontario, Canada from 9 - 13 May 2016, at the kind invitation of Government of Canada. Ms Lyzette Lamondin, Acting Executive Director Food Import, Export and Consumer Protection Directorate, Canadian Food Inspection Agency chaired the Session. Appendix I contains a complete list of participants.

OPENING OF THE SESSION

2. Mr. Anil Arora, the Assistant Deputy Minister, Health Products and Food Branch, Health Canada, opened the Session and welcomed delegates to Ottawa. He noted that food safety and nutrition were of global concern and impacted on social economic development worldwide. He underscored the importance of evolving robust approaches towards other emerging challenges in food supply chains such as globalization of food trade; rapid product innovation and technologies; evolving science and public expectations. He called upon the Committee to carefully reflect on its future work within the rapidly changing environment and in the context of the Codex Strategic Plan (2014 - 2019).

DIVISION OF COMPETENCE¹

3. The Committee noted the division of competence between the European Union and its Member States, according to paragraph 5, Rule II of the Rules of Procedure of the Codex Alimentarius Commission, as presented in [CRD 1](#).

ADOPTION OF THE AGENDA (Agenda Item 1)²

4. The Committee adopted the Provisional Agenda as the Agenda for the session.

The Committee also agreed to:

- a) Discuss the following:
 - Matters arising from FAO and WHO under Agenda Item 2.
 - Harmonisation of Principles and Labelling under Agenda Item 9 (proposed by Costa Rica).
 - Front-of-Pack Interpretive Labelling under Agenda Item 9 (proposed by IACFO).
- b) Remove Agenda Item 7 from the Agenda as no paper had been submitted.

MATTERS REFERRED TO THE COMMITTEE (Agenda Item 2)³

a) Matters referred by CAC and other Codex Subsidiary Bodies

5. The Committee noted that some matters were for information and others were for consideration under relevant Agenda Items.

Work management

6. The Committee noted that there was no need to develop an approach for the management of the work of CCFL similar to CCFH, as at present, the existing work load did not warrant such a workplan. However the Committee could consider this need in the future.

Food Integrity/Food Authenticity

7. The Committee noted that the matter was due for further consideration by the 23rd session of Committee on Food Import and Export Inspection and Certification Systems (CCFICS) and agreed not to consider this matter further, but to wait for the discussion and a decision from CCFICS.

¹ [CRD 1](#) (Division of competence between the European Union and its Members States)

² [CX/FL 16/43/1](#); comments of Egypt ([CRD8](#)).

³ [CX/FL 16/43/2](#); [CX/FL 16/43/2 Add.1](#); comments of the European Union ([CRD4](#)); Kenya ([CRD5](#)); Egypt ([CRD8](#)); Codex Secretariat ([CRD9](#)); Matters arising from the FAO and WHO ([CRD 18](#)).

Revision of Section 4.2.3.4 of CODEX STAN 1-1985

8. The Committee agreed to consider this request from CCFA under Agenda Item 3.

b) Matters of Interest arising from FAO and WHO

9. Referring to [CRD/18](#), the Representative of FAO informed the Committee of new publications, in particular the FAO Handbook on Food Labelling to be published in the second half of 2016 which follows guidance from the *General Standard for the Labelling of Prepackaged Foods* ([CODEX STAN 1-1985](#)).
10. The Representative of WHO drew the attention of the Committee to relevant activities of WHO of interest to CCFL in particular: i) the implementation of the “*WHO guideline on sugars intake for adults and children*” (issued in March 2015) by WHO Member States through a number of policy actions. In this respect, the Representative noted that the on-going work of the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) on the development of NRVs-NCD includes: saturated fatty acids, sodium and potassium, but not total sugars, and proposed that CCFL may wish to consider the need for developing the NRV-NCD for total sugars, given the availability of the WHO updated guidelines; ii) the development of guiding principles and guidance framework for implementing “front-of-pack” labelling. The Representative further informed the Committee that a background evidence review paper, and the report of *WHO Technical Meeting on Nutrition Labelling for Promoting Healthy Diets* held in Lisbon (December 2015) were being finalized for publication; and that a guidance framework manual was being developed to serve as a tool for countries in implementing front-of-pack labelling systems. This was scheduled to be field-tested during the second half of 2016.

CONSIDERATION OF LABELLING PROVISIONS IN DRAFT CODEX STANDARDS (Agenda Item 3)⁴

11. The Committee considered the labelling provisions in the standards and proposed draft standards, endorsed the labelling provisions in the Proposed Draft Standard for Cumin, and considered others as follows:

Regional Standard for Non-Fermented Soybean Products

12. The Committee agreed to endorse the labelling provisions with the following amendments to section 8:
- **Para 1:** deleted the words “latest edition” and clarified that references made to Codex standards always refer to the latest edition of such standards;
 - **Para 2:** replaced the words “genetically modified” with “soya bean derived from modern biotechnology” to ensure consistency with existing Codex texts.
13. On the use of the term “soybean milk” in the footnote under section 2, the Codex Secretariat clarified that the use of the term had been extensively discussed, and that CCASIA had agreed to remove the term from the main text of the regional standard but to retain it in the footnote. The use of this term in the footnote does not contradict section 4.6 of the *General Standard for the Use of Dairy Terms* ([CODEX STAN 206-1999](#)) and would therefore not represent an endorsement of the name “soybean milk”; and would not lead to the confusion of consumers in the region where the product was produced or sold.
14. The Committee noted the reservation of the Delegation of Argentina on the decision to endorse the labelling provision in para 2 as in their view there was no reason to single out specific production methods.

Proposed Draft Standard for Dried Thyme

15. The Committee endorsed the labelling provisions and proposed to delete the word “dried” from section 8.2.1 to ensure consistency with the *General Standard for the Labelling of Prepackaged Foods* ([CODEX STAN 1-1985](#)), which requires the name of the food to be supplemented by words or phrases on the true nature or physical condition of the food only when it is necessary to avoid

⁴ [CX/FL 16/43/3](#); comments of European Union ([CRD 4](#)); Kenya ([CRD 5](#)); Ecuador ([CRD 7](#)).

misleading or confusing consumers. For this type of product there was no risk of misleading consumers. The Committee agreed to inform the CCSCH accordingly.

Proposed Draft Standard for Aubergines

16. The Committee endorsed the labelling provisions and agreed to amend sections 6.1.1 and 6.2.2 to read "Name of Produce".
17. The Codex Secretariat clarified that the terms as used in draft standard were consistent with those in the standard layout used by CCFFV.

Draft revision to the *General Standard for the Labelling of Food Additives when Sold as Such* (CODEX STAN 107-1981); and the proposed revision to the *General Standard for the Labelling of Prepackaged foods* (CODEX STAN 1-1985)

18. The Committee considered both the proposed revisions to section 4.1 c and 5.1 c of the *General Standard for the Labelling of Food Additives When Sold As such* ([CODEX STAN 107-1981](#)), and the recommendation by CCFA to CCFL on the revision of section 4.2.3.4 of the *General Standard for the Labelling of Prepackaged Foods* ([CODEX STAN 1-1985](#)), and noted the following general views expressed by delegations on whether to endorse the revised labelling provisions in [CODEX STAN 107-1981](#) and the consequential revision of [CODEX STAN 1-1985](#):
 - Consistency between the two Codex standards was essential as they were closely interlinked; and such revision should take into account the recommendations of CCFA;
 - Establishing such consistency between the two standards needed careful consideration to avoid any negative impact that could arise from the removal of flexibility on the use of the term "flavour" and/or "flavourings". Both terms are in use and are well understood by consumers, therefore there is a need to examine the impact of the removal of the term flavour from a consumer point of view;
 - The proposed draft revisions in [CODEX STAN 107-1981](#) were expected to have no negative impact and CODEX STAN 107-1981 did not take into account the general understanding of the terms "flavours" and "flavourings" by consumers.
19. The Codex Secretariat clarified that the proposed draft revisions to section 4.1 c and 5.1 c of [CODEX STAN 107-1981](#) addressed: (i) the inconsistent use of terms e.g. flavour, flavourings, natural and artificial flavouring, in line with the *Guidelines for the Use of Flavourings* ([CAC/GL 66-2008](#)); and (ii) ingredient declaration in situations where food (e.g. spices) is used as part of the flavouring. These changes were presented for endorsement by CCFL.
20. The Committee also noted the inconsistency between [CODEX STAN 1-1985](#) and paragraphs 4.1 d and 5.1 d of [CODEX STAN 107-1981](#) regarding the words to introduce date marking. The Committee noted that the work on date marking was under discussion and that this matter could be addressed in future once the work on date marking was completed.
21. The Codex Secretariat further clarified that in case of [CODEX STAN 1-1985](#), CCFL would have to consider the appropriateness of the proposed revision to this standard.

Conclusion

22. The Committee agreed to:
 - i. endorse the proposed draft revision of the *General Standard for the Labelling of Food Additives when Sold as Such* ([CODEX STAN 107-1981](#)); and
 - ii. consider the recommendation by CCFA to revise section 4.2.3.4 of the *General Standard for the Labelling of Prepackaged Foods* ([CODEX STAN 1-1985](#)) at a future date after examining the likely impact of the proposed changes.

ORGANIC AQUACULTURE (REVISION OF THE *GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS*) (AGENDA ITEM 4)⁵

23. The Delegation of the European Union, as chair of the PWG, introduced the item and informed the Committee that the PWG had:
- focused primarily on Annex I of the proposed draft text, and in particular on the specific production rules for aquatic organisms;
 - considered some of the definitions; and
 - agreed on most of the issues discussed at PWG, but that there were still seven outstanding issues on which there were diverging opinions as outlined in [CRD3](#).
24. The Committee considered whether it was possible to develop broader outcome-oriented principles rather than continue to try to find consensus on very specific and prescriptive provisions with regards to the seven outstanding issues. This approach could allow the work to be finalised, acknowledging the good results achieved thus far. More specific guidance could be developed in a second phase if needed.
25. While there was some support for the proposed approach, there was also the opinion that a certain level of detail was needed and the new approach would leave the guidelines too broad to be truly meaningful. The Committee could therefore not reach consensus.

Conclusion

26. The Committee recognized that considerable effort had gone into this work and that progress had been made, but that it could not reach consensus on a number of important very technical issues and other general principles.
27. The Committee noted that it may not be the appropriate forum to discuss the very technical provisions and proposed that the Commission either: (i) identify a different subsidiary body to continue the work; or (ii) discontinue work.

DATE MARKING (REVISION OF THE *GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS*) (Agenda Item 5)⁶

28. The Chairperson, noting that CCFL42 had made tremendous progress and had reached agreement on several issues, proposed that the Committee focus the discussion on the three outstanding issues: namely, date marking and storage conditions, the list of foods exempt from date marking; and the information that should appear on small packages.

General Discussion

Approach to date marking: safety and quality date marks

29. Several delegations, while noting that there had been agreement at CCFL42 to follow the approach for two date marks (safety and quality), reiterated their concerns to this approach as expressed at CCFL42 ([REP15/FL](#), paragraph 62). Several other delegations reiterated their support for two separate date marks for the reasons expressed at CCFL42 ([REP15/FL](#), para. 63).
30. As a compromise, those delegations in favour of only one date mark agreed to retain the two separate date marks (safety and quality), but to extend the current definition on the “safety” date

⁵ [REP15/FL, Appendix III](#); comments of Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, EU, India, Iran, Japan, Malaysia, New Zealand, Norway and USA ([CX/FL 16/43/4](#)); Ecuador, Japan, Nigeria ([CX/FL 16/43/4 Add.1](#)); Revised Guidelines for consideration by the PWG on Organic Aquaculture prepared by EU ([CRD2](#)); Report of the PWG ([CRD3](#)); comments of Philippines ([CRD11](#)); Thailand ([CRD12](#)).

⁶ [REP15/FL, Appendix IV](#); comments of Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, European Union, India, Iran, Jamaica, Malaysia, New Zealand, Paraguay, Peru, United States of America, FIVS, ICGMA, IDF and IFT ([CX/FL 16/43/5](#)); Ecuador, Egypt, Ghana, Kenya, Nigeria, FIVS, FoodDrinkEurope and ICGA ([CX/FL 16/43/5 Add.1](#)); Philippines ([CRD11](#)); Thailand ([CRD12](#)); Indonesia ([CRD13](#)); Argentina ([CRD15](#)); Republic of Korea ([CRD19](#)); Senegal ([CRD21](#)); El Salvador ([CRD22](#)).

mark i.e. “use by date” / “expiration date”, to also cover quality, as this would allow flexibility for countries who wished to continue using only one date mark.

Conclusion

31. The Committee agreed to proceed with two separate date marks and to amend the definition for “use by date” / “expiration date” to cover both safety and quality aspects of the food.

Definition of terms

“Date of manufacture” and “date of packaging”

32. The Committee confirmed its agreement with the definitions.

“Sell by date”

33. The Committee confirmed its decision to delete “sell by date”.

“Date of minimum durability” or “best before date” or “best quality before date”

34. The Committee amended the definition to clarify that the date mark applies to unopened products when stored under stated storage conditions. The Committee further agreed to use only “best before date” / “best quality before date”, noting that the number of synonyms should be limited. Concerns were expressed on the deletion of “date of minimum durability” as this term was widely used in other Codex standards.

“Use-by-date” or “use or consume by date” or “expires by” or “expiration date”

35. Similarly, the Committee agreed to limit the definition to the terms “use by date” / “expiration date”; and to indicate that it could be used to denote both safety and quality as agreed above (para 31).

Date marking and storage instructions⁷

4.7.1 (iii)

36. The Committee discussed whether it was necessary to include the year in the date mark for products with a short shelf life (i.e. not more than three months).
37. Delegations supporting the deletion of the year, stated that it was unnecessary and burdensome for short shelf life products, especially “fresh foods”.
38. Delegations supporting retaining the year were of the opinion that this was necessary for food importing countries, for import control purposes; and would be especially useful at the end of the year.

Conclusion

39. The Committee agreed to allow flexibility for the inclusion of the year in a date mark by indicating that it would be up to competent authorities to decide whether the date mark also required inclusion of the year in those cases where it could mislead the consumer.

4.7.1 (vi)

40. The Committee noted that the declaration of the year and the day in uncoded numbers should be mandatory, and therefore agreed to retain “shall” rather than “may”; and agreed that the date could be presented in different formats, e.g. “yyyy/dd/mm” or “dd/mm/yyyy”, in order to accommodate the different presentations currently in use and understood by consumers.

4.7.1(vii)

41. There was general agreement that:
- the list of foods exempted from date marking should be illustrative;

⁷ The section numbering refers to those in Appendix II.

- the list of foods in the current standard was sufficient; and
- criteria should be developed for exempting foods from date marking.

42. In addition, the Committee agreed:

- to amend the list to (i) replace “potatoes” with “tubers”; (ii) clarify that salt refers to “non-iodized salt” and sugar to “non-fortified solid sugar”, as fortificants (iodine and vitamin A, respectively) easily deteriorate during storage;
- on the draft criteria for exempting foods from date marking (see Appendix II) and to request the advice from the Committee on Food Hygiene (CCFH) on the appropriateness of the food safety criterion 1; and
- to allow “date of manufacture” or “date of packaging” to provide flexibility for countries using such date marks.

4.7.1 (viii)

43. The Committee agreed to indicate that “date of manufacture” or “date of packaging”, when used in combination with other date marks, should follow the same format as for other date marks.
44. The Committee did not agree to include an additional special provision on the format for presenting the declaration of “best before date” or “best quality before” in relation to the “date of manufacture” or “date of packaging”, since the agreed amendment to 4.7.1 (vi) provided the flexibility to use different formats for presentation of date marks.

4.7.2

45. The Committee agreed to amend this provision to clarify that special storage conditions should be declared on the label to support the integrity of the food and (in cases where a date mark was used) to indicate that the validity of the date depended on it.
46. Concerns were raised on the meaning of “integrity”, but it was clarified that it could be understood to mean the “*wholesomeness, safety and quality*” of the food.

Information on small packages

47. The Committee did not develop any specific requirements for small packages.

Conclusion

48. The Committee agreed that progress had been made, that the only outstanding issue that needed further consideration was the draft criteria for exemptions from date marking and agreed that the document could be advanced in the Step process.

STATUS OF THE PROPOSED DRAFT REVISION OF THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS: DATE MARKING

49. The Committee agreed to forward the proposed draft revision to CAC39 for adoption at Step 5 (Appendix II).

LABELLING OF NON-RETAIL CONTAINERS (Discussion paper) (Agenda Item 6)⁸

50. The Delegation of India introduced the item and highlighted the need for general guidance on the labelling of non-retail containers as presented in [CX/FL 16/43/6](#).

Discussion

51. The Committee considered the proposal and noted the following views expressed by delegations in support for the new work:
- new work was needed as not all standards had specific labelling regimes dealing with non-

⁸ [CX/FL 16/43/6](#); comments of European Union ([CRD4](#)); Kenya ([CRD5](#)); Ecuador ([CRD7](#)); Egypt ([CRD8](#)); Nigeria ([CRD10](#)); Philippines ([CRD11](#)); Thailand ([CRD12](#)); Indonesia ([CRD13](#)).

retail containers; as such the new work would assist in addressing the existing gap on non-retail and bulk containers irrespective of the food commodity; and would support traceability and enhance food safety along the food supply chain;

- the new work should focus on general guidelines that would facilitate trade and better communication between business, and between governments. Such guidelines should provide broad principles and criteria to allow innovative approaches in food trade.
52. Two delegations not in favour of the new work, expressed their concern that such guidelines would affect the smooth flow of products and be difficult to enforce. They noted that business to business operations normally had their own supply chain control mechanisms.
53. With strong support for the new work confirmed, the Committee proceeded to examine the Project Document and took the following decisions:
- i) amended the title, section 1 (scope) and section 3 (main aspects to be covered) to provide for development of outcome based guidelines that would be broad enough to enable stakeholders to take advantage of innovative approaches/practices;
 - ii) agreed to decide on the location of the guidelines (either as a stand-alone document or otherwise) at a future date when the work had progressed;
 - iii) clarified that the current definition for the term “labelling” in [CODEX STAN 1-1985](#) was broad enough to allow for innovative approaches/practices other than providing information on labels only.

Conclusion

54. The Committee agreed to:
- i) start new work on guidance for the labelling of non-retail containers of food;
 - ii) submit the project document to CAC39 for approval (Appendix III);
 - iii) establish, an eWG, chaired by India and co-chaired by the United States of America, working in English only to develop a proposed draft guidance for the labelling of non-retail containers of food for comments at Step 3 and consideration at the next session of the Committee;
 - iv) consider convening a PWG at the next session to prepare a revised proposal on the basis of the comments submitted; and
 - v) inform commodity committees of the new work.

ISSUE RELATED TO INTERNET SALES OF FOOD (Agenda Item 7)⁹

55. This agenda item was not discussed as no paper had been provided for consideration. The Committee noted that this work could be taken up by CCFL in future when the paper would be ready

PROPOSAL TO REVISE THE GENERAL GUIDELINES FOR THE USE OF THE TERM “HALAL” (CAC/GL 24-1997) (Agenda Item 8)¹⁰

56. The Delegation of Egypt introduced the item and highlighted the need for the revision of the *General Guidelines for the Use of the Term “Halal”*.
57. The Delegation noted that such a revision was timely as the trade in halal foods was increasing and would assist in facilitating international trade.
58. The Delegation further informed the Committee that the work would be a limited revision of the guidelines, mainly to include new definitions and to restructure the document to be more comprehensive and applicable for international trade ([CX/FL 16/43/8](#), para 9); the revision would also take into account the work of OIC/SMIIC¹¹.

⁹ CX/FL 16/43/7 (not issued).

¹⁰ [CX/FL 16/43/8](#); comments of Egypt ([CRD8](#)); Thailand ([CRD12](#)); Indonesia ([CRD13](#)); Turkey ([CRD14](#)); Chile ([CRD16](#)); Senegal ([CRD21](#)); Egypt ([CRD23](#)).

¹¹ SMIIC – Standards and Metrology Institute for Islamic Countries / OIC – Organisation of Islamic Cooperation

59. The Committee considered the proposal and noted the following views expressed by some delegations:
- A revision of the Guidelines is not necessary as the current Guidelines are sufficient in that they provide common principles for labelling foods as “halal”;
 - A revision would result in a duplication of work developed by OIC/SMIIC and possible inconsistency among different international texts could lead to confusion in international trade;
 - Codex does not have the competency to interpret religious texts;
 - While the Committee might not be the appropriate forum for consideration of religious aspects of “halal”, competent authorities could benefit from guidance on the appropriate use of “halal” labelling on packages in international trade so as not to mislead consumers;
 - “Halal” is one among many types of claims related to consumer preferences. The issues around its use in international trade would extend to many other such claims.
60. The Committee agreed not to proceed with the revision as proposed, however, the proposal raised a question on how to deal with consumer preference claims in a broader way.
61. The Committee considered whether the Commission should be requested to provide guidance on how to proceed, but agreed that further work could be done in the Committee to understand and define the problems relating to consumer preference claims on food in international trade.

Conclusion

62. The Committee agreed not to proceed with the revision as proposed and agreed that the Delegations of Iran and Turkey would prepare a discussion paper on the issues surrounding consumer preference claims (within the context of the CCFL mandate) for consideration at the next session.
63. The Committee noted that there were issues related to this matter which were beyond the mandate of CCFL and noted that it did not preclude discussion by CAC/CCEXEC with regards to potential wider implications for Codex.

OTHER BUSINESS AND FUTURE WORK (Agenda Item 9)

a) Front-of-pack nutritional labelling¹²

64. The Committee noted that the two papers i.e. Harmonisation of Principles and Labelling, proposed by Costa Rica ([CRD6](#)) and Front-of-Pack Interpretive Labelling, proposed by IACFO ([CRD17](#)) generally addressed the same issues; and that Costa Rica together with New Zealand had prepared a project document ([CRD20](#)) for consideration by the Committee.
65. The Delegation of Costa Rica presented a summary of the proposal ([CRD20](#)) and noted that the purpose of the work was to assist consumers in making more informed healthy decisions/choices through the use of simplified science-based nutrition information on the front of a pack. Harmonization of principles on front-of-pack labelling was necessary and would facilitate international food trade.
66. The Committee expressed unanimous support for the work and noted the following views expressed by delegations:
- The work provided an opportunity towards: realisation of a real public health outcome by assisting consumers to make healthier choices; and fighting NCDs;
 - The proposed revision of the *Guidelines on Nutrition Labelling* ([CAC/GL 2-1985](#)) should go beyond section 5 (Supplementary Nutrition Information) as all sections of the guidelines were interrelated;
 - Careful examination of the benefits and limitations of the existing programmes/schemes (mandatory/voluntary) on front-of-pack labelling should be undertaken through a

¹² Comments of Costa Rica ([CRD6](#)); IACFO ([CRD17](#)); Costa Rica and New Zealand ([CRD20](#)), El Salvador ([CRD22](#)).

comprehensive review;

- The work should be undertaken on the understanding that the already ongoing work in countries on the front-of-pack labels would not stop.
67. The Representative of FAO supported the new work and expressed their availability to assist in the work.
68. The Representative of WHO supported the new work and indicated that the report of the Technical Meeting held in Lisbon in December 2015 and the background evidence review paper prepared for the meeting, as well as the scoping work carried out to review which countries are implementing what kind of front-of-pack labelling systems, could provide valuable information and a starting point for the proposed eWG. The Representative highlighted WHO's strong support and willingness to work closely with the Chairs of the eWG.
69. The Representative of WHO and the Codex Secretariat emphasized that while the Committee starts to initiate the proposed work, the countries that have started or are planning to implement the front-of-pack labelling would still be able to proceed with their work. Furthermore, the Codex Secretariat clarified that the absence of a Codex standard does not prevent a country from developing their own national requirements.

Conclusion

70. The Committee agreed to establish an eWG chaired by Costa Rica and co-chaired by New Zealand and working in English and Spanish to:
- i. take stock of the current front-of-pack nutrition labelling schemes existing in different countries;
 - ii. consider the need for development of global principles to underpin front-of-pack nutrition labelling.
 - iii. prepare a discussion paper, taking into account the WHO work on this matter and a draft project document for consideration at the next session of the Committee.

b) Future work of the Committee

71. The Committee noted that there was a need to investigate future direction and work for CCFL and agreed:
- i. that the Delegation of Canada would prepare a paper summarizing some of the previously identified work that had not gone forward in the Committee; the currently ongoing work; and emerging issues;
 - ii. the Codex Secretariat would issue a Circular Letter requesting members and observers to provide information on emerging issues for inclusion in the paper;
 - iii. a prioritization approach could be considered once this paper has been developed; and
 - iv. the paper would be kept current at each session with a different delegation taking on responsibility each time.

DATE AND PLACE OF THE NEXT SESSION (Agenda Item 10)

72. The Committee was informed that its 44th Session would be held in approximately 18 months time, the final arrangements being subject to confirmation by the Host Country and the Codex secretariats.

SUMMARY STATUS OF WORK

SUBJECT MATTER	STEP	ACTION BY	DOCUMENT REFERENCE (REP 16/FL)
Revision of the <i>General Standard for the Labelling of Prepackaged Foods: Date marking</i> (proposed draft)	5	CAC39 CCFL44	para 49 Appendix II
Revision of the <i>Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Organic Aquaculture</i> (proposed draft)	4	CAC39	para 27
Guidance for the labelling of non-retail containers	1/2/3	CAC39 EWG (India/USA) CCFL44	para 54 Appendix III
Consumer preference claims (discussion paper)	-	Iran / Turkey CCFL44	para 62
Front-of-pack labelling (discussion paper)	-	EWG (Costa Rica / New Zealand) CCFL44	para 70
Future work (discussion paper)	-	Canada	para 71
Issues related to internet sales of food	discontinued	-	para 55
Proposal to revise the <i>General Guidelines for the Use of the Term "Halal"</i> (CAC/GL 24-1997)	discontinued	-	para 62

Appendix I

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**PROPOSED DRAFT REVISION TO THE *GENERAL STANDARD FOR THE LABELLING OF
PREPACKAGED FOODS (CODEX STAN 1-1985)***

(At Step 5)

2. DEFINITION OF TERMS:

For use in Date Marking of prepackaged food:

“Date of Manufacture” means the date on which the food becomes the product as described. This is not an indication of the durability of the product.

“Date of Packaging” means the date on which the food is placed in the immediate container in which it will be ultimately sold. This is not an indication of the durability of the product.

“Best Before Date” or “Best Quality Before Date” means the date which signifies the end of the period, under any stated storage conditions, during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption.

“Use-by Date” or “Expiration Date” means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons.

4.7 Date marking and storage instructions

4.7.1 If not otherwise determined in an individual Codex standard, the following date marking shall apply, unless clause 4.7.1(vii) applies:

- (i) When a food must be consumed before a certain date to ensure its safety and quality the “Use-by Date” or “Expiration Date” shall be declared¹³.
- (ii) Where a “Use-by Date” or “Expiration Date” is not required, the “Best-Before Date” or “Best Quality Before Date” shall be declared.
- (iii) The date marking should be as follows:
 - On products with a durability of not more than three months; the day and month shall be declared and in addition, the year when competent authorities consider consumers could be misled.
 - On products with a durability of more than three months at least the month and year shall be declared.
- (iv) The date shall be introduced by the words:
 - “Use-by <insert date>” or “Expiration Date <insert date>” or “Best before <insert date>” or “Best Quality Before <insert date>” as applicable where the day is indicated; or
 - “Use-by end <insert date>” or “expiration date <insert date>” or “Best before <insert date>”; or “Best Quality Before <insert date>” as applicable in other cases.

¹³ Consideration should be given to other Codex texts

- (v) The words referred to in paragraph (iv) shall be accompanied by:
- either the date itself; or
 - a reference to where the date is given.
- (vi) The day and year shall be declared by uncoded numbers with the year to be denoted by 2 or 4 digits, and the month shall be declared by letters or characters or numbers. Where only numbers are used to declare the date or where the year is expressed as only two digits, the competent authority should determine whether to require the sequence of the day, month, year, be given by appropriate abbreviations accompanying the date mark (e.g. DD/MM/YYYY or YYYY/DD/MM).
- (vii) Notwithstanding 4.7.1 (i) and 4.7.1 (ii), a date mark shall not be required for a food if one or more of the following criteria apply:
1. Where safety is not compromised and quality does not deteriorate
 - 1.1 because of the preservative nature of the food is such that it cannot support microbial growth (e.g. alcohol, salt, acidity, low water activity); and/or
 - 1.2 under stated storage conditions;
 2. Where the deterioration is evident to the consumer;
 3. Where the key/organoleptic quality aspects of the food are not lost;
 4. Where the food is intended to be consumed within 24 hours of its manufacture.

For example, foods such as:

- fresh fruits and vegetables, including tubers, which have not been peeled, cut or similarly treated;
- wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;
- alcoholic beverages containing at least 10% alcohol by volume;
- bakers' or pastry-cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;
- vinegar;
- non-iodized food grade salt;
- non-fortified solid sugars;
- confectionery products consisting of flavoured and/or coloured sugars;
- chewing gum.

In such cases, the "Date of Manufacture" or the "Date of Packaging" may be provided.

- (viii) A "Date of Manufacture" or a "Date of Packaging" may be used in combination with 4.7.1 (i) or (ii). It shall be introduced with the words "Date of Manufacture" or "Date of Packaging", as appropriate, and use the format provided in clause 4.7.1 (vi).

4.7.2 Any special conditions for the storage of the food shall be declared on the label if where they are required to support the integrity of the food and, where a date mark is used, the validity of the date depends thereon.

Appendix III**PROJECT DOCUMENT****Development of guidance for the labelling of non-retail containers of food****1. Purpose and Scope**

The proposal seeks to initiate work on development of guidance for labelling of non-retail containers of food that are not meant for direct sale to the consumer. The proposal does not seek to open discussion on labelling of pre-packaged food as outlined in Codex STAN 1-1985.

The work will consider and seek to provide guidance to competent authorities, where appropriate, with regard to information provided business to business through labelling of non-retail containers and other means with due regards to ensuring innovative practices and focussing on risk areas identified by the competent authority.

Where appropriate, the work will also consider and seek to provide guidance on labelling requirements of non-retail containers to competent authorities with regards to international trade, with a view to reducing inconsistent and burdensome labelling practices and promoting fair practices in the international trade of food.

2. Relevance and timeliness

Inappropriate labelling of non-retail containers of food is a matter of significant concern in a number of countries. Lack of guidance which could be considered as the reference in this context causes several issues including operational issues and cost implications and contributes to food wastage. Lack of guidance may also negatively impact food safety in certain situations and has the potential to result in unfair practices (non-tariff barriers) in food trade.

It is anticipated that development of the proposed guidance will be extremely useful to all the countries to address several operational issues in the context of their exports and imports of bulk packaged food.

3. The main aspects to be covered

The development of a clear understanding of the term non-retail container of food not intended to be sold directly to the consumer that the guidance will apply to. The Guidance may also include the following aspects:

- a) Scope - clearly outlining the areas of application of the guidance
- b) Purpose - the intended outcome to be sought through the application of the guidance
- c) Principles - a clear expression of the key elements addressed within the guidance
- d) If required, elaborate guidance (including if necessary appropriate definitions) and identify necessary means to distinguish such containers of food from prepackaged food intended to be sold directly to the consumer.

Taking into account the needs of member countries and food business operators, it is intended that the guidance developed will not be prescriptive and burdensome but rather outcome based with a focus upon the areas of greatest risk.

4. Assessment against the Criteria for the Establishment of New Work Priorities:**General criterion**

The Codex Alimentarius Commission has a twin mandate of protecting consumer's health and ensuring fair practices in the food trade.

There has been an increase in trade of raw materials and intermediary ingredients between businesses which are not meant for direct sale to consumers. Lack of a global reference standard for such non-retail containers of foods results in several trade related operational issues, has undue cost implications and contributes to food wastage. It may also negatively impact food safety in certain situations and has the potential to result in unfair practices (non-tariff barriers) in food trade.

Development of the proposed guidance can address the above issues and thereby contribute to fulfilling the mandate of the Codex Alimentarius Commission.

Criteria applicable to general subjects

(a) Diversification of national legislations and apparent resultant or potential impediments to international trade

Lack of reference guidance on labelling requirements for non-retail containers of food has resulted in diversity of national legislations. Different approaches being adopted across countries force exporters to meet multiple sets of labelling provisions based on the requirements of the importing partners. This leads to feasibility issues and has cost implications for the exporters apart from confusion among the concerned authorities. The proposed guidance will provide a harmonized approach in the context that the countries can follow.

(b) Scope of work and establishment of priorities between the various sections of the work.

All the aspects of the work, as detailed in the Section 3 above, can be undertaken simultaneously.

(c) Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body (ies)

Codex is the relevant international organization responsible for developing international standards in this area and we are not aware of any other international organization working in this area.

(d) Amenability of the subject of the proposal to standardization

Most member countries base their labelling requirements on relevant Codex standards. The purpose of the new work is to develop labelling requirements for non-retail containers of food that are not meant for direct sale to the consumer. The labelling requirements of non-retail containers can be effectively standardized with the involvement of and inputs from the Codex members.

(e) Consideration of the global magnitude of the problem or issue

Experience with regard to labelling of non-retail containers indicates that different importing partners call for different labelling requirements on the business to business traded food commodities making it extremely difficult for the industry to comply. Lack of appropriate labelling, in the absence of clear labelling guidelines for non-retail containers, is one of the leading causes for delays in import clearances and rejections which in turn lead to reduction in the available shelf life and/or wastage of food. It may also negatively impact food safety in certain situations and has the potential to result in unfair practices (non-tariff barriers) in food trade. These problems extend beyond particular regions and solution to the same is of global relevance and interest.

5. Relevance to Codex Strategic Objectives

The proposed work is in line with the Commission's mandate for the development of international standards, guidelines and other recommendations for protecting the health of consumers and ensuring fair practices in food trade. To fulfil the objective of fair practices in food trade, it is also essential to distinguish between prepackaged and non-retail containers, and provide unambiguous guidance on labelling of the latter that are not intended to be sold directly to the consumer.

The proposed work will contribute to advancing the following Codex Strategic Goals in the Codex Strategic Plan 2014-2019:

Strategic Goal 1: Establish international food standards that address current and emerging food issues.

Lack of appropriate labelling of non-retail containers of food, owing to lack of a reference standard in the context, is a matter of significant concern in international food trade. The proposed development of a General guidance for the Labelling of Non-Retail Containers of Food is consistent with the direction elaborated under Goal 1, that is, establish international food standards that address current and emerging issues.

Strategic Goal 3: Facilitate the effective participation of all Codex Members.

The development of the General guidance for the Labelling of Non-Retail Containers of Food is expected to generate interest in participation from all countries. The work on development of the draft guidance can be initiated through an electronic working group to foster increased participation.

6. Information on the relation between the proposal and other existing Codex documents as well as other on-going work

This document will be developed taking into account the relevant guidance from the following:

- *Codex Alimentarius Commission Procedural Manual (Format for Codex Commodity Standards-Labelling)*
- *General Standard for the Labelling of Prepackaged Foods* (CODEX STAN 1-1985);
- *General Standard for the Labelling of Food Additives When Sold As Such* (CODEX STAN 107-1981);
- Relevant Codex commodity standards that include labelling provisions for non-retail containers/bulk containers.

7. Identification of any requirement for and availability of expert scientific advice

No requirement of expert scientific advice is envisaged at this stage. Interaction may be needed with the relevant Codex commodity committees concerning the commodity standards that contain labelling provisions for non-retail containers.

8. Identification of any need for technical input to the standard from external bodies so that this can be planned for

No need for technical input from external bodies is envisaged at this stage.

9. Proposed timeline for completion of the new work including the start date, the proposed date for adoption at Step 5, and the proposed date for adoption by the Commission; the time frame for developing a standard should normally not exceed five years.

Owing to the general nature of the work and its importance to member countries, a timeline is proposed as follows:

Proposed timeline*

May 2016: Endorsement of the proposed new work by the 43rd Session of Codex Committee on Food Labelling (CCFL).

July 2016: Approval of the new work by the 39th session of Codex Alimentarius Commission.

July 2018: Adoption by CAC at Step 5.

July 2019: Adoption by CAC at Step 8.

*Considering CCFL meets in approximately 18 months interval