codex alimentarius commission

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

WORLD HEALTH ORGANIZATION

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CODEX COMMITTEE ON FOOD LABELLING
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MATTERS REFERRED BY FAO AND WHO: IMPLEMENTATION OF THE GLOBAL STRATEGY ON DIET, PHYSICAL ACTIVITY AND HEALTH (CL 2006/44-CAC)

COMMENTS FROM:

AUSTRALIA
GUATEMALA
MALAYSIA
MEXICO
NEW ZEALAND
PERU
UNITED STATES
INTERNATIONAL ASSOCIATION OF CONSUMER FOOD ORGANIZATIONS (IACFO)
INTERNATIONAL COUNCIL OF BEVERAGES ASSOCIATIONS (ICBA)
INTERNATIONAL COUNCIL OF GROCERY MANUFACTURERS ASSOCIATIONS (ICGMA)
INTERNATIONAL DAIRY FEDERATION (IDF)

MATTERS REFERRED BY FAO AND WHO: IMPLEMENTATION OF THE GLOBAL STRATEGY ON DIET, PHYSICAL ACTIVITY AND HEALTH – (CL 2006/44-CAC)

AUSTRALIA:

Australia is pleased to provide comment to the Codex Committee for Food Labelling (CCFL) on the Draft Action Plan for Implementation of the Global Strategy on Diet, Physical Activity and Health. We support a role for Codex Alimentarius in implementing the Strategy within its mandate and work priorities and mindful of resource needs. We emphasise the provision of up-to-date scientific information and a structured risk analysis approach towards any implementation action/s.

Australia has already provided some verbal comment on those issues in the Draft Action Plan that were highlighted for comment at the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) meeting held in October 2006. We recognize that both CCNFSDU and CCFL are engaged in development of the Action Plan and support a coordinated approach by these two committees. The comments provided below are our response to issues raised in relation to CCFL.

We note that the CCFL has at this time a considerable workload and suggest that any agreed implementation actions be prioritised.

1. Nutrition Labelling

1.1 (Paragraph 11)

Proposed action: It is proposed that the Purpose of the Guidelines be amended to include reference to providing the consumer with information to reduce risk factors for noncommunicable diseases and to permit the dietary management of noncommunicable diseases of public health significance.

Currently, the Codex Guidelines on Nutrition Labelling include the purpose, "to ensure that nutrition labelling is effective in providing the consumer with information about a food so that a wise choice of food can be made". Australia considers that this sufficiently encompasses the proposed amendment to reduce the risk of noncommunicable disease, and that the purpose does not require further qualification.

1.2 (Paragraph 17)

Proposed Action: It is proposed that Subsection 3.1 be amended to require that the Nutrient Declaration be mandatory on the labels of all pre-packaged foods.

Australia supports in principle the provision of nutritional information about packaged foods to consumers, such as via Nutrient Declaration. We recognize that provision of nutritional information on packaged foods is a useful tool to enhance consumers' understanding and awareness of the food choices they make. We note that this would be consistent with existing requirements of the *Australia New Zealand Food Standards Code*.

However, we also recognise the cost involved in mandating nutrient labelling, such as for compositional analysis and the monitoring and enforcement of compliance, in particular for developing countries. In addition, we note that labelling information is not always well understood by consumers, particularly within settings where nutrition education may be limited. For these reasons we recommend consideration be given to the potential costs and the effectiveness of this measure in addressing the objectives of the WHO Global Strategy.

1.3 (Paragraph 20)

Proposed Action: It is proposed that the list of nutrients that are always declared (Paragraphs 3.2.1.1 and 3.2.2.2 of the Guidelines) be expanded to include the energy value and the amounts of protein, available carbohydrate, sugars, fat, saturated fatty acids, trans-fatty acids and sodium.

Australia supports expansion of the list of nutrients that are always declared under Subsection 3.2.1. This may include factors such as: energy value, protein, available carbohydrate, fat, sugars, saturated fatty acids and sodium. We suggest a nutritional risk analysis approach be used in determining which of these nutrients are to be declared, using tools such as risk assessment, risk management, risk communication and cost benefit analysis to determine the most globally cost effective mechanism for conveying appropriate dietary information to consumers.

We seek clarification of the form and terminology for sugars to be declared, noting that the Global Strategy identifies free sugars as associated with increased risk of noncommunicable disease, and the Codex Guidelines on Nutrition Labelling define sugars in terms of total sugars (where "*sugars* means all monosaccharides and di-saccharides present in food").

Australia does not support a uniform international standard for the mandatory declaration of trans fatty acids. We acknowledge the public health risk associated with consumption of these fatty acids, and support the gathering of further evidence relating to this health risk at low intake levels. We suggest a risk analysis approach is taken towards determining an optimal global approach towards addressing this issue.

We consider that at this time nutritional labelling for the presence of trans fatty acids is best addressed by legislation within individual countries. There is significant variation between countries in the levels of trans fatty acids found in the food supply and the associated level of consumption and health risk, and we are mindful that requiring an extensive labelling change across all foods would carry high cost to industry. Hence, the most appropriate risk management mechanism may vary between individual countries, depending on factors such as the extent of the health risk and cost of labelling. For example, in countries where intakes are high mandatory labelling may be an appropriate management mechanism. However, in countries where consumption is low, such as Australia, and hence associated health risks are low, non-mandatory measures such as voluntary labelling and industry initiatives are more appropriate.

The *Australia New Zealand Food Standards Code* does not currently require manufacturers to label the trans fatty acid content of foods, unless they make a nutrition claim about cholesterol, saturated, unsaturated or trans fatty acids. As discussed above, we considers that at present mandatory labelling for trans fatty acids is not warranted in Australia, based on the relatively low levels of trans fatty acid consumption, which fall below the WHO recommended limit. In Australia and New Zealand many edible oil spread manufacturers have chosen to voluntarily label their products, and a collaboration has been formed between government, industry and public health representatives to further reduce the intake level of trans fatty acids. Hence in this case, non-regulatory measures are considered to be appropriate mechanisms for reducing the consumption of trans fatty acids.

Australia also notes that paragraph 40 of the draft implementation plan suggests that if labelling provisions do not reduce the global availability of trans fatty acids produced by processing, consideration be given to setting limits on the content of industrially produced trans fatty acids. However Australia notes that this could lead to substitution of other fatty acids, such as saturated fatty acids, during manufacturing. Under this scenario the end product could still pose a risk to health and/or contribute to obesity.

1.4 (Paragraph 22)

Proposed Action: It is proposed that additional criteria for the presentation of the Nutrient Description be developed to enhance legibility and readability and hence consumer use and understanding of the information.

Australia supports the concept of legibility for the Nutrient Declaration. We agree that legibility could be enhanced by the suggested measures of standardizing the order for nutrients and requiring significant contrast between the print and the background. This would provide clear and simple measures to enhance legibility within the limitation of food labels that may carry considerable information.

However, we do not support prescribing font and type-size without evidence to support their use. Australia considers that legibility is influenced by a range of factors, such as size, style, colour and contrast or print, and the use of borders. Legibility may be optimised by many equally effective combinations of these factors, with the potential for different combinations being more or less effective for individual languages and scripts. Hence we consider a prescriptive global approach towards legibility is not justified.

1.5 (Paragraph 25)

Proposed Action: It is proposed that Nutrient Reference Values be developed for nutrients that are associated with both increased and decreased risk of noncommunicable diseases.

Australia supports the recommendation to establish more regulatory nutrient reference values (NRVs) than are currently listed in paragraph 3.4.4 of the Codex Guidelines on Nutrition Labelling (protein and some vitamins and minerals). We consider it will be important for the scope of this work to be defined, in terms of the specific nutrients associated with increased or decreased risk of noncommunicable diseases for which NRVs are to be developed. We suggest a nutritional risk analysis approach be used in determining which of these nutrients could be the subject of NRVs. We also note that CCNFSDU has recently agreed to continue work on revising NRVs, including the development of principles for establishing NRVs, and is looking to CCFL for input in regard to the extension of current reference values to other nutrients associated with increased and decreased risk of noncommunicable diseases.

In the light of Paragraph 20 that proposes mandatory label content declaration of energy, protein, available carbohydrate, sugars fat, saturated fatty acids, trans fatty acids, and sodium, Australia considers that those nutrients for which mandatory declaration is agreed should have higher priority for development of reference values than other nutrients. As indicated in response 1.1 above, Australia does not support the mandatory inclusion of trans fatty acids in the list of nutrients for mandatory declaration, although Australia is mindful of the public health risks associated with these fatty acids and the potential usefulness of a reference value. Given the recent work of CCNFDSU towards establishing a definition of dietary fibre, as well as conditions for dietary fibre content claims based on a percentage of a yet to be determined NRV, the setting of a dietary fibre NRV or target intake should also be accorded a high priority once able to progress using an agreed definition.

Australia also notes that reference is made in Paragraph 24 to relevant (ranges of) population nutrient intake goals[1] listed in Table 6 (p56) of the WHO technical report 'Diet, Nutrition and Chronic Diseases' that could be used as a basis for the establishment of some Codex NRVs, in particular, saturated and trans fatty acids, and sodium; as well as for n-3 and n-6 polyunsaturated fatty acids, and cholesterol. The nutrient goals for fats, carbohydrates and their relevant components, and protein are given as ranges expressed as a percentage of energy; (sodium and cholesterol are mg/day). Consideration would need to be given as to whether this mode of expression could be used as a basis for setting regulatory references for macronutrients and their subcomponents.

We note that Australia and New Zealand have chosen to present information in relation to "Optimising Diets for Minimising Chronic Disease Risk" (*Nutrient Reference Values for Australia and New Zealand*, NHMRC, May 2006), in the form of guidance, rather than fixed values, due to the inherent difficulties in considering a potentially wide range of acceptable intakes for the prevention of chronic disease.

2. Nutrition Claims

2.1 (Paragraph 29)

Proposed Action: It is proposed that conditions for nutrient content claims for trans-fatty acids be developed and that conditions for both nutrient content claims and comparative claims for saturated fatty acids and trans-fatty acids include restrictions on both groups of fatty acids.

Australia does not support the development of conditions for nutrient content claims for trans fatty acids alone. As noted above, we acknowledge the public health risks associated with consumption of these fatty acids, however, we consider that providing permissions for these claims in isolation may have the effect of increasing consumer confusion in relation to these fatty acids. Once again we note that trans fatty acids may not be widespread in the food supply of all countries, and until such time as we have further data in this area it is unclear whether global conditions for content claims would be relevant or of benefit. We also note that Codex is yet to determine whether NRVs will be set for trans fatty acids (see 1.5 above).

We note that under the new claims regulations currently being developed for Australia, it is proposed that nutrient content claims for trans fatty acids alone will be prohibited. Conditions for nutrition content claims for trans fatty acid claims in isolation of saturated fatty acids have not been developed because there are no reference values for appropriate dietary intake of trans fatty acids on which to base these conditions. The prohibition is also mindful of the fact that current dietary guidelines for Australia make specific recommendations around saturated fat intake but

[1] A population nutrient intake goal represents the population average intake that is judged to be consistent with the maintenance of health in a population, and health is defined as being marked by a low prevalence of diet-related diseases in the population.

not trans fatty acid intake. Hence permitting claims such as “low” trans fatty acid could take the emphasis away from the current public health message to reduce saturated fats and increase polyunsaturated fats in the diet.

We recognize the usefulness of comparative claims for trans fatty acids, such as “reduced”, for trans fatty acids, with conditions that restrict the content of both trans- and saturated fatty acids. We also support development of conditions for both nutrient content claims and comparative claims for saturated fatty acids, with conditions including restrictions on the content of both trans and saturated fatty acids. The inclusion of trans fatty acids in the conditions for all of these claims would recognize that though we have yet to fully understand and characterise the role of these fats in foods, diet and physiology, the health implications of their consumption deserves a level of consideration equivalent to that of saturated fatty acid consumption. We note that all of the above types of claims will be permitted under the proposed new Australasian health claims regulations.

3. Quantitative Declaration of Ingredients

3.1 (Paragraph 33)

Proposed Action: It is proposed that paragraph 5.1.1 (e) [disclosure of the ingoing percentage of any ingredient that “is the subject of an express or implied claim about the presence of any fruits, vegetables, whole grains or added sugars”] be included in any requirements for the quantitative declaration of ingredients.

Australia supports the principle of provision of consumer information and the prevention of misleading information in regard to claims. However, we do not believe a prescriptive approach to the provision of this information, such as via a quantitative declaration, is the only mechanism through which this principle can be implemented. We recognize that there are other, equally appropriate mechanisms which could be utilized, such as via the nutrition information panel, by the use of disclaimers (in relation to low or no added sugars) or criteria and conditions on claims in relation to these substances. For example, claims in relation to health benefits on foods containing fruit and vegetables could only be permitted when certain compositional criteria are met.

4. Modification of Standardized Foods

4.1 (Paragraph 38)

Proposed Action: It is proposed that the Codex General Standard for the Labelling of Prepackaged Foods and the Codex General Standard for the Use of Dairy Terms be amended to permit the use of the names established in a standard to be used in conjunction with either a comparative claim or a nutrient content claim on the label of a modified standardized food provided that the claims comply with requirements set out in the Codex Guidelines for Use of Nutrition and Health Claims.

Australia supports this proposed action, acknowledging the need to ensure that claims used in this manner are in accordance with the requirements set out in the Codex Guidelines for Use of Nutrition and Health Claims.

Further comments

Paragraphs 45-47

Australia supports the initiatives and interactions suggested, including the provision of expert assistance to enhance risk assessment approaches towards nutritional issues under consideration by CCNFSDU and CCFL. As stated elsewhere in these comments, we strongly encourage the use of a structured scientific risk analysis approach in addressing nutritional issues.

Other areas for consideration

Australia suggests there may be a role for CCFL in setting guidelines around advertising in relation to health claims. This may help to minimize the impact of the marketing of foods that are less healthy or "unhealthy", and provide avenues for positive health messages relating to the benefits of foods and food ingredients.

GUATEMALA:

Through this communication, and complying with circular letter CL 2006/44-CAC, we submit to the Codex Alimentarius Commission Guatemala's comments regarding the Draft Action Plan for Implementation of the Global Strategy on Diet, Physical Activity and Health.

1. Nutrition Labelling

1.1 The Purpose of the Guidelines was considered adequate, as presently worded, as it encompass all the labelling aspects related to nutrition, whether it be to maintain a balance diet or to provide information for the dietetic treatment of nutritional excesses or deficiencies. The purpose to "...offer the opportunity to include supplementary nutrition information in the label" allows including information for the consumer about how to reduce the risk factors for developing chronic non-communicable diseases.

1.2 Guatemala does not support mandatory labelling and proposes that nutritional labelling should continue to be optional under the conditions specified in subsection 3.1. We propose that the decision to establish a mandatory nutritional labelling should be left to the criteria of each country. Before a country takes a decision, it is necessary to conduct an economic study about the impact that such decision would have over small and medium enterprises, as well as clearly identifying if the country has the methodological tools required to conduct all the nutrient analysis demanded by a mandatory nutritional labelling, particularly the determination of trans fatty acids.

1.3 Guatemala agrees with this proposal. Furthermore, it proposes to also include cholesterol in the list of nutrients that must be declared.

1.4 Guatemala agrees with this point and considers very important to develop these criteria with the objective of decreasing the variety of nutritional labelling formats shown in products from different regions. It is proposed that the additional criteria regarding presentation should include:

- A defined labelling format specifying the order in which the nutrient ingredients are to be declared.
- That establishes the mandatory nature of declaring nutrients by portion size rather than, or in addition to declaring them per 100 g. The average consumer rarely makes mathematical calculations to convert the information expressed per 100 g into the size of the serving portion he/she will consume. This would facilitate the use of nutritional information by consumers.
- As part of the previous point we propose that these criteria should provide standardized reference portion sizes for different product categories, which could be used as a reference in the development of labels. For example, dairy products, juices, sauces, pasta, bread products, etc.
- Include a note or orientation about maximum intake of nutrients that contribute to increase the risk of developing chronic non-communicable diseases (fats, carbohydrates, cholesterol, sodium, saturated fatty acids).

1.5 Guatemala agrees to develop scientifically based reference values for fats, saturated fats, - trans fatty acids, cholesterol, sodium, and carbohydrates. Together with the development of reference values for these nutrients, two reference values of daily energy intake should be taken to be used as a guide for nutritional labelling. For example, 1,800 Kcal/day or 2,500 Kcal/day.

2 Nutritional Claims

2.1 Guatemala supports this proposal.

3 Quantitative Declaration of Ingredients

3.1 Guatemala does not support this proposal. The emphasis about the presence of fruits, vegetables or grains is already considered on indent a) of the proposed amendment to the Quantitative Ingredient Declaration. The claim about the content of sugars has already been addressed in the nutritional labelling standard. In addition, the fact that a food contains a high percentage of fruits, vegetables or whole grains, which is desirable, does not necessary indicate that the content of nutrients that increase the risk of chronic non-communicable diseases in the food is sufficient to decrease their risk. Furthermore, there are already standards and guidelines in Codex for the use of nutritional labelling as well as for health and nutritional claims.

4. Modification of Standardized Foods

4.1 Guatemala does not consider appropriate to go ahead with the proposed amendment to the Codex General Standard for the Labelling of Prepackaged Foods and the Codex General Standard for the Use of Dairy Terms. Although it is true that the standardization of new foods available in the market place is not progressing at the same rate that the development of the foods themselves, the most important issue is to promote a wholesome and balanced diet and not to promote the consumption of substitutes.

MALAYSIA:

Malaysia would like to make the following specific comments to the Summary of Proposed Actions contained in paragraph 48 of CL 2006/44-CAC, especially with regard to the 4 points in Section A addressed to CCFL:

1. Nutrition Labelling

Proposed action:

1.1 Amend the Purpose of the Guidelines to include reference to providing the consumer with information to reduce risk factors for noncommunicable diseases and to permit the dietary management of noncommunicable diseases of public health significance

Malaysia's Comment:

A proposed text to amend the guidelines should be circulated to governments for comments.

Proposed Action:

1.2 Amend Subsection 3.1 to require that the Nutrient Declaration be mandatory on the labels of all prepackaged foods

Malaysia's Comment:

Malaysia agrees to amend Section 3.1 which requires that Nutrient Declaration be made mandatory on the labels of selected prepackaged foods with a footnote. Malaysia proposes the footnote to be read as follows:
"The selection of the types of foods requiring mandatory labeling is to be made by national authority based on considerations of foods commonly consumed by the community."

Proposed Action:

1.3 Expand the list of nutrients that are always declared (Paragraphs 3.2.1.1 and 3.2.2.2 of the Guidelines) to include the energy value and the amounts of protein, available carbohydrate, sugars, fat, saturated fatty acids, trans-fatty acids and sodium;

Malaysia's Comment:

Malaysia notes that the proposal to expand the list of nutrients in these Guidelines is not a new issue as this matter had been extensively discussed by the CCFL. Malaysia would like to bring to the attention of the Committee that during the amendment to the Guidelines on Nutrition Labelling: Section 3.2-Listing of Nutrients, the CCFL had proposed to amend Section 3.2.2 to require the mandatory labelling of sugars, dietary fibre, saturated fatty acids and sodium in addition to the requirements of section 3.2.1 when one or more of those nutrients are declared voluntarily or when a nutrition or health claims for any of those nutrients is made.

Malaysia also notes that during the adoption of the draft amendments at Step 5 at the 50th Session of the Executive Committee, the Regional Coordinator for Asia had proposed to delete the proposed amendments and had proposed that the CCFL reconsider the proposal because:

1. *Nutrition labelling was still a relatively new subject with very few countries requiring mandatory labelling of food products and in any case, where mandatory labelling was required, it was normally restricted to energy, fat, carbohydrate and protein. The additional might in fact lead to increased consumer confusion.*

2. *Scientific data to support the role of these additional nutrients/components as related to health and disease are still being gathered*
3. *There is already sufficient flexibility in the existing draft for the inclusion of any other nutrients or food components required by national legislation; and*
4. *The inclusion of the additional nutrients/components to the 4 core nutrients in an international context would not be in the interest of all countries as they may tend to adopt these guidelines in developing their national legislation which might not address the nutritional needs and consumer understandings of nutrition labels.*

The 50th Session of the Executive Committee had adopted the text as proposed by the CCFL at Step 5 and forwarded the suggestions of the Regional Coordinator for Asia to the CCFL for consideration.

The 31st session of the CCFL in 2003 had agreed to revise the text of Section 3.2.2 and had replaced the Section with a new section 3.2.2 and 3.2.3 as follows:

> *"3.2.2 When a voluntary declaration of specific nutrient, in addition to those listed in Section 3.2.1, is applied, national legislation may require the mandatory declaration of the amount of any other nutrient considered relevant for maintaining a good nutritional status.*
>
> *3.2.3 Where a specific nutrition or health claim is applied, then the declaration of the amount of any other nutrient considered relevant for maintaining a good nutritional status as required by national legislation or national dietary guidelines should be mandatory."*

These draft amendments had been forwarded to the Commission by the 31st Session of the CCFL and had been adopted by the 26th Session of the Codex Alimentarius Commission in 2003.

Therefore, in view of the above discussion, Malaysia is of the opinion that mandatory nutrition labeling should only be for the four core nutrients namely energy, available carbohydrate, protein and fat. We do not support the proposal that mandatory labeling should include sugar, dietary fiber, saturated fatty-acids, trans fatty-acids and sodium.

Furthermore, Malaysia would like to seek clarification on item 2 of paragraph 6 of the draft action plan as in CL 2006/44-CAC (i.e. limit energy intake from total fat and shift fat consumption away from saturated fats to unsaturated fats and towards elimination of trans fatty-acids). There is a need to clarify as to whether:

- *Unsaturated fatty – acids refer to monounsaturated or polyunsaturated fats or both, and*
- *Trans- fatty acids refer to those which are industrially produced*

In addition to the above Sections, Subsection 3.2.1.4 has also made provisions for the labelling of additional nutrients as deemed necessary by national legislation.

Proposed Action:

1.4 Develop additional criteria for the presentation of the Nutrient Description to enhance legibility and readability and hence consumer use and understanding of the information;

Malaysia's Comment:
Malaysia supports any further guidance on presentation of Nutrient Description which will help the consumer in further understanding of the information displayed. The order in which the nutrients are listed could be standardized. However, there should be flexibility in the type of font, font size and colour of the label as long as readability is not compromised.

Proposed Action:
1.5 Develop Nutrient Reference Values for nutrients that are associated with both increased and decreased risk of noncommunicable diseases.

Malaysia's Comments:
Malaysia has no objection to this proposal and proposes that this be continued under the current work being carried out by the CCNFSDU.

2. Nutrition Claims

Proposed Action:
2.1 Develop conditions for nutrient content claims for trans-fatty acids and include restrictions on both saturated and trans- fatty acids in the conditions for both nutrient content claims and comparative claims for saturated fatty acids and trans-fatty acids.

Malaysia's Comment:
Malaysia supports the proposal that conditions for nutrient content claims for trans-fatty acids be developed. In considering the content of trans fatty acids in foods, the definition of trans fatty acids which had been adopted by the 29th Session of the Codex Alimentarius Commission should be taken into account.

3. Quantitative Declaration of Ingredients

Proposed Action:
3.1 Include paragraph 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" be included in any requirements for the quantitative declaration of ingredients.

Malaysia's Comment:
Malaysia is of the opinion that discussion on this matter is still on-going in the CCFL and therefore should continue to be deliberated in the next session of the CCFL. Therefore, it is inappropriate to propose paragraph 5.1.1 (e) to be included in QUID at this point.

4. Modification of Standardized Foods

Proposed Action:
4.1 Amend the Codex General Standard for the Labelling of Prepackaged Foods and the Codex General Standard for the Use of Dairy Terms to permit the use of the names established in a standard to be used in conjunction with either a comparative claim or a nutrient content claim on the label of a modified standardized food provided that the claims comply with requirements set out in the Codex Guidelines for Use of Nutrition and Health Claims.

Malaysia's Comment:
Malaysia is of the opinion that discussion on this matter should be on a case by case basis and that the issue can then be addressed by the respective committees.

MEXICO:

Mexico reiterates its commitment with the Global Strategy and the importance of addressing the related public health problems. It also wants to express its thanks for the opportunity to comment regarding CL 2006/44 CAC and, would like to clearly indicate the following regarding the summary given on paragraph 48:

Section A.

Point 1.1
When the Purposes are read together, the present content of the guidelines has that focus and its present wording seems to comply with the objective sought by the amendment.

It is also important to indicate that the education of the consumer only through labelling is difficult to achieve. Chronic degenerative non-communicable diseases are multi-factorial, and nutritional labelling by itself would not encompass all the other factors related to these diseases.

Therefore, the only conclusion that can be made is that modifying the objective of these Guidelines does not appear to be sufficient to address this problem by itself and thus the proposal would not be appropriate.

Point 1.2
Nutritional labelling only for cases where claims are made complies with the objective of the present Codex standards. Furthermore, listing the ingredients provides information to the consumer regarding the content of the foods.

For countries that are not significant consumers of pre-packaged foods, where the consumption of bulk products is generalized, the universal nutritional labelling proposed would not achieve the desired objectives.

Due to the above, Mexico considers that the present regulations are sufficient regarding this issue and that other programs are required to achieve the objectives.

Point 1.3
We support expanding the nutrient list as proposed in this measure, as long as it is done as follows:

Energy value	Always
Amounts of protein	Always
Available carbohydrates	Always
Sugars	Should remain optional as part of the supplementary nutritional information, unless a claim is made regarding this point.
Fats	Always
Saturated fatty acids	Should remain optional as part of the supplementary nutritional

	information, unless a claim is made regarding this point
Trans-fatty acids	Given the lack of a Codex reference parameter, its inclusion should not be compulsory and should remain as part of the optional supplementary nutritional information. This is in agreement with the results of the last session of the CCNFSDU, where trans-fatty acids were considered to be already covered to some degree by the Guidelines for the Use of Nutritional and Health Claims within the table of conditions for the claim, particularly in the third footnote, and due to the lack of sufficient scientific evidence to determine if all trans-fatty acids have negative health effects.
Sodium	Always

Point 1.4
Mexico would agree to conduct work regarding this point, with the purpose of providing clear and understandable information to the consumer.

Point 1.5
Mexico would agree to develop nutrient reference values and would be highly interested in following the process to develop them. We would also be pleased to provide the values developed for the Mexican population.

Point 2.1
Mexico would agree to develop criteria for claims regarding the different types of trans-fatty acids and would be highly interested in following the process to develop them.

Point 3.1
Regarding this point, during the last Session of the CCFL, Mexico came out in favour of eliminating indent e), as it considers it repetitive of indent a) of the amendment proposal for the corresponding Section of the Codex General Standard for the Labelling of Prepackaged Foods, without any data being available up to date to reconsider that position.

Point 4.1
Regarding this point, Mexico is in favour of the amendment to the Codex General Standard for the Labelling of Prepackaged Foods and the Codex General Standard for the Use of Dairy Terms, provided the Codex Committee on Nutrition and Foods for Special Dietary Uses previously determines the content limits for each corresponding name.

NEW ZEALAND:

New Zealand is pleased to offer the following comments in response to the above mentioned circular letter:

New Zealand submitted comments to the 28th session of CCNFSDU and reiterates our strong recommendation that a well coordinated interface between these two Committees is an essential component in the successful implementation of the possible food regulatory actions used to support the intent of the Global Strategy. We do believe that both Committees could make significant contributions to the strategy but continue to preface the rest of our response on three key principles:

- proposed actions must fit within the mandate of the Codex Alimentarius Commission and be relevant to the specific Committees;
- proposed actions must be based on sound science consistent with a risk based approach; and
- proposed actions are placed within a prioritisation ranking for the Committees.

Actions for CCFL

Nutrition Labelling
Amend the purpose of the Guidelines to include reference to providing the consumer with information to reduce the risk factors of non communicable diseases and permit dietary management of non communicable diseases

New Zealand believes that the current wording of the Purpose is not contrary to supporting the Global Strategy. Clarity could be provided in the Purpose although New Zealand believes that the intent of proposed modifications to the Purpose is too strong. The provision of information on labelling can assist in consumer choice but it is not appropriate to state that the information "will reduce risk factors of non communicable diseases". If CCFL is focusing on aspects of work that could make a difference New Zealand does not believe that amending the Purpose is a high priority.

Amend subsection 3.1 to require that the Nutrient Declaration be mandatory on the labels of pre-packaged foods;

Expand list of nutrients that are always declared to include the energy value and the amounts of protein, available carbohydrate, sugars, fat, saturated fatty acids, trans fatty acids and sodium;

Develop additional criteria for the presentation of Nutrient Description to enhance legibility and readability and hence consumer use and understanding of the information; and

Develop Nutrient Reference Values for nutrients that are associated with both increased and decreased risk of non communicable diseases.

New Zealand is supportive of mandatory nutrient declarations on the labels of pre-packaged foods but believes that there is need for significant discussion as to the core nutrients for mandatory declaration. The key declarations for energy, protein, fat and carbohydrate are essential. We fully support the declaration of saturated fat as well. There is considerable international debate around trans fatty acids at the current time. Our experience is that levels of trans fatty acids in New Zealand foods and in the New Zealand diet continue to be low and it is questionable as to the public health benefit of requiring mandatory labelling when the impact on consumption is likely to be minimal. In such circumstances, it is the encouragement of manufacturers to minimise the use of any commercially used trans fatty acids which could be considered by reviewing the production and processing.

New Zealand supports addressing presentation criteria to enhance legibility and comprehension of the nutrient information. In providing such criteria it is recommended that a global recognition of equivalence in the provision of nutrient information is the focus and that flexibility in presentation of equivalent information is catered for, but should not compromise consumer understanding/interpretation.

We recommend that during these deliberations Codex consider the appropriateness of exemptions to mandatory nutrient declarations.

Finally on this issue consideration to the costs of mandatory labelling versus the benefit must be considered. Providing more and more information does not necessarily benefit the consumer and /or result in wise food choices. CCFL may wish to consider other forms of labelling that may assist consumer choice other than, or as well as, mandatory nutrient declarations – which are inherently misunderstood.

Nutrition Claims

Develop conditions for nutrient content claims for trans fatty acids and include restrictions on both saturated and trans fatty acids in the conditions for both nutrient content claims and comparative claims for saturated fatty acids and trans fatty acids.

New Zealand would support discussions regarding conditions for saturated and trans fatty acids claims in both nutrient content and comparative claims. We do not however support developing criteria for trans fatty acids on their own as an area of priority work.

Quantitative Declaration of Ingredients (QUID)

Include para 5.1.1(e) re the inclusion of a claim of the presence of any fruits, vegetables, whole grains or added sugar resulting in a requirement for the quantitative declaration of ingredients.

New Zealand does not support the inclusion of 5.1.1 QUID for fruits vegetables, wholegrains or added sugar in the proposed draft amendment to section 5 of the General Standard for the Labelling of Prepackaged Foods.

New Zealand does not believe that such information will add value to the Global Strategy but rather be an unnecessary regulatory burden. If the fruit, vegetable, wholegrain is a characterising ingredient it will need to be declared stating the percentage of the ingredient (covered in clause 5.1.1(a)) also ingredients are listed in descending order of ingoing weight. We cannot envisage when such a claim would not be captured under the current Codex requirements for characterising ingredients. There should be more than sufficient information in the nutrition labelling to provide direction for the consumer. Also the addition on any fruit, vegetable or wholegrain does not make the product necessarily a healthy product or better choice unless viewed in context of other ingredients in the food.

Modification of Standardised Foods

It is proposed that the Codex General Standard for the Labelling of Prepackaged Foods and the Codex General Standard for the Use of Dairy Terms be amended to permit the use of the names established in a standard to be used in conjunction with either a comparative claim or a nutrient *content claim on the label of a modified standardized food provided that the claims comply with requirements set out in the Codex Guidelines for Use of Nutrition and Health Claims*.

New Zealand supports this action and recommends that consistency with the Codex Guidelines for Use of Nutrition and Health Claims is essential.

New Zealand looks forward to contributing to the progression of these important issues in discussions within the plenary session.

PERU:

Introduction

1. At the 29th Session of the Codex Alimentarius Commission (CAC)[2], the Representative of WHO presented an update[3] on the implementation of the WHO Global Strategy on Diet, Physical Activity and Health (Global Strategy) in terms of actions that could be undertaken by Codex. The Representative informed the Commission that a document containing concrete proposals for possible actions by Codex would be considered by the next sessions of the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) and the Codex Committee on Food Labelling (CCFL). The views of these Committees would then be presented to the 30th Session of the Commission for further guidance.

Background

2. The proposals contained in this Draft Action Plan are based on the recommendations contained in the Global Strategy, the responses of Codex members to the FAO/WHO Electronic Forum[4] on the Role of Codex Alimentarius Committees in the Implementation of the Global Strategy, and the comments of delegates to the 27th Session of the CCNFSDU[5] and the 34th Session of the CCFL[6].

3. Paragraph 59 of the Global Strategy states:

> *Public health efforts may be strengthened by the use of international norms and standards particularly those drawn up by the Codex Alimentarius Commission. Areas for further development could include:*
>
> • *labelling to allow consumers to be better informed about the benefits and content of foods;*
> • *Measures to minimize the impact of marketing on unhealthy dietary patterns;*
> • *Fuller information about healthy consumption patterns including steps to increase the consumption of fruits and vegetables;*
> • *Production and processing standards regarding the nutritional quality and safety of products.*

Involvement of governments and nongovernmental organizations as provided for in the Codex should be encouraged.

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[2] ALINORM 06/29/41 paras. 175-176
[3] CAC/29 LIM/6
[4] http://www.who.int/nutrition/FAOWHO_eforum/en/index.html
[5] ALINORM 06/29/22 – paras 153-159
[6] ALINORM 06/29/22 – paras 14-31

4. In developing proposals for possible actions by Codex to implement the Global Strategy, the following observations and recommendations contained in the Global Strategy were considered of relevance.

5. Noncommunicable diseases including obesity, cardiovascular diseases and type 2 diabetes, have become a global problem and are no longer confined to the industrialized developed countries.[7] The underlying determinants of noncommunicable diseases are largely the same throughout the world. Risk factors include elevated consumption of energy-dense, micronutrient-poor foods that are high in fat, sugars and salt.

6. The recommendations for diet for populations and individuals contained in Paragraph 22 of the Global Strategy are:
• achieve energy balance and a healthy weight
• limit energy intake from total fats and shift fat consumption away from saturated fats to unsaturated fats and towards elimination of trans-fatty acids

Peru suggests this point should read...... and try to limit trans-fatty acids.

- increase consumption of fruits, vegetables and legumes, whole grains and nuts
- limit intake of free sugars
- limit salt (sodium) consumption from all sources and ensure that salt is iodized.

Peru suggests this point should read:

Limit salt (sodium) consumption from all sources and consume iodized salt.

Implementation of the Global Strategy and the Codex Mandate

7. There was general agreement among the respondents to the electronic forum[8] that the Codex has a role in the implementation of the Global Strategy to the extent consistent with the first paragraph of the purpose of the Joint FAO/WHO Food Standards Programme of protecting the health of the consumers and ensuring fair practices in the food trade. As a consequence, it was noted that not all the four areas identified for further development in paragraph 59 of the Global Strategy fall within the mandate of the Food Standards Programme.

For example, several respondents expressed the view that provision of information on healthy consumption patterns was not within the remit of Codex but the responsibility of national authorities. Respondents to the electronic forum and delegations at the 34th Session of the Codex Committee on Food Labelling[9] stressed that any work undertaken by the CAC to implement the Global Strategy must take into consideration the mandate and work priorities of the CAC.

8. The Global Strategy has identified nutrients that are associated with increased risk of non-communicable diseases. Measures to minimize the consumption of these nutrients to prevent injury to the health of the consumer fall clearly within the Codex mandate of protecting the health of the consumers. Measures to ensure that claims are not false or misleading are within the mandate of ensuring fair practices in trade.

[7] Diet, Nutrition and the Prevention of Chronic Diseases. The Report of Joint WHO/FAO Expert Consultation. WHO Technical Report Series No. 916. Geneva: World Health Organization, 2003
[8] CAC/29 LIM/6 Appendix 2
[9] ALINORM 06/29/22 paras 14-31

Labelling to allow consumers to be better informed about the benefits and content of foods.

Codex Guidelines on Nutrition Labelling[10]

Purpose
9. The Codex Guidelines on Nutrition Labelling were adopted in 1985. The Purpose states "to ensure that nutrition labelling is effective in providing the consumer with information about a food so that a wise choice of food can be made". Although it may be inferred that a "wise choice" involves reducing risk, the Purpose is not explicit in this regard.

10. Persons suffering from such noncommunicable diseases as type 2 diabetes and cardiovascular disease are able to select a diet composed of suitable non-dietetic foods if appropriate information is available on the nutrient content of the foods.

11. **Proposed Action:** It is proposed that the Purpose of the Guidelines be amended to include reference to providing the consumer with information to reduce risk factors for noncommunicable diseases and to permit the dietary management of noncommunicable diseases of public health significance.

Peru is in agreement with the action proposed in the Circular Letter.

Application
12. The Guidelines define nutrition labelling as "a description intended to inform the consumer of the nutritional properties of a food". It consists of two components, nutrient declaration and supplementary nutrition information. Nutrient Declaration is defined as "a standardized statement or listing of the nutrient content of a food".

13. At present, the Subsection 3.1 of the Nutrition Labelling Guidelines states that the Nutrient Declaration should be mandatory on foods for which a nutrition claim is made and voluntary for all other foods.

14. Subsection 4.2 of the Codex General Standard for the Labelling of Prepackaged Foods[11] requires that a list of ingredients be declared on the labels of all prepackaged foods other than single ingredient foods. The declaration of ingredients in descending order of ingoing weight does provide some indication to the knowledgeable consumer about the nutrients in the food but is not a substitute for quantitative information on the nutrient content particularly where risk to health is the issue.

15. The need for more information than provided by the list of ingredients where risks to health are involved is recognized in the case of foods and ingredients known to cause hypersensitivities. Paragraph 4.2.1.4 of the General Standard requires the presence of the foods and ingredients listed in this paragraph always be declared on the labels of prepackaged foods.

16. The provision by means of nutrition labelling of information on nutrients that are associated with increased risk of noncommunicable diseases to enable consumers to make informed choices

[10] CAC/GL 2/-1985

[11] Codex STAN 1-1985

to reduce risks to their health is analogous to the requirement for the mandatory declaration of the foods causing hypersensitivities particularly as the harm is not confined in every instance to acute exposure

17. **Proposed Action:** It is proposed that Subsection 3.1 be amended to require that the Nutrient Declaration be mandatory on the labels of all prepackaged foods.

Peru is in agreement with the action proposed in the Circular Letter.

Nutrients to be Declared

18. Subsection 3.1.2 of the Guidelines currently requires the following to be declared whenever the nutrient declaration is applied: energy value, the amounts of protein, fat and available carbohydrate, the amount of any nutrient for which a nutrient or health claim is made and the amount of any other nutrient considered to be relevant for maintaining a good nutritional status, as required by national legislation or national dietary guidelines.

19. The Global Strategy has identified the following nutrients as associated with increased risk of noncommunicable diseases: saturated fatty acids, trans-fatty acids, free sugars, and sodium The Nutrition Labelling Guidelines contain a definition for sugars and at its 29th Session, the Codex Alimentarius Commission adopted a definition for trans-fatty acids to be included in the Guidelines.[12]

20. **Proposed Action:** It is proposed that the list of nutrients that are always declared (Paragraphs 3.2.1.1 and 3.2.2.2 of the Guidelines) be expanded to include the energy value and the amounts of protein, available carbohydrate, sugars, fat, saturated fatty acids, trans-fatty acids and sodium.

Peru is in agreement with the action proposed in the Circular Letter., but suggests that in the case of saturated fats and –trans fatty acids, it should be according to the total amount of fat in the food, similar to FDA regulations.

Presentation of nutritional information

21. Section 3.4 sets out the requirements for the manner of declaration of the nutrient content. Only the form and order of declaration of the components of carbohydrate and fat are specified. There are, however, no provisions aimed at enhancing the ability of the consumer to use the Nutrient Declaration. Different designs and formats for presenting nutrition information create difficulties for consumers in finding and using the information. Such measures as a standardized order in which the nutrients are always declared, significant contrast between the print and the background, choice of fonts and type-size contribute to legibility and readability and would facilitate the consumer's ability to locate and use the Nutrient Description.

22. Proposed Action: It is proposed that additional criteria for the presentation of the Nutrient Description be developed to enhance legibility and readability and hence consumer use and understanding of the information.

Peru is in agreement with the action proposed in the Circular Letter.

[12] ALINORM 06/29/41 para 76

Nutrient Reference Values

23. Paragraph 3.4.4 permits the declaration of the amounts of protein and vitamins and minerals as a percentage of the Nutrient Reference Value as means of informing the consumer of the significance of the quantities contained in the food.

24. Consideration should be given to developing Nutrient Reference Values for other nutrients in the Nutrient Declaration to assist the consumer in assessing the significance of the amounts contained in a food. This would be particularly useful for those nutrients that are associated with both increased and decreased risk of noncommunicable diseases. For example, seven per cent of energy from saturated fatty acids in a 2000 Calorie (8.4 MJ) diet is only 15.6 g. Five grams of saturated fatty acids in a single portion of food may not seem much to the consumer but it is 32% of the reference value. The consumer can easily recognize 32 % as a significant amount. The recommendations for population nutrient intake goals developed by the 2002 Joint WHO/FAO Expert Consultation[13] (2002 Expert Consultation) could be used as the basis for developing the Nutrient Reference Values for saturated fatty acids, trans-fatty acids and sodium. In addition, the nutrient intake goals could be used to develop values for cholesterol and n-6 and n-3 polyunsaturated fatty acids.

25. **Proposed Action:** It is proposed that Nutrient Reference Values be developed for nutrients that are associated with both increased and decreased risk of noncommunicable diseases.

Peru is in agreement with the action proposed in the Circular Letter.

Codex Guidelines for Use of Nutrition and Health Claims[14]

26. Nutrition claims highlight a particular nutritional property of a food and can assist consumers in choosing foods for a healthy diet. Nutrition claims also provide an incentive to manufacturers to decrease or increase the levels of nutrients in their foods. Claims for the nutrients that are associated with increased risk of noncommunicable diseases will both aid consumers in making food choices and encourage manufacturers to reduce the levels of these nutrients in the foods they produce.

27. The Codex Guidelines for Use of Nutrition and Health Claims contain conditions for nutrient content claims for saturated fat, sugars and sodium but not for trans-fatty acids. Furthermore, the conditions for claims for saturated fat do not include limits on the amounts of trans-fatty acids. A footnote to the Table of Conditions states that in the case of the claim “low in saturated fat”, trans-fatty acids should be taken into account where applicable.

28. The 2002 Expert Consultation concluded that intakes of both trans-fatty acids and saturated fatty acids increase risk of coronary heart disease. As a consequence, consideration should be given to developing conditions for nutrient content claims for trans-fatty acids that include restrictions on saturated fatty acids and including limits on trans-fatty acids in claims for low and free in saturated fat. Similarly, consideration should be given to including conditions for saturated fatty acid content and/or trans-fatty acid content in comparative claims for these two groups of fatty acids.

29. **Proposed Action:** It is proposed that conditions for nutrient content claims for trans-fatty

[13] Diet, Nutrition and the Prevention of Chronic Diseases. The Report of Joint WHO/FAO Expert Consultation. WHO Technical Report Series No. 916. Geneva: World Health Organization, 2003

[14] CAC/GL 23 - 1997

acids be developed and that conditions for both nutrient content claims and comparative claims for saturated fatty acids and trans-fatty acids include restrictions on both groups of fatty acids.

Peru is in agreement with the action proposed in the Circular Letter.

Advertising related to Nutrition and Health Claims

30. At its 29th Session, the Codex Alimentarius Commission approved new work for the CCFL pertaining to the definition of advertising related to nutrition and health claims.[15] Consistency in nutrition and health claims between labelling and advertising has the potential to reduce the opportunities for consumer confusion.

Quantitative Declaration of Ingredients

31. The Global Strategy recommends an increase in consumption of fruits, vegetables and legumes, whole grains and nuts. The proposed draft amendment to Section 5 of the General Standard for the Labelling of Prepackaged Foods on quantitative ingredient declaration[16] includes the disclosure of the ingoing percentage of any ingredient that "is the subject of an express or implied claim about the presence of any fruits, vegetables, whole grains or added sugars" (Paragraph 5.1.1 (e) in square brackets). The amendment was discussed at the 34th Session of the CCFL[17] and will be the subject of a Working Group prior to the next session of the CCFL.

32. Consumers regard fruit, vegetables and whole grains as "healthy foods" and manufacturers capitalize on this view. Claims for the presence of these foods as ingredients abound. Disclosure of the amounts of fruits, vegetables, legumes, whole grains and nuts in multi-ingredient foods would enable consumers to compare the amounts of these nutritionally desirable ingredients in foods and make their selections accordingly. This has the potential to increase consumption of fruit and vegetables both through consumer choice and through manufacturers' increasing the amounts of fruit and vegetables in their products for competitive purposes.

33. **Proposed Action:** It is proposed that paragraph 5.1.1 (e) be included in any requirements for the quantitative declaration of ingredients.

Peru is in agreement with the action proposed in the Circular Letter.

Compositional Requirements for Foods

Modification of Standardized Foods

34. Some respondents to the electronic forum and delegations to the CCFL noted that Codex standards should not impede the development of modified versions of these foods intended to assist the consumer in improving their food choices. Concerns were expressed about the impact on the work of commodity committees if these committees were called upon to review their standards and particularly if such modifications were to entail the re-writing of standards or the development of new standards.

35. An alternative would be the application of informative labelling. The use of sound nutrition

[15] ALINORM 06/29/26 – paras 132 - 135
[16] ALINORM 06/29/22 Appendix VI
[17] ALINORM 06/29/22 paras 101- 120

principles in modifying standardized foods could be fostered by permitting the use of the comparative claims and nutrient content claims as defined in the Guidelines on Nutrition and Health Claims in conjunction with the name of the standardized food. e.g. "low sodium" margarine. This could obviate the need for commodity committees to review their standards.

36. Paragraph 4.1.1.1 of the General Standard for the Labelling of Prepackaged Foods[18] requires that at least one of the name or names established for a food in a Codex standard shall be used on the label. Paragraph 4.1.2 states in part:

> There shall appear on the label either in conjunction with, or in close proximity to, the name of the food, such additional words or phrases as necessary to avoid misleading or confusing the consumer in regard to the true nature and physical condition of the food
>
> If the use of the comparative claim or nutrient content claim is not considered sufficient to inform the consumer of the characteristics of the modified food, further descriptive labelling could be considered.

37. It is noted that paragraph 4.3. of the Codex General Standard for the Use of Dairy Terms[19] states:

> Products that are modified through the addition and/or withdrawal of milk constituents may be named with the name of the relevant milk product in association with a clear description of the modification to which the milk product has been subjected provided that the essential product characteristics are maintained and that the limits of such compositional modifications shall be detailed in the standards concerned as appropriate.
>
> Restricting the modifications to those set out in the standard would limit the use of claims in conjunction with dairy terms and should be examined for its impact on the development of modifications of standardized dairy products in line with the recommendations of the Global Strategy.

38. **Proposed Action:** It is proposed that the Codex General Standard for the Labelling of Prepackaged Foods and the Codex General Standard for the Use of Dairy Terms be amended to permit the use of the names established in a standard to be used in conjunction with either a comparative claim or a nutrient content claim on the label of a modified standardized food provided that the claims comply with requirements set out in the Codex Guidelines for Use of Nutrition and Health Claims.

Peru is in agreement with the action proposed in the Circular Letter.

Standard for Processed Cereal-based Foods for Infants and Young Children

39. At its 29th Session, the Codex Alimentarius Commission adopted the revised standard for cereal-based foods but as a result of comments concerning the content of cereals and sugars, the Commission agreed to request the CCNFSDU to consider the need for revising the standard in the light of the recommendations of the Global Strategy.

Trans-fatty acids

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[18] Codex STAN 1-1985

[19] Codex STAN 206-1999

40. If the provisions for labelling of, and claims for, trans-fatty acids do not affect a marked reduction in the global availability of foods containing trans-fatty acids produced by processing of oils and by partial hydrogenation, consideration should be given to the setting of limits on the content of industrially produced trans-fatty acids in foods

Production and Processing Standards regarding the Nutritional Quality and Safety of Products

41. In the 1980's, the CCFSDU (as it was then) developed Guidelines for the Use of Codex Committees on the Inclusion of Provisions on Nutritional Quality in Food Standards and Other Codex Texts. These guidelines were primarily concerned with nutritional quality provisions in food standards related to essential nutrients. They were adopted by the 17th Session of the Commission in 1987[20] and were published in the Codex Procedural Manual.[21]

42. In 1992, at its 18th Session, the CCNFSDU proposed that the Guidelines be revised and at its 19th Session in 1995, the Committee considered a first draft of the revision. At its 20th Session in 1996[22], the CCNFSDU noted the recommendation of the Codex Committee on General Principles and the CCEXEC that these Guidelines be redrafted as General Guidelines directed to governments rather than instructions to Codex Committees. The Committee further noted that many of the definitions and objectives of the Guidelines were already covered by the General Principles on the Addition of Essential Nutrients to Foods[23] and concluded that the Guidelines were not needed. They were withdrawn in 1997 at the 22nd Session of the Commission[24].

43. Guidelines intended for governments on the use of sound nutrition principles in the production, processing and formulation of foods based on the population nutrient intake goals of the 2002 Expert Consultation taking into account advances in nutrition science during the past decade and the General Principles for the Addition of Essential Nutrients to Foods could assist in the development of foods suitable for inclusion in diets aimed at reducing risk of noncommunicable diseases. For example, when reducing or eliminating the trans-fatty acids in foods, advice on more healthful alternatives may be useful

44. **Proposed Action:** Recognizing the advances in nutrition science during the past decade, as well as the current public health priorities of many countries, The CCNFSDU may wish to review this topic.

Peru is in agreement with the action proposed in the Circular Letter.

Scientific Advice to CCNFSDU and CCFL

45. Respondents to the electronic forum called for a commitment from FAO and WHO to provide assistance with risk assessments. Two respondents supported the establishment of a group of experts to support the work of the CCNFSDU and the CCFL. One of these suggested that consideration be given to establishing a Joint Expert Committee on Nutritional Aspects of Foods.

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[20] ALINORM 87/39 paras. 442-443

[21] Codex Alimentarius Commission Procedural Manual Ninth Edition

[22] ALINORM 97/26 – paras, 101-102

[23] CAC/GL 9/1987

[24] ALINORM 97/37 para. 132

A third respondent supported the development of expert advice on specific nutrition and health issues to provide guidance for the work of all relevant Codex Committees, in particular CCNFSDU and CCFL.

46. FAO and WHO are cognizant of the needs for scientific advice on the part of CCNFSDU and CCFL. Provision of timely advice would facilitate work on nutritional aspects of foods and food labelling. FAO and WHO will continue to provide scientific advice to these Committees based on requests from the Codex Alimentarius Commission and taking into account the priority of these requests and budgetary considerations.

47. Greater interaction between FAO and WHO and CCNFSDU and CCFL will assist the process and will result in a better appreciation of the Committees' need for scientific advice on the part of FAO and WHO. At the same time, improved communication will result in increased utilization by the Committees of the scientific advice currently being produced by FAO and WHO.

48. **Summary of Proposed Actions**

A. CCFL is requested to consider the following proposals for action:

1. Nutrition Labelling

1.1 Amend the Purpose of the Guidelines to include reference to providing the consumer with information to reduce risk factors for noncommunicable diseases and to permit the dietary management of noncommunicable diseases of public health significance;

1.2 Amend Subsection 3.1 to require that the Nutrient Declaration be mandatory on the labels of all prepackaged foods;

1.3 Expand the list of nutrients that are always declared (Paragraphs 3.2.1.1 and 3.2.2.2 of the Guidelines) to include the energy value and the amounts of protein, available carbohydrate, sugars, fat, saturated fatty acids, trans-fatty acids and sodium;

1.4 Develop additional criteria for the presentation of the Nutrient Description to enhance legibility and readability and hence consumer use and understanding of the information; and

1.5 Develop Nutrient Reference Values for nutrients that are associated with both increased and decreased risk of noncommunicable diseases.

2. Nutrition Claims

2.1 Develop conditions for nutrient content claims for trans-fatty acids and include restrictions on both saturated and trans- fatty acids in the conditions for both nutrient content claims and comparative claims for saturated fatty acids and trans-fatty acids.

3. Quantitative Declaration of Ingredients

3.1 Include paragraph 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” be included in any requirements for the quantitative declaration of ingredients.

4. Modification of Standardized Foods

4.1 Amend the Codex General Standard for the Labelling of Prepackaged Foods and the Codex General Standard for the Use of Dairy Terms to permit the use of the names established in a standard to be used in conjunction with either a comparative claim or a nutrient content claim on the label of a modified standardized food provided that the claims comply with requirements set out in the Codex Guidelines for Use of Nutrition and

Health Claims.

B. CCNFSDU is requested to consider the following proposals for action:

1. Nutrition Labelling
1.1 Develop Nutrient Reference Values for nutrients that are associated with both increased and decreased risk of noncommunicable diseases.

2. Nutrition Claims
2.1 Develop conditions for nutrient content claims for trans-fatty acids and include restrictions on both saturated and trans- fatty acids in the conditions for both nutrient content claims and comparative claims for saturated fatty acids and trans-fatty acids.

5. Production and Processing Standards regarding the Nutritional Quality and Safety of Foods

5.1 Review the need for guidelines intended for governments on the use of sound nutrition principles in the production, processing and formulation of foods based on the population nutrient intake goals of the 2002 Expert Consultation.

UNITED STATES:

The United States is pleased to provide comments in response to CL 2006/44-CAC on the subject of the WHO/FAO Draft Action Plan for Implementation of the WHO Global Strategy on Diet, Physical Activity, and Health (Global Strategy) on matters related to CCFL.

I. GENERAL COMMENTS ON MATTERS RELATED TO THE CCFL

The United States appreciates the work of the WHO and FAO in preparing this draft action plan for consideration by Codex and two of its subsidiary bodies, the Codex Committee on Food Labelling (CCFL) and the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU). The United States previously provided its comments on matters related to the CCNFSDU and appreciates the discussions at the recent CCNFSDU Session. While the focus of these preliminary comments is on potential actions for the CCFL, the United States notes the important roles of both CCFL and CCNFSDU for certain proposed actions.

The United States notes there was general agreement among respondents to the electronic forum that Codex has a role in implementing the Global Strategy to the extent consistent with its purpose of protecting the health of consumers and ensuring fair practices in food trade (para. 7, CL 2006/44-CAC). Moreover, “protection of consumers’ health” appears to be one area of overlap between the Codex mandate and the Global Strategy goal, with labeling activities identified as an important interface between the two. Specifically, the WHO and FAO discussion paper at the last Commission meeting noted that provisions for nutrition labeling and label claim statements would enhance the consumer’s opportunity to select a healthy diet and thereby promote an “environment” that would support actions to reduce chronic diseases (para. 9, CAC/29 LIM/6). The United States notes that past and current work of CCFL and CCNFSDU with labeling provisions and their scientific basis already plays a role in the implementation of

the Global Strategy, but that the Committees now have an opportunity to identify possible areas for new work which may further both Codex and Global Strategy goals.
The United States emphasizes, however, the need for CCFL to prioritize potential work and ensure that potential work is:

- within the Codex mandate of protecting consumers' health and ensuring fair practices in food trade;
- within CCFL's terms of reference;
- globally appropriate; and
- supported by strong scientific evidence.

In addition, it would be important to consider whether consensus among Codex members is likely to be achieved and whether the potential work is an action that can begin now or is dependent on other work.

II. SPECIFIC COMMENTS ON POTENTIAL ACTIONS

A. Nutrition Labelling

Proposed Action 1.1 – Purpose of the guidelines. This proposal is to amend the purpose of the Codex *Guidelines on Nutrition Labelling* (the Guidelines) to include reference to providing the consumer with information to reduce risk factors for noncommunicable diseases and to permit the dietary management of noncommunicable diseases of public health significance. The United States believes that this proposed action should be reviewed by CCFL in coordination with CCNFSDU and in the context of other priorities. Further, the United States believes that such an amendment to the Guidelines may not be necessary as the current text describes the purposes of the Guidelines broadly which would also include information related to diet-related risk factors and their management.

Proposed Action 1.2 – Mandatory nutrient declaration. This proposal is to amend the Guidelines to require nutrient declaration on the labels of all prepackaged foods. The United States supports the consideration of this issue by CCFL. According to Section 3.1 of the current Guidelines, nutrient declaration should be mandatory for foods for which nutrition claims are made and voluntary for all other foods. The United States believes that consumers would benefit from nutrient declaration on all foods and not only on those foods that bear nutrition or health claims. Nutrition labeling makes available nutrition information that can assist consumers in selecting foods that can lead to healthier diets. This proposed amendment to require nutrition information on all prepackaged foods would be beneficial to consumers by facilitating informed consumer choice among a wide variety of foods rather than on a smaller proportion that bear nutrition claims.

Proposed Action 1.3 – List of mandatory nutrients. This proposal is to revise Section 3.2.1 of the Guidelines to expand the list of nutrients that should be always declared. The United States believes that it is appropriate for CCFL, in coordination with CCNFSDU, to consider updating this list, taking into consideration nutrients of most public health significance globally and the strength of the science base for nutrient-disease relationships. Section 3.2.1 of the Guidelines now states that the following nutrients should be declared where nutrient declaration is applied: energy value, protein, available carbohydrate, and fat. The United States recommends that the CCFL and CCNFSDU consider updating this list to include the following nutrients at a minimum: dietary fiber, sodium, saturated fat, *trans* fatty acids, and cholesterol.

Proposed Action 1.4 – Presentation of nutrient description. This proposal is to develop additional criteria for the presentation of nutrient description to enhance its legibility and readability and, thus, consumer use and understanding. The United States recommends that CCFL take into account existing provisions within Codex texts in any consideration of the need for additional provisions specific to the presentation of nutrient declaration. For example, Section 8.1.2 of the current Codex *General Standard for the Labelling of Prepackaged Foods* addresses the presentation of mandatory statements to ensure their legibility and readability by consumers. In addition, the United States urges CCFL to consider the global applicability of any presentation criteria developed by Codex and to permit flexibility for governments to develop specific criteria, based on consumer research, as relevant for their consumers' use and understanding.

Proposed Action 1.5 – Nutrient Reference Values. This proposal is to develop Nutrient Reference Values (NRVs) for nutrients that are associated with both increased and decreased risk of noncommunicable diseases. The United States recognizes the importance of food label reference values as a means to help consumers determine the contribution of a food product to an overall healthful diet and as a basis for criteria for nutrition and health claims. The United States notes ongoing work at CCNFSDU to update and establish new NRVs for vitamins and minerals and supports new work by CCNFSDU to develop NRVs for certain macronutrients associated with risk of noncommunicable diseases. With both these efforts, we emphasize the need for the NRVs to be based on sound science and on guiding principles. The United States recommends that CCFL consider updating the list of mandatory nutrients for nutrition labeling (Proposed Action 1.3 above) as a priority action and to request that CCNFSDU consider updating and/or establishing NRVs for those macronutrients that will be included in the mandatory list as a priority.

B. Nutrition Claims

Proposed Action 2.1 – *Trans* fat and saturated fat claims. This proposal is to develop conditions for *trans* fat and saturated fat content and comparative claims that restrict both saturated and trans fat. The United States notes that the Table of Conditions for Nutrient Contents in the Codex *Guidelines for Use of Nutrition and Health Claims* currently provides for "low" and "free" claims for saturated fat and cholesterol, with the following footnote for "low' claims:

> * In the case of the claim "low in saturated fat," trans fatty acids should be taken into account where applicable. This provision consequentially applies to foods claimed to be "low in cholesterol" and 'cholesterol free".

The United States believes that any consideration of proposed new work on nutrition claims for *trans* fat, saturated fat, and cholesterol depends, in large part, on: 1) the science base to establish NRVs for these nutrient(s) and their inter-relationship; and 2) the availability and global applicability of consumer research to identify claims that would not be misleading. In addition, the United States observes that the WHO and FAO requested both CCFL and CCNFSDU to consider this proposed action. At its recent Session, the CCNFSDU did not support initiation of additional work in this area (para. 154, ALINORM 07/30/26).

C. Quantitative Declaration of Ingredients

Proposed Action 3.1 – Quantitative declaration of ingredients. This proposal is to adopt bracketed provision 5.1.1 (e) in the Proposed Draft Amendment to the Codex *General Standard for the Labelling of Prepackaged Foods* that is now under consideration at CCFL. The United States believes that the provision in current Section 5.1.1 of the *General Standard for the Labelling of Prepackaged Foods* encompasses emphasis related to fruits, vegetables, and whole grains in a food. In addition, the United States believes that requirements related to appropriate use of claims, including express or implied health and nutrition-related claims, are not relevant in the context of ingredient labeling. Such matters are addressed in the Codex *General Guidelines on Claims* and *Guidelines for Use of Nutrition and Health Claims.* With respect to added sugars, the United States notes that Section 3.2.4 of the Codex *Guidelines on Nutrition Labelling* currently provides for mandatory declaration of the amount of total sugars, which includes added sugars, when a claim is made regarding the amount and/or type of carbohydrate. Therefore, the United States does not support the bracketed provision 5.1.1 (e).

In the draft action plan, the WHO and FAO noted the Global Strategy's recommendation for increased consumption of fruits, vegetables, and whole grains and remarked that consumers regard these foods as "healthy" and claims related to the presence of these foods as ingredients are widespread (paras. 31-32 of Appendix, CL 2006/44-CAC). In this context, CCFL may want to consider the need for any provisions related to express or implied claims about the content of health-related ingredients such as fruits, vegetables, or whole grains in Codex texts other than the *General Standard for the Labelling of Prepackaged Foods* where such matters appropriately fit in. For example, the Codex *General Guidelines on Claims* and *Guidelines for Use of Nutrition and Health Claims* could be considered as appropriate vehicles for this purpose.

D. Modification of Standardized Foods

Proposed Action 4.1 – Use of nutrient content and comparative claims in the naming of modified standardized foods. This proposal is to amend the Codex *General Standard for the Labelling of Prepackaged Foods* and the Codex *General Standard for the Use of Dairy Terms* to permit the use of nutrition claims in conjunction with the names of standardized foods. The United States believes that food standards should not impede the manufacture of healthier versions of the food and that there is merit in evaluating the need for general labeling guidelines to encourage the use of sound nutrition principles in the formulation of modified standardized foods. The United States supports this proposal and recommends that CCFL evaluate the need for labeling guidelines for the modification of standardized foods for the purpose of making them eligible for specific, Codex-defined nutrient content and comparative claims.

INTERNATIONAL ASSOCIATION OF CONSUMER FOOD ORGANIZATIONS (IACFO):

The International Association of Consumer Food Organizations (IACFO) is pleased to submit the following comments on the WHO/FAO Draft Action Plan for Codex to implement the Global Strategy on Diet, Physical Activity and Health. The Action Plan calls for specific steps by the Codex Committee on Food Labelling (CCFL) and the Codex Committee on Foods for Special Dietary Use (CCFSDU) that would provide a very important mandate for Codex to focus its attention on the prevention of diet-related disease.

A. CCFL

We support the recommendations in paragraphs 31, 32, and 48 (A)(3) of the Action Plan that call for the CCFL to develop standards for:

- Quantitative Ingredient Disclosure (QUID) of fruits, vegetables, whole grains and added sugar when any express or implied claims are made regarding the presence of such ingredients. We suggest that legumes and nuts be added to this list of ingredients in accordance with WHO dietary advice. We reiterate our support for the adoption of the entire amendment on QUID now pending before the CCFL (ALINORM 06/29/2 Appendix VI).

We support the recommendations in paragraphs 17, 20 and 48 (A)(1) of the Action Plan that call for CCFL to develop guidelines for:

- Mandatory nutrition labeling (regardless of whether a nutrition claim is made) and agree that the purpose of such labeling should be provide consumers with information they need to help reduce their risk of diet-related disease.

- Mandatory disclosure of the list of nutrients specified in sub-paragraph 48 (A)(1.3). However, we suggest that the list be amended to include “added sugars” and any other nutrients deemed by national authorities to be necessary for reducing the risk of diet-related disease.

- The development of "additional criteria for the presentation of nutrient [declarations] to enhance . . . consumer use and understanding of the information.” We suggest, however, that the words “including the use of universal symbols on the principle display panel of the food package” be inserted at the end of sub- paragraph 48(A)(1.4).

- The development of Nutrient Reference Levels for nutrients which are associated with both increased and decreased risk of disease. We suggest, however, that the sub-paragraph 48(A)(1.5) be amended to state at the end “Nutrient Reference Values should appear on the nutrition label in immediate conjunction with the amount of each nutrient required to be disclosed.

We support the recommendations in paragraph 48(A)(2) that CCFL develop standards for:

- Restricting claims regarding the trans fatty acid content of foods that also contain saturated fat. Many such claims currently in the marketplace are misleading to consumers who are trying to reduce their risk of heart disease.

We support the recommendations in paragraph 30 of the Action Plan that CCFL continue new work to develop standards for:

- Consistent rules for health claims in food advertising and labeling. Such standards are necessary to prevent consumer deception and protect consumer health.

B. CCNFSDU

We support the recommendation in paragraph 48 (B) that the CCNFSDU:

- Review the need for guidelines on the use of sound nutrition principles in the production and formulation of processed foods. We believe that the Committee should develop guidelines for the addition of sugars, salt, trans fatty acids, and saturated fat to processed foods which are in accordance with sound nutritional principles. We specifically agree with the statement in paragraph 40 of the Action Plan that “consideration should be given to the setting of limits on the content of industrially produced trans-fatty acids in foods.”

We further support the recommendations in paragraphs 48 (1) and 48(2) that the CCNFSDU assist the CCFL with the development of:

- Nutrient reference values for nutrients associated with an increased risk of disease and;

- Standards restricting trans fat claims for foods containing saturated fat.

C. Work by Other Codex Committees

IACFO also calls upon the Codex Commission to consider how the ongoing work of the Committee on General Principles regarding the amendments to the Code of Ethics for the International Food Trade may complement the work by the CCFL and the CCNFSDU in the areas specified in the WHO/FAO Action Plan. Such work may complement the efforts by CCFL and CCNFSDU, particularly with regard to the development of a Code for Marketing Food to Children.

INTERNATIONAL COUNCIL OF BEVERAGES ASSOCIATIONS (ICBA):

The International Council of Beverages Associations (ICBA) is a non-governmental 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 water-based beverages, including carbonated soft drinks and non-carbonated beverages such as juice drinks, bottled waters, and ready-to-drink coffees and teas. ICBA is pleased to provide the following comments in response to the request for comments on the draft Action Plan for

Implementation of Global Strategy on Diet, Physical Activity and Health (on matters related to the CCNFSDU and CCFL).

International food and beverage companies and industry associations have worked with the WHO as stakeholders to contribute to the Global Strategy's goals by:

- Working with government and nongovernmental organizations to promote physical activity and healthy lifestyles
- Offering a full range of product choices and a variety of product sizes
- Providing consumer information through mandatory and voluntary nutrition labeling schemes
- Establishing and adhering to responsible advertising and marketing commitments
- Initiating and supporting workplace wellness initiatives.

ICBA supports the development of actions through which Codex can contribute to the implementation of the Global Strategy. Any actions that are taken on should be within the remit of Codex and should take into account limitations on Codex resources. Within this context, ICBA believes Codex should focus on issues that will make the greatest impact. We have the following comments concerning the draft actions that the CCFL has been asked to consider:

1. Nutrition labeling

1.1 Amend the Purpose of the Guidelines to include reference to providing the consumer with information to reduce risk factors for non-communicable diseases and to permit the dietary management of non-communicable diseases of public health significance.

ICBA agrees that it is appropriate to include a reference to non-communicable diseases as part of the stated "Purpose" of the Guidelines on Nutrition Labelling. However, any such statement should be part of a broader statement emphasizing the importance of nutrition labelling in enabling consumers to make informed dietary choices that will contribute towards good health and promote general well-being.

1.2 Amend Subsection 3.1 to require that the Nutrient Declaration be mandatory on the labels of all pre-packaged foods

ICBA agrees that the CCFL should consider whether nutrient declaration should be mandatory for all foods. Within this context, three areas require particular attention:

a) Packages with limited surface area for labelling, or surfaces that are difficult to label: There are certain prepackaged foods and beverages where such declaration will be difficult due to the small amount of surface space available to bear labelling, and/or the type of packaging material used, e.g., recyclable glass bottles with limited space for attaching a label. Therefore, ICBA recommends that alternative means be explored for providing nutrient declarations on such products. ICBA believes that manufacturers of such products should be given increased flexibility for making nutrition information available to consumers through other means of communication.

b) Foods and beverages with minimal or no nutritional content: The need to provide nutrition labeling for foods and beverages with minimal or no nutrient contribution, e.g., herbs, spices, unflavored teas and coffees, unflavoured water, should be considered.

c) Alternate means for providing nutrition information about food and beverage products: Consumers eat and drink a wide variety of foods and beverages. The products are purchased at retail in either packaged or unpackaged forms and are also purchased through restaurants and other catering facilities. ICBA believes that consumers should have access to nutrition information about all of the foods and beverages that are consumed, not just those purchased in pre-packaged forms. Nutrition labelling is one way to provide this information, but may not be practicable in all situations. When considering how best to provide consumers with nutrition information on which to make informed dietary choices, the CCFL should take into consideration all means of communication that are available to consumers.

1.3 Expand the list of nutrients that are always declared (Paragraphs 3.2.1.1 and 3.2.2.2 of the Guidelines) to include the energy value and the amounts of protein, available carbohydrate, sugars, fat, saturated fatty acids, trans-fatty acids and sodium.

Within the international context, ICBA supports the mandatory declaration of energy value, and the amounts of protein, available carbohydrate and fat. As is the current requirement, nutrition labelling should also include any other nutrient for which a nutrition or health claim is made. ICBA believes that the decision to require more than the core nutrients on the label should be left to national legislation.

a) There has already been extensive debate at Codex level regarding expansion of the list of nutrients. The text that was adopted by the 26th Session of the Codex Alimentarius Commission in 2003 established a core set of nutrients (energy, protein, carbohydrate and fat) that must be included when nutrition labelling is applied on a voluntary basis. Flexibility was provided for national governments to require the listing of additional nutrients, if deemed important for the health of the local population.

b) In many countries, nutrition labelling is a relatively new practice. Where applied, it is generally limited to energy, protein, carbohydrate and fat. A requirement to add several additional nutrients could result in consumer confusion.

c) Requirements to extend the list of core nutrients would not necessarily reflect the nutritional needs and/or consumer understanding of individual countries. In particular, such a requirement may not be in the best interest of those countries that directly adopt Codex Guidelines and Standards when developing national regulations.

d) In addition to labeling the core nutrients, ICBA would support consideration for requiring the labeling of sodium, if inclusion of this information would be of benefit to consumers on a global basis.

1.4 Develop additional criteria for the presentation of the Nutrient Description to enhance legibility and readability and hence consumer use and understanding of the information

The *General Standard for the Labelling of Prepackaged Foods* already specifies that mandatory labeling information must be legible, easy to read and easy to find (Section 8: Presentation of Mandatory Information). Most governments across the world have similar requirements. Any further requirements should be left to national governments, in order to provide flexibility for the wide range of package sizes, and to accommodate the unique characteristics of language and presentation.

1.5 Develop Nutrient Reference Values for nutrients that are associated with both increased and decreased risk of non-communicable diseases.

Micronutrients: ICBA supports the work that is in progress at CCNFSDU to add and/or revise the current list of Nutrient Reference Values (NRVs). The Codex *Guidelines for Nutrition Labelling* should be revised on a priority basis as a follow up to this work.

Macronutrients: ICBA supports establishing a working group to explore the scientific evidence regarding NRVs for macronutrients. ICBA recommends that this be undertaken as a follow-up to the expert consultations that are planned on carbohydrates, and fats and oils. ICBA believes establishing NRVs for macronutrients has the potential for providing useful information to the consumer and would support innovation by the private sector. Within context of the Procedures governing the work of the Codex Committees, ICBA recommends that the CCFL work with the CCNFSDU to consider development of NRVs for macronutrients.

2. Nutrition Claims

2.1 Develop conditions for nutrient content claims for trans-fatty acids and include restrictions on both saturated and trans- fatty acids in the conditions for both nutrient content claims and comparative claims for saturated fatty acids and trans-fatty acids.

ICBA supports establishing science-based criteria for nutrient content claims for trans fatty acids, and setting appropriate limitations on saturated and trans fatty acids for nutrient content and comparative claims for both saturated and trans fatty acids. These actions would help achieve a harmonized global approach to such claims, a factor that is of key importance in global trade of food and beverage products. In addition, it would remove the ambiguity that is associated with the current footnote in the *Table of Conditions for Nutrient Content* that reads "In the case of the claim "low in saturated fat" trans fatty acids should be taken into account where applicable…."

3. Quantitative Declaration of Ingredients

3.1 Include paragraph 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" be included in any requirements for the quantitative declaration of ingredients.

ICBA does not support this action point. The provisions for QUID labeling are not intended to facilitate consumers' understanding about nutrition and health. These issues are already addressed through the *Codex Guidelines on Nutrition Labelling* and the *Codex Guidelines on the Use of Nutrition and Health Claims*, as well as national regulations and policies related to nutrition and health. Further, the existing QUID provisions already require mandatory declaration of ingredients that are emphasized on the label. Therefore, ICBA does not see a need for this particular provision.

4. Modification of Standardized Foods

4.1 Amend the Codex General Standard for the Labelling of Prepackaged Foods and the Codex General Standard for the Use of Dairy Terms to permit the use of the names established in a standard to be used in conjunction with either a comparative claim or a nutrient content claim on the label of a modified standardized food provided that the claims comply with requirements set out in the Codex Guidelines for Use of Nutrition and Health Claims.

ICBA supports this proposal. It would provide a broad-based, horizontal means for amending all food standards, without needing to carry out amendments, standard-by-standard. To do the latter would be unreasonable from a timing standpoint, and also would prevent the rapid reformulation of standardized food and beverage products to allow consumers fast access to a wider array of dietary choices.

INTERNATIONAL COUNCIL OF GROCERY MANUFACTURERS ASSOCIATIONS (ICGMA):

The International Council of Grocery Manufacturers Associations (ICGMA)[25], is pleased to provide the following comments on the Draft Action Plan for Implementation of the Global Strategy on Diet, Physical Activity and Health that the Codex Committee on Food Labeling (CCFL) has been asked to consider.

EXECUTIVE SUMMARY

Nutrition Labeling

1.1 Amend the Purpose of the Guidelines to include reference to providing the consumer with information to reduce risk factors for noncommunicable diseases and to permit the dietary management of noncommunicable diseases of public health significance.

- ICGMA agrees that it is appropriate to include reference to noncommunicable diseases, including obesity, cardiovascular diseases and type 2 diabetes, as part of the stated "Purpose" of the Guidelines on Nutrition Labeling.

1.2 Amend Subsection 3.1 to require that the Nutrient Declaration be mandatory on the labels of all prepackaged foods;

- ICGMA supports CCFL exploring whether nutrient declaration should be mandatory for all foods. Within this context, three areas require particular attention to: 1) The capacity to provide and verify nutrition labeling; 2) Packages with limited surface area for labeling, or surfaces that are difficult to label; and 3) Foods and beverages with minimal or no nutritional content:

1.3 Expand the list of nutrients that are always declared (Paragraphs 3.2.1.1 and 3.2.2.2 of the Guidelines) to include the energy value and the amounts of protein, available carbohydrate, sugars, fat, saturated fatty acids, *trans*-fatty acids and sodium;

- ICGMA supports the mandatory declaration of energy, and the amounts of protein, carbohydrate and fat. ICGMA believes that the any decision to expand the list of required core nutrients should be left to national authorities so nutritional needs of individuals based

[25] ICGMA, a recognized NGO before the Codex Alimentarius Commission, represents the interests of national and regional associations who collaborate with all sectors of the consumer packaged goods industry. ICGMA promotes the harmonization of scientific standards and policies concerned with health, safety, packaging, and labeling of foods, beverages, and other consumer packaged goods. ICGMA also works to facilitate international trade in these sectors by elimination or preventing artificial barriers to trade.

on different geographic regions as well as foods commonly consumed by different countries are appropriately taken into consideration.

1.4 Develop additional criteria for the presentation of the Nutrient Description to enhance eligibility and readability and hence consumer use and understanding of the information; and

- ICGMA recommends that nutrition labeling format details should be left up to national authorities.

1.5 Develop Nutrient Reference Values for nutrients that are associated with both increased and decreased risk of noncommunicable diseases.

- ICGMA supports the revision of the NRVs for micronutrients contained in the Codex Guidelines on Nutrition Labeling, Section 3.4.4 (Table). ICGMA supports work by CCFL to establish a working group to explore the scientific evidence regarding NRVs for additional micronutrients not currently under review in the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU).
- ICGMA recommends that the CCFL work with the CCNFSDU to consider development of NRVs for macronutrients.

Nutrition Claims

2.1 Develop conditions for nutrient content claims for *trans* fatty acids and include restrictions on both saturated and *trans* fatty acids in the conditions for both nutrient content claims and comparative claims for saturated fatty acids and *trans* fatty acids.

- ICGMA supports the development of *trans* fat/saturated fat nutrient content claims that consider the amount of both *trans* fat and saturated fat when a *trans* fat and/or saturated fatty acid nutrient content claim is made. This work could begin through the scientific process necessary to determine these levels.

Quantitative Declaration of Ingredients

3.1 Include paragraph 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" be included in any requirements for the quantitative declaration of ingredients.

- ICGMA does not support this action point. The existing QUID provisions already require mandatory declaration of ingredients that are emphasized on the label. We believe that the existing quantitative ingredient labeling provisions set forth in the Codex Standard for the Labeling of Prepackaged Foods are sufficient, and do not require further elaboration.
- ICGMA does not support declaring by percentage (or weight) the amount of fruits, vegetables, whole grain or added sugars when subject to an express or implied claim. We believe that this could result in misleading information being given to consumers.

Modification of Standardized Foods

4.1 Amend the Codex General Standard for the Labelling of Prepackaged Foods and the Codex General Standard for the Use of Dairy Terms to permit the use of the names established in a standard to be used in conjunction with either a comparative claim or a nutrient content claim on the label of a modified standardized food provided that the claims comply with requirements set out in the Codex Guidelines for Use of Nutrition and Health Claims.

- ICGMA supports this proposal. A well-designed horizontal Codex Committee approach can address areas of greatest need. ICGMA believes that Codex should not undertake a cumbersome and time-consuming process of reviewing each food commodity standard

Introduction

The food and beverage industry has been active in promoting a healthy lifestyle for many years, including the importance of consuming a balanced and varied diet and being physically active. Since the adoption of the Global Strategy in May 2004, the food and beverage industry has been a willing and active partner with the World Health Organization (WHO), moving aggressively to implement our part of the Global Strategy. From the promotion of healthy lifestyles to the reformulation and introduction of new "better for you" products, the industry has demonstrated its commitment to seeking sustainable, comprehensive solutions to improve the health and wellness of all individuals, particularly youth. Our effort is well underway at the national levels to ensure the success of the Global Strategy.

The Terms of Reference for the CCFL and CCNFSDU already provide avenues for discussing many of the nutrition issues WHO is proposing that Codex undertake. Given that the Global Strategy is a new initiative, time must be allowed for Member States to consider the initiative overall and to consider the ability to link it with existing and/or new Codex activities. Moreover, if new work is to be considered by Codex, it should only be undertaken within the objectives of Codex and its operational mandate and must take into account limitations on Codex resources.

Codex Alimentarius has provided important Standards and Guidelines in relation to nutrition labeling. CCFL recently finalized Codex standards for nutrition and health claims. The WHO should use these Codex standards as technical assistance for Member States implementing the Global Strategy. Member States should be encouraged to implement these Standards and Guidelines, which would be an important contribution towards achieving the goals of the Global Strategy.

ICGMA also encourages Member States to share with other Member States their efforts and experiences in implementing these Standards and Guidelines at the national level. To support this, ICGMA proposes the development of a mechanism for sharing among Member States information concerning implementation of new Codex Standards and Guidelines in relation to nutrition labeling and nutrition and health claims at the national level. Such a clearinghouse could serve as a *trans*parent means of sharing information with Member States to assist in providing examples where and when resources are limited.

Nutrition Labeling

1.1 Amend the Purpose of the Guidelines to include reference to providing the consumer with information to reduce risk factors for noncommunicable diseases and to permit the dietary management of noncommunicable diseases of public health significance.

ICGMA agrees that it is appropriate to include reference to noncommunicable diseases, including obesity, cardiovascular diseases and type 2 diabetes, as part of the stated "Purpose" of the Guidelines on Nutrition Labeling. However, any such statement should be part of a broader program which emphasizes the importance of nutrition labeling in enabling consumers to make informed dietary choices that will contribute towards good health and promote general well-being.

1.2 Amend Subsection 3.1 to require that the Nutrient Declaration be mandatory on the labels of all prepackaged foods;

ICGMA agrees that nutrition labeling provides important information about the nutrient content of food and thus provides a useful tool for consumers to use in selecting foods that comprise a healthy diet. Over the past years, the industry has extended and improved the use of nutrition labeling. While nutrition labeling is mandatory in a few countries, major food companies have voluntarily implemented nutrition labeling in many others. Companies have also increased the use of other consumer information tools, such as websites, consumer toll-free phone numbers, in-store leaflets and brochures. Companies have made efforts to raise awareness among consumers of the existence and usefulness of nutrition labeling and local dietary guidance systems.

ICGMA supports CCFL exploring whether nutrient declaration should be mandatory for all foods. Within this context, three areas require particular attention:

a) <u>The capacity to provide and verify nutrition labeling:</u> Consideration needs to be given to the capacity of food and beverage companies to analyze products and accurately label their nutrient content, as well as the resources necessary for national authorities to verify and enforce nutrition labeling.

b) <u>Packages with limited surface area for labeling, or surfaces that are difficult to label:</u> There are certain prepackaged foods and beverages where such declaration will be difficult due to the small amount of surface space available to bear labeling, and/or the type of packaging material used, e.g., recyclable glass bottles with limited space for attaching a label. Therefore, ICGMA recommends that alternative means be explored for providing nutrient declarations on such products. ICGMA believes that manufacturers of such products should be given increased flexibility for making nutrition information available to consumers through other means of communication.

c) <u>Foods and beverages with minimal or no nutritional content:</u> The need to provide nutrition labeling for foods and beverages with minimal or no nutrient contribution, e.g., herbs, spices, unflavored teas and coffees, unflavored water, should be considered.

1.3 Expand the list of nutrients that are always declared (Paragraphs 3.2.1.1 and 3.2.2.2 of the Guidelines) to include the energy value and the amounts of protein, available carbohydrate, sugars, fat, saturated fatty acids, *trans*-fatty acids and sodium;

Within the international context, ICGMA supports the mandatory declaration of energy, and the amounts of protein, carbohydrate and fat. As is the current Codex standard, mandatory nutrition labeling should also include any other nutrient for which a nutrition or health claim is made.

ICGMA believes that the any decision to expand the list of required core nutrients should be left to national authorities so nutritional needs of individuals based on different geographic regions as well as foods commonly consumed by different countries are appropriately taken into consideration.

ICGMA does not support dividing sugar into “naturally occurring” and “free”. There is no nutritionally scientific basis for distinguishing free sugars separately. Furthermore, from an enforcement standpoint, there is no analytical method to confirm if the sugar is naturally occurring or added during formulation of the food or beverage.

1.4 Develop additional criteria for the presentation of the Nutrient Description to enhance eligibility and readability and hence consumer use and understanding of the information; and

ICGMA recommends that nutrition labeling format details should be left up to national authorities. The *General Standard for the Labeling of Prepackaged Foods* already specifies that mandatory labeling information must be legible, easy to read and easy to find (Section 8: Presentation of Mandatory Information). Most governments across the world have similar requirements. Any further requirements should be left to national governments, in order to accommodate the unique characteristics of language and presentation and to provide flexibility for the wide range of package sizes.

ICGMA supports conducting consumer research on nutrition information on the food label. Many countries around the world are conducting this research to gain a better understanding of how to improve messages to consumers.

1.5 Develop Nutrient Reference Values for nutrients that are associated with both increased and decreased risk of noncommunicable diseases.

ICGMA supports the recommendation made at the 28th session of CCNFSDU held in Chiang Mai, Thailand to ask CCFL its advice concerning extension of the list of NRVs in the *Guidelines for Nutrition Labeling* to other nutrients associated with increased and decreased risk of non-communicable diseases. To complete this work in a timely manner, we suggest using science-based reference values existing from recommendations of national authorities along with peer-reviewed scientific studies relating to specific countries for macronutrients and micronutrients.

Micronutrients
A discussion on additional or revised NRVs for micronutrients is already underway at the CCNFSDU. ICGMA supports the revision of the NRVs for micronutrients contained in the Codex *Guidelines on Nutrition Labeling*, Section 3.4.4 (Table). ICGMA supports work by CCFL to establish a working group to explore the scientific evidence regarding NRVs for additional micronutrients not currently under review in CCNFSDU. Establishment of new NRVs would help provide consumer information and support innovation by the private sector. For example, the establishment of an NRV for potassium would be helpful in the prevention of high blood pressure.

Macronutrients
Within the context of the Procedures governing the work of the Codex Committee, ICGMA recommends that the CCFL work with the CCNFSDU to consider development of NRVs for macronutrients. ICGMA supports establishing a working group to explore the scientific evidence regarding NRVs for macronutrients. ICGMA believes establishing NRVs for macronutrients have the potential for providing useful information to the consumer and would support innovation by the private sector. ICGMA encourages CCFL to give thorough consideration to the important issues based on science, real world of consumer preference, and availability of alternative ingredients in the development of NRVs for macronutrients as well as micronutrients, as discussed in Appendix A.

ICGMA does not support the use of the population nutrient intake goals developed by the 2002 Joint WHO/FAO Expert Consultation (2002 Expert Consultation) as the sole source for developing the NRVs for saturated fatty acids, and *trans* fatty acids. The WHO Global Strategy specifically states as one of its Principles for Action "Strategies need to be based on the best available scientific research and evidence . . ." The Global Strategy continues

> Reports of international and national experts and reviews of the current scientific evidence recommend goals for nutrient intake and physical activity in order to prevent major noncommunicable diseases. These recommendations need to be considered when preparing national policies and dietary guidelines, taking into account the local situation.

The 2002 Expert Consultation was neither peer-reviewed nor referenced in the WHO Global Strategy. In fact, the Global Strategy stated "For diet, recommendations for populations and individuals should include the following: . . . limit energy intake from total fats and shift fat consumption away from saturated fats to unsaturated fats and towards the elimination of *trans*-fatty acids" This is consistent with the Institute of Medicine Macronutrient Report (2002) which concluded there was insufficient scientific data to establish a quantitative amount of *trans* fatty acid in the diet. The Report did conclude that "saturated fatty acid, *trans* fatty acids and cholesterol intakes should be kept as low as possible while consuming a nutritionally adequate diet." The National Academy of Science also acknowledged that it was not possible to eliminate *trans f*at from the diet entirely.

2. Nutrition Claims

ICGMA supports the goal of science-based nutrient content claims to maximize the potential for consumer understanding and ultimately benefit consumer health. The goal of these claims which are based on sound science is to communicate in such a way that consumers will more clearly understand the relationship between the claim and the product itself as a potential benefit, and thus be motivated to make dietary changes. Messages must not mislead the public, but communication about a product's healthfulness should be allowed and supported in order to encourage consumers to eat healthier. Nutrition and health claims on food labels can make a significant contribution to the public health. It is important to remember that labels can reach all consumers – even those who do not have access to other nutrition information and who carry the greatest burden of chronic disease risk.

2.1 Develop conditions for nutrient content claims for *trans*-fatty acids and include restrictions on both saturated and *trans*- fatty acids in the conditions for both nutrient content claims and comparative claims for saturated fatty acids and *trans*-fatty acids.

ICGMA supports Codex in developing policies that foster the development of healthier products for consumers. We do not support policies that take single nutrients out of the context of the food or the total diet. Despite the intense public scrutiny regarding *trans* fat, saturated fat consumption still remains a public health concern. Removing *trans f*at "at any cost" could lead to a return to oils with higher saturated fat content and products that have a less healthy, total fat profile than the products they are intended to replace.

ICGMA therefore supports a more judicious approach, i.e. the development of *trans* fat/saturated fat nutrient content claims that include consideration/restriction on the amount of both *trans* fat and saturated fat when a *trans* fat and/or saturated fatty acid nutrient content claim is made. These actions would help achieve a harmonized global approach to such claims, a factor that is of key importance in global trade of food and beverage products. This work could begin through the scientific process necessary to determine these levels.

Quantitative Declaration of Ingredients

3.1 Include paragraph 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" be included in any requirements for the quantitative declaration of ingredients.

ICGMA does not support this action point. The existing QUID provisions already require mandatory declaration of ingredients that are emphasized on the label. We believe that the existing quantitative ingredient labeling provisions set forth in the Codex Standard for the Labeling of Prepackaged Foods are sufficient, and do not require further elaboration.

ICGMA does not support declaring by percentage (or weight) the amount of fruits, vegetables, whole grain or added sugars when subject to an express or implied claim. We believe that this could result in misleading information being given to consumers. For example, despite being significant amounts dietarily, 60 g of vegetables may not appear to be significant to the consumer when considered based on a food's total weight. Instead, we recommend that claims about fruit, vegetables or whole grains only be allowed when the food contains a meaningful amount in terms of total diet. This level will vary across fruits, vegetables, and whole grains. Manufacturers should be encouraged to provide information on the amount in the product in the context of a diet (i.e. ½ serving) relative to the total daily amounts set by national authorities.

Also, ICGMA believes that the proposed QUID labeling guidelines are potentially violative of the World Trade Organization's (WTO) trade agreements, particularly the Agreement on Technical Barriers to Trade (TBT Agreement) which requires that technical regulations "shall not be more trade-restrictive than necessary to fulfill a legitimate objective." The proposed QUID labeling is simply informational, and does not address a legitimate health objective as nutritional labeling does or a legitimate food safety objective as ingredient or allergen labeling does.

ICGMA is particularly concerned that if Codex were to establish a QUID standard or guidelines a country could not make a case to the WHO that QUID labeling was being used as a barrier to trade because Codex standards or guidelines are recognized by the WTO as definitive.

ICGMA is particularly concerned about the impact of such labeling requirements on small and developing businesses as well as small and developing economies. The significant expenses associated with the proposed amendment coupled with the slim profit margins inherent in the food processing industry will burden small and developing business. Additionally, the regulatory structures in many small economies have neither the personnel nor the budgets necessary to enforce such a burdensome labeling scheme, as scare regulatory resources are focused on other important food safety issues.

Modification of Standardized Foods

4.1 Amend the Codex General Standard for the Labelling of Prepackaged Foods and the Codex General Standard for the Use of Dairy Terms to permit the use of the names established in a standard to be used in conjunction with either a comparative claim or a nutrient content claim on the label of a modified standardized food provided that the

claims comply with requirements set out in the Codex Guidelines for Use of Nutrition and Health Claims.

ICGMA supports this proposal. A well-designed horizontal Codex Committee approach can address areas of greatest need. Such an approach will promote the efficient use of Codex resources and encourage manufacturers to innovate and bring consumers a wider selection of traditional foods with improved nutritional profiles. ICGMA believes that Codex should not undertake a cumbersome and time-consuming process of reviewing each food commodity standard

ICGMA believes that manufacturers should be allowed the flexibility in making changes in the levels of nutrients that have set values so that products maintain palatability and acceptability. Companies continue to research ways to make incremental but cumulative changes in nutrients without compromising the taste or quality consumers expect. ICGMA believes that food commodity standards should not inadvertently serve as an impediment when manufacturers wish to formulate ‘healthier versions’ of food products with, for example, lower levels of saturated fat or sodium.

APPENDIX A

Food Industry Efforts to Reduce Saturated Fat and *Trans* Fat

The food industry takes the concerns about *trans* fat seriously and has made great strides in its efforts to reformulate products to lower *trans* fatty acids levels by reducing or eliminating the partially hydrogenated vegetable oil content in the food supply.

However, saturated fat consumption still remains a public health concern. A removal of *trans* fat "at any cost" could lead to a return to oils with high saturated fat content and products that have a less healthy fat profile than the products they are intended to replace. Therefore, we call upon Codex to adopt judicious policies that foster the development of healthier products for consumers and not focus on only one element of the overall nutritional profile. We elaborate briefly with three simple points:

The food companies represented by ICGMA members, working in tandem with the fats and oil industry, have made considerable R&D investments in finding alternative ingredients that reduce or eliminate *trans* fat without increasing saturated fat in any significant way. These R&D efforts seek to merge the health benefits of alternative ingredients with necessary functional elements such as taste, texture, structure, and shelf stability. Equally important is evaluation of product performance differences in the reformulated products as is or as ingredients for recipe use applications in the home.

It should be noted that removing or reducing *trans* fat does not come without challenges. Some of these, such as reformulation to achieve the same taste, appearance, stability and performance, are widely known. Less understood are challenges in sourcing replacement ingredients, availability in commercial quantities, adjustments to equipment to receive, store and use alternative ingredients, and adjustments to cooking, handling and packaging, with resulting impacts on efficiency and productivity. Even if a promising substitute for a *trans* fat-containing ingredient is found, it must be assessed as part of a complex evaluation process that requires substantial investment of time and resources. The elements of this evaluation typically include, research and development work; sensory evaluation, both initially and then throughout the product's shelf life; in-plant modifications, adjustments, and scale-up efforts; product stability studies; potential packaging modifications; labeling revision; and potential distribution and warehousing modifications. Modification of distribution systems could include requirement for more refrigerated delivery systems, cooler warehousing, etc. If all goes well, a "typical" process can require several years, thousands of personnel hours and millions of dollars.

Accordingly, whenever possible, we believe that any new or reformulated products need to have improved fatty acid profiles compared to the products they replace. As we learned in consumer research conducted by the International Food Information Council, overemphasizing a particular type of fat led consumers to disregard other components of the nutrition label such as saturated fat, cholesterol and total fat content. This means we must look at the total amount of fats and the total amount of saturated plus *trans* fat in the product, and not focus exclusively on *trans* fat content. The goal should be that any decreased levels of *trans* fat should be replaced with no increase or with as small an increase in saturated fat as possible, and at most by an equivalent increase in saturated fat, in as many product categories as technologically feasible.

Finding appropriate substitute ingredients to replace those that contain *trans* fat presents significant technological challenges that need to be overcome. That takes time, dedication, and patience. If companies are compelled to eliminate *trans* fat before a better substitute is developed, it would be a major step back for public health and an enormous disservice to consumers.

Food company initiatives have already led to significant reductions of *trans* fat across the entire food supply. However, the pace of future reformulations depends in large part upon the commercial availability of alternative oils as well as the time needed to make and test product reformulations. Planting, harvesting and processing new crops for oils will take several years to meet the production demand of the entire food industry.

The WHO and other health authorities – all advise consumers to focus on reducing their intake of both saturated and *trans* fats as part of a nutritionally adequate diet. This will require that all stakeholders, including farmers, government officials, health advocates and food companies, work together to increase the supply and availability of *trans* fat-free oils.

Food Industry Efforts to Reduce Sodium

The food industry has a long record of experience in trying to reduce sodium levels, and we need to learn from that experience. Starting over 20 years ago, food companies launched major efforts to develop products with "low" or "reduced" sodium levels. Most of these products were not accepted by consumers due to taste. The result was a relatively small number of products with significant reductions, but not a discernible impact on overall sodium consumption by the population as a whole. We know from research that consumers will not purchase foods that they do not enjoy, and consistently state that taste is the most important attribute of the foods they choose (IFIC, 2003; Sloan, 2003). Consumers are far more likely to choose nutrient-rich foods such as vegetables if they can also enjoy them because of sodium that is either inherent or added to the food for flavor (Keast et al, 2002; Breslin et al, 1997, 1995).

The food companies represented by ICGMA members are committed to improving all of our products in order to help consumers meet their dietary goals sensibly and responsibly, and are researching a number of ways to reduce sodium in the foods consumers eat everyday.

There are major barriers to achieving significant reductions in sodium levels. The first barrier is a lack of available substitutes. There are no known substitutes for sodium in processed food. So companies need to use other ingredients to "compensate" for the loss of sodium, but they are not very effective. Companies are committed to finding new flavorings that are suitable substitutes for the critical flavor and texture provided by salt. However, food scientists have not yet found a viable salt substitute and it may be some time before they do. Taste receptors inside the human tongue require the shape and size of the sodium chloride ion in order to register a salty taste and, in that respect, the salty taste is physically unique as there are no substitutes the tongue will accept.

The second barrier is taste. Sodium plays a fundamental role in the taste of many processed foods. There is no commercial viability to reformulating products that consumers won't purchase and won't consume.

The third barrier is food safety. In certain processed foods, particularly meat products, sodium plays a vital food safety role, and recent requirements for control of listeria actually result in the need for modest, increased sodium levels in some products. Reducing sodium, particularly when it synergistically acts with other preservatives (e.g. nitrate), can significantly reduce the ability of a formulation to inhibit pathogenic microbial growth. Furthermore, reduced-sodium processed meats will generally have less shelf-life versus full-salt formulations creating challenges in some distribution channels in developing countries.

Many food companies are making incremental but cumulative reductions in sodium across a wide variety of products. This will benefit consumers while ensuring consumer acceptance of product reformulations. Small changes to sodium content in foods have proven to be a successful approach. A study in the American Journal of Public Health (Havas, S. et al., 2004) showed that in the United Kingdom, a regional supermarket chain has been successful in incrementally reducing the sodium content in its store brand products.

Sugars

With the exception of dental caries, sugars are not linked to non-communicable diseases. ICGMA does not support dividing sugar into “naturally occurring” and “free”. There is no nutritionally scientific basis for distinguishing free sugars separately. Furthermore, from an enforcement standpoint, there is no analytical method to confirm if the sugar is naturally occurring or added during formulation of the food or beverage. Concern about free sugars arises when nutrient-poor foods are consumed at the expense of nutrient-dense foods. Not all foods that contain free sugars are poor sources of nutrients. Sugars can improve the palatability of foods and beverages that otherwise might not be consumed (FAO/WHO, 1998). A possible reason for this apparent beneficial effect of small amounts of added sugars can be found in a recent paper (Frary et al., 2004). The investigators concluded that, on average, the consumption of sweetened dairy foods and beverages and presweetened cereals had a positive impact on children and adolescents' diet quality. The Dietary Guidelines for Americans also recognizes that *"small amounts of sugars added to nutrient-dense foods, such as breakfast cereals and reduced-fat milk products, may increase a person's intake of such foods by enhancing palatability of these products, thus improving nutrient intake without contributing excessive calories."*

INTERNATIONAL DAIRY FEDERATION (IDF):

General comments

IDF supports the objectives of the WHO Global Strategy on Diet, Physical Activity and Health with regard to minimizing human intake of nutrients associated with non-communicable diseases including obesity, cardiovascular diseases and type 2 diabetes. With the establishment of a detailed action plan for implementation in Codex, careful consideration needs to be given to promoting a balanced view on foods and how they fit into an overall diet.

IDF believes that the on-going Codex considerations with regard to the Implementation of the WHO Global Strategy on Diet, Physical Activity and Health should not result in discrimination or inappropriate positioning of individual food products or groups of food products that are known to contribute significant amounts of essential and valuable nutrients to the overall diet, even if some of these may also contain nutrients thought to be linked to increased health risks for certain groups of people.

Positive nutriment and negative nutriment should be related to the quantity in relation to the total diet and not in relation to a particular food. For example, nutrient-dense foods like some milk products and fruits contain saturated fat and sugars respectively, but are at the same time they also provide significant amounts of important nutrients such as protein, calcium, fiber, vitamins and micronutrients. Most countries have national guidelines that promote the intake of milk and fruit.

A second general remark is that some of the food ingredients in question are essential for enhancing flavor or for the production and preservation of certain foods (for example: salt in cheeses, sugar in condensed milk). The FAO/WHO draft action plan states in para. 6 that:

The recommendations for diet for populations and individuals contained in Paragraph 22 of the Global Strategy are:

- *achieve energy balance and a healthy weight*
- *limit energy intake from total fats and shift fat consumption away from saturated fats to unsaturated fats and towards elimination of trans-fatty acids*
- *increase consumption of fruits, vegetables and legumes, whole grains and nuts*
- *limit intake of free sugars*
- *limit salt (sodium) consumption from all sources and ensure that salt is iodized.*

IDF would like to comment on the above as follows:

- On the basis of nutrition science, it would be justified and appropriate to recommend a balanced diet with a fat intake of 30% to 40% of total energy and by avoiding over-nutrition. Within this range the saturated long chain fatty acids should be a maximum of 10% and polyunsaturated fatty acids approximately 7% of the whole energy intake.
- There is missing reference with regard to different health effects from monounsaturated versus polyunsaturated fats.
- There is missing reference with regard to the health risks associated with a skewed ratio of omega-6 to omega-3 fatty acids in the human diet.
- There is missing reference with regard to health effects of saturated fatty acids of a well-balanced lipids diet.
- IDF proposes that the concept of “elimination” with respect to trans fatty acids be focused on indutsrially produced trans fatty acids in foods. In our view, there is insufficient scientific justification to classify all trans fatty acids as having negative effects on health. In fact, there is growing recognition worldwide that different sources of trans fats have very different effects. Consequently, it should be acknowledged that complete eradication of all trans, in particular naturally occurring trans fats from the diet is not necessary for achieving a healthy diet.
- The statement with regard to limitation of intake of <u>free sugars</u> should be amended to refer to <u>added sugars</u> (such as added sucrose). It should not compromise existing recommendations in favour of consumption of fruits or milk and milk products that contain intrinsic sugars, such as fructose and lactose.

Finally, IDF would like to emphasize that the Action Plan for the Implementation of the Global Strategy on Diet, Physical Activity and Health should not restrict innovation, where such innovation can provide a diet driven benefit to human health. For example the combination of nutrients/ingredients or modification of foods proven to provide additional health benefits and/or that counteract the presence of other ingredients such as fats and sugars.

Specific comments on proposals for action by CCFL

1. Nutrition Labeling

FAO/WHO Proposal # 1.1 (FAO/WHO draft action plan, para. 11)

FAO/WHO proposes that the Purpose of the Codex Guidelines on Nutrition Labelling be amended to include reference to providing the consumer with information to reduce risk factors for non-communicable diseases and to permit the dietary management of non-communicable diseases of public health significance.

IDF comments
IDF sees a need for additional and considerable work on this particular draft recommendation that should also take into account the experiences of different countries that have already introduced some form of educational messages on food packages. In light of the limited size of nutrition labels on individual food products it may be difficult or even impossible to provide relevant information to educate consumers on what is a "wise choice" for them and what is not. For example, a label which would indicate the calcium content of spinach without informing the consumer that much of that calcium is not bio-available would be most misleading. (For example, a person would need to eat 16 serves of spinach to absorb the same amount of calcium as from one glass of milk).

FAO/WHO Proposal # 1.2 (FAO/WHO draft action plan, para. 17)

FAO/WHO proposes that Subsection 3.1 of the Codex Guidelines on Nutrition Labelling be amended to require that the Nutrient Declaration be mandatory on the labels of all prepackaged foods.

IDF comments
IDF would like to request caution with regard to the potential impact of this recommendation on developing countries. A potential barrier to trade may be created when additional costs of compliance are introduced through making nutrient declaration mandatory on the labels of all prepackaged foods. IDF cannot support the recommendation unless a thorough assessment on the cost burden and its impact has been conducted.

It should also be assessed to what extent such measure have assisted in improving diets in countries where mandatory nutrition labelling has been implemented for several years.

IDF would encourage the development of alternative means for providing nutrition information using other forms of communication in addition to the labels on prepackaged foods, partly because of the limited space available on such labels and partly because different populations in different countries have different dietary deficiencies and needs

FAO/WHO Proposal # 1.3 (FAO/WHO draft action plan, para. 19 and 20)

FAO/WHO proposes that the list of nutrients that are always declared (Paragraphs 3.2.1.1 and 3.2.2.2 of the Guidelines) be expanded to include the energy value and the amounts of protein, available carbohydrate, sugars, fat, saturated fatty acids, trans-fatty acids and sodium.

IDF comments

In light of the results of extensive scientific research demonstrating potential health problems arising from excessive consumption of polyunsaturated fatty acids, IDF proposes to define and describe “polyunsaturates” in more detail. In addition, it is well known that not all saturated fatty acids are associated with increased risk of non-communicable diseases. Myristic acid, for example, elevates both HDL and LDL levels and stearic acid is either neutral or, according to some research, actually lowers total cholesterol levels.

IDF supports the inclusion of the proposed nutrients in principle, but does not support expansion beyond what is currently required on label declarations. Expanding the list or required nutrients to be identified on the label may be too simplistic. People consume food combinations, rather than nutrients and foods in isolation. Regarding regular-fat milk, yogurt and cheese, scientific evidence indicates that these foods are much more than their saturated fat and sodium content and may be associated with a beneficial effect on cardiovascular risk factors. Indeed, some of these naturally occurring trans fats such as conjugated linoleic acid (CLA) have been shown to be anti-carcinogenic. The trans fatty acid declaration should take into account the natural origin of ruminant trans fatty acids and must be reviewed as new scientific evidence to support the differentiation of different sources of trans fat on health becomes available. The purpose is not to disadvantage foods, such as meat and dairy, which provide other essential nutrients but which also contain natural trans fatty acid isomers. Therefore IDF suggests that it is premature to develop Codex Conditions until ruminant trans fats are excluded from the definition.

FAO/WHO Proposal # 1.4 (FAO/WHO draft action plan, para. 22)

FAO/WHO proposes that additional criteria for the presentation of the Nutrient Description be developed to enhance legibility and readability and hence consumer use and understanding of the information.

IDF comment

IDF generally supports this proposal, so long as consideration is given to the size of pack.

FAO/WHO Proposal # 1.5 (FAO/WHO draft action plan, para. 24 and 25)

FAO/WHO proposes that Nutrient Reference Values be developed for nutrients that are associated with both increased and decreased risk of noncommunicable diseases.

IDF comments

The statement included in CL 2006/44-CAC, para. 24[26] could be interpreted that all saturated fats are equal in their physiological effect and thus harmful. IDF would like to point out that there is overwhelming scientific evidence demonstrating that saturated fatty acids are not equal in that respect. IDF proposes to introduce a distinction amongst different saturated fatty acids and to

26 Consideration should be given to developing Nutrient Reference Values for other nutrients in the Nutrient Declaration to assist the consumer in assessing the significance of the amounts contained in a food. This would be particularly useful for those nutrients that are associated with both increased and decreased risk of non-communicable diseases. For example, seven per cent of energy from saturated fatty acids in a 2000 Calorie (8.4 MJ) diet is only 15.6 g. Five grams of saturated fatty acids in a single portion of food may not seem much to the consumer but it is 32% of the reference value. The consumer can easily recognize 32 % as a significant amount. The recommendations for population nutrient intake goals developed by the 2002 Joint WHO/FAO Expert Consultation12 (2002 Expert Consultation) could be used as the basis for developing the Nutrient Reference Values for saturated fatty acids, trans-fatty acids and sodium. In addition, the nutrient intake goals could be used to develop values for cholesterol and n-6 and n-3 polyunsaturated fatty acids.

take into account their scientifically demonstrated physiological effects. This may also be the case with the different physiological effects of trans fatty acids from natural or industrially produced sources.

It is also important to consider the form in which the saturated fat is consumed as for instance identical amounts of dairy fat have different effects on blood cholesterol levels depending on the particular dairy product consumed.

A universal set of NRV's that includes not only nutrients that are associated with increased/decreased risk of noncommunicable diseases but encompassing all macro- and micronutrients having a physiological significance is to be encouraged, assuming that national governments default to their own set of labelling reference values where defined. Careful consideration needs to be given to defining the list of appropriate and relevant nutrients. Inclusion or exclusion of nutrients in the list may imply endorsement by Codex for a role in health for those nutrients and for indirect health claims.

2. Nutrition Claims

FAO/WHO Proposal # 2.1 (FAO/WHO draft action plan, para. 29)

FAO/WHO proposes that conditions for nutrient content claims for trans-fatty acids be developed and that conditions for both nutrient content claims and comparative claims for saturated fatty acids and trans-fatty acids include restrictions on both groups of fatty acids.

IDF comments

IDF supports establishing science-based criteria for nutrient content claims for trans fatty acids. It is generally accepted that trans fats from processed vegetable oils are considered to have a negative effect on blood cholesterol. However, these should be considered along with other disqualifying nutrients such as sodium, total fat, energy and sugar when allowing comparative or content claims. Once again, a balanced view is needed. As stated above, new information on the role of different sources of trans fats should be considered when available. Since trans fats have been shown to be roughly ten times as atherogenic as saturated fats, the notion of equal restrictions on both groups is questionable.

3. Quantitative Declaration of Ingredients

FAO/WHO Proposal # 3.1 (FAO/WHO draft action plan, para. 32 and 33)

FAO/WHO proposes that para. 5.1.1 (e) "is subject of an express or implied claim about the presence of any fruits, vegetables, whole grains or added sugars" be included in any requirements for the quantitative declaration of ingredients.

IDF comments

IDF cannot support Section 5.1 of the General Standard to include requirements for the quantitative declaration of ingredients (QUID) related to an expressed or implied claim about the presence of any fruits, vegetable, whole grains or added sugars. QUID labeling is not directly related to nutrition and health and the existing QUID provisions already require mandatory declaration of ingredients that are emphasized on the label. There is no scientific data documenting that mandatory nutrition labeling or QUID labeling is effective in terms of improving diets or promoting healthier eating habits.

Furthermore, IDF would like to point out that that milk and milk products also belong to the group of "healthy foods" as part of a balanced diet besides fruit, vegetables and whole grains as mentioned in the FAO/WHO discussion paper. The unique nutrient density of milk and milk products including a number of essential amino acids, minerals, vitamins and in particular the scientifically proven superior nutritional value of milk protein are of considerable importance to a healthy diet. This fact is widely recognized by food and nutrition policies of official authorities and by consumers all over the world. If there should be particular reference in Codex texts to "nutritionally desirable ingredients in food" then, according to current knowledge of nutrition science, the group of ingredients should comprise components derived from milk and milk products.

4. Modification of Standardized Foods

FAO/WHO Proposal # 4.1 (FAO/WHO draft action plan, para. 38)

In order to ensure that names established in a standard can be used in conjunction with either a comparative claim or a nutrient content claim on the label of a modified standardized food, the FAO/WHO proposes that the General Standard for the Labelling of Prepackaged Foods (Codex STAN 1) and the General Standard for the Use of Dariy Terms (Codex STAN 206) be amended to permit the use of the names established in a standard to be used in conjunction with either a comparative claim or a nutrient content claim on the label of a modified standardized food provided that the claims comply with requirements set out in the Codex Guidelines for Use of Nutrition and Health Claims.

IDF comment:

IDF does not see any need for amending the General Standard for the Use of Dairy Terms (GSUDT) as this standard does not constitute an impediment to appropriate use of to comparative claims or a nutrient content claims for standardized milk products modified in composition.

In support of this comment, below find some background information on Codex commodity standards, in particular the standards for milk and milk products, as well as on the nature and application of the GSUDT.

1. Use of Codex commodity standards as a means to implement the Global Strategy.
It should be noted that the number and nature of commodity standards established by Codex Alimentarius does not reflect the diversity of foods actually provided to the consumer, as according to the Codex criteria for initiating new work, a Codex commodity standard for a particular food is only justified, if it is traded internationally in significant amounts.

In many commodity sectors, international trade of total production is relatively small – as is the case with the dairy sector. It is only a relative small share of the range of products offered to consumer that are internationally traded and therefore eligible for Codex standardization. As a consequence, the commodity standards established by Codex do not reflect the diversity of milk products actually provided to the consumer in many countries.

Consequently, IDF does not agree that Codex commodity standards can be used as a strategic measure to implement the global strategy since significant international trade has to be established prior to the initiation of work on any Codex commodity standard.

2. The General Standard for the Use of Dairy Terms (GSUDT)

It is stated in paragraph 37 of CL 2006/44-CAC that para 4.3 of the GSUDT (Codex STAN 206-1999) restricts modifications to those set out in the individual Codex standards for milk products, which consequently limit the use of claims in conjunction with dairy terms.

The paragraph 4.3 of the GSUDT reads as follows: *"Products that are modified through the addition and/or withdrawal of milk constituents may be named with the name of the relevant milk product in association with a clear description of the modification to which the milk product has been subjected provided that the essential product characteristics are maintained and that the limits of such compositional modifications shall be detailed in the standards concerned as appropriate."*

IDF disagrees with this interpretation of the GSUDT.

The GSUDT is not a technical standard similar to Codex commodity standards for milk and milk products – therefore it does neither prohibit nor does it encourage any particular composition of milk products or a particular method of manufacture. It is only concerned with the correct naming of the products (whatever they may be) and is not concerned with compositional requirements, methods and other issues related to milk and milk products.

The GSLPF requires the use of appropriate descriptors when milk (as defined by the GSUDT) or a milk product (standardized by a Codex commodity standard) is modified. This is a further elaboration of the principle specified in section 4.1.2 of the GSLPF.

Application of this principle with respect to compositional modification is further elaborated in 4.3.3. Any other (non-compositional) modification made to the milk product is not regulated by the GSUDT but by the general provisions of the GSLPF.

The scope of section 4.3 of the GSUDT is limited to existing Codex milk product standards. Section 4.3 is therefore not applicable to any milk products that are not complying with one or more of these standards (which can be counted in thousands).

Section 4.3.3 regulates the use of the names of standardized milk products that have been modified in composition. For the purpose of this provision, a "*compositionally modified milk product*" is understood to be a milk product altered in composition compared to the reference (i.e. standardized) product.

According to section 4.3.3, the name of a (standardized) milk product can only be used if the following three conditions are fulfilled:

1. The standard concerned does not specify any restrictions in this regard (as such restrictions are only detailed, if appropriate)
2. The essential product characteristics are maintained; and
3. A clear description of the modification(s) to which the milk product has been subjected appears in association with the (standardized) name.

Section 4.3.3 has two objectives:

1. To emphasize the principle that a milk product differing from the reference version shall be named with a qualifier in association to the name of the food. This principle is in conformity with section 4.1.2 of the *General Standard for the Labelling of Prepackaged Foods*.
2. To emphasize that there may be justified limitations to the extent modifications can occur without altering the basic identity of the reference product. This principle is important in order not to mislead consumers with regard to the nature and identity of the food and to ensure fair trade practices. The following naming examples illustrate some extremes which are not acceptable and which would both be misleading to the consumer and not be allowed according to Section 4.3.3:
   * <u>Low fat cream</u> (below 1.5 % fat), as the main characteristic of cream is a higher milk fat content than milk. (the identity of such product would be "milk")
   * <u>Protein free cheese</u>, as the main characteristic of cheese is coagulated milk protein (the identity of such product would be "dairy spread")

The principle specified in section 4.3.3 is implemented in milk products standards through statements inserted in connection with all compositional limits specified in Codex milk products standards. The wording of the statement is typically as follows:

> *"Compositional modification below the minima and maxima specified above for "xxx" and "yyy" is not considered to be in compliance with the Section 4.3.3 of the Codex General Standard for the Use of Dairy Terms (CODEX STAN 206-1999). "*

The combination of the provision in section 4.3.3 of the GSUDT and the above statement included in Codex milk product standards result in the following:

- For those components that are regulated by a standard (e.g. milkfat, protein, dry matter), the standard specifies all compositional modifications that can be made without altering the identity of the named food (see part 3 below).
- For all other components and nutrients (e.g. salt, fibres, vitamins, micro-nutrients, sugars and the composition of the components them selves such as amino acid and/or fatty acid composition, etc.), the milk product standards does not specify any restrictions, and it is permitted as long as the name of the food is modified as specified in section 4.3.3 of the GSUDT.

<u>*3. Components that are regulated by Codex milk product standards*</u>

All Codex milk product standards are identity standards, of which some – but not all – include compositional end product requirements.

None of the Codex standards for ready-to-eat products specify any restriction with regard to specific nutrients other than protein and fat.

Where compositional requirements (i.e. limitations) have been established for milk products these have been limited to what is necessary for product identity and/or safety purposes.

<u>Examples:</u>

- The Codex standards for preserved milk products, including the Codex Standard for Milk Powders and Cream Powder (CODEX STAN 207-1999) and the Codex Standard for Evaporated Milks (CODEX STAN A-3-1971, Rev.1-1999) specify a minimum limit for protein content in dry matter (but allow all variations of fat content (no fat through to very high fat products). For safety purposes, maximum moisture content or minimum dry matter content are specified as well (control of water activity).
- The Codex Standard for Fermented Milks (CODEX STAN 243-2003) specifies a minimum level for protein content and maximum levels for milkfat content. (Similar products containing higher fat content are covered by the Codex Standard for Cream and Prepared Creams (CODEX STAN A-9-1976, Rev. 1-2003). Together, these two standards cover all fat variations that are technically possible.
- The Codex Standard for Cream and Prepared Creams (CODEX STAN A-9-1976, Rev. 1-2003) specifies a min. limit for milkfat content of 10%. Similar products with lower fat content are, in the case of fermented milk products, covered by the Codex Standard for Fermented Milks (CODEX STAN 243-2003) and in the case of non-fermented milk products categorized as “milk” (which is not standardized by Codex due to insignificant international trade).
- The Codex General Standard for Cheese (CODEX STAN A-6-1978, Rev.1-1999, Amended 2006) does not specify any compositional limitations with regard to any nutrients. Codex standards for individual cheese varieties specify further restrictions with regard to fat and dry matter contents, but these limits are not obstacles for manufacturing and offering for sale the same product with different compositions under a different variety name and/or the broader category name “cheese”.
- The Codex Standard for Butter (CODEX STAN A-1-1971, Rev.1-1999, Amended in 2003 and 2006) specifies a minimum milkfat content of 80%. Other products with lower fat contents are covered by the Codex Standard for Dairy Fat Spreads (CODEX STAN 253-2006). Together, these two standards cover all meaningful fat variations that are technically possible.
- The Codex Standard for Milkfat Products (CODEX STAN A-2-1973, Rev.1-1999, Amended 2006) covers technically very well-defined concentrated fat products (i.e. butteroil) which require minimum level specifications. Similar products with lower fat content can still be marketed under different names, but no Codex standards exist due to insignificant international trade.

In summary:

- Codex commodity standards can hardly be used as a strategic measure to implement the WHO Global Strategy on Diet, Physical Activity and Health, as a significant international trade has to be established prior to the initiation of work on any Codex commodity standard.
- IDF disagrees with the notion that the General Standard for the Use of Dairy Terms (CODEX STAN 206-1999) restricts modifications to those set out in the individual standards for milk products and, as a consequence, would limit the use of claims in conjunction with dairy terms.
- None of the existing Codex standards for ready-to-eat dairy products specify any restriction with regard to specific nutrients other than protein and fat. Where compositional requirements (i.e. restrictions) have been established, these have been limited to what is essential for

protecting consumers in terms of retaining product identity and/or for food safety purposes. In many cases alternative product names are provided for through other food standards for products containing different contents of the components concerned.