

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
HEALTH  
ORGANIZATION



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**AGENDA ITEM NO. 7**

**CX/FL 08/36/10-ADD.2**

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**JOINT FAO/WHO FOOD STANDARDS PROGRAMME**

**CODEX COMMITTEE ON FOOD LABELLING  
THIRTY-SIXTH SESSION  
OTTAWA, CANADA, APRIL 28 - MAY 2, 2008**

**DRAFT DEFINITION OF ADVERTISING IN RELATION TO NUTRITION AND  
HEALTH CLAIMS  
(CL 2007/34-FL & ALINORM 07/30/22 – APPENDIX VI)**

**GOVERNMENT COMMENTS AT STEP 6**

**COMMENTS FROM:**

**EUROPEAN FOOD LAW ASSOCIATION (EFLA)**

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**GOVERNMENT COMMENTS AT STEP 6**

**EUROPEAN FOOD LAW ASSOCIATION (EFLA):**

The European Food Law Association (EFLA) welcomes further work on the definition of advertising and believes that while considerable progress has been made up to date on the original definition as proposed by the Canadian delegation, additional work is still needed for the sake of legal certainty and to better reflect the original mandate of the 26<sup>th</sup> Session of the Commission on 2003.

EFLA understands that it is worth pointing out that several delegations, back in 2003 and in subsequent meetings, were opposed to the mere fact of including advertising within the scope of the “Guidelines for Use of Nutrition and Health Claims”, because they envisioned potential negative implications at the implementation phase by country members. Therefore, EFLA believes that extreme caution should be applied in order to avoid a broad definition which may lack clarity and may lead to enforcements by country members which could be diverse and more restrictive than necessary.

Accordingly, the term “indirectly” should be taken out from the current definition of advertising. The word “indirectly” could potentially mislead national authorities about the scope of application of the “Guidelines for Use of Nutrition and Health Claims” in connection to advertisement. As a consequence, many other forms of communication could be covered even though they do not (and should not) fall within the case of direct advertisement of a product as having nutrition or health claims. This will not be in line with the original mandate as it was foreseen by the 26<sup>th</sup> Session of the Commission in 2003.