

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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AGENDA ITEM NO. 2(B)

CX/FL 08/36/3

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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

MATTERS REFERRED TO THE COMMITTEE

**MATTERS REFERRED BY FAO AND WHO:
IMPLEMENTATION OF THE WHO GLOBAL STRATEGY ON DIET,
PHYSICAL ACTIVITY AND HEALTH**

**Working Group on the Implementation of the Global Strategy on
Diet, Physical Activity and Health
April 26, 2008
Draft Background Paper
(Prepared by Argentina and Canada)**

Introduction

1. At its 35th Session in May, 2007¹, the Codex Committee on Food Labelling considered the proposed action items for the implementation of the Global Strategy contained in the Draft Action Plan for Implementation of the Global Strategy on Diet, Physical Activity and Health² and the written comments of Member States and Observers.³
2. The Committee agreed to establish a Working Group on the Implementation of the Global Strategy which would meet immediately before the 36th Session of the Committee in 2008. The Terms of Reference of the Working Group are as follows⁴:

62) The Working Group is mandated to evaluate which revisions are needed to the Codex Guidelines on Nutrition Labelling and the Codex General Standard for the Labelling of Prepackaged Foods in light of certain of the action items proposed by WHO/FAO in the Draft Action Plan for Implementation of the Global Strategy on Diet, Physical Activity and Health (CL 2006/44-CAC).

63) The Working Group will:

- Consider issues identified during the 35th Session of CCFL on action items 1.2 (application), 1.3 (nutrients to be declared); 1.4 (presentation of nutrition information) and 3.1 (quantitative declaration of ingredients) contained in paragraph 48A (this order is as listed in CL 2006/44-CAC and should not be considered as a priority order)

- Identify and recommend work to be undertaken by CCFL with regard to these action items

3. To facilitate the work of the Working Group, the delegations of Argentina and Canada offered to prepare this background paper based on the written submissions to CCFL and comments of delegations at the 35th Session of the Committee on the Draft Action Plan.⁵

¹ ALINORM 07/30/22 paras. 20-64

² CL 2006/44-CAC

³ CX/FL 07/35/3, CX/FL 07/35/3-Add.1, CX/FL 07/35/3-Add.2, CRD2, CRD 12, CRD 14, CRD 17, CRD 18, CRD 20

⁴ ALINORM 07/30/22 paras. 62-63

⁵ ALINORM 07/30/22 para. 64

4. Annex A contains a summary of the written comments on the Draft Action Plan submitted to the 35th Session of the CCFL and the comments of delegations and observers during the discussion of the Draft Action Plan at the CCFL Session.
5. This paper sets out the issues associated with the action items that were identified in the written comments and discussion and examples of the various measures which have been taken to address these issues as options for discussion.

Proposed Amendments to the Codex Guidelines on Nutrition Labelling⁶: Identification of Issues and Options for Discussion

1. 2 Proposed Action: Application: Amend subsection 3.1 to require that the Nutrient Declaration be mandatory on the labels of all prepackaged foods².

Current: Guidelines on Nutrition Labelling CAC/GL 2-195 (Rev. 1 – 1993)

3.1 Application of Nutrient Declaration

3.1.1 Nutrient declaration should be mandatory for foods for which nutrition claims, as defined in Section 2.4, are made

3.1.2 Nutrient declaration should be voluntary for all other foods

6. **Issue: Cost of nutrition labelling to enterprises manufacturing and selling food.**

Options for mitigating the disproportionate costs to small and medium size enterprises of putting a nutrient declaration on labels may include:

- 6.1 Exemptions based on the size of the enterprise in terms of the monetary value of sales, the number of employees or a combination of both;
- 6.2 Exemptions based on the place of sale of the food and the characteristics of the vendor, e.g. food manufactured and sold in a local area; food sold by the person who made it;
- 6.3 Extended transition periods which allow more time for small and medium size enterprises to comply with the requirements for mandatory labelling;
- 6.4 Exemptions for certain categories of food whose nutritional value may be variable and thus difficult to label accurately, e.g. single ingredient fresh or frozen meat, fish and poultry; fresh fruit and vegetables;

7. **Issue: The mandatory list of nutrients to be declared influences the cost of the Nutrient Declaration.**

Options for mitigating the cost may include:

⁶ CAC/GL 2-1985 (Revised 1993, 2003, 2006)

- 7.1. Restricting the list initially to the energy value (calculated) and proximate analysis of protein (direct analysis), fat (direct analysis) and carbohydrate (by difference)⁷ then adding other nutrients as capability to label increases;
 - 7.2. Permitting the declaration of average values based on the manufacturer's analysis of the food or a calculation from the nutrient values of the ingredients used or a calculation from generally established and accepted data such as those published in official data bases of the nutrient composition of foods. Calculation from the nutrient composition of the ingredients will be greatly facilitated if the manufacturers of the ingredients are required to provide the manufacturer of the finished food with appropriate nutrient information.
 - 7.3. Choice of methods of analysis. For example the use of gas chromatography to determine total fat also permits determination of the saturated fatty acids
8. **Issue: The package size may be too small to permit the inclusion of the Nutrient Declaration or the shape of the package may be such that a label bearing the Nutrient Declaration cannot be affixed to it.**

Options for resolving this matter may include:

- 8.1. Setting a minimum package size below which a Nutrient Declaration is not required;
 - 8.2. Permitting flexibility in the format for the Nutrient Declaration within the parameters established for legibility and readability, e.g. smaller type size, closer spacing, would allow the Nutrient Declaration to be placed on smaller packages;
 - 8.3. The use of additional means of labelling attached to the package such as tags for the Nutrient Declaration may be possible in the case of packages to which a label cannot be affixed;
9. **Issue: Compliance and Verification: The technical difficulty and cost of verifying the nutrient information may be too great, particularly for developing countries.**

Options for addressing this issue may include:

- 9.1. Verifying industry measures to provide accurate nutrient information, for example through the use of controls on formulation, use of recognized laboratories for analysis and the use of data bases;
- 9.2. Establishing tolerances to account for the inherent variability in amounts of nutrients and the variability in laboratory analysis of nutrients.

⁷ Note: This is not consistent with the current requirements of paragraph 3.2.1.2 which calls for the declaration of available carbohydrate.

1.3 Proposed Action: Expand the list of nutrients that are always declared to include the energy value and the amounts of protein, available carbohydrate, sugars, fat, saturated fat, *trans* fatty acids and sodium.

Current: Guidelines on Nutrition Labelling CAC/GL 2-195 (Rev. 1 – 1993)

3.2 *Listing of Nutrients*

3.2.1 *Where nutrient declaration is applied, the declaration of the following should be mandatory:*

3.2.1.1 *Energy value; and*

3.2.1.2 *The amounts of protein, available carbohydrate (i.e. carbohydrate excluding dietary fibre) and fat;*

3.2.1.3 *The amount of any other nutrient for which a nutrition or health claim is made; and*

3.2.1.4 *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.*

10. Issue: Nutrients identified by the Global Strategy (The Global Strategy identified the additional nutrients, i.e. saturated fatty acids, *trans* fatty acids, free sugars and sodium as associated with increased risk of noncommunicable diseases. Concerns have been expressed about the expanded list of nutrients both in terms of costs and in terms of the nutrients themselves. [The issue of costs has been dealt with in paragraph 7 above.] Proposals for changes to the expanded list of nutrients included the retention of the current list of energy, protein, available carbohydrate and fat, deletion of *trans* fatty acids and sugars and addition of dietary fibre and cholesterol.)

Options for addressing this issue may include:

10.1. Determining if the declaration of nutrients associated with increased risk of noncommunicable diseases, i.e. saturated fat, *trans* fatty acids, sugars, and sodium is essential for the implementation of the Global Strategy;

10.2. Request the opinion of CCNFSDU on the scientific basis for inclusion of dietary fibre and cholesterol as mandatory nutrients in the Nutrient Declaration;

10.3. Examining the feasibility of reconciling the recommendations of the Global Strategy regarding intakes of *trans* fatty acids with leaving the decision to require the declaration of *trans* fatty acids to national authorities⁸. It should be noted that since there are no conditions for nutrient content claims for *trans* fatty acids in the Codex Guidelines on Nutrition and Health Claims, there is no incentive for manufacturers to declare the amounts of *trans* fatty

⁸ Codex Guidelines on Nutrition Labelling Paragraph 3.2.1.4 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. (CAC/GL 2-1985)

acids in the Nutrient Declaration or to reduce the amounts of *trans* fatty acids in foods.

11. Issue: Cost of and Capacity for Analysis

Options: These concerns may be addressed by the following:

11.1 Allow more than one method of determining the nutrient value of foods for the purposes of labelling;

11.2 Permitting the declaration of average values based on the manufacturer's analysis of the food or a calculation from the nutrient values of the ingredients used or a calculation from generally established and accepted data such as those published in official data bases of the nutrient composition of foods. Calculation from the nutrient composition of the ingredients will be greatly facilitated if the manufacturers of the ingredients are required to provide the manufacturer of the finished food with appropriate nutrient information;

11.3 Choice of methods of analysis. For example the use of gas chromatography to determine total fat also permits determination of the saturated fatty acids.

12. Issue: Foods with negligible nutrient content: The issue of requiring a mandatory Nutrient Declaration on foods with little or no nutrient value was raised in the comments.

Options for dealing with this issue may include:

12.1 Exempting foods with negligible amounts of nutrients from the requirement for a mandatory Nutrient Declaration;

12.2 Requiring the declaration of only those nutrients present in amounts greater than zero⁹.

12.3 Requiring the declaration of the amounts of those nutrients present in amounts greater than zero plus a statement to the effect that (naming all other nutrients) on the mandatory list are present in insignificant amounts.

1.4 Proposed Action: Develop additional criteria for the presentation of the Nutrient Declaration to enhance legibility

The Guidelines on Nutrition Labelling are silent on this subject.

⁹ As determined by the amount defined as "free" in the conditions for nutrient content claims or by tolerances established for the declaration of nutrient values.

13. Issue: Global Applicability: The issue of the feasibility of developing criteria that could apply on a global basis to assure the legibility of the Nutrient Declaration on food labels was raised.

Options for approaching this issue include:

13.1 Develop general principles for legibility and readability, for example: the order of nutrient declaration should always be the same on all labels sold within a country; the typeface should be easy to read; upper and lower case letters should be used, the characters (literary and numerical) should not touch; there should be adequate contrast between the background and the characters;

13.2 Develop more explicit requirements such as specifying a universal order of declaration, the size of type; the level of contrast between background and characters.

14. Issue: Universal Symbols: The issue of the use of universal symbols on the front panel to enhance legibility was raised. (Section 4. Supplementary Nutrition Information of the Codex Guidelines on Nutrition Labelling permits the provision of additional information “*to increase the consumer’s understanding of the nutritional value of their food and to assist in interpreting the nutrient declaration*”. Part B of the Principles for Nutrition Labelling “Supplementary Nutrition Information states *The content of supplementary nutrition information will vary from one country to another and within any country from one target population group to another according to the educational policy of the country and the needs of the target group.*)

Options: Discussion premature. The concept of symbols is just beginning to be discussed. The current Guidelines accommodate country specific symbols. The development and use of universal symbols may be complex.

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

Current: Guidelines on Nutrition Labelling CAC/GL 2-195 (Rev. 1 – 1993)

3.4 *Presentation of Nutrient Content*

3.4.1 *The declaration of nutrient content should be numerical. However, the use of additional means of presentation should not be excluded.*

3.4.4 *Numerical information on vitamins and minerals should be expressed in metric units and/or as a percentage of the Nutrient Reference Value per 100 g or per 100 ml or per package if the package contains only a single portion. In addition this information may be given per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated.*

15. Issue: Nutrients associated with increased and decreased risk of noncommunicable diseases. (The Report of the Joint WHO/FAO Expert Consultation¹⁰ identified population nutrient intake goals for the following nutrients: total fat, saturated fatty acids, polyunsaturated fatty acids, n-6 polyunsaturated fatty acids, n-3 polyunsaturated fatty acids, *trans* fatty acids, total carbohydrate, free sugars, protein, cholesterol, sodium chloride, total dietary fibre and non-starch polysaccharides.)

Options:

15.1 Adopt list of nutrients from Technical Report;

15.2 Wait for future FAO/WHO expert consultations on macronutrients.

16. Issue: Development of Nutrient Reference Values (NRVs) for Macronutrients

Options: The following options were proposed:

16.1 Develop NRVs for macronutrients particularly saturated fatty acids, *trans* fatty acids and dietary fibre;

16.2 Development of NRVs for macronutrients conditional upon the expansion of the mandatory list of nutrients;

16.3 Development of revised NRVs for vitamins and minerals take precedence over development of NRVs for macronutrients;

¹⁰ Diet, Nutrition and the Prevention of Chronic Diseases. The Report of the Joint WHO/FAO Expert Consultation. WHO Technical Report Series No. 916. Geneva: World Health Organization, 2003.

16.4 Develop NRVs for macronutrients to serve as criteria for claims;

16.5 Develop NRVs for macronutrients at the national level;

16.6 Develop a universal set of NRVs for all macronutrients and micronutrients.

Note: The development of the numbers for the Nutrient Reference Values is the responsibility of the Codex Committee on Nutrition and Foods for Special Dietary Uses.

Proposed Action 3.1 Include paragraph 5.1.1 (e) in any requirements for the quantitative declaration of ingredients.

Current: Appendix V, ALINORM 07/30/22 (Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods)

5.1 Quantitative Ingredient Declarations

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

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

17. **Issue: Claims, express or implied, that suggest that a food is healthful due to the presence of ingredients that are the subject of dietary guidelines calling for their consumption, for example fruit, vegetables, whole grains, nuts, and legumes¹¹. The benefits to health of eating these foods depend not only on the nutrients that they contain but also on the presence of phytochemicals and the food matrix. These latter two cannot be captured by nutrition labelling which furthermore lists only a fraction of the nutrients contained in these foods.**

Option: Consider the development of guidelines for claims for healthful ingredients for inclusion in the Codex Guidelines on Nutrition and Health Claims. Examples of such claims include “Made with the goodness of whole grains”. “Contains two servings of vegetables” and “Made with a pound of different fruits”.

¹¹ Foods listed in Paragraph 22. The Global Strategy on Diet, Physical Activity and Health

A. Summary of Comments on Proposed Changes to the Codex Guidelines on Nutrition Labelling¹²

Proposed Action 1.2: Amend subsection 3.1 to require that the Nutrient Declaration be mandatory on the labels of all prepackaged foods.

1. There was qualified support for making the nutrient declaration mandatory among some of the member states, however, they noted that consideration must be given to the list of nutrients, the costs of analysis and compliance especially for developing countries and for medium and small businesses and to the need for exemptions for certain categories of foods. It was suggested that exemptions be determined by national authorities. Other suggestions for exemptions included foods with highly variable or negligible nutrient content. It was suggested that information on the experience of countries with mandatory nutrition labelling in terms of consumer understanding and public health impact should be provided to CCFL.
2. Several member states opposed making the nutrient declaration mandatory citing the difficulties in developing countries due to the high cost of compliance in terms of compositional analysis for medium and small businesses and the difficulties in enforcement. It was also noted that consumers would not benefit due both to the lack of nutrition education and the fact that the majority of the food supply was not prepackaged.
3. Consumer observer organizations supported making the nutrient declaration mandatory. Some industry observer organizations supported its consideration by CCFL and pointed out that consideration should be given to the capacity to provide and verify the nutrient declaration, the issue of packages with little surface area or difficult surfaces to label, foods with minimal or no nutrient content and alternate means of providing nutrient information for nonprepackaged foods. One industry observer organization called for a thorough assessment of the cost burden and noted that potential barriers to trade may be created when additional costs of compliance are introduced.

Proposed Action 1.3: Expand the list of nutrients that are always declared to include the energy value and the amounts of protein, available carbohydrate, sugars, fat, saturated fat, trans fatty acids and sodium.

¹² CAC/GL 2-1985 (Rev.1-1993)

4. There was considerable support among member states for expanding the list of nutrients to be declared, however, there were differences in the choice of nutrients to be declared. While some countries supported the declaration of *trans* fatty acids, others did not, citing the fact that not all countries have appreciable amounts of *trans* fatty acids in their food supplies. Some countries recommended that cholesterol and dietary fibre be added to the list; others did not support the listing of sugars.
5. Some countries supported the current list with any additions left to national authorities. It was noted that the expansion of the list should weigh consumer understanding and public health benefit against increased costs and consumer desire for simplicity. It was suggested that a nutritional risk analysis approach be taken to determine the most globally cost effective approach for conveying information to consumers.
6. Consumer observer organizations supported the expansion of the list. One called for the addition of added sugars and any other nutrient deemed by national authorities to be necessary to reduce the risk of diet-related disease. Industry observer organizations did not support the expansion of the list of nutrients noting that national authorities can require more nutrients to be declared if needed. It was suggested that the expanded list should only be required where label size permits or when a nutrition claim is made; otherwise it should be optional. It was pointed out that nutrition labelling is a new practice in many countries and listing more nutrients will lead to consumer confusion.

Proposed Action 1.4: Develop additional criteria for the presentation of the Nutrient Declaration to enhance legibility

7. There was support among several member states for a standardized order for declaring the nutrients and for adequate contrast between the print and the background. Other countries noted that a global approach to legibility was not justified and that national authorities should have flexibility in determining how the information is presented to best meet the needs of their consumers.
8. A consumer observer organization supported the proposal and proposed extending it to the use of universal symbols on the principal display panel. The comments of the industry observer organizations were mixed. It was noted that the General Standard for the Labelling of Prepackaged Foods already requires mandatory information to be clear, prominent, and readily legible. It was suggested that this matter should be left to national authorities while others gave qualified support particularly to voluntary measures to improve readability and legibility.

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

9. Many of the member states supported the development of Nutrient Reference Values (NRVs) for macronutrients in their written comments, especially for saturated fatty acids, *trans* fatty acids, sodium and dietary fibre. Some questioned

whether fixed values could be determined noting that there may be a range of desirable intakes within a population. Some member states stated that the development of new NRVs should be conditional on the expansion of the list of nutrients to be declared; others that priority should be given to the revision of the NRVs for vitamins and minerals and those additional NRVs should be considered if necessary for criteria for claims. Some member states noted that NRVs for macronutrients could be developed at the national level.

10. The observer organizations in general supported the development of NRVs for macronutrients. It was proposed that a working group be established to explore the scientific evidence for macronutrients as a follow-up to expert consultations on carbohydrate and fats and oils. It was further proposed that a universal set of NRVs that includes all macro- and micronutrients be developed since exclusion or inclusion of nutrients may imply an endorsement by Codex for a role in health.

B. Summary of Comments on Proposal for 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” in any requirements for the quantitative declaration of ingredients¹³

11. The great majority of member states did not support this proposal in their written comments. They noted that this section was not necessary because requirements to declare the quantities of emphasized ingredients already exist, that the presence of these ingredients would not necessarily make a food healthful and that the list of healthful ingredients was not complete. It was suggested that express or implied claims regarding the presence of healthful ingredients should be considered in relation to the Codex Guidelines on Claims and the Codex Guidelines on Nutrition and Health Claims. There was no discussion of this proposal during the discussions on the implementation of the Global Strategy.
12. The consumer observer organizations noted their support for QUID including 5.1.1 (e) and suggested that the list be extended to include nuts and legumes. The industry observer organizations did not support the proposal noting that QUID was not intended to facilitate consumer understanding of nutrition and health.

¹³ Alinorm 06/29/22 Appendix VI