

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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Agenda Item 9

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

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OTHER BUSINESS AND FUTURE WORK

PROPOSAL TO AMEND THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (CODEX STAN 1-1985)

Discussion Paper Prepared by the International Organization of Legal Metrology (OIML)

1. Introduction

The OIML has published two Recommendations relevant to the labeling of prepackaged foods:

- OIML R 87:2004: Quantity of product in prepackages, and
- OIML R 79:1997: Labeling requirements for prepackaged products.

OIML R 87 specifies:

- legal metrology requirements for prepackages labeled in predetermined constant nominal quantities of weight, volume, linear measure, area or count, and
- sampling plans and procedures for use by legal metrology officials in verifying the quantity of product in prepackages.

Informative annexes include an examination procedure outline, procedures for determining average tare weight, the drained quantity of products in liquid medium, and the actual quantity of frozen products. Also included is a mandatory annex on misleading prepackages.

OIML R 79 specifies requirements for the labeling of prepackages with respect to

- the identity of the product;
- the name and place of business of the manufacturer, packer, distributor, importer or retailer, and
- the quantity of product.

OIML R79 is currently under review for amendment.

A revision of R 87, published in 2004, has brought more clarity with respect to two issues that are relevant to the CODEX "General standard for the labelling of prepackaged foods":

- the definition of the content of a prepackage and the fact that the word 'net' as in 'net content' is superfluous;
- the declaration of 'drained weight'.

Many economies in the world have implemented or are in the process of implementing OIML R 87 requirements in their national legislation.

2. The definition of 'content'

OIML R 87 defines a prepackage as the combination of a product and the packing material in which it is packed. To differentiate between product and packing material, it proved easier to define 'packing material' as 'everything intended to be left over after use of the product'.

The 'content' is the quantity of product in the prepackage. "Quantity of product" is the preferred term and may be qualified by 'actual', 'average', or 'nominal'. Since 'quantity of product' in a prepackage is always net of packing material, the qualifier 'net' is superfluous and should be avoided.

3. Drained weight

Food products in prepackages are often packed with a liquid medium that is not an ingredient of the product, but may or may not be used by the consumer. This liquid medium is now considered as packing material in OIML R 87, whereas before it was unclear whether the liquid medium should be considered part of the 'content', or not. This has led to the interpretation that the 'net content' of a prepackage includes the liquid medium and therefore both this 'net quantity' and the 'drained weight' have to be declared on the prepackage.

With the new definitions in the revised OIML R 87 it is now easier to deal with the liquid medium packed with a food product in a prepackage:

- if the liquid medium is not intended to be part of the food product, but is clearly meant to be packing material (ie. to be left over after use of the product), the consumer would not be interested in the quantity of the liquid medium and this does not need to be declared separately on the prepackage;
- if the liquid medium is not intended to be part of the product, but may be used by the consumer, the quantity of the liquid medium may be declared separately on the prepackage;
- if the liquid medium is intended to be part of the food product, the quantity of product declared on the prepackage is inclusive of the liquid medium (the liquid medium is an ingredient of the food product).

4. The proposal

The proposal is to bring CODEX STAN 1-1985 in line with the 2004 revision of OIML R 87 by the amendments shown in the annex.

5. Explanations

5.1 Paragraph 2 (definition of terms)

Key to the proposed amendments in the definitions is the inclusion of the definition of 'prepackage' as the combination of the food and the packing material in which the food is packed. The term 'container' is maintained, but it is used now to indicate that part of the packing material that serves to deliver food as a single item to the consumer. By defining packing material as everything intended to be left over after the use of the food in a prepackage, and by defining 'liquid medium' which is packed with the food product, but not part of the food product itself, it becomes easy to determine which quantity shall be declared on the prepackage as its 'content' (quantity of food), without the need to define 'content'.

5.2 Paragraph 4.2.1.5 (declaration of added water)

When added water serves as packing material only, and is not an ingredient of the prepackaged food, there should be no need to declare it in the list of ingredients on the prepackage.

5.3 Paragraph 4.3 (net contents and drained weight)

With the proposed new definitions, the requirements for the declaration of the food content of a prepackage in terms of quantity can now be amended to apply unambiguously to the 'quantity of food' in a prepackage. There is no longer a need to distinguish between 'net content' and 'drained weight' and the confusion over what constitutes 'net content' is now resolved. The 'quantity of food' is the prepackage minus the packing material and this quantity shall be declared.

In case the food is packed with a liquid medium, which is not intended to be an ingredient of the food product, but which may be used by the consumer (use includes consumption and processing), the quantity of this liquid medium may be declared separately.

Notes 4 and 5 have been deleted in the proposal. These notes refer to the enforcement of the declaration of 'net contents' and 'drained weight' by reference to an average system of quantity control.

The average system for the control of quantities in prepackages takes account of the fact that in the production of prepackages with nominally the same quantity of food, variations in the actual quantity of food in the prepackage naturally occur. Such prepackages shall on average contain at least the declared nominal quantity of food and the actual quantity of food in each single prepackage shall not be less than a certain value. OIML R 87 provides the requirements for a harmonized system for the control of quantity of product in prepackages with predetermined constant nominal quantities.

Not all prepackages, however, are packed with nominally the same quantity of food. On many prepackages the declaration of the quantity of food is the actual quantity in the individual prepackage as determined prior to the food being packed or as calculated after packing by taking account of the gross weight and the tare weight of the prepackage. In these cases the average system is not applicable.

OIML is currently considering a harmonized system for the control of quantities in prepackages with a declaration of the actual (individual) quantity.

Also, sometimes it may be more practical to apply a minimum system for the control of the quantity of product in a prepackage where the general requirement is that each single prepackage with a declaration of the nominal value of the quantity of product contains at least the declared quantity. OIML is also considering to incorporate harmonized requirements for a minimum system.

A new note has been added in the proposal referring to appropriate OIML Recommendations for the enforcement of the declaration of the quantity of food in a prepackage.

ANNEX

Proposed amendments (highlighted)

2 DEFINITION OF TERMS

For the purpose of this standard:

“**Claim**” means any representation which states, suggests or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality.

“**Consumer**” means persons and families purchasing and receiving food in order to meet their personal needs.

“**Container**” means any packing material for the delivery of food as a single item. A container may enclose several units or types of packages when such is offered to the consumer.

For use in **Date Marking** of prepackaged food:

“**Date of Manufacture**” means the date on which the food becomes the product as described.

“**Date of Packaging**” means the date on which the food is placed in the immediate container in which it will be ultimately sold.

“**Sell-by-Date**” means the last date of offer for sale to the consumer after which there remains a reasonable storage period in the home.

“**Date of Minimum Durability**” (“best before”) means the date which signifies the end of the period under any stated storage conditions during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond the date the food may still be perfectly satisfactory.

“**Use-by Date**” (Recommended Last Consumption Date, Expiration Date) means the date which signifies the end of the estimated period under any stated storage conditions, after which the product probably will not have the quality attributes normally expected by the consumers. After this date, the food should not be regarded as marketable.

“**Food**” means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drinks, chewing gum and any substance which has been used in the manufacture, preparation or treatment of “food” but does not include cosmetics or tobacco or substances used only as drugs.

“**Food Additive**” means any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food results, or may be reasonably expected to result, (directly or indirectly) in it or its by-products becoming a component of or otherwise affecting the characteristics of such foods. The term does not include “contaminants” or substances added to food for maintaining or improving nutritional qualities.

“**Ingredient**” means any substance, including a food additive, used in the manufacture or preparation of a food and present in the final product although possibly in a modified form.

“**Label**” means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food.

“**Labelling**” includes any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food, including that for the purpose of promoting its sale or disposal.

“**Liquid medium**” means the following products, possibly in mixtures and also when frozen or quick-frozen, provided that the liquid is merely an adjunct to the quantity of food in a prepackage and is thus not a

decisive factor for the purchase: water, aqueous solutions of salts, brine, aqueous solution of food acids, vinegar, aqueous solutions of sugars or other sweetening substances, fruit or vegetable juices in the case of fruits and vegetables.

“**Lot**” means a definitive quantity of a commodity produced essentially under the same conditions.

“**Packing material**” means everything of a prepackage that is intended to be left over after use of the food, except for items naturally in the food. Use includes consumption or subjecting to a treatment. Packing material serves to contain, protect, handle, deliver, preserve, transport and inform about the food, or aid while using the food (e.g. food serving tray).

“**Prepackage**” means the combination of food and the packing material in which it is packed before being offered to the consumer, whether the packing material encloses the food completely or only partially, but in any case in such a way that the actual quantity of food in the prepackage cannot be altered without the packing material either being opened or undergoing a perceptible modification.

“**Prepackaged food**” means food packaged or made up in advance in a container, ready for offer to the consumer, or for catering purposes.

“**Processing Aid**” means a substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or its ingredients, to fulfil a certain technological purpose during treatment or processing and which may result in the non-intentional but unavoidable presence of residues or derivatives in the final product.

“**Foods for Catering Purposes**” means those foods for use in restaurants, canteens, schools, hospitals and similar institutions where food is offered for immediate consumption.

4.2.1.5 Added water shall be declared in the list of ingredients except when the water serves solely as packing material or forms part of an ingredient such as brine, syrup or broth used in a compound food and declared as such in the list of ingredients. Water or other volatile ingredients evaporated in the course of manufacture need not be declared.

4.3 Quantity of food in a prepackage

4.3.1 The quantity of food in a prepackage shall be declared in SI-units¹

4.3.2 The quantity of food in a prepackage shall be declared in the following manner:

- (i) for liquid foods, by volume;
- (ii) for solid foods, by weight;
- (iii) for semi-solid or viscous foods, either by weight or volume.

4.3.3 If the food is packed with a liquid medium serving as packing material only, the quantity of the liquid medium shall not be declared.

4.3.4 If the food is packed with a liquid medium intended as packing material, but this liquid medium may be used by the consumer, the quantity of the liquid medium may be declared in addition to the quantity of food.

¹ The declaration of the quantity of food in a prepackage and, in case the quantity of liquid medium with which the food is packed is declared separately, the quantity of the liquid medium shall be subject to enforcement by reference to an appropriate OIML Recommendation.