

codex alimentarius commission



FOOD AND AGRICULTURE
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PROPOSED DRAFT AMENDMENT TO *THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS:* QUANTITATIVE DECLARATION OF INGREDIENTS (ALIMORM 05/28/22 – APPENDIX II, AND CL 2005/48-FL)

GOVERNMENT COMMENTS AT STEP 3

COMMENTS FROM:

**ARGENTINA
AUSTRALIA
BRAZIL
COSTA RICA
FIJI
GUATEMALA
INDONESIA
IRAN
JAPAN
MALAYSIA
MEXICO
NEW ZEALAND
PANAMA
PARAGUAY
SAINT LUCIA
UNITED STATES
VENEZUELA**

**EUROPEAN COMMITTEE OF SUGAR MANUFACTURERS (CEFS)
CONFEDERATION OF THE FOOD AND DRINK INDUSTRIES OF THE EU (CIAA)
INTERNATIONAL COUNCIL BEVERAGE ASSOCIATIONS (ICBA)
INTERNATIONAL DAIRY FEDERATION (IDF)
INTERNATIONAL SWEETENERS ASSOCIATION (ISA)
WORLD SUGAR RESEARCH ORGANISATION (WSRO)**

**PROPOSED DRAFT AMENDMENT TO THE *GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS*:
QUANTITATIVE DECLARATION OF INGREDIENTS
(ALINORM 05/28/22 – APPENDIX II, AND CL 2005/48-FL)**

GOVERNMENT COMMENTS AT STEP 3

ARGENTINA:

Argentina is grateful to have the opportunity to make some comments regarding this document.

General Comments

Argentina does not agree that the Quantitative Declaration of Ingredients should be compulsory on a broad basis, as the degree of confusion created by present criteria would only be useful in creating barriers to trade.

The information about QUID, as described in the Draft Proposal, would be applied not only to single ingredients but also to compound ingredients, and to the so-called categories of ingredients. Furthermore, reference to one ingredient or to a category of ingredients in the name of the product would trigger the QUID disclosure, which is not required by the present Standard (point 5.1.3)

Specific Comments

- 1) The present wording suggests that the implementation of QUID could become universal for all foods and ingredients, as clear and homogenous criteria for its implementation are missing. This was obvious during the discussions that took place during the 33rd Session of the CCFL as it includes aspects such as the “emphasis” placed on the mention of an ingredient or raw material on the label, which has different interpretations depending on the implementing authorities. Argentina’s opinion regarding this issue has not changed.
- 2) We are also concerned about the implicit subjectivity in the evaluation of this trigger, particularly in the heading of point 5.1.1. and in indent (b), which is the reason we request the elimination of the indent and of the term “appears” under indent (c).
- 3) Argentina is strongly concerned about the appropriateness of labelling by “ingredient category” in view of the interpretation that, for example, has been established in the present EU legislation about this subject. Although the technical interpretation has been to assign ingredient classes using the terminology of the classic labelling regulations (fruits, vegetables, meat, vegetable oil, fats, starches, etc. as generic names for labelling in the list of ingredients), the present regulations of the European Community demand the labelling of physical components, such as stuffings. In view of this ambivalence in the use of the terms, the concept of “ingredient categories” could imply, if each of the implementing authorities can decide on its own interpretation, that the same product would have to be accompanied by different declarations of ingredients depending of its destination. This would have a significant economic impact on industry, as it would have to develop different clusters of labels depending on the interpretative demands of each country. It would also have an impact for the control authorities, as they would have to verify and certify different labels for the same product depending of the required specifications.

4) The criteria of declaring the initial percentage of ingredient(s) at the moment of manufacture is in agreement with the manner in which formulas are disclosed to the appropriate authorities. However, the declaration of QUID in an alternative form, expressed as mass or volume, generates problems for the implementing authorities in verifying compliance with the standard. It is particularly complicated to verify compliance in the finished product for ingredients that are introduced as solids but that turn liquid in storage, or vice versa (i.e. Fruits added in liquid form that later become gelatinized). This could also generate confusion for the consumer as, in products where the percentage is declared per volume, this volume may be numerically higher than the input mass, creating the false impression that the product contains a higher input overall of the emphasized ingredient.

5) Argentina has indicated on several occasions its concern regarding gaps that leave Codex standards up to the criteria of national authorities, as these are issues that we believe should be explicit in the Codex documents. Such is the case in point 5.1.1(c), where the decision regarding the appearance or emphasis on the label is left to the criteria of the national authorities. Therefore, we request that leaving this issue to the criteria of the national authorities be eliminated.

6) In agreement with the position expressed by Argentina in previous sessions we consider that health and nutrition issues are appropriately dealt with in other guidelines, and it is not necessary to include them in this one. We suggest therefore to eliminate indents 5.1.1 (d) and (e).

7) If the broad criteria proposed by the document are kept, which we oppose, we believe that indent (f) should also be retained, adopting the 5% level. The reason for this proposal is that we do not find any justification for the 2% level in indent (f), while 5% coincides with the present value established to label compound ingredients in the General Standard, this being a prudent and appropriate limit.

8) The reference to the declaration of an ingredient higher than the 100% in the third paragraph of indent 5.1.2 is not clear, although it is technically correct. Furthermore, the consideration of two different ways of expressing the concentration "%" and "weight" "of the ingredient(s) used to prepare 100 g of finished product" shows how complex it would be for an average consumer to understand the real meaning of the information that would be provided.

Argentina will present some examples that have arisen during the discussion of document in the National Codex Labelling Commission, examples that demonstrate the complexity of this subject depending of the different ways the regulations may be interpreted.

AUSTRALIA:

Australia wishes to provide the following comments in relation to CL 2005/48 FL.

Australia supports the inclusion of clause (c). Clauses (d) and (e) are already covered in the guideline on nutrition labelling and therefore Australia considers that they are redundant here.

Australia supports the inclusion of the 2% threshold for the labelling of flavours because most flavours will be present below 5% and would therefore be excluded by the use of the upper threshold.

BRAZIL:

Brazil is thankful for the opportunity to present the following comments:

5. ADDITIONAL MANDATORY REQUIREMENTS

5.1 Quantitative Ingredient Declarations

5.1.1 Every food sold as a mixture or combination shall disclose the ingoing percentage, by weight or volume as appropriate, of any ingredient at the time of the manufacture of the food (including ingredients of compound ingredients or categories of ingredients) that

Brazil proposes to keep the item

(a) is emphasised as present on the label through words or pictures or graphics; or

Brazil proposes to keep the item

(d) [the disclosure of which is deemed, by national authorities, to be necessary to enhance the health of consumers or prevent consumer deception].

Brazil suggests excluding the item.

(e) [is the subject of an express or implied claim about the presence of any fruits, vegetables, whole grains or added sugars]

Brazil suggests altering the item to “is the subject of an express or implied claim about the presence of added sugars”.

Justification: Brazil understands that the other conditions are covered by items (a) and (c)

Such disclosure is not required where

(f) the ingredient comprises less than [2% / 5%] of the total weight of the product and has been used for the purposes of flavouring; or

Brazil proposes to keep the item and the threshold of 5%. However, requests explanation if the utilization of vegetal extracts or spices until 5% would be considered ingredient with purposes of flavouring.

(g) commodity-specific standards of Codex Alimentarius conflict with the requirements described here.

Brazil proposes to keep the item

5.1.2 The information required in Section 5.1.1 shall be declared on the product label as a numerical percentage.

The ingoing percentage, by weight or volume as appropriate, of each such ingredient shall be given on the label in close proximity to the words or pictures or graphics emphasising the particular ingredient, or beside the name of the food, or adjacent to each appropriate ingredient listed in the ingredient list as an average percentage.

Brazil proposes to keep the item

For foodstuffs which have lost moisture following heat treatment or other treatment, the quantity shall correspond to the quantity of the ingredient or ingredients used, related to the finished product. The quantity shall be expressed as a percentage. However, when the

quantity of an ingredient or the total quantity of all the ingredients expressed on the labelling exceeds 100%, the percentage shall be replaced by the weight of the ingredient(s) used to prepare 100g of finished product.

Brazil requests explanation if the declaration of ingredients that exceed 100% would be present as percentage.

COSTA RICA:

Costa Rica is grateful for the opportunity to present its comments regarding the above mentioned proposed draft amendment and would like to state the following:

Regarding the proposal to modify Section 5.1 concerning the Quantitative Ingredient Declaration of the General Labelling Standard, CODEX STAN 1-1985, Rev. 1-1991, Costa Rica maintains its position presented in document CX/FL 05/33/8 backing the discussion of this subject during the 33rd Session of the CCFL in Malaysia, May 2005 indicating that, before accepting this document, the Codex Committee on Food Labelling (CCFL) should first clarify, through the General Labelling Standard, the terminology used on this draft proposal to clearly understand what type of foods would recommend the implementation of these changes, in the sense that it should first define what is meant by “mixed food”, “combined food”, “mixture of foods” or “combination of foods”, and the scope of these concepts.

If these concepts are not clarified in a timely manner, we are of the opinion that the proposal would not provide the required added value and could instead create confusion regarding its interpretation and implementation by the countries, which makes it necessary to first cover this aspect. This situation leads us to believe that, for information purposes and to provide guidance to consumers in their purchasing decisions, the General Labelling Standard already indicates the information that should prevail over the Quantitative Declaration of Ingredients under the terms defined in the General Labelling Standard.

In the information presently provided by section 5.1 of the General Labelling Standard, regarding the Quantitative Ingredient Declaration, clearly indicates that the label should proportionally emphasize the presence of one or two valuable or characterizing ingredients of the food, or when the description of the food produces the same result (*Sic.*). Regarding this issue we understand that the General Labelling Standard already includes the information necessary for consumer information purposes and to provide guidance for his or her purchasing decisions.

Furthermore, we believe that the present draft proposal suggests that the percentage of the ingredients be declared for a “mixture or combination of foods” and, if this concept is not clarified, a misinterpretation of it could result in the disclosure of percentages of key ingredients utilized in the manufacture of the food. From this perspective, the percentage ingredient declaration could damage confidentiality aspects and intellectual property rights of the manufacturers, providing details of the formula they use in the production of their foods, without benefiting at all the consumers nor being justified by their protection.

FIJI:

Fiji continues to support retention of the current Codex Alimentarius requirements for QUID labelling, as provided in Section 5.1 of the General Standard on the Labelling of Prepackaged Food. The current provisions are for ensuring consumer protection and fair trade. However,

given the decision by CCFL to move forward with the revision, we can support amendment of the current draft text according to the following (see Annex for specific to text):

Requested Changes:

- Delete Subsections 5.1.1 (c), (d) and (e), currently in square brackets. Accept 5% (subsection 5.11 (f) as the lowest limit at which QUID could be required.

Rational

1. QUID labelling is intended to provide consumers with information about the amount of particular ingredient(s) that characterise a food product.
2. There is no need for subsection 5.1.1(c), which would require QUID labelling when an ingredient is emphasised in the name of the food. This is already in the requirements of subsection 5.1.1 (a).
3. QUID labelling should not be used to inform consumers about the “healthfulness” of a food, as would be required by proposed subsections 5.1.1 (d) and (e). Appropriate guidelines have already been established for this purpose in the Codex Guidelines on the Use of Nutrition and Health Claims (CAC/GL 23-1997, Rev 1-2004) and the Codex Guidelines on Nutrition Labelling (CAC/GL 1-1985 (Rev. 1-1993).
4. Ingredient quantity should be indicated at a level that is relevant to the consumer purchase decision. We support acceptance of 5% as the appropriate lower limit (subsection 5.1.1 (f).

GUATEMALA:

Guatemala is of the opinion that the proposal of the Quantitative Ingredients Declaration is not applicable as it proposes that the quantitative declaration be made “**for each ingredient at the time of manufacturing...that**”, and it lists (indents (a) to (g)) in which cases the above mentioned ingredients should be declared. According to the proposal, food manufacturers would be practically forced to reveal the food formula, which is confidential information, and not feasible, due to intellectual property rights.

The user has full rights to be informed about the product he or she is consuming. We are of the opinion that, to avoid deceiving the consumer and help him or her to make a better purchasing decision, the qualitative ingredients declaration in the label, in descending order, is sufficient such as presently required by the Standard under indent 4.2.1.2 (CODEX STAN 1-1985, Rev. 1-1991).

INDONESIA:

Indonesia would like to provide specific comments as follows:

- Section 5.1.1: Every food sold as a mixture or combination shall disclose the ingoing percentage **of composition**, by weight or volume as appropriate, of any ingredient at the time of the manufacture of the food **as finished product** (including ingredients of compound ingredients or categories of ingredients1) that

(c) ~~appears~~/is emphasized in the name of the food unless deemed not appropriate by national authorities]; or

(d) ~~{the disclosure of which is deemed, by national authorities, to be necessary to enhance the health of consumers or prevent consumer deception}.~~

(e) ~~{is the subject of an express or implied claim about the presence of any fruits, vegetables, whole grains or added sugars}~~

(f) the ingredient comprises less than ~~{2%/5%}~~ of the total weight of the product and has been used for the purposes of flavouring; or

- Section 5.1.2: Indonesia agrees with this section.

IRAN:

Iran's comment on Quantitative Ingredient Declaration Labelling are as follows:

5.1.1 (e) ~~{is the subject of an express or implied claim about the presence of any fruits, vegetables, whole grains or added sugars}.~~

Recommendation: The above clause should be removed (deleted)

Reason: There are significant differences of opinion as to the exact makeup of a list of food items considered of critical value to dietary health; the existing general reminder in item 5.1.1 (d) emphasizing the 'enhancement of health' and 'prevention of consumer deception' would serve that purpose adequately.

5.1.1 (f) the ingredient comprises less than ~~[2%/5%]~~ of the total weight of the product and has been used for the purposes of flavouring.

Recommendation: 2% should be the limit in this case.

Query: Are 'flavouring' the only ingredients to be considered? What about the many other additives and compound ingredients which are formulated in small doses and are present in food products?

JAPAN:

We appreciate Canada's hard work for organizing all the comments from members and look forward to further discussing the draft in May 2006.

We would like to propose to amend the draft as follows. The texts to be added are underlined and the texts to be deleted are struck out.

5.1 Quantitative Ingredient Declarations

5.1.1 Every food sold as a mixture or combination, whose ingredients are emphasized as present on the label through words, pictures or graphics or the names of whose ingredients are included in the name of the food, shall disclose the ingoing percentage, by weight or volume as appropriate, of any ingredient at the time of the manufacture of the food (including ingredients of compound ingredients or categories of ingredients¹) that

~~(a) is emphasised as present on the label through words or pictures or graphics; or~~

- ~~(a)~~ is essential to characterize the food and the disclosure of which is deemed necessary, by national authorities, to distinguish the food from others with which it may be confused; or
- ~~(c) [appears/is emphasized in the name of the food unless deemed not appropriate by national authorities]; or~~
- ~~(b)~~ [the disclosure of which is deemed, by national authorities, to be necessary to enhance the health of consumers or prevent consumer deception].
- ~~(e) [is the subject of an express or implied claim about the presence of any fruits, vegetables, whole grains or added sugars]~~
- Such disclosure is not required where
- (c) the ingredient comprises less than [2%/5%] of the total weight of the product and has been used for the purposes of flavouring; or
- (d) commodity-specific standards of Codex Alimentarius conflict with the requirements described here.

(Rationale)

Quantitative Ingredient Declaration is the essential information which allows consumers to choose products by providing ingoing percentages of specific ingredients. However, consumers' interests in Quantitative Ingredient Declaration depend on their diets and cultures, as we have realized through the discussion at the 33rd Session of CCFL in May 2005. Therefore, labeling all the ingoing percentages is not necessary.

5.1.2 The information required in Section 5.1.1 shall be declared on the product label as a numerical percentage.

The ingoing percentage, by weight or volume as appropriate, of each such ingredient shall be given on the label in close proximity to the words or pictures or graphics emphasising the particular ingredient, or beside the name of the food, or adjacent to each appropriate ingredient listed in the ingredient list as: ~~an average percentage.~~

- (a) a minimum percentage, where the emphasis is on the large amount of the ingredient present; or
- (b) a maximum percentage, where the emphasis is on the small amount of the ingredient present; or
- (c) an average percentage in all other cases.

For foodstuffs which have lost moisture following heat treatment or other treatment, the quantity shall correspond to the quantity of the ingredient or ingredients used, related to the finished product. The quantity shall be expressed as a percentage. However, when the quantity of an ingredient or the total quantity of all the ingredients expressed on the labelling exceeds 100%, the percentage shall be replaced by the weight of the ingredient(s) used to prepare 100g of finished product.

(Rationale)

A minimum and maximum percentage should also be added in order to allow governments to choose these options.

MALAYSIA:

General Comments

Malaysia would like to congratulate Canada for drafting the text. Generally, we agree with the text with further suggestions as follows;

5. Additional Mandatory Requirements.

5.1.1 (c) [appears/is emphasized in the name of the food unless deemed not appropriate by national authorities]; or

(d) [the disclosure of which is deemed, by national authorities, to be necessary to enhance the health of consumers or prevent consumer deception].

Comments: Malaysia proposes to remove square brackets and retain the text.

(e) [is the subject of an express or implied claim about the presence of any fruits, vegetables, whole grains or added sugars]

Comments: Malaysia proposes to remove square brackets and the word “ or added sugar”, therefore the sentence will read as follows;

(e) is the subject of an express or implied claim about the presence of any fruits, vegetables or whole grains

(f) the ingredient comprises less than [2%/5%] of the total weight of the product and has been used

Comments: Malaysia proposes to remove the square brackets and delete 2% in the sentence.

MEXICO:

México is thankful for the opportunity to express its comments regarding the Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (Quantitative Ingredients Declaration). The following document shows the changes we propose marked in bold.

5. ADDITIONAL MANDATORY REQUIREMENTS

5.1. Quantitative Ingredient Declarations

5.1.1. Every food sold as a mixture or combination shall disclose the ingoing percentage, by weight or volume as appropriate, of any ingredient at the time of the manufacture of the food (including ingredients of compound ingredients or categories of ingredients) **when:**

(a) **It is emphasized as present**

(b) **It** is essential to characterise the food and **it** is essential to distinguish the food from others with which it may be confused; or

(c) (**It appears** in the name of the food unless deemed not appropriate by national authorities); or

(d) (**the disclosure of which is deemed**, by national authorities, **to be necessary prevent consumer deception**) or

(e) **Eliminate the whole indent as being reiterative.**

Such **declarations** are not required when:

(f) The ingredient comprises less than **(5%)** of the total weight of the product and has been used for the purposes of flavouring; or

(g) Commodity-specific standards of Codex Alimentarius conflict with the requirements described here.

5.1.2 The information required in Section 5.1.1 shall be declared on the product label as a numerical percentage.

The ingoing percentage, by weight or volume as appropriate, of each such ingredient **must be given on the label** in close proximity to the words or images emphasising the particular ingredient, or beside the common name or class name of the food, or adjacent to each appropriate ingredient listed in the ingredient list as

For foodstuffs which have lost moisture following heat treatment or other treatment, the quantity shall correspond to the quantity of the ingredient or ingredients used, related to the finished product. The quantity shall be expressed as a percentage. However, when the quantity of an ingredient or the total quantity of all the ingredients expressed on the labelling exceeds 100%, the percentage shall be replaced by the weight of the ingredient(s) used to prepare 100g of finished product.

NEW ZEALAND:

The New Zealand Government would like to make the following comments:

New Zealand continues to support Quantitative Declaration of Ingredient (QUID) labelling to assist consumer information however we are not supportive of extensive work in this area.

In New Zealand we have standards that require the percentage of characterising ingredients and components to be declared. These are defined to mean an ingredient; category of ingredients; or component of a food that is mentioned in the name of a food; or is usually associated with the name of a food by the consumer; or is emphasised on the label of a food in words, pictures or graphics. Various exemptions are included within the standard, such as an exemption for flavourings.

We have found that the 'QUID Standard' has provided a useful source of additional information for consumers and as a way to help prevent deception, particularly as we have very few commodity specific standards in New Zealand.

New Zealand believes that the current draft is an improvement on the draft from last year and we have the following comments to make.

5.1.1. (c) We support the following text in square brackets "appears in the name of the food unless deemed not appropriate by national authorities". Ingredients mentioned in the name of the food are usually the key ingredients that characterise the total food product and thus consumers would expect these ingredients to be present. The declaration of the percentage of these ingredients allows for consumer assessment and product comparison and assists with informed purchase decisions. The requirement to declare the percentage of ingredients mentioned in the name of the food is key to preventing misconduct/misleading information. We recommend deletion of the words "is emphasized" as we believe that ingredients that are emphasised on the label will be adequately covered by 5.1.1 (a)

5.1.1.(d) and (e) We believe that both of these clauses should be deleted. It is not the focus of this standard to provide information on the health benefits of the ingredient. There are other standards, notably Nutrition Labelling and Health and Nutrition Claims that are the more appropriate place to ensure appropriate health and nutrition information is provided to consumers. If a fruit or vegetable, or wholegrain is emphasised it will be covered by clause 5.1.1 (a).

5.1.1. (f) We support 5% as the cut off for flavouring exemption as this is consistent with levels used for flavourings. In New Zealand the % is not specified, rather we refer to "small quantities". The standard states "an ingredient or a category of ingredient which is used in small quantities for the purposes of flavouring". However, to guide industry we recommend a level of 5%.

PANAMA:

The Republic of Panama is of the opinion that, on this issue, the voluntary character be maintained for each country to require the Quantitative Ingredients Declaration of products in the labelling, and therefore we do not support a universal mandatory requirement for the Quantitative Ingredients Declaration.

The Republic of Panama does not presently have a legislation regarding the Quantitative Ingredients Declaration for products in the labelling, except for issues related to nectars and fortified and enriched foods for which we have a Technical Regulation and directives requiring compulsory compliance. Notwithstanding the aforesaid, the Republic of Panama is working to develop the appropriate legislation to regulate the subject under discussion.

PARAGUAY:

Paraguay wants to ratify its position, as stated in previous opportunities, that it does not agree with amendments to the General Standard for the Labelling of Prepackaged Foods regarding the inclusion of a Quantitative Declaration of Ingredients.

This is because the inclusion of a Quantitative Declaration of Ingredients does not have a solid scientific basis that would ensure the safety of the food and thus protect the health of the consumers; it would also significantly increase the cost of products and, furthermore, such declaration would disclose the formula of the products which is protected by confidentiality.

SAINT LUCIA:

General Comments

Saint Lucia is concerned about a few of the new requirements of the proposed amendments to this standard.

Saint Lucia is concerned that the requirement for labelling ingredients by use of the “categories of the ingredients” may not be explicit enough for the consumer to make an informed choice. The lack of clarity on the concept of “categories of ingredients” may also lead to varying interpretation by both consumers and regulators on the matter.

Sections 5.1.1 (c) and (d) are also of concern, since this would give National authorities the power to determine what would be appropriate or necessary to declare, thus allowing for subjectivity in the interpretation of these requirements. The Codex guidelines should explicitly state all cases for which the declaration is required.

As cited in 5.1.1 (f), Saint Lucia agrees that the disclosure is not required where the ingredient comprises less than 5% of the total weight of the product and has been used for the purposes of flavouring.

Saint Lucia is also in agreement with keeping the document at Step 3 until further clarifications are made and there is general consensus on the matter.

UNITED STATES:

The United States does not support universal, mandatory quantitative ingredient labelling. However, the United States does support the need to provide information on the percentage of valuable or characterizing ingredients whose presence is specifically emphasized on the label, or when the labelling of the food may otherwise create an erroneous impression that such

ingredient is present in an amount greater than is actually the case. To this end, the United States is agreeable to the provisions in 5.1.1 (a) and (b) of the Proposed Draft Amendment.

However, the United States does not support the inclusion of bracketed provisions 5.1.1 (c), (d), and (e) of the Proposed Draft Amendment. The United States believes that the bracketed provision 5.1.1 (c) goes beyond the labelling of emphasized ingredients by seeking to require general quantitative information on ingredients and, therefore, strongly opposes retaining the text in 5.1.1 (c). The United States also believes that the bracketed provisions 5.1.1 (d) and (e) duplicate existing provisions in other Codex texts relating to misleading labelling and to health and nutrition claims and, therefore, are unnecessary. Health and nutrition claims are not relevant in the context of ingredient labelling and are adequately addressed in the *Codex Guidelines on Nutrition Labelling* and the *Codex Guidelines for Use of Nutrition and Health Claims*. Therefore, the United States does not support the bracketed provisions 5.1.1 (d) and (e). The United States believes that the existing requirements in Section 5.1, in conjunction with the other requirements in the *General Standard for the Labelling of Prepackaged Foods*, are sufficient to prevent misleading food labels. Additionally, the United States believes that implementation of the Proposed Draft Amendment would impose economic burdens on both industry and consumers without any health or safety benefit to the consumer. The United States also believes that the Proposed Draft Amendment could result in mandatory disclosure of trade secret information related to product formulation that generally is precluded from disclosure under the laws in a number of countries, including the United States.

VENEZUELA:

Venezuela does not agree with the proposed draft amendment as it does not add value to the information received by the consumer and may create confusion and/or deceive.

The information related to nutritional aspects, presence of allergens, or other ingredients that have been proven to cause hypersensitivity, is better and more beneficial for the consumer.

EUROPEAN COMMITTEE OF SUGAR MANUFACTURERS (CEFS):

The European Committee of Sugar Manufacturers (CEFS) would like to present comments on the proposed draft amendment to the General Standard for the Labelling of Prepackaged Foods (Quantitative Declaration of Ingredients).

CEFS does not support the proposed inclusion of a quantitative declaration for “added sugars” in the list of ingredients whenever a claim is made on added sugars. One of the main reasons for it is the fact that *Codex Guidelines on Nutrition Labelling and on the Use of Nutrition and Health Claims* already provide for the obligation to indicate the amount of sugars present in the product.

In addition, we would highlight the fact that the amount of an ingredient put into a recipe is not a fair measure of the amount of that ingredient in the final product. Sugar, in particular, may decrease due to fermentation (e.g. in bread), or reaction (Maillard). Thus, the only way to provide adequate information to the consumer would be to analyse the final product, which would make that QUID provision impractical for many operators since it would require prohibitive analytical cost to be incurred.

Furthermore, there are currently no available analytical methods enabling to distinguish between “added” sugars and those naturally occurring in a foodstuff itself. It would consequently be impossible for authorities to control whether the declared amount of “added” sugars in a finished product is indeed the real one.

Finally, the concept of “added sugars” is of very limited significance for consumers as regards energetic value, since the human body makes no distinction between sugars, added or not. Therefore, additional information on “added” sugars content would not provide meaningful information to consumers.

Considering the above arguments, CEFS recommends that “added sugars” be deleted from section 5.1.1 (e).

CONFEDERATION OF THE FOOD AND DRINK INDUSTRIES OF THE EU (CIAA):

CIAA is the voice of the European food and drink industry, representing over 4 million jobs in Europe – the first industrial sector, major employer and exporter in the EU. CIAA’s mission is to represent the food and drink industries’ interests, at the level of European and international institutions, in order to contribute to the development of a legislative and economic framework addressing the competitiveness of industry, food quality and safety, consumer protection and respect for the environment. CIAA membership is made up of 24 national federations, including 2 observers, 32 European sector associations and 21 major food and drink companies.

5.1. Quantitative Labelling of Ingredients

CIAA supports the current Codex Alimentarius provisions for QUID labelling as provided by the *General Standard of the Labelling for Pre-packaged Foods CODEX STAN 1-1985 (Rev. 1-1991)*¹ Section 5.1. Nevertheless, taking into account that the CCFL decided to review the current Standard, CIAA proposes the following amendments to the text:

Amendments:

1. To delete from the Section 5. 1. 1. indents (c), (d), (e) presented in square brackets;
2. To accept the value of 5% as the threshold for not declaring the ingredient where it is being present in an amount less than this threshold in the weight of the total product and has been used for flavouring purposes as provided in Section 5.1.1 indent (f).

Reasoning:

1. The purpose of QUID-ing the ingredients is to inform the consumers about the particular amounts of the ingredients used in a given product where one or several ingredients are emphasised, provides Section 5.1.1. (a). The same message is stated by section 5.1.1. (c) in a repetitive manner, which is unnecessary.
2. Section 5.1.1. indents (d) and (e) regulate the conditions under which a product bearing a health claim should be QUID-ed. However, this is subject to a specific Codex Alimentarius legislation, precisely *Codex Guidelines on the Use of Nutrition*

¹ The Codex General Standard for the Labelling of Prepackaged Foods was adopted by the Codex Alimentarius Commission at its 14th Session, 1981 and subsequently revised in 1985 and 1991 by the 16th and 19th Sessions. It was amended by the 23rd, 24th, 26th and 28th Sessions in 1999, 2001, 2003 and 2005.

and Health Claims (CAC/GL 23-1997, Rev 1-2004) and the Codex Guidelines on Nutrition Labelling (CAC/GL 1-1985 (Rev. 1-1993)). In order to avoid the unnecessarily doubling of the legislation these two indents (Section 5.1.1. indents (d) and (e)) should be omitted.

3. The quantity of the ingredient should be set at a level relevant for the consumer to make the decision of purchasing the product or not. We consider that the value of 5% is addressing this need.

INTERNATIONAL COUNCIL BEVERAGE ASSOCIATIONS (ICBA):

The International Council of Beverages Associations (ICBA) is a nongovernmental organization that represents the interests of the worldwide non-alcoholic beverage industry. The members of ICBA operate in more than 200 countries and produce, distribute, and sell a variety of non-alcoholic beverages, including carbonated soft drinks and non-carbonated beverages such as juice-based drinks, bottled waters, and ready-to-drink coffees and teas. ICBA members also manufacture and package fruit juices and nectars. ICBA is pleased to provide comments on the Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods: Quantitative Declaration of Ingredients at Step 3.

In general, ICBA does not support a universal quantitative declaration of ingredients (QUID). Especially, ICBA expresses its concern of expanding mandatory QUID provisions beyond quality aspects as proposed in the draft amendment. Further, there seems to be no universal understanding of the meaning and implications of several sections and how they may be implemented in practice. This confusion will leave the proposed provisions open to various interpretations by national authorities and will neither facilitate trade nor protect the health of consumers. Our more detailed comments are included in the following table:

5. ADDITIONAL MANDATORY REQUIREMENTS

5.1 Quantitative Ingredient Declarations

<p>5.1.1 Every food sold as a mixture or combination shall disclose the ingoing percentage, by weight or volume as appropriate, of any ingredient at the time of manufacture of the food (including ingredients of compound ingredients or categories of ingredients¹) that</p>	<p><u>Substitute:</u> The labels of prepackaged foods shall disclose the ingoing percentage, by weight or volume as appropriate, of an ingredient (or categories of ingredients¹) at the time of manufacture of the food when that ingredient</p> <p><u>Justification:</u> The substitute language simplifies the text to reduce confusion.</p>
<p>(a) is emphasized on the label through words or pictures or graphics; or</p>	
<p>(b) is essential to characterize the food and is essential to distinguish the food from others with which it may be confused; or</p>	<p>We are concerned that this provision may cause confusion in international trade due to different national interpretations and would like to hear examples how this provision would apply.</p>
<p>(c) [appears/is emphasized in the name of the food unless deemed not appropriate by national authorities]; or</p>	<p><u>Delete (c)</u></p> <p><u>Justification:</u> The name of food alone should not be used as a justification for QUID if no other reference to a valuable or characterizing ingredient has been made.</p>

(d) [the disclosure of which is deemed, by national authorities, to be necessary to enhance the health of consumers or prevent consumer deception].	<p><u>Delete (d)</u></p> <p><u>Justification:</u> QUID should only relate to the ingredients utilized in the manufacture of foods and not their effect on health. These issues are addressed at national levels through other means such as national dietary guidelines and nutrition labelling regulations.</p>
(e) [is the subject of an express or implied claim about the presence of any fruits, vegetables, whole grains or added sugars]	<p><u>Delete (e)</u></p> <p><u>Justification:</u> QUID is not intended to be used as a nutrition education tool. Furthermore, claims and information related to labeling are covered in other Codex texts.</p>
Such disclosure is not required where	
(f) the ingredient comprises less than [2%/5%] of the total weight of the product and has been used for the purposes of flavouring; or	<p><u>Substitute:</u></p> <ul style="list-style-type: none"> • the ingredient comprises less than 5% of the total weight of the product or has been used for the purposes of flavouring <p><u>Justification:</u> The proposed modification provides an exemption when the ingredient is used in a small quantity or when it has been used in a small quantity for imparting taste or flavor. We note that section 4.2.1.3 in the Codex General Standard for the Labelling of Prepackaged Foods provides an exemption from declaring a compound ingredient that constitutes less than 5% of the food. There should not be any discrepancy between required ingredient declarations in section 4.2 and 5.1.</p>
(g) commodity-specific standards of Codex Alimentarius conflict with the requirements described here	<p><u>Substitute:</u></p> <ul style="list-style-type: none"> • the quantities of an ingredient or category of ingredients are already required to be given on the labelling under the provisions of a specific Codex Alimentarius standard. <p><u>Justification:</u> The substitute language is more specific to avoid confusion.</p>

	<p><u>Add:</u></p> <ul style="list-style-type: none"> • when an ingredient or category of ingredients comprises the whole food; or • when an ingredient, while appearing in the name of the food, does not govern the choice by the consumer because the variation in the quantity is not essential to distinguish the food from another <p><u>Justification:</u> There is no need for QUID in the first case and the second case provides a necessary exemption if section (c) is maintained</p>
<p>5.1.2 The information required in Section 5.1.1 shall be declared on the product label as a numerical percentage</p>	
<p>The ingoing percentage, by weight or volume as appropriate, of each such ingredient shall be given on the label in close proximity to the words or pictures or graphics emphasizing the particular ingredient, or beside the name of the food, or adjacent to each appropriate ingredient listed in the ingredient list as an average percentage.</p>	<p>We suggest considering if substituting “average” with “minimum” would mitigate the concerns expressed about the intellectual property protection (recipe information), technical accuracy, and ensuring a certain minimum percentage present of a highlighted ingredient</p>
<p>For foodstuffs which have lost moisture following heat treatment or other treatment, the quantity shall correspond to the quantity of the ingredient or ingredients used, related to the finished product. The quantity shall be expressed as a percentage. However, when the quantity of an ingredient or the total quantity of all the ingredients expressed on the labelling exceeds 100%, the percentage shall be replaced by the weight of the ingredients(s) used to prepare 100 g of finished product.</p>	
<p>¹ Explanatory Note for Category of Ingredients: For the purposes of Quantitative Ingredient Declaration, category of ingredients means the generic term which refers to the class name of an ingredient and/or any similar common term(s) which is used in reference to the name of a food.</p>	

INTERNATIONAL DAIRY FEDERATION (IDF):

The International Dairy Federation (IDF) is of the opinion that some of the draft texts for Quantitative Ingredient Declaration creates confusion in the sector of standardized dairy products, and in some cases also in general. IDF would therefore raise questions especially in reference to subsection 5.1.1. (g) for the committees consideration.

Subsection 5.1.1.(g)

Many Dairy products are covered by commodity standards in the Codex Alimentarius System. The raw materials and composition of such products are described in the standards and so are the designations and other labelling provision. Several commodity products are described with names and designations which includes milk product names such as milk, cream, whey and cheese. For such products the question of including quantitative ingredient declaration could be raised. Some examples are; cream cheese, where cream does not have to

be an ingredient or whey cheese, the whey content is not the essential part of the cheese characteristics.

IDF requests that the committee clarify the relations between Quantitative Ingredient Declaration for foods covered by a Codex Standard with regard to section 5.1.1 (g). In the opinion of IDF the best way to avoid uncertainty is that all products covered by a Codex standard should be exempt for the Quid rules, unless there are deviating labelling rules in such a standard or they are composite products where, in the case of dairy products, flavouring and other non dairy ingredients normally subject to Quid is present in the products with no fixed amounts specified in the commodity standards, such as “(cream) cheese with ham” and flavours used in fermented milks.

INTERNATIONAL SWEETENERS ASSOCIATION (ISA):

The International Sweeteners Association (ISA) would like to submit the following comments:

ISA strongly believes that there should be an exemption for foods containing sweeteners, in particularly table-top sweeteners, from the proposed additional mandatory labelling requirements included in the draft amendment, similar to the exemptions stipulated in current European Community law.

EU Directive 94/35/EC¹ on sweeteners for use in foodstuffs requires the sales description of a table-top sweetener to include the term “...-based tabletop sweetener, using the name(s) of the sweetener. EU Directive 96/21/EC² requires foodstuffs containing sweeteners to be labelled “with sweetener(s) “ or “with sugar(s) and sweetener(s)” accordingly.

Given, however, that the indication of the quantity of sweetener is unlikely to govern the consumer’s choice when purchasing the product, the European Commission allowed for derogations from quantitative labelling for these categories of products, as per the provisions of EU Directive 1999/10/EC relating to quantitative ingredients declarations (QUID)³.

Under Article 1 of this EU Directive, the obligation to declare the quantity of an ingredient or category of ingredients used in the manufacture or preparation of a foodstuff shall not apply: “in cases where the wording ‘with sweetener(s)’ or ‘with sugar(s) and sweetener(s)’ accompanies the name under which a foodstuff is sold.”

In the same way, ISA would recommend that table-top sweeteners and foods containing sweeteners be exempted from quantitative labelling, provided the name under which the product is sold is accompanied by a sales description, referring to the presence of sweeteners.

¹ European Parliament and Council Directive 94/35 of 30 th June 1994 on sweeteners for use in foodstuffs: http://europa.eu.int/eur-lex/en/consleg/pdf/1994/en_1994L0035_do_001.pdf

² Council Directive 96/21/EC of 29 March 1996 amending Commission Directive 94/54/EC concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Council Directive 79/112/EEC
<http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:31996L0021:EN:HTML>

³ Commission Directive 1999/10/EC of 8th March 1999 providing for derogations from the provisions of Article 7 of Council Directive 79/112/EEC as regards the labelling of foodstuffs:
http://europa.eu.int/eur-lex/pri/en/oj/dat/1999/1_069/1_06919990316en00220023.pdf

Consequently, we would propose the following addition to the proposed draft amendment at point 5.1.1, after indent 'g':

“Such disclosure is not required where:

.....

(h) the food is a tabletop sweetener

(i) the wording “with sweetener(s) “ or “ with sugar(s) and sweetener(s) “ accompanies the name under which a foodstuff is sold”

ISA would argue that the disclosure of quantitative declarations for sweeteners in tabletop sweeteners and in other foodstuffs containing sweeteners does not bring any added-value to the consumer. The importance is that the consumer is adequately informed on the presence of particular sweeteners, but not on the quantity at which they are present.

WORLD SUGAR RESEARCH ORGANISATION (WSRO):

The World Sugar Research Organisation (WSRO) does not support the Draft Amendment to the General Standard for Labelling of Prepackaged Foods to include quantitative declaration of “added sugars” in the list of ingredients whenever a claim is made on added sugars.

1. Such claims on sugars are usually nutrition or health claims which are already regulated in the existing *Guidelines on Nutrition Labelling* and the *Guidelines for Use of Nutrition and Health Claims*. Whenever such claims are made, nutrition labelling is triggered according to section 3.2.1.3 of the *Guidelines on Nutrition Labelling* and therefore the total content of sugars has to be declared and quantified.
2. The human body does not distinguish between “added” sugars and those arising from the content of a foodstuff itself. Therefore, information on “added” sugars content would not provide meaningful information to consumers as to the nutritional value or physiological influence of a food.
3. Since there are no analytical methods capable of distinguishing between “added” sugars and those arising from the sugars content of a foodstuff itself, any declaration of “added” sugars would be impossible to verify in a finished product. The consumer may therefore be misled by false declarations.

Thus, the proposed QUID declaration of added sugars is both redundant and potentially misleading. WSRO recommends that “added sugars” be deleted from section 5.1.1 (e).