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CODEX COMMITTEE ON FOOD LABELLING

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REPORT OF THE INTERSESSION ELECTRONIC WORKING GROUP DISCUSSION PAPER ON NEW ENTRIES AND AMENDMENTS TO THE TABLE OF CONDITIONS IN THE GUIDELINES FOR THE USE OF NUTRITION AND HEALTH CLAIMS (CAC/GL 23-1997)

eWG Replies to Questions on Claims for Added Sugars, Salt(sodium) and Trans Fatty Acids

NOTE: This document is a compilation of the comments received from members of the eWG following the January 2011 invitation to submit comments and that were summarized in CX/FL 11/39/6. The document contains replies from:

Brazil, Canada, Costa Rica, European Union, Japan, Morocco, Mexico, New Zealand, Norway, Singapore, Thailand, the United Kingdom, the United States of America, Comité Européen des fabricants de sucre, Confederation of the Food and Drink Industries of the EU, International Council of Beverages Association, International Dairy Federation, and World Sugar Research Organisation

Comments from Costa Rica, Mexico and Morocco have been translated into English.

General Comments

European Union (EU)

In the European Union since 2006, Regulation (EC) No 1924/2006 on nutrition and health claims made on foods¹ lays down harmonised rules across the European Union for the use of nutrition claims and health claims. Nutrition claims are only permitted if they are listed in the Annex of the Regulation and are in conformity with the conditions of use specified in the Annex.

Mexico (translated from Spanish)

Mexico would like to thank Canada for coordinating this group and for allowing us to present the following comments:

In the first place, we consider it would not be advisable to change the name of the table to include the term "ingredients" as it may be misleading for the consumer. However, we may reconsider its revision later on if an explanation were to be given regarding what is the purpose of changing the name of the table.

At the same time, at the present time we have regulations regarding claims when some of the contents are changed, but there is no specific regulation for non added sugars and/or sodium.

¹ Official Journal L series 404, 30.12.2006, p. 9 – the unofficial consolidated version of the text is available on the following webpage:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R1924:20100302:EN:PDF>

Regarding added sugars and trans fatty acids, we reiterate that we do not consider appropriate to include them in the nutritional table given the fact, as discussed in the last session of the Committee, that we do not have analytical methods that can differentiate between intrinsic sugars and added (extrinsic) sugars, neither between natural trans fatty acids and those derived from food manufacturing, in addition to the fact that “free sugars” are the subject of the Global Strategy recommendations, as indicated by the WHO representative. However, we do consider that the purpose of labelling is to provide truthful and not misleading information to the consumers, and that the Codex should start work on establishing rules regarding the use of declarations regarding added sugars and trans fatty acids, which should go hand in hand with reliable analytical methods to detect them, with the purpose of allowing Codex to comply with its mandate of protecting consumers and ensuring fair trade practices.

New Zealand

New Zealand supports the provision of information in a manner which is accurate, informative and not misleading.

United Kingdom

The UK adheres to European legislation on nutrition and health claims. Regulation (EC) No 1924/2006 on nutrition and health claims lays down harmonised rules across the European Union for the use of nutrition claims and health claims. Nutrition claims are only permitted if they are listed in the Annex of the Regulation and are in conformity with the conditions of use.

http://ec.europa.eu/food/food/labellingnutrition/claims/community_register/nutrition_claims_en.htm

Responses to all the questions listed within Appendix A of draft CX/FL 11/39/6 take into account that the UK adheres to the authorised nutrition claims listed within the Annex of Regulation (EC) No 1924/2006.

United States

The EWG Chair requested that interested Codex members and international observer organizations submit contact information and working group members comment on the content of the draft discussion paper to consider the establishment of claims related to sugars, salt, sodium and/or trans-fatty acids. In Appendix A of the document are several questions posed to working group members to consider regarding the appropriate steps or options for the working group to take back to the Committee. We offer the following comments in this regard.

In addition, the U.S. notes the text in paragraph 3 of this discussion paper which references the discussion on conditions for nutrient content claims at CCNFSDU, and the need to work collaboratively with this Committee to move this work forward.

IDF

IDF suggests that discussions on the criteria for claims regarding the non-addition of salt/sodium should be deferred until it has been decided by the Committee if these claims are to be made for ‘non-addition of salt’ or ‘non-addition of sodium’ or for both. At present it is not clear which of the options should be commented upon and the discussion on all options simultaneously is quite complicated. For example claiming ‘no added salt’ is possible if no NaCl is added, however the same product could contain added sodium from other additives or ingredient sources.

In addition, IDF would like to ask for clarification regarding the non-addition of sugar. We would request that ‘sugar’ should be defined in the discussion paper?

- Paragraph 5. (page 3)

It is stated that "While sugar and salt are both ingredients, claims related to their presence or absence in a food can be linked to the nutrient content of “free sugars” and sodium in the food".

IDF would like to emphasize that the amount of the ingredient sugar is not directly linked to the nutrient content of total sugars, and that the association between the ingredient and the nutrient total sugars differ between food groups. Many foods which naturally contain sugar, such as milk and fruits, are nutrient rich and fit well into a healthy dietary pattern. Sugar is not directly linked to non communicable diseases (Nantel, 1999) and only linked indirectly to obesity via over-consumption of energy intake.

IDF would like to reiterate that the WHO Global Strategy identified ‘free sugars’ as the nutrient of concern, and that the concept of ‘free sugars’ in this respect does not include natural sugars such as lactose. The intake of natural milk sugar is not of health concern. IDF is of the opinion that dairy foods, that are part of a healthy and balanced diet, should not be unintentionally discriminated in guidelines for using nutrition claims due to their content of lactose.

Comparative claims based on the nutrient total sugars would discriminate against many dairy foods, due to their natural content of lactose. In order to make a reduced sugar(s) claim one will have to reduce total sugars by 25%, which will be impossible without also removing intrinsic sugar, a process that is both costly and also not relevant in this respect. Claims on sugars validated by total sugar content, and not by the content of added sugar, of a product would thus not be in line with the original intention of this suggested action, i.e. to help encourage reformulation by industry of certain foods to contain less added sugar. For products containing natural sugars, e.g. milk containing lactose, the incentive to add less added sugars to a product would be lost as it would be impossible to claim the effect.

Reference: Nantel G. Carbohydrates in human nutrition. 1999. pp.1-50. In: J.L. Albert and L. Craffi-. Cannizzo. Food Nutrition and Agriculture. FNA/ANA 24.

1. **Do eWG participants agree to the proposed name: “Table of conditions for nutrient content (and ingredient)” claims for the table that is currently called “Table of conditions for nutrient contents” as indicated in paragraph 12 above? If not, do you have an alternative title to suggest? Please elaborate.**

Brazil

Brazil supports the comments made by Canada in paragraph 5. While sugar and salt are both ingredients, claims related to their absence in a food can be linked to the content of free sugars and sodium in the food. For this reason, we understand that claims related to the non addition of these ingredients can fit in the current definition of nutrition claims.

However, we understand that the mention of the word “ingredient” in the heading of table of conditions for nutrient contents could cause some confusion and consistency problems.

Brazil suggests modifying the heading to: “Table of compositional conditions for the use of nutrition claims”.

Costa Rica (translated from Spanish) agrees to the addition of the term ingredients to the title of the table only if the Labelling Committee agrees to include the requirements for salt and sugar.

EU

The EU would agree to the proposal to change the title of the table in subsection 8.6 of the Guidelines for the Use of Nutrition and Health Claims to “Table of conditions for nutrient content claims”.

The reason for this position is that subsection 5.1 refers to “nutrient content claims that are listed in the Table to these Guidelines”. In addition, section 5 itself is entitled “Nutrient content claims”. Therefore, to bring the title of the table in line with section 5, the table could be renamed “Table of conditions for nutrient contents **claims**”. This would cover all nutrition claims referring to the presence or the absence, the high or low level of nutrients.

There are no nutrition claims with criteria that relate to substances other than nutrients so the suggested addition of “(and ingredient)” is not necessary. All the nutrition claims referred to in the table have conditions of use that concern the nutrient content. The EU considers that the focus of the list should be nutrients and not ingredients and therefore the EU does not support the modification of the title of the table to also refer to “ingredients” as this could risk that the Annex is extended to have conditions of use for claims for ingredients *per se*.

However, the EU considers that it should be acceptable for the claim to be worded in a way that is most useful to the consumer and is consistent with public health messages. For example, the EU accepts in the case of claims with a criterion that relates to the sodium content for the claim to be stated in relation to “salt”, e.g. “low salt”.

Japan supports the proposed name for the table, “Table of conditions for nutrient content (and ingredient)” claims.

Morocco (translated from French)

In order for consumers to make informed choices and to assess the nutritional value of foods, the Table of conditions for nutrient contents must be clear and precise.

As for the title of the table in the Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-1997) called “Table of conditions for nutrient contents”, it could be replaced by the following: Table of conditions for nutrient contents (and ingredient) claims as it establishes the conditions for use of a claim and includes the notion of ingredients in the event that claims of no sugar and no salt added were added.

New Zealand

New Zealand agrees to the addition of the word “claims” to the name of the table because it is more accurate. The current name “table of conditions for nutrient contents” misrepresents what the table is for. It conveys that it contains conditions for when certain nutrients may be included in the food whereas it actually sets out conditions when certain claims may be made in respect of the nutrients in that food. The addition of the word “claims” necessitates the change of “nutrients” from plural to singular.

New Zealand also agrees to the addition of the words “and ingredient” to the name of the table if the Committee decides to add the non-addition of sugars and salt (rather than sodium) claims to the table. Because both sugar and salt are ingredients, it is technically correct to refer to them as ingredients and the name of the table should reflect their inclusion.

Norway

We support the proposed amendment of the name of the table. If claims on Non-Addition of Sugars and/or Salt/Sodium are agreed upon, it is in our opinion necessary to add “and ingredient”. The inclusion makes the table less restrictive and open for the possibility to include claims related to ingredients, in this specific case referring to the added sugars and added sodium /salt.

Singapore

Agreed with the proposed revision of the table name to “Table of conditions for nutrient content and (ingredient) claims”. The term “nutrient content claim” is consistent with definition set out in section 2 of the Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-1997). The addition of word “ingredient” to the name is relevant as it better encompasses ingredients such as sugar and salt.

Thailand: We agree, in principle, with the proposed title of the table in Section 8.6 in the Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-1997) to be “Table of conditions for nutrient content and ingredient claims”.

United Kingdom

The UK agrees that the title of the table within the Codex Guidelines for use of Nutrition and Health Claims should refer to “claims.”

The UK does not think it is necessary to add “ingredients” to the title of the table. The UK would like to ask the eWG: What is the purpose of adding “and ingredient” to the title of the table of conditions within the Codex guidelines on nutrition and health claims as this seems to be unnecessary.

United States

The U.S. supports the work on claims for the non-addition of “salt” (that refers to the ingredient, sodium chloride) and sugars. We have reconsidered, however, where these claims best fit. Given the nature of these claims and their conditions, we no longer believe they would most appropriately be placed in the table in section 8.6 of the Guidelines for Use of Nutrition and Health Claims (hereafter referred to as the “Guidelines”). This table includes specific numeric values whereas the non-addition of sodium chloride or sugars is not a numeric condition and would not be consistent with the provision of numeric values in the table. Instead, we believe that creating a separate section in these Guidelines, e.g., new section 7, for the non-addition of salt and sugar would be more appropriate (see response to Question 5 below).

CIAA

CIAA supports revision of the current title to “Table of conditions for nutrient content claims”.

This table is part of the Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-1997). The Guidelines refer to „nutrition claims” as follows:

“Any representation which states, suggests or implies that a food has particular nutritional properties including but not limited to the energy value and to the content of protein, fat and carbohydrates, as well as the content of vitamins and minerals. The following do not constitute nutrition claims:

- (a) the mention of substances in the list of ingredients;
- (b) the mention of nutrients as a mandatory part of nutrition labelling;
- (c) quantitative or qualitative declaration of certain nutrients or ingredients on the label if required by national legislation.”

Hence, the sections on „nutrient content claims” in the Guidelines are not intended to guide claims about ingredients. Furthermore, it can also be noted that, for example, claims on „sugars” and „sodium” are already treated by national regulatory bodies as „nutrient content claims”, and should therefore be treated in a similar manner within the construct of the Codex Guidelines for Use of Nutrition and Health Claims.

CEFS

Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods [hereinafter “Claims Regulations”] provides that nutrition claims must not be “false, ambiguous or misleading.” In addition, according to article 5 of the Claims Regulation, a “nutrition claim shall only be made if the [...] reduced content in a food or category of food of a nutrient [...] in respect of which the claim is made has been shown to have a beneficial nutritional or physiological effect, as established by generally accepted scientific evidence.”

The European Union (EU) allows “with no added sugars” claims to be made to indicate that sugars have not been added to a food. These claims can only be made where the product does not contain any foodstuff (e.g. concentrated fruit juice, whey powder, raisins, etc.) added for its sweetening properties. The definition of the claim literally provides that this claim (or any claim likely to have the same meaning for the consumer) may only be made “where the product does not contain any added mono- or disaccharides or any other food used for its sweetening properties.” Furthermore, if sugars are naturally present in the food, the Regulation requires the following indication to appear on the label: “CONTAINS NATURALLY OCCURRING SUGARS”. The conditions of use of the claim are presently being reviewed so that it will be prescribed that the indication “contains naturally occurring sugars” should appear in close proximity to the claim.

ICBA

ICBA supports the following revision to the current title of the Guidelines on the Use of Nutrition and Health Claims (CAC/GL 23-1997): “Table of conditions for nutrient contents claims.” Rationale:

- This table is part of the Guidelines for Use of Nutrition and Health Claims. The Guidelines are not intended to guide claims about ingredients. As such, the table should be limited to conditions for claims related to nutrients.
- With respect to claims for “sugars,” such claims are treated as nutrient content claims by national regulatory bodies and should be treated in a similar manner within the construct of the Codex Guidelines for Use of Nutrition and Health Claims.
- ICBA does not support the use of the term “salt” as part of nutrition labeling and therefore does not support the development of ingredient content claims about salt within context of the Guidelines for Use of Nutrition and Health Claims. Salt is a food ingredient. Nutrition claims should be limited to those currently allowed for the nutrient, “sodium.”
- Claims about the absence (or presence) of the ingredient “salt” should be made under the provisions described in the General Guidelines on Claims (CAC/GL 1-1979 (Rev. 1-1991)), in particular section 5.1(vi) of that Guideline.

WSRO

We agree that the title of the table in the Guidelines needs to be corrected. But we are of the firm view that it should only be amended to read “Table of conditions for nutrient content claims”, since we oppose the inclusion of ingredient claims of any sort in the Guidelines.

2. **For “Non-Addition of Sugars and Salt/Sodium” claims, do member countries currently have in place regulations or guidelines for these claims? If so, please provide details on the claim(s), such as how they are worded and if wording is prescribed or not, and the conditions for the claim(s) in your country or jurisdiction.**

Brazilian comments:

In Brazil, nutrition claims are currently regulated by Portaria SVS/MS n. 27/1998. It establishes compositional and labelling conditions for “non-addition of sugars” claims. We do not authorize non-addition of salt claims.

Component	Claim	Conditions
Sugars	Non-addition of	(1) The food contains no added sugars and no ingredients containing added sugars; and (3) The food meets the conditions set out for low or reduced in energy; or the words “not a low energy food”

Component	Claim	Conditions
		are placed on label.

Actually, the Brazilian regulation on nutrition claims is being revised and harmonized in Mercosur. It took three years to discuss and harmonize the final draft regulation on nutrition claims. This draft will be placed in public consultation in Brazil for consideration and suggestion of stakeholders.

Component	Claim	Proposed Conditions
<p>Sugars*</p> <p>(*) Claims for specific sugars are not allowed.</p>	Non-addition of	<p>(1) The food contains no added sugars and no ingredients containing added sugars; and</p> <p>(2) The food contains no ingredients that contain naturally sugars and substitute for sugars to provide sweet flavor; and</p> <p>(3) The sugars content is not increased through some other means, such as the use of enzymes; and</p> <p>(4) The reference food contains added sugars; and</p> <p>(5) If the food does not meet the conditions set out for free sugars, the words “contains sugars naturally present in the ingredients” must be placed on label close to the claim;</p> <p>(6) If the food does not meet the conditions set out for low or reduced in energy, the words “not a low energy food” must be placed on label close to the claim;</p>
Salt	Non-addition of	<p>(1) The food contains no added salt (sodium chloride), other added sodium salts or ingredients that contain any added sodium salts; and</p> <p>(2) The reference food contains added salt or other sodium salts; and</p> <p>(3) The reference food does not meet the conditions set out for low in sodium; and</p> <p>(4) If the food does not meet the conditions set out for free sodium, the words “contains sodium naturally present in the ingredients” must be placed on label close to the claim.</p>

Canada

Excerpts From the *Guide to Food Labelling and Advertising*:

Claim (and synonyms)	Conditions - Food	Conditions – Label or Advertising	Food and Drug Regulations Reference
<p>No added sodium or salt</p> <p>"no added sodium"</p> <p>"without added sodium"</p> <p>"no sodium added"</p> <p>"no added salt"</p>	<p>1) The food contains no added salt, other sodium salts or ingredients that contain sodium that functionally substitute for added salt. (See 7.21.3 of this Guide.)</p> <p>2) The similar</p>	<p>Nutrition Facts table must also include the amount of potassium per serving if the food contains added potassium salts.</p> <p>Must comply with the</p>	<p>Table following B.01.513, item 35</p> <p>B.01.500</p>

Claim (and synonyms)	Conditions - Food	Conditions – Label or Advertising	Food and Drug Regulations Reference
<p>"without added salt" "no salt added" "unsalted"</p> <p>May be used on foods intended solely for children less than two years of age [B.01.503(2)(d) FDR]</p>	<p>reference food does not meet the conditions set out in column 2 of the subject "low in sodium or salt" set out in item b) of this table and contains added salt or other sodium salts.</p> <p>For the definition of similar reference food, see 7.9.2 of this Guide.</p>	<p>general requirements for nutrient content claims - see 7.5 of this Guide</p> <p>Nutrition Facts table required on products otherwise exempted by B.01.401(2)(a) and (b)</p> <p>When used in an advertisement, must comply with the requirements for advertisements - see 7.11 of this Guide</p>	
<p>No added sugars "no added sugar" "no sugar added" "without added sugar"</p> <p>May be used on foods intended solely for children less than two years of age [B.01.503.(2)(e) FDR]</p>	<p>1) The food contains no added sugars and no ingredients containing added sugars or ingredients that contain sugars that functionally substitute for added sugars.</p> <p>2) The sugars content is not increased through some other means except where the functional effect is not to increase the sugars content of the food.</p> <p>3) The similar reference food contains added sugars.</p>	<p>Must comply with the general requirements for nutrient content claims - see 7.5 of this Guide</p> <p>Nutrition Facts table required on products otherwise exempted by B.01.401(2)(a) and (b)</p> <p>When used in an advertisement, must comply with the requirements for advertisements - see 7.11 of this Guide</p>	<p>Table following B.01.513, item 40</p>

7.21.3 Ingredients that Functionally Substitute for Salt

The "no added sodium or salt" claim outlined in item e) of Table 7-10 below specifies that the food contains "no added salt, other sodium salts or ingredients that contain sodium that functionally substitute for added salt". These include ingredients which give a salty taste to foods such as hydrolyzed vegetable proteins, soy sauce, bouillon powder or cubes, soup mix, etc.

7.23.2 Ingredients that Functionally Substitute for Added Sugars

The statement "no sugar added, sweetened with (naming the sweetening agent(s))" is no longer permitted on labels for foods that contain added sugars* or ingredients with added sugars or ingredients that contain sugars that functionally substitute for added sugars. These ingredients, such as sweetening agents, molasses, fruit juice, honey and maple syrup give a sweet taste to foods. These foods will not meet the prescribed requirements for the "no sugar added" claim. See item d) in Table 7-12 below.

*Note: The term "sugars" means all mono- and disaccharides, including sucrose, fructose, glucose, glucose-fructose, maltose, etc.

7.9.2: "Similar reference food" means a food of the same type as the food to which it is compared and that has not been processed, formulated, reformulated or otherwise modified in a manner that increases or decreases either the energy value, or the amount of a nutrient that is the subject of the comparison. For example, whole milk is a similar reference food for partly skimmed milk; regular cola is a similar reference food for calorie-reduced cola; regular chocolate chip cookies are a similar reference food for fat-reduced chocolate chip cookies.

Similar reference foods are useful for comparing a "regular" product with a product that has had its nutritional content intentionally increased or decreased, e.g., "more energy", "more protein", "more fibre", "reduced in energy" and "reduced in sugars". For example, the fat content of skim milk (which has had most of the fat removed) can be compared to the fat content of whole milk.

Costa Rica

The National Decree N° 30256-MEIC-S, RTCR: 135:2002 *Nutritional labelling of prepackaged foods, Appendix A*, includes the following two claims:

- "Without added sugar" and "No sugars added", which would be allowed if no sugar or sugar containing ingredients have been added during the manufacturing process. A declaration must be made if the food is not low or not reduced in energy.
- "Without salt". The food must be free of sodium.

The same requirements are maintained in the proposed *Central American Regulations for nutritional labelling of prepackaged products destined for human consumption by the population older than 3 years of age*, which is being consulted with the WTO and that will replace the above mentioned National Decree.

EU

The EU Regulation (EC) No 1924/2006 provides for the possibility to claim "with no added sugars" under the following conditions: "A claim stating that sugars have not been added to a food, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain any added mono- or disaccharides or any other food used for its sweetening properties. If sugars are naturally present in the food, the following indication should also appear on the label: "CONTAINS NATURALLY OCCURRING SUGARS".

The conditions mean that to bear the claim the product must not contain any added mono- or disaccharides or any other food used for its sweetening properties (such as honey, concentrated apple juice). When sugars are naturally present the product must bear the statement "contains naturally occurring sugars".

Currently the EU Regulation does not permit the claim "no added sodium" or an equivalent claim such as "no added salt".

However, the European Commission and EU Member States are considering amendments to the EU list of permitted claims and their conditions of use including the possibility of introducing a claim for "no added salt/sodium" and, in the light of experience, are reviewing the criteria for the "with no added sugars" claim.

Japan

In Japan, standards for voluntary declaration of nutrient contents as well as standards for nutrition claims including sugars (i.e., free claims and reduction claims) are set out in the notice of the Nutrition Labelling Standards. In the Standards, however, rules for claiming "non-addition of sugars" have not been established. A food product can make "no sugar added" claim even if the food contains intrinsic sugars (sucrose) or other types of sugars (e.g., oligosaccharides) are added as long as extrinsic sugar (sucrose) is not added to the food product as ingredients, and the Nutrition Labelling Standards do not prohibit such claim. In a case where sugar content is declared in the Nutrition Labelling, such declaration must comply with standards for declaration of nutrient contents; the sugar content must be declared as sucrose and basic nutrition information (i.e., energy, protein, fat, carbohydrate, and sodium) must be given.

Standards for voluntary declaration of nutrient contents as well as standards for nutrition claims including sodium (i.e., free claims and reduction claims) are set out in the notice of the Nutrition Labelling Standards. In the Standards, however, rules for claiming "non-addition of salt/sodium" have not been established. When sodium content is declared in the Nutrition Labelling, basic nutrition information (i.e., energy, protein, fat, carbohydrate, and sodium) must be also given. A food product can make "no salt added" claim even if the food contains naturally occurring sodium. In Japan, nutrition guidance has long been conducted focusing on salt rather than sodium. Reflecting such situation, "no salt added" claim has not been permitted for any food product if sodium is added regardless of the fact salt is not added.

Morocco (translated from French)

For “non-addition of sugars and salt/sodium” claims, there does not now exist general provisions on claims used in nutrition and health labeling. Nonetheless, there are specific regulatory texts, particularly for cocoa and chocolate products, in which it is stipulated in the decree no 2-06-517 of the hija 1430 (December 11, 2009) providing for the regulation of the production and trade of cocoa, chocolate and their products for human consumption, in article 11 that: “Colorants are not authorized in cocoa and chocolate products as defined above. On the other hand, colorants generally accepted are authorized in decorations and coatings.

Sweeteners are authorized in cocoa products of low energy content or without added sugar.

The other food additives authorized by the regulations in effect can be used in cocoa and chocolate products.

New Zealand

New Zealand does not have regulations or guidelines in place for non-addition of sugars and salt/ sodium. New Zealand does not differentiate between added sugars and salt/ sodium and sugars and salt/ sodium naturally present in food because physiologically the body does not distinguish between the two. They are also analytically indistinguishable so such claims would be very difficult to enforce.

The general law, that claims must not be misleading, applies to claims of non-addition of sugars and salt/ sodium.

Norway

Norway has implemented the same regulations as the EU concerning nutrition claims. The Annex to the Regulation (EC) No. 1924/2006 on nutrition and health claims made on foods, contains a “With no added sugars” claim, but does not include a claim related to “Non-Addition of Salt/Sodium.

The “Non-Addition of Sugars” claim reads as follows:

WITH NO ADDED SUGARS

A claim stating that sugars have not been added to a food, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain any added mono- or disaccharides or any other food used for its sweetening properties. If sugars are naturally present in the food, the following indication should also appear on the label: ‘CONTAINS NATURALLY OCCURRING SUGARS’.

Singapore

Guidelines stipulated in “A Handbook on Nutrition Labelling (Singapore)” define that:

Nutrient content claim	Guideline
“No added sugar/ without added sugar”	No sugars or ingredients with added sugar, honey, malt and malt extract, with the exception of sugar alcohols, are added during the process
“No added salt/ no salt added/ unsalted”	No sodium chloride, sodium compounds, or any ingredient containing added sodium chloride or other sodium compounds, should be added to the food

Thailand

Regarding the claim of “non-addition of sugar and salt/sodium”, at present Thailand has in place regulation, the Notification of the Ministry of Public Health (No. 182) B.E. 2541 (1998) Re: Nutrition Labelling, which indicates as follows:

Energy/Nutrient	Claims	Conditions (per quantity of reference serving size and quantity of serving size as displayed on Label)	Additional conditions
Sodium	Unsalted, no salt, no salt added, without salt added	<ol style="list-style-type: none"> Salt is not added in production process and The food to be compared shall be of similar kind of food in which normally salt is used in production process. 	If the product is not conformed to the condition of “sodium free”, the expression, “This is not sodium free food”, shall be accompanied displayed.

Energy/Nutrient	Claims	Conditions (per quantity of reference serving size and quantity of serving size as displayed on Label)	Additional conditions
Sugar (means mono and disaccharides)	No added sugar, without added sugar, no sugar added	<ol style="list-style-type: none"> 1. No sugar or ingredient with sugar is added in production process and 2. No ingredient of added sugar or sugar added ingredient such as jam, jelly or concentrated fruit juice and 3. No sugar derived from production process or total quantity of sugar and sugar derived shall conform to the condition of "free/ without" and 4. The reference food with sugar added ingredient, while this food is not sugar added. 	<p>If food is not conformed to the condition of "low energy" or "reduced energy", the expression</p> <p>"This is not low energy food" or "This is not reduced energy food" shall be accompanied displayed.</p>

United Kingdom

The claim "With No Added Sugars" is listed in the Annex of Regulation (EC) No 1924/2006. A claim stating that sugars have not been added to a food, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain any added mono-or disaccharides or any other food used for its sweetening properties. If sugars are naturally present in the food, the following indication should also appear on the label: 'CONTAINS NATURALLY OCCURRING SUGARS'.

"No added salt" is not an authorised nutrition claim as it is not listed in the Annex of Regulation (EC) No 1924/2006. The UK supports such a claim, in principle.

The European Commission and EU Member States are currently discussing whether to authorise a "No added salt" claim and appropriate conditions of use. The UK has suggested that this claim should only be made where the product does not contain more than 0.12g sodium, or the equivalent value for salt, per 100g or 100ml.

United States

In the U.S., FDA regulations permit claims about the non-addition of sugars and salt (sodium chloride) in a food under certain specified conditions. We believe that such claims provide consumers with information about added sugar and/or salt in a food and encourage manufacturers to modify formulations to create healthier versions of foods.

For example, per FDA regulation (i.e., 21 Code of Federal Regulations (CFR)101.61(c)), the terms "no added salt," "unsalted," and "without added salt" may be used if the following criteria are met: (1) that no salt (sodium chloride) is added during processing, (2) the food that it resembles and for which it substitutes is normally processed with salt, and (3) if the food is not sodium free, it should bear the statement, "not a sodium free food." In addition, the term "salt free" may be used on the label or in labelling of foods only if the food is "sodium free."

In 21 CFR 101.60(c) we require the following criteria for a "no sugar added" or "without added sugar" claim: (1) that no amount of sugars or any other ingredient that contains sugars that functionally substitute for added sugars is added during processing or packaging, (2) that the food does not contain an ingredient containing added sugars such as jam, jelly, or concentrated fruit juice, (3) that the sugars content has not been increased above the amount present in the ingredients by some means such as use of enzymes (with certain exceptions such as a functionally insignificant increase), (4) the food that it resembles and for which it substitutes normally contains added sugars, and (5) the food bears a statement that the food is not low calorie or reduced calorie (unless it meets those requirements) and directs consumers' attention to the nutrition label.

We further note that the FDA regulations define "sugars" as the sum of all free mono-and disaccharides.

CIAA

As part of the European Union (EU)'s Revision of the Nutrition Claims Annex of (EC) Regulation 1924/2006 on nutrition and health claims on foods, the EU is currently discussing the conditions of use and wording of the "No added sodium/salt" claim and the "With no added sugars" claim.

CEFS

According to EU law, comparative nutrition claims must “compare the composition of the food in question with a range of foods of the same category, which do not have a composition which allows them to bear a claim, including foods of other brands.”

EU law lists and defines several comparative claims on nutrients (including sugars):

- Increased...[name of nutrient]

This claim is defined as stating “that the content in one or more nutrients, other than vitamins and minerals, has been increased, and any claim likely to have the same meaning for the consumer, may only be made where the product meets the conditions for the claim ‘source of’ and the increase in content is at least 30 % compared to a similar product.”

- Reduced...[name of nutrient]

Focusing only on “reduced sugars” claims, such a claim states “that the content in [sugar] has been reduced, and any claim likely to have the same meaning for the consumer, may only be made where the reduction in content is at least 30 % compared to a similar product.”

- Light/Lite

“A claim stating that a product is ‘light’ or ‘lite’, and any claim likely to have the same meaning for the consumer, shall follow the same conditions as those set for the term ‘reduced’; the claim shall also be accompanied by an indication of the characteristic(s) which make(s) the food ‘light’ or ‘lite’.”

In addition, in 2007, a guidance document on the Implementation of Regulation 1924/2006 was produced, in which more details are given on how comparative claims ought to be used. In particular, the guidelines provide that in order not to mislead the consumer, operators cannot “make a ‘reduced’ claim where the 30% reduction is achieved, but where the difference between the standard and the light version would not have any significance for the overall intake of the nutrient in question.”

ICBA

ICBA notes below the regulations for the use of “No Sugar Added” claims in the European Union and the United States of America. ICBA also notes the allowance for a “low sugars” claim in the European Union and encourages consideration of this claim as an additional means by which consumers can be informed about the sugar content of a food or beverage product. ICBA notes that sugars claims are treated as nutrient claims in both the EU and the US.

EU Regulation 1924/2006

- “With No Added Sugars: A claim stating that sugars have not been added to a food, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain any added mono- or disaccharides or any other food used for its sweetening properties. If sugars are naturally present in the food, the following indication should also appear on the label: ‘CONTAINS NATURALLY OCCURRING SUGARS’.”
- “Low sugars: A claim that a food is low in sugars, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 5 g of sugars per 100g for solids or 2,5 g of sugars per 100 ml for liquids.”

United States: 21 CFR§60(c)(2)(i-v))

No Added Sugar

“(2) The terms “no added sugar,” “without added sugar,” or “no sugar added” may be used only if:

- (i) No amount of sugars, as defined in 101.9(c)(6)(ii), or any other ingredient that contains sugars that functionally substitute for added sugars is added during processing or packaging; and
- (ii) The product does not contain an ingredient containing added sugars such as jam, jelly, or concentrated fruit juice; and
- (iii) The sugars content has not been increased above the amount present in the ingredients by some means such as the use of enzymes, except where the intended functional effect of the process is not to increase the sugars content of a food, and a functionally insignificant increase in sugars results; and
- (iv) The food that it resembles and for which it substitutes normally contains added sugars; and
- (v) The product bears a statement that the food is not “low calorie” or “calorie reduced” (unless the food meets the requirements for a “low” or “reduced calorie” food) and that directs consumers’ attention to the nutrition panel for further information on sugar and calorie content.”

WSRO

Since we are against the inclusion of “non-addition” ingredient claims we have no comment to make on this question.

3. **For comparative claims related to sugars and salt/sodium, do member countries currently have in place regulations or guidelines for the use of nutrient comparative claims beyond those currently listed in the *Guidelines on Nutrition and Health Claims*? If so, please provide details on the claim(s), such as how they are worded and if wording is prescribed or not, and the conditions for the claim(s) in your country or jurisdiction.**

Brazilian comments:

Brazilian actual regulation on nutrition claims (Portaria SVS/MS n. 27/1998) follows the same criteria set out in the Codex Guidelines for Use of Nutrition and Health Claims.

However, the proposed regulation on nutrition claims that is being harmonized in Mercosur sets out new conditions.

First, it is worth to mention that the proposed conditions for the non-addition of sugars and salts claims make them implicit comparative claims because there are specific conditions established for the reference food although there is no explicit comparative statement on the label.

For conventional comparative claims, the proposal is that comparison should be based on a relative difference of at least 30% in the energy value or nutrient content in relation to the reference food, except for micronutrients where a 10% increase in the amount of these nutrients is allowed.

Additional composition and labelling conditions were also established for the use of comparative claims for sugars and sodium. For sugar, a 5g reduction in the content of sugar per serving is mandatory and if the food does not meet the conditions set out for low or reduced in energy, the words “not a low energy food” must be placed on label close to the claim.

For sodium, the reference food cannot fulfill the conditions set out for low in sodium. This condition is necessary to guarantee that the reduction is not insignificant. It is an important point because when the conditions for nutrition claims are set per servings it may be inadequate in some cases to determine a minimum absolute difference in the nutrient content equivalent to the figure defined as “low” or as a “source”, especially for small serving size foods.

Specific features of presentation intended to enhance the legibility of all additional labelling conditions were developed. This information must be placed close to the claim and with the same font type and at least half of its size. A significant contrast must be maintained between the text and background.

The proposal does not include comparative claims for salt. However, taking into account that many countries are working on the reduction of salt content from industrialized foods, it would be relevant to discuss comparative claims for salt to encourage food manufacturers to apply sound nutrition principles in the reformulation of their products.

Canada

Canada allows various types of comparative claims which require a minimum difference from the reference food of at least 25%. For sugars and sodium, there are two types of claims – one “reduced in (naming the nutrient)” which compares a reformulated version of a food to the original food (such as a reduced sugar syrup compared to the original syrup or reduced sodium potato chip compared to the original potato chip, and “lower in (naming the nutrient)” which compares a food to another similar food within the same food category such between lasagna and pizza. Canada also allows a “lightly salted” claim which requires the food to contain 50% less added sodium than the similar reference food which is not low in sodium or salt.

Claim (and Synonyms)	Conditions	Conditions – Labelling and Advertising	Food and Drug Regulations Reference
Reduced in sugars "reduced in sugar" "reduced sugar"	The food is processed, formulated, reformulated or otherwise modified so	The following are identified: (a) the similar reference food;	Table following B.01.513, item 38

Claim (and Synonyms)	Conditions	Conditions – Labelling and Advertising	Food and Drug Regulations Reference
"sugar-reduced" "less sugar" "lower sugar" "lower in sugar"	that it contains at least 25% less sugars, totalling at least 5 g less (a) per reference amount of the food, than the reference amount of a similar reference food; or (b) per 100 g, than 100 g of a similar reference food, if the food is a prepackaged meal.	(b) the amounts of the food and the similar reference food being compared, if those amounts are not equal; and (c) the difference in sugars with the similar reference food, expressed by percentage or fraction or in grams per serving of stated size. (See 7.11 of this Guide for definitions and location of required labelling and advertising information.) See conditions set out for item a) of this table.	
Lower in sugars "lower in sugar" "lower sugar" "less sugar"	The food contains at least 25% less sugars, totalling at least 5 g less, (a) per reference amount of the food, than the reference amount of a reference food of the same food group; or (b) per 100 g, than 100 g of a reference food of the same food group, if the food is a prepackaged meal.	The following are identified: (a) the reference food of the same food group; (b) the amounts of the food and the reference food of the same food group being compared, if those amounts are not equal; and (c) the difference in sugars with the reference food of the same food group, expressed by percentage or fraction or in grams per serving of stated size. (See 7.11 of this Guide for definitions and location of required labelling and advertising information.) See conditions set out for item a) of this table.	Table following B.01.513, item 39
Reduced in sodium or salt "reduced in sodium" "reduced sodium" "sodium-reduced" "less sodium" "lower in sodium" "reduced in salt" "reduced salt" "salt-reduced" "less salt"	1) The food is processed, formulated, reformulated or otherwise modified so that it contains at least 25% less sodium a) per reference amount of the food, than the reference amount of a similar reference food; or b) per 100 g of a similar reference food, if the food is a prepackaged meal.	The following are identified: a) the similar reference food; b) the amounts of the food and the similar reference food being compared, if those amounts are not equal; and c) the difference in sodium content with the similar reference food, expressed by percentage or fraction or in milligrams per serving of stated size. (See 7.9 and 7.11 of this	Table following B.01.513, item 33

Claim (and Synonyms)	Conditions	Conditions – Labelling and Advertising	Food and Drug Regulations Reference
"lower salt" "lower in salt"	2) The similar reference food does not meet the conditions set out in column 2 of the subject "low in sodium or salt" set out in item b) of this table.	Guide for definitions and location of required labelling and advertising information.) Nutrition Facts table must also include the amount of potassium per serving if the food contains added potassium salts. See conditions set out for item a) of this table.	
Lower in sodium or salt "lower in sodium" "less sodium" "lower sodium" "lower in salt" "less salt" "lower salt"	1) The food contains at least 25% less sodium a) per reference amount of the food, than the reference amount of a reference food of the same food group; or b) per 100 g, than 100 g of a reference food of the same food group, if the food is a prepackaged meal. 2) The reference food of the same food group does not meet the conditions set out in column 2 of the subject "low in sodium or salt" set out in item b) of this table.	The following are identified: a) the reference food of the same food group; b) the amounts of the food and the reference food of the same food group being compared, if those amounts are not equal; and c) the difference in sodium content with the reference food of the same food group, expressed by percentage or fraction or in milligrams per serving of stated size. (See 7.9 and 7.11 of this Guide for definitions and location of required labelling and advertising information.) Nutrition Facts table must also include the amount of potassium per serving if the food contains added potassium salts. See conditions set out for item a) of this table.	Table following B.01.513, item 34
Lightly salted "lightly salted" "salted lightly"	1) The food contains at least 50% less sodium added than the sodium added to the similar reference food. 2) The similar reference food does not meet the conditions set out in column 2 of the subject "low in sodium or salt" set out in item b) of this table.	The following are identified: a) the similar reference food; b) the amounts of the food and the similar reference food being compared, if those amounts are not equal; and c) the difference in sodium content with the similar reference food, expressed by percentage or fraction or in milligrams per serving of stated size.	Table following B.01.513, item 36

Definitions Associated with Comparative Claims

Definitions [B.01.500 *Food and Drug Regulations*]

"Combination foods" means the category of foods that contain as ingredients foods from more than one food group, or foods from one or more food groups mixed with foods from the category of "other foods". Some examples include pizza (bread-type crust, vegetables, meat and cheese), lasagna (pasta, vegetables and cheese) and a prepared garlic bread (bread, butter and garlic).

"Food group" means one of the four following categories of foods:

- milk products and milk product alternatives such as fortified plant-based beverages;
- meat, poultry and fish, and alternatives such as legumes, eggs, tofu and peanut butter;
- bread and grain products; and
- vegetables and fruit.

These groups are similar to the four food groups presented in Canada's Food Guide to Healthy Eating.

"Other foods" means foods that are not part of any food group, including:

- foods that are mostly fats and oils, such as butter, margarine, cooking oils and lard;
- foods that are mostly sugar, such as jam, honey, syrup and candies;
- snack foods, such as potato chips and pretzels;
- beverages, such as water, tea, coffee, alcohol and soft drinks; and
- herbs, spices and condiments, such as pickles, mustard and ketchup.

"Reference food of the same food group" means a food which can be substituted in the diet for the food to which it is compared, and which belongs:

- to the same food group as the food to which it is compared (e.g., cheese as a reference food for milk, or chicken as a reference food for tofu);
- to the category of other foods, if the food to which it is compared also belongs to that category (e.g., pretzels as a reference food for potato chips); or
- to the category of combination foods, if the food to which it is compared also belongs to that category (e.g., pizza as a reference food for lasagna).

These reference foods in the same food group do not have to be similar; they are used to make comparative claims, such as "lower in energy", "lower in fat", or "lower in saturated fatty acids". A comparative claim might state, for example, that "our pretzels contain 90% less fat than our regular potato chips."

"Similar reference food" means a food of the same type as the food to which it is compared and that has not been processed, formulated, reformulated or otherwise modified in a manner that increases or decreases either the energy value, or the amount of a nutrient that is the subject of the comparison. For example, whole milk is a similar reference food for partly skimmed milk; regular cola is a similar reference food for calorie-reduced cola; regular chocolate chip cookies are a similar reference food for fat-reduced chocolate chip cookies.

Similar reference foods are useful for comparing a "regular" product with a product that has had its nutritional content intentionally increased or decreased, e.g., "more energy", "more protein", "more fibre", "reduced in energy" and "reduced in sugars". For example, the fat content of skim milk (which has had most of the fat removed) can be compared to the fat content of whole milk.

Costa Rica (translation from Spanish)

The National Decree N° 30256-MEIC-S, RTCR: 135:2002 *Nutritional labelling of prepackaged foods, Appendix A*, includes these two claims:

- In the case of sugars, it indicates that to use the term "reduced" the food must contain at least 25% less sugar per serving portion or per 100 g or 100 ml, in comparison to the food used as reference.

- Regarding sodium, to use the terms “reduced”, “light” or “low” the food must contain at least 25% less sodium per serving portion or per 100 g or 100 ml, in comparison to the food used as reference.

The same requirements are maintained in the proposed *Central American Regulations for nutritional labelling of prepackaged products destined for human consumption by the population older than 3 years of age*, which is being consulted with the WTO.

The difference regarding sugars is widened with “low, light, less and lite” and it extends the requirements for the use of the terms “less, light and lite” [*Translators Note: The terms “Light” and “lite” are given in English in the Spanish original*]

EU

Current rules of the EU Regulation (EC) N° 1924/2006 allows comparative claims on the content of sugars, salt, other nutrients and energy. The claims "reduced (name of the nutrient)", "light" or any claims having the same meaning can be used if the following conditions are fulfilled:

- there is minimum level of reduction of
 - 10% for micronutrients
 - 25% for sodium (salt)
 - 30% for other nutrients
- the comparison must be made with a range of foods of the same category, which do not have a composition which allow them to bear a claim.
- the difference in quantity of the reduced nutrient and/or energy shall be stated and the comparison shall relate to the same quantity of food.

For the claim "light" and "energy-reduced", the claim shall be accompanied by an indication of the characteristic which makes the food "light" or "energy-reduced".

Japan (corrected response provided April 15, 2011 and paper updated in accordance with new information provided)

~~We do not have any regulations or guidelines in place for comparative claims related to sugars and salt/sodium.~~

In Japan, conditions for voluntary declaration of comparative claims on sugars and salt/sodium (e.g., “reduced” and “less than”) are set out in the Nutrition Labelling Standards, differing from the cases for “Non-Addition of Sugars and Salt/Sodium” claims as they are set out in the notice of Nutrition Labelling Standards. Comparative claim for sugars is permitted when there is at least 5g reduction in sugar content per 100 g of the food (2.5 g reduction per 100 ml for beverage). For sodium, comparative claim is permitted when there is at least 120 mg reduction in sodium content per 100 g of the food (120 mg reduction per 100 ml for beverage). For salt, individual food must meet the criteria for sodium; this rule is set out in the notice of the Nutrition Labelling Standards. For all of these comparative claims, the food being compared must be declared and declaration of actual amount reduced or percentage of reduction must be presented somewhere in food labelling, and nutrition labelling is required. These rules are in accordance with the criteria set out in the Codex Guidelines for Use of Nutrition and Health Claims.

Morocco (translated from French): There are no provisions on comparative claims, draft regulatory texts on nutrition labeling and health claims are being elaborated.

New Zealand

The Australia New Zealand Food Standards Code Standard 1.2.8 clause 17 specifies (as per the Codex guidelines) that “a claim to the effect that a food is low in salt or sodium content must not be made unless the food contains no more than 120mg of sodium per 100g of the food.” The wording for such claims is not prescribed. It further specifies “where a nutrition claim is made in respect of the salt, sodium or potassium content of a food, or any two or all of them, then particulars, including particulars relating to both the sodium and potassium content of the food, must be provided in relation to the food in accordance with subclause 5(1)” (the prescribed declarations of the nutrition information panel).

There is no criteria set in New Zealand for very low sodium/salt claims or sodium/salt free claims. Free claims (including sodium/salt free and sugar free) are regulated under the Fair Trading Act and free is taken as an absolute term in this context.

The Code has no provisions relating to low or very low sugar. New Zealand considers that comparative claims relating to sugars should be limited to total saccharides. Claims made in respect of particular saccharides have the potential to be misleading.

In practice New Zealand follows the Guidelines for Use of Nutrition and Health Claims, and comparisons are based on a relative difference of at least 25% for nutrient and energy content.

A Code of Practice for Nutrient Claims in Food Labels and in Advertisements issued in 1995 by the Australia New Zealand Food Standards Authority, the predecessor of the current Food Standards Australia New Zealand, is in line with the Codex guidelines for comparative claims, and states:

Comparison Statements

a. Nutrient claims which make comparison with other foods, for example 'reduced', 'increased' 'lower' or 'more (nutrient) than...', must be accompanied by a statement on the label which compares the food with a 'reference food'.

b. The comparison statement must:

- o Identify the reference food with which the comparison is made;
- o State the difference between the quantity of the nutrient in the food about which the claim is being made and in the reference food, in percentage or fraction terms;
- o Appear in close proximity to the claim; and
- o Meet the normal requirements for information statements on labels as set out in the Food Standards Code, that is they must be in 'standard type' as defined.

In addition 'Reference food' is further described in this guidance as follows:

c. 'Normal counterpart' or 'reference foods', against which a food may be compared in making a nutrient claim, must fall into one of the following categories:

- the 'weighted average' food of that type based on an industry norm for the particular type of food – this category is not appropriate where the composition of 'normal' foods of that type on the market varies over a wide range;
- the 'regular' product which has been produced for a significant period by the manufacturer making the claim;
- food of the type in question whose composition is determined by reference to published food composition tables.

d. Also in line with Codex guidelines, where the same claim appears more than once on a label, it is not necessary for a comparison statement to accompany each claim. However, a comparison statement must appear in close proximity to the most prominent claim on the label. This will usually be the claim which is intended by the manufacturer to be seen by consumers when the product is displayed for retail sale.

e. The specific wording to be used in a comparison statement is not prescribed and is left to the discretion of the food supplier.

f. Comparison statements must be accurate and must not mislead, or be likely to mislead, consumers."

Proposed drafting for a new regulation for nutrition, health and related claims in New Zealand and Australia would provide regulation of (rather than guidance on) comparative claims. This proposal includes similar requirements to those outlined in the current guidance materials including a requirement that the claim states

- (i) the identity of the reference food; and
- (ii) the difference between the saturated and trans fatty acids content of the food and the reference food; and
- (c) the entire claim is presented together.

and would therefore also be in line with Codex guidelines.

Norway

There are no specific regulations or guidelines on comparative claims related to sugars and salt/sodium in the Norwegian legislation.

Singapore

Guidelines stipulated in "A Handbook on Nutrition Labelling (Singapore)" define that:

Nutrient comparative claim	Guideline
"Less sugar"	≥ 25% less sugar than the reference food (A statement must be included to compare the sugars levels of the subject food to the reference food)
"A certain % less/ reduced salt/ lower in"	≥ 25% less sodium than the reference food (A statement must

salt/ lower in sodium”	be included to compare the sugars levels of the subject food to the reference food)
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Thailand

For comparative claims related to sugar and sodium/salt, Thailand also has the regulations similarly to the Guidelines on Nutrition and Health Claim with some additional information that is in Thailand, it is prohibited to make a comparative claim if the amount of nutrient or energy in such product is already low or exists in very small amount.

United Kingdom

“Reduced sugars” and “Reduced sodium/salt” claims are permitted nutrition claims.

“Now contains X% less” claim: The European Commission and EU Member States are currently discussing the conditions of use and proposed wording for a “now contains X% less (fat/saturated fat/energy/sodium/salt/sugars)” claim to support reformulation activity by the food industry that improve the nutritional profile of products. Discussions on what the value for X% should be have focused on 15% or 10%.

The “Now contains X% less” claim, if agreed, would be likely to permit comparison of the nutrient content of a reformulated product with the “same” product before recipe change and may require products to be labeled with the nutrient content prior to reformulation. Furthermore, use of the claim may be limited to one year.

The UK supports such a claim which would support food businesses’ efforts to make small step wise reductions in nutrient content of foods to improve their nutritional profile yet retain their acceptability for consumers.

The UK suggests that a minimum reduction for such a claim should be 10% as this could be more conducive to reformulation efforts.

United States

In the U.S., FDA regulations permit claims about reduced content of sugar or sodium in a food under certain specified conditions. We believe that such claims provide consumers with information necessary to make appropriate dietary choices and encourage manufacturers to modify formulations to create healthier versions of foods. FDA regulations permit claims about reduced content of sugar or sodium in: 1) individual foods when there is at least a 25% reduction (in a standardized serving of the food) compared to an appropriate reference food, and 2) meal and main dish products when there is at least a 25% reduction per 100 g of the product.

We support the condition that Codex claims for reduced amount of sugars or sodium should be permitted only when there is a minimum of 25% reduction in the content of sugars or sodium, respectively. With regard to the 25% reduction, that level is based on methods of analysis—what can be detected reliably. Using a smaller increment runs the risk of claims being made but without a meaningful change/reduction in the nutrient.

In addition, we support Codex text that would preclude a comparative claim (e.g., “reduced sodium”) where the reference food meets the criteria for “low sodium.” Such issues will need further consideration as the development of these claims is explored within the Committee.

CIAA

As part of the Revision of the Nutrition Claims Annex of (EC) Regulation 1924/2006 on nutrition and health claims on foods, the EU is currently discussing the conditions of use and wording of the “Reduced” claim and the “Now contains X% less” claim.

ICBA

ICBA notes that the US and the EU requirements for comparative claims are similar to or the same as those contained in the Codex Guidelines on the Use of Nutrition and Health Claims.

- EU: 30% reduction required, compared to a similar product
- US: 25% reduction required, compared to the reference food
- Codex Guideline: 25% reduction, compared to same/similar food

With respect to claims that a product has a reduced sugars content, ICBA supports retention of the general requirements already set down in the Codex Guideline. ICBA does not support additional work on conditions for comparative claims for either sugars or sodium.

WSRO

We assume the representatives of the competent authorities will provide answers to this question.

4. **For trans-fatty acids, do member countries currently have in place regulations or guidelines for the use of nutrition claims? If so, please provide details on the claim(s) such as how they are worded and if wording is prescribed or not, and the conditions in your country or jurisdiction.**

Brazilian comments:

Currently, our regulation does not set specific conditions for trans-fatty acids claims. However, food manufacturers started using free of trans-fatty acids claims in foods after the declaration of trans-fatty acids in nutrition labelling was made mandatory.

To avoid misleading claims and to provide incentive to product reformulation, the Brazilian Health Surveillance Agency authorized the use of free of trans-fatty acids claim based on the conditions set out on the Canadian regulation.

The proposed regulation on nutrition claims that is being harmonized in Mercosur sets out new conditions for free of trans-fatty acids claims. The food cannot have more than 0.1 grams of trans-fatty acids per serving and the food must fulfill the conditions for low in saturated fatty acids.

Component	Claim	Proposed Conditions	
Saturated fat	Low	The food contains 1.5 g or less of saturated fatty acids and trans fatty acids combined	Per 100 g or 100 ml, if the food is a prepackaged meal
			Per serving size. If it is 30 g or 30 ml or less, per 50 g.
		The food complies with the conditions set out for free of trans fatty acids	
		The food provides 10% or less energy from saturated fatty acids.	

Brazil does not support low or reduce in trans-fatty acids claims because we understand that it would be misleading for consumers.

Canada

In 2002, Canada was the first country to introduce mandatory nutrition labelling that includes the requirement to display the amount of trans fatty acids contained in a serving of stated size. Included with this regulatory amendment, were criteria for three nutrient content claims and one diet-related health claim. Information on the nutrient content claims can be found below:

Claim (and Synonyms)	Conditions	Conditions – Labelling and Advertising	Food and Drug Regulations Reference
Free of trans fatty acids "free of trans fatty acids" "trans fatty acids-free" "no trans fatty acids" "0 trans fatty acids" "zero trans fatty acids" "without trans fatty acids" Note: "trans fatty	The food (a) contains less than 0.2 g of trans fatty acids per (i) reference amount and serving of stated size, or (ii) serving of stated size, if the food is a prepackaged meal; and (b) meets the conditions set out in column 2 of the	Must comply with the general requirements for nutrient content claims - see 7.5 of this Guide Nutrition Facts table required on products otherwise exempted by B.01.401(2)(a) and (b), [B.01.401(3)(e)(ii)] When used in an advertisement, must comply with the requirements for advertisements	Table following B.01.513, item 22

Claim (and Synonyms)	Conditions	Conditions – Labelling and Advertising	Food and Drug Regulations Reference
<p>acids" may be substituted with "trans fat" or "trans" in the above claims</p> <p>"contains no trans fatty acids"</p> <p>"contains no trans fat"</p>	<p>subject "low in saturated fatty acids"</p>		
<p>Reduced in trans fatty acids</p> <p>"reduced in trans fatty acids"</p> <p>"reduced trans fatty acids"</p> <p>"trans fatty acids-reduced"</p> <p>Note: "trans fatty acids" may be substituted with "trans fat" or "trans" in the above claims</p> <p>"less trans fatty acids"</p> <p>"less trans fat"</p> <p>"lower trans fatty acids"</p> <p>"lower trans fat"</p> <p>"lower in trans fatty acids"</p> <p>"lower in trans fat"</p> <p>"fewer trans fatty acids"</p>	<p>(1) The food is processed, formulated, reformulated or otherwise modified, without increasing the content of saturated fatty acids, so that it contains at least 25% less trans fatty acids</p> <p>(a) per reference amount of the food, than the reference amount of a similar reference food; or</p> <p>(b) per 100 g, than 100 g of a similar reference food, if the food is a prepackaged meal.</p> <p>(2) The similar reference food does not meet the conditions set out in column 2 of the subject "low in saturated fatty acids"</p>	<p>The following are identified:</p> <p>(a) the similar reference food;</p> <p>(b) the amounts of the food and the similar reference food being compared, if those amounts are not equal; and</p> <p>(c) the difference in trans fatty acids with the similar reference food, expressed by percentage or fraction or in grams per serving of stated size.</p>	<p>Table following B.01.513, item 23</p>
<p>Lower in trans fatty acids</p> <p>"lower in trans fatty acids"</p> <p>"lower trans fatty acids"</p> <p>"less trans fatty acids"</p> <p>Note: "trans fatty acids" may be substituted with "trans fat" or "trans" in the above claims</p>	<p>(1) The food contains at least 25% less trans fatty acids and the content of saturated fatty acids is not higher</p> <p>(a) per reference amount of the food, than the reference amount of a reference food of the same food group; or</p> <p>(b) per 100 g, than 100 g of a reference food of the same food group, if the food is a</p>	<p>The following are identified:</p> <p>(a) the reference food of the same food group;</p> <p>(b) the amounts of the food and the reference food of the same food group being compared, if those amounts are not equal; and</p> <p>(c) the difference in trans fatty acids compared to the</p>	<p>Table following B.01.513, item 24</p>

Claim (and Synonyms)	Conditions	Conditions – Labelling and Advertising	Food and Drug Regulations Reference
"fewer trans fatty acids"	prepackaged meal. (2) The reference food of the same food group does not meet the conditions set out in column 2 of the subject "low in saturated fatty acids"	reference food of the same food group, expressed by percentage or fraction or in grams per serving of stated size.	

Costa Rica (translated from Spanish)

The criteria for the claim "free of trans" is only included in Decree N° 34477, *Central American Technical Regulations RTCA 67.04.40:07 Processed Foods and Beverages. Fats and Oils. Specifications*. The wording used is as follows:

"8.2. Use of Descriptors:

The expressions "free of trans", "free of trans fatty acids", "without trans", "zero trans" or any other similar sentence may be added, as long as the following is also included in the nutritional labelling: trans 0 g. This is in reference to a trans fatty acids total content of 0.5 g or less per serving portion of 14 g of the product.

This applies only to fats and oils according to the scope of the above mentioned Decree.

Furthermore, in the proposed *Central American Regulations for nutritional labelling of prepackaged products for human consumption by the population older than 3 years of age*, the requirements for the content of trans fatty acids is established as a requirement for the claim of low in saturated fats in the following manner:

Saturated Fats	Exented, free, without, zero	Does not contain more than 0.5 g of saturated fat and less than 0.5 grams of trans fatty acids per serving portion or per 100 g or 100 mL.
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EU

There are no specific provisions for nutrition claims on trans fatty acids in Regulation (EC) N° 1924/2006. The claims "no trans fatty acids" or "low in trans fatty acids" are not permitted. However, reduction in trans fatty acids can be claimed if the conditions for the claim "reduced" or "light" are met.

Japan (note correction submitted on April 15, 2011)

Yes we have. In Japan, "Guidelines for voluntary labelling of *trans* fatty acids" were released on February 21 in 2011, and standards for Nutrition Claims for *trans* fatty acids are set out as follows;

If claims for *trans* fatty acids (namely, free claims or reduction claims) are made, the label of any food must comply with the following rules. When declaring *trans* fatty acids, declaration of basic nutrition information (i.e., energy, protein, fat, carbohydrate, and sodium) as well as declaration of saturated fatty acids and cholesterol is required.

- Free claims: Food meeting with both of the following criteria can make "free" claims related with *trans* fatty acids (e.g., "free," "zero," "none")
 1. The food contains less than 0.3 g of *trans* fatty acids per 100g (100ml for beverage), and
 2. The food contains less than 1.5g of saturated fatty acids per 100g (0.75 g per 100ml for beverage), or the food provides less than 10% of energy from saturated fatty acids.
- Reduction claims: Foods making "reduced in *trans* fatty acids claims" must declare the name of the food being compared as well as the amount or percentage of the reduction. In addition, when the unit used in the labelling is different between the food and the food being compared and the comparison is made based on the unit used, statement describing such comparison is required.

Morocco (translated from French)

There does not now exist provisions on nutrient content for trans fatty acids. We are working on regulatory texts on nutrition labeling and health claims which will take trans fatty acids into account.

New Zealand

New Zealand currently has no specific guidelines for trans-fatty acid claims. The general guidelines for comparative nutrition claims apply. Proposed drafting for the new regulation for nutrition, health and related claims in New Zealand and Australia would provide regulation of trans-fatty acid claims. In New Zealand saturated fat intakes pose more of a health concern than trans fat intakes. For this reason, and specifically to avoid the substitution of saturated fatty acids for trans-fatty acids, the proposed drafting would only permit 'low' claims for saturated fatty acids and trans-fatty acids in combination and not trans-fatty acids alone. The proposed drafting is:

Saturated fatty acids and trans-fatty acids:

- Low (a) the food contains no more saturated and trans fatty acids than –
 (i) 0.75 g per 100 mL for liquid food; or
 (ii) 1.5 g per 100 g for solid food.
- Reduced or Light/Lite (a) the food contains –
 (i) at least 25% less saturated and trans fatty acids as the same quantity of reference food; and
 (ii) both saturated and trans fatty acids are reduced relative to the same quantity of reference food; and
 (b) the claim states –
 (i) the identity of the reference food; and
 (ii) the difference between the saturated and trans fatty acids content of the food and the reference food; and
 (c) the entire claim is presented together.
- Low proportion (a) the food contains as a proportion of the total fatty acid content, no more than 28% saturated fatty acids and trans fatty acids; and
 (b) the claim expressly states in words to the effect of "low proportion of saturated and trans fatty acids of total fatty acid content".

Trans-fatty acids:

A claim about low or percentage free trans-fatty acids must not be made. Where 'free' or 'reduced' claims are made for trans-fatty acids set compositional requirements for both saturated and trans-fatty acids are proposed as follows:

- Free (a) the food contains no more saturated fatty acids than –
 (i) 0.75 g per 100 mL of liquid food; or
 (ii) 1.5 g per 100 g of solid food; and
 (b) the food contains as a proportion of the total fatty acid content, no more than 28% saturated fatty acids; and
 (c) the food contains no detectable trans fatty acids
- Reduced or Light/Lite (a) the food contains –
 (i) at least 25% less trans fatty acids than the same quantity of reference food; and
 (ii) the food contains no more saturated fatty acids relative to the same quantity of reference food; and
 (b) the claim states –
 (i) the identity of the reference food; and
 (ii) the difference between the trans fatty acid content of the food and the reference food; and
 (c) the entire claim is presented together.

Norway

There are no specific regulations or guidelines on claims related to trans-fatty acids in the Norwegian legislation.

Singapore

An administrative guideline developed by the Agri-Food and Veterinary Authority of Singapore and Health Promotion Board of Singapore allows use of claim below:

- “trans fat free”, if products contain no more than 0.5g trans fat/ 100g product

Thailand

On the issue of trans-fatty acids, we do not have in place regulations or guidelines for the use of such nutrition claims. In Thailand, in nutritional label only “total fat and saturated fat” are on mandatory basis but for “unsaturated fat and polyunsaturated fat” are on voluntary basis. If trans-FA is to be labeled, it would be outside the nutritional label.

United Kingdom

Claims related to trans –fatty acids are not authorised nutrition claims under Regulation (EC) 1924/2006 on nutrition and health claims which lays down harmonised rules across the European Union.

United States

In the U.S., FDA regulations permit amount or percentage claims for a nutrient under certain conditions. Per FDA regulation 21 CFR 101.13(i), a food may bear an amount claim under certain conditions. For example, the statement “0g trans fat” is permitted if the food contains 0.5 grams or less trans-fatty acids per serving.

CIAA

In the EU, there are no specific nutrition claims on trans-fatty acids. However, some other nutrition claims (“low saturated fat” and “saturated fat-free”) make reference to trans-fatty acids (in combination with saturated fat):

LOW SATURATED FAT A claim that a food is low in saturated fat, and any claim likely to have the same meaning for the consumer, may only be made if the sum of saturated fatty acids and trans-fatty acids in the product does not exceed 1,5 g per 100 g for solids or 0,75 g/100 ml for liquids and in either case the sum of saturated fatty acids and trans-fatty acids must not provide more than 10 % of energy.

SATURATED FAT-FREE A claim that a food does not contain saturated fat, and any claim likely to have the same meaning for the consumer, may only be made where the sum of saturated fat and trans-fatty acids does not exceed 0,1 g of saturated fat per 100 g or 100 ml.

ICBA: Question is not relevant to beverages.

- 5. For “Non-Addition of Sugars and Salt/Sodium” claims, do eWG participants have suggestions for draft text to be included for the entries related to the conditions – both compositional and labelling (and advertising)? If so, please elaborate and provide suggested draft text.**

Brazilian comments:

We understand that some of the conditions presented in the answers to questions 2 could be used. It is important to inform consumers that the food is not necessarily free of sugars and sodium. The best way to inform consumers should be discussed in the e-WG.

The conditions set out should also restrict the addition of ingredients that could substitute sugars and salts, such as honey and other sodium salts, respectively.

Costa Rica (translated from Spanish)

Costa Rica proposes the following paragraph:

“Without added sugars” if no sugar or sugar containing ingredients have been added during the manufacturing process. It should be indicated if the food is not low or not reduced in energy.

Sugar is understood as “sucrose”.

“Without salt” “Without added salt” It must be free of sodium, which means that it should not have more than 5 mg per 100g.

EU

The EU would like a claim "with no added sugars" to be included in the list of permitted nutrition claims of Codex Guidelines. Based on the existing European Union legislation the EU would propose the following conditions to apply to the claim:

"The product does not contain any added mono- or disaccharides or any other food used for its sweetening properties. If sugars are naturally present in the food the following indication shall also appear on the label, 'contains naturally occurring sugars'."

However, as mentioned in the reply to question 2, following the experience of applying the conditions of use the EU is discussing options for revising the conditions of use of the claim for "with no added sugars".

Morocco (translated from French)

The declaration of Sodium in the Table of conditions for nutrient contents is more precise from the scientific terminology point of view. However, the consumer is more familiar with the term Salt which is likely to create confusion because of the existence of salts other than NaCl. For this reason, we suggest to retain the term Sodium in the Table while using an additional declaration of salt equivalent.

If the food does not contain any salt or any added sodium salt nor any ingredient containing sodium or having the same effect as added salt, the label can bear the claims: "sodium/salt free", "0 sodium/salt", "zero sodium/salt", "No sodium/salt" or "Does not contain sodium/salt".

The claim "No sugar added" or "without added sugar", "No addition of sugar" can be used on a food which does not contain any added sugar, any ingredient with added sugars, or any ingredient containing sugars having a sweetening property.

New Zealand

New Zealand does not support claims for the non-addition of sugars and salt/ sodium. New Zealand does not differentiate between added sugars and salt/ sodium and sugars and salt/ sodium naturally present in food because physiologically the body does not distinguish between the two. They are analytically indistinguishable so such claims would be very difficult to enforce.

New Zealand is concerned that a claim of the non addition of sugars or salt/ sodium coupled with a statement to the effect that sugars or salt/ sodium are naturally present could confuse consumers. We suggest that evidence of consumer understanding of such a statement is provided before such a claim is added to Codex Guidelines.

Norway

The following comments are preliminary suggestions on draft text for further discussion and elaboration.

Non-addition of Sugars claim

We would like to propose the following draft text and conditions to be included for the entries for this claim:

"WITH NO ADDED SUGARS"

A claim stating that sugars have not been added to a food, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain any added mono- or disaccharides or any other ingredient/food used for its sweetening properties. If sugars are naturally present in the food at a concentration higher than 0.5g/100g or 100ml, the following indication should also appear in close proximity to, on the same side and with the same prominence as the claim: 'CONTAINS NATURALLY OCCURRING SUGARS'."

We are aware of the contradictory views regarding the use of artificial sweeteners related to the use of this claim, and recognise the need for further discussion about this issue.

Non-addition of Salt/Sodium claim

We would like to propose the following draft text and conditions to be included for the entries for this claim:

"WITH NO ADDED SODIUM/SALT"

A claim stating that sodium has not been added to a food and any claim likely to have the same meaning to the consumer may only be made where the product does not contain any added sodium/salt or any other ingredient/food containing added sodium/salt. If sodium/salt is naturally present in the food at a concentration higher than 0.005g of sodium, or the equivalent value for salt, per 100 g, the following indication shall also appear on the label, in close proximity to, on the same side and with the same prominence as the claim: 'CONTAINS NATURALLY OCCURRING SODIUM/SALT'.

As it appears from the proposed texts on "Non-Addition of Sugars and Salt/Sodium" claims, they are built on the same model:

- Neither addition of sugars or salt/sodium nor any other ingredient/food containing added sugars or sodium/salt can be accepted if the claims are to be made.

- There are no maximum levels set for the natural content of sugars or salt/sodium, but if the concentration in the food exceeds 0.5g of sugars per 100g or 100ml or 0.005 g of sodium, or the equivalent value for salt, per 100 g or 100ml, the statement “contains naturally occurring sugars/sodium/salt” shall be placed on the package. These levels are equivalent to the conditions for use of the claims “Free” for sugars and sodium listed in the “Table for nutrient content in point 8.6 in the guidelines for use of nutrition and health claims (CAC/GL23-1997).
- The statement “contains naturally occurring sugars/salt/sodium” shall be placed on the package; “in close proximity to, on the same side and with the same prominence”. Such statement is of importance to the consumer and must be related to the particular claim in question. We find this important in order not to mislead the consumer.

We would also like to add that such claims must be regarded in light of the General Guidelines on claims points 5.1(v) and 5.1(vi)(b). If sugars or salt/sodium are substances which the consumers would normally not expect to find in the food, it would be misleading to claim that such substances are not added.

Singapore

Refer to response for Question 2.

Thailand

Non-addition of sugars and salt/sodium claim alone could possibly mislead some consumers who may think it is low in such ingredients; however the intrinsic sugar, salt/sodium may still be quite high. Therefore, it would be a good practice to have a statement such as “contains naturally occurring sugars” (EU practice) to be present on the label if sugars are naturally present in the food and the claim “with no added sugars” is used. Moreover, consumers may need to be better educated so they are aware that no addition of sugar, salt/sodium does not mean the product does not contain sugar, salt/sodium.

United Kingdom

The UK would like to suggest to the Codex eWG that a “no added sugars” claim be included in the Codex Guidelines for the use of Nutrition and Health Claims. Please refer to the to the Annex of Regulation (EC) No 1924/2006.

The UK propose the following wording and conditions of use for a “no added salt” claim:

“A claim stating that sodium has not been added to a food and any claim likely to have the same meaning to the consumer may only be made where the product does not contain any added sodium/salt or any other ingredient containing added sodium / salt and the product contains no more than 0.12g sodium, or the equivalent value for salt, per 100g or 100ml”

As this claim is still under negotiation with EU Member States and the European Commission, we may wish to comment further once agreement is reached on the final form of the claim.

United States

We propose adding a new section (following the section “Comparative Claims” in the Guidelines) to provide conditions for claims about the non-addition of sugars and salt (sodium chloride). In this new section, we propose including introductory text, followed by separate sections for these two types of claims that would identify: 1) what is meant by no added “sugars” and “salt”; 2) examples of claim wording; and 3) non-misleading conditions for the claims.

For example, below is preliminary draft text for a new section that the CCFL (and the CCNFSDU) may wish to consider as a starting point.

New Section 7

7. CLAIMS FOR THE NON-ADDITION OF SUGARS OR SALT

Claims for the non-addition of sugars or the ingredient, sodium chloride to a food may also assist consumers in constructing healthful diets, provided such claims are truthful and not misleading. Provisions for these claims are identified below.

7.1 Non-Addition of Sugars

7.1.1 Claims about the non-addition of sugars (e.g., “no added sugar”, “without added sugar” may be used provided that:

- (a) no amount of sugars, as defined in Section 2.6 of the Guidelines on Nutrition Labelling (CAC/GL 2-1985), or any other ingredient that contains sugars (such as jam, jelly or concentrated fruit juice) is added during processing;

- (b) the sugars content has not been increased above the amount present in the ingredients by some means such as use of enzymes,;
- (c) the food that it resembles and for which it substitutes normally contains added sugars; and
- (d) the food label bears a statement that it is not a low-calorie or reduced-calorie food (unless it meets the conditions for those claims) and directs the consumer's attention to the nutrition label.

7.1.2 Claims about the non-addition of the ingredient, sodium chloride (e.g., "no added salt", "without added salt") may be used provided that:

- (a) no sodium chloride is added during processing;
- (b) the food that it resembles and for which it substitutes normally is processed with sodium chloride; and
- (c) the food label bears a statement that it is not sodium free (unless it is sodium free).

7.1.3 Claims about the term "salt free" may be used provided that the food is "sodium free."

CIAA

CIAA proposes the following conditions of use for the "no added sodium/salt" nutrition claim:

"A claim stating that sodium/salt has not been added to a food and any claim likely to have the same meaning to the consumer may only be made where the product does not contain any added sodium or any food ingredient which contributes sodium to the product and is not more than 0.12 g sodium, or the equivalent value for salt, per 100g or 100ml."

Companies are being encouraged by governments to reformulate products to reduce sodium/salt intake in the population because average sodium intake levels are above dietary guidelines. Allowing products to make a „no added sodium/salt" claim" will help consumers to choose products that could help control or reduce their sodium/salt intake, in foods where sodium-containing ingredients, including salt, are typically present. This claim has been used by industry in line with national regulations. Consumers are therefore already familiar with the claim and there is a growing demand for these products from consumers interested in healthier choices.

CEFS

With respect to the "no added sugars" claim, CEFS would like to stress the need for this claim not to mislead consumers. Some countries have recognized the need to provide information to inform consumers that products bearing "no added sugars" claim 1) are not necessarily without sugars and 2) do not necessarily have a low energy content.

For instance, in the United States, it is required that a statement indicate, where appropriate, "that the food is not 'low calorie' or 'calorie reduced'". Besides, it might be appropriate to consider extending such a requirement to other claims (e.g., reduction claims) that consumers tend to misunderstand.

Furthermore, there are products on the market that bear a "no added sugars" claim but that contain sweet ingredients (e.g. concentrated fruit juice, whey powder, raisins, etc.) allegedly not used for their sweetening properties. Some national authorities have reported difficulties in controlling whether these sweet ingredients were not also used for their sweetening properties. , In any event, in order for consumers to be properly informed, where sugars are naturally present in a food product bearing a "no added sugars claim," the following indication should also appear on the label: 'CONTAINS NATURALLY OCCURRING SUGARS'.

ICBA

ICBA supports the general applicability to labeling and advertising, as is currently stated in Section 1 (Scope) of the Guidelines on the Use of Nutrition and Health Claims. We do not support additional work in this area.

ICBA encourages adoption of a simplified text for "no added sugars" claims, and suggests the following:

No Added Sugars: A claim stating that sugars have not been added to a food, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain any added mono- or disaccharides or any other food used for its sweetening properties.

ICBA also encourages consideration for incorporation of conditions for a "low sugars" claim.

WSRO

We believe that “non-addition” claims are inherently misleading to consumers and should not be permitted. In practice they are commonly used only when a nutrient content claim is not possible. Since consumer health is related to nutrient intake, and access to reliable information on which to make wise food choices, the availability of these misleading claims is antithetical to consumer information and health.

Claims related to the non-addition of sugars are particularly misleading when the product contains sugars derived from one of its other ingredients (such as fruit). Rather than complicate the label by requiring some additional words of explanation on such products (e.g. “this product contains fruit sugars”) it would be preferable to prohibit all “no added” claims.

Sugars added during the preparation of a food product are indistinguishable from those present in constituents such as fruits. As a result, permitting “no added claims” encourages false declarations when sugars have been added for commercial reasons (such as to extend fruit juices with sugars and water). Such false declarations are notoriously difficult to detect.

6. For comparative claims related to sugars and salt/sodium, do eWG participants have suggestions for additional text to be added to the Guidelines? If so, please elaborate and provide suggested draft text.

Brazilian comments:

We understand that some of the conditions presented in the answers to questions 3 could be used. It would be relevant to set alternative compositional conditions to guarantee that the percentage reduction is not insignificant for countries that set absolute conditions per servings.

Costa Rica

For sugars: Low, light, reduced, less, and lite. Contains at least 25% less sugar per serving portion or per 100 g or 100 ml, in comparison to the food used as reference. [*Translators Note: The terms “Light” and “lite” are also given in English in the Spanish original*]

For sodium: Low, light, reduced, less, and lite. [*Translators Note: The terms “Light” and “lite” are also given in English in the Spanish original*]. Contains at least 25% less sodium per serving portion or per 100 g or 100 ml in comparison to the food used as reference.

EU

The EU believes that provision 6.3 of the *Guidelines for the Use of Nutrition and Health Claims* is sufficient to cover the basic criteria for comparative claims concerning sugars and salt/sodium.

Within the EU there are discussions on the possibility of introducing comparative claims that relate to reformulation activities specifically which would have different conditions of use to the normal comparative claims.

Morocco (translated from French): No additional suggestions.

New Zealand

Foods being compared should be different versions of the same or similar foods

Where it is claimed that the sugar / salt/ sodium content of a food differs from that of another food, the comparison statement should:

- a. Identify the reference food with which the comparison is made. The foods should be described in such a manner that they can be readily identified by consumers
- b. State the difference between the quantity of the nutrient in the food about which the claim is being made and the reference food -expressed as a
 - percentage,
 - fraction,
 - or absolute amount
- c. The stated difference in quantity of the nutrient should appear in close proximity to the comparative statement

Norway

Our comments relate to the relevant comparative claims; “Reduced addition of sugar or salt/sodium” and “Contains X less added sugar and salt or sodium.” We would like to focus on two aspects which we find important to highlight related to the two comparative claims.

- Referring to the draft discussion paper (DRAFT CX/FL 11/39/6) paragraph 15 it is suggested that the product being compared can be compared to “the original food product formulation”. Point 6.1 in chapter 6 (CAC/GL 23-1997) reads: “The foods being compared to should be different versions of the same food or similar foods. The foods being compared to should be clearly identified.” We are uncertain of the correct interpretation of point 6.1. However, we believe that a range of foods should be taken into account for comparison, and not a single brand or product. The reference level of comparison should be a value that is representative for that type of product on the market. This approach avoids misleading the consumers and enables them to make choices on the right basis.
- We believe that labelling can be a tool in giving the consumer better information about the benefits and hence is of importance for the public health. However, we are unsure if a claim like this will encourage the food industry to substantially reformulate their products or if it will rather work as a marketing tool which may be misleading to consumers. To ensure that substantial reformulation is achieved, we find it important that a minimum reduction of 25% is required.

Singapore

Refer to response for Question 3.

Thailand

Suggested text in section 6: “6.5 The foods being compared should not contain an already low amount of nutrient content or level of energy value.”

United Kingdom

The UK proposes the following wording and conditions of use for a “now contains X % less [energy, fat, saturated fat, sodium/salt and/or sugars]” claim:

“Reformulated products where the reduction in content is at least X% for energy, fat, saturated fat, salt/sodium and/or sugars may bear the claim “now contains X % less [energy, fat, saturated fat, sodium/salt and/or sugars]” or any claim likely to have the same meaning for the consumer. This claim shall be accompanied by the labelling of its content prior to reformulation, expressed per 100mg or 100 ml, of the energy or the nutrient having been reduced. For saturated fat, this claim may only be made if the sum of saturated fatty acids and of trans fatty acids in the reformulated product is at least X% less than the sum of saturated fatty acids and of trans fatty acids in the original product prior to the reformulation. For sugars, this claim may only be made if the amount of energy of the reformulated product is equal to or less than the amount of energy in the original product. A claim may be used for a maximum of one year following the placing on the market of the reformulated product”

The European Commission and EU Member States are currently discussing what the value for X% should be (i.e. possibly 15% or 10%).

The UK suggests that a minimum reduction for such a claim should be 10% as this could be more conducive to reformulation efforts.

As this claim is still under negotiation with EU Member States and the European Commission, we may wish to comment further once agreement is reached on the final form of the claim.

United States

We propose the following edits to sections 6.3 and 6.4 intended for clarification (and to include examples), and propose creating a new section 6.5 with the deleted text from current section 6.3 to address “more” claims (and include examples). As stated in the current section 6.3, “micronutrients” could be interpreted to include sodium.

6.3 For “reduced” or “less than” claims (e.g., for nutrients such as sodium, saturated fat, and sugars) and for claims of “fewer calories”, The comparison should be based on a relative difference of at least 25% in the energy or nutrient content, except for micronutrients where a 10% difference in the NRV would be acceptable, between the compared foods, and a minimum absolute difference in the energy value or nutrient content equivalent to the figure as “low” or as a “source” in the Table to these Guidelines.

6.4 The use of the word “light” should follow the same criteria as claims for “reduced”, “less than” or “fewer” and include an indication of the characteristics which make the food “light”.

New Sec. 6.5

6.5 For claims that a food has more of nutrient (e.g., protein, dietary fibre, vitamins, minerals) than an appropriate comparison food, the comparison should be based on a relative difference of at least 10% of the

NRV between the compared foods, and a minimum absolute difference in the nutrient content equivalent to the figure as a “source” in the Table to these Guidelines.

CEFS

The European Food Safety Authority (EFSA) did not find any conclusive evidence of an overall negative impact on health from the intake of sugars beyond their contribution to the caloric intake. As opposed to reductions of the salt or saturated fat content of foods, reducing the sugars content of food and drinks only results in a nutritional benefit if it is accompanied with an energy reduction.

Moreover, consumers generally expect foods with low or reduced sugars content to be also reduced in energy. Yet, there are products on the market that bear “reduced sugars” claims but are barely or not reduced in energy.

In order to protect consumers from deceiving claims, CEFS would recommend that where the energy content of a product bearing a “reduced sugars” claim remains unchanged as compared to other products of its category, the clarity principle previously mentioned in question 5 should be followed: where appropriate, a disclaimer indicating that the product is “not a reduced calorie food” should be required to appear prominently and in close proximity to the claim.

ICBA

ICBA does not support further work to amend the current conditions for comparative claims.

IDF

IDF is interested in pursuing discussions on the need for comparative claims for sodium at levels less than a 25% reduction.

Reformulation of some foods requires far longer than others. For example, in order to reduce the salt content of cheese, reductions need to be made in a stepwise manner so as not to affect the quality of the product and to allow for consumer's palate changes over time. In addition, there is only so far that technology can be adapted to allow for reductions in salt in cheese making, as salting is an integral part of the process of making the cheese. As a result setting a target of 25% reduction in order to make a claim offers little if any incentive to cheese makers to reduce the total salt content in their product. By allowing claims to be made on smaller % reductions, provided that these reductions are nutritionally relevant, in order to make a claim would provide such an incentive. Similar considerations should be given to other products where the addition of salt or sugar, either to help with microbiological safety or because they are an integral part of the process.

The Codex code of hygienic practice for milk and milk products (CAC/RCP 57-2004) indicates salting as an example of a typical microbiostatic control measure. There are a wide variety of raw milk products, particularly cheeses. The range of moisture content, pH and salt content (and indeed other parameters) in these products will have significant impact (synergistic with other hygiene measures) on key pathogenic organisms that may be present in the milk used for their manufacture.

It is important for Codex to appreciate the considerable number of initiatives on salt and sugar reduction are already taking place worldwide. In order to avoid duplication of effort in this regard, it is important that if some % reduction is put in place that it doesn't conflict with national or regional policies.

IDF would like to emphasize that any actions related to 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.

Comparative claims based on the nutrient total sugars would not be applicable for most dairy foods, due to their natural content of lactose. In order to make a reduced sugar(s) claim one will have to reduce total sugars by 25% which will be impossible without also removing intrinsic sugar, a process that is both costly and also not relevant in this respect. Claims on sugars validated by total sugar content, and not by the content of added sugar, of a product would thus not be in line with the original intention of this suggested action, i.e. to help encourage reformulation by industry of certain foods to contain less added sugar. For products containing natural sugars, e.g. milk containing lactose, the incentive to add less added sugars to a product would be lost as it would be impossible to claim the effect.

WSRO

Comparative claims related to macronutrient content should only be allowed where the difference is at least 25% in nutrient content. Where the consumer might reasonably expect the reduction in macronutrient content to be reflected in the overall energy value of the product (that is when the reduction relates to fat or sugar), then the claim should only be allowed when the reduction in nutrient content is mirrored by a comparable reduction in energy content.

In order to prevent claims that have no nutritional relevance, a minimum reduction in a macronutrient must be made. The present guidelines set this minimum at a level equivalent to a difference in nutrient content equal to that defined as “low” in the table. Unfortunately, the table includes no definition of “low” with respect to sugars. The definition of low set for saturated fat is comparable to the Dietary Guideline figure in common use, viz. 10% energy. A similar level would seem appropriate for sugars, i.e. 10% of energy.

In order to improve the clarity of the text, we would strongly advise the redrafting of section 6.3 of the guidelines to separate the conditions for comparative claims for micro- and macronutrients.

A suitable form of words would be:

6.3 A comparative claim must reflect a meaningful difference in nutrient content.

6.3.1 For micronutrients a relative difference of at least 10% of the NRV between the compared foods would be acceptable.

6.3.2 For macronutrients the relative difference between compared foods must be at least 25% of the nutrient or energy content and must be greater than an amount equivalent to that defined as the content of a food described as “low” in the Table.

6.3.2 In addition to the requirements of 6.3.2, for those macronutrients that will be associated with energy content in the minds of consumers, particularly fats and sugars, the difference between compared foods in nutrient content must also be reflected in a comparable difference in energy value.

The Table section on sugars should then be adapted to include a definition of “low” sugars content as “not more than 10% of the energy value”.

7. For trans-fatty acids, do eWG participants have suggestions for new entries for claims and compositional conditions for this nutrient to the “Table for conditions for nutrient contents”? If so, please elaborate and provide suggested draft text.

Brazilian comments:

We understand that some of the conditions presented in the answers to questions 4 could be used. It is important to develop additional compositional conditions for saturated fatty acids because this type of fat is one of the options used by food industries to replace trans-fatty acids, which is known for its negative impact on cardiovascular health.

The recommendations of PAHO provides that "The preferred alternative for trans-fatty acids should be cis unsaturated fatty acids, including polyunsaturated fatty acids omega-3 family. Saturated fatty acids should only be used as a substitute for TFA in the absence of immediate alternative for specific applications”.

The trans-fatty acids amount should be as low as possible.

Costa Rica (translated from Spanish)

“Free of trans”, “free of trans fatty acids”, “without trans”, “zero trans”, “It is not a significant source of trans fatty acids” or any other similar sentence, as long as the following is also included in the nutritional labelling: trans 0 g. It makes reference to a total fat content of 0.5 g per serving portion or less.

EU

The EU does not consider that it is necessary for new entries referring to low or absence of trans fatty acids. If member countries, due to the food composition or the focus of their public health messages, consider that there is a need for such claims they could be authorised at the national level.

Morocco (translated from French):

The trans fatty acid content must be indicated in the Table of conditions for nutrient contents because it is an important information to be provided to the consumer. The content can be in the form of a percentage of the total fatty acids.

“It should be said that the Afssa considers that the communication of the trans fatty acid content is a relevant information for this purpose, and particularly for products in which this content would be above the thresholds defined in its advice on trans fatty acids.” Source: report: “Risques et bénéfices pour la santé des acides gras (AG) trans apportés par les aliments (Afssa, 2005).

New Zealand

New Zealand does not support trans-fatty acid claims. A review of TFAs in the New Zealand food supply published by Food Standards Australia New Zealand (FSANZ) in 2007, states that New Zealanders get just 0.7% of their daily kilojoules from TFAs. This is well below the 1% recommended by World Health Organisation. New Zealanders' consumption of saturated fat is a far bigger concern than TFAs with over 15% of energy coming from saturated fat, exceeding the 8-10% recommended by the WHO. New Zealand is concerned that placing emphasis on trans-fatty acids by requiring mandatory labelling could potentially lead to substitution of saturated fatty acids for trans-fatty acids.

This is reflected in the proposed drafting for the regulation of trans-fatty acid claims in the proposed new standard for nutrition, health and related claims which would only permit claims for saturated fatty acids and trans-fatty acids in combination and not trans-fatty acids alone (as presented at 4.).

Norway:

We recognise the trans-fatty acid intake to be of global concern referring to the recommendation by WHO. We will not oppose the inclusion on claims related to trans-fatty acids, but do not have any specific suggestion to new entries of claims or conditions for use.

Nationally there has been cooperation between authorities and food industry the last 20 years to reduce the trans-fatty acid levels in foods. The cooperation has been successful and the intake of trans-fatty acids in the population was in 2009 line with the WHO-recommendations and was estimated to 0.6% of the energy intake.

Singapore

Refer to response for Question 4.

Thailand

Trans fatty acids should be a new entry in the Table of Conditions for Nutrient Contents. There should be a condition for the claim "free". Also there should state the recommendation made by WHO that "individual should not consume trans fatty acids more than 1% of the total energy intake".

United Kingdom

- The addition of a nutrition claim on trans fatty acids is not a priority for the UK. Dietary intakes of trans fats in the UK are low and well within maximum recommended levels. Nutrition claims are harmonised at EU level by the Nutrition and Health Claims Regulations and currently there is no claim permitted for trans fatty acids.

United States

The U.S. is in the process of evaluating whether additional claims on trans-fatty acid content of foods should be allowed.

ICBA

Question is not relevant to beverages.

IDF

IDF refers to paragraph 109 of ALINORM 10/33/22 indicating that there was no consensus to start new work on claims on the absence of trans fatty acids. Due to regional differences in intake of trans fatty acids, IDF does not support developing of claims on the absence of trans fatty acids.

In addition the WHO Scientific update on Trans fatty acids concluded that "Although ruminant TFAs cannot be removed entirely from the diet, their intake is low in most populations and to date there is no conclusive evidence supporting an association with CHD risks in the amounts usually consumed." (Uauy et al., 2009). Ruminant trans fatty acids cannot be removed entirely from the diet. If this work will be accepted, IDF is of the opinion that the nutrient content claims should be made in relation to industrially produced TFA only.

Reference: R Uauy, A Aro, R Clarke, R Ghafoorunissa, M L'Abbe, D Mozaffarian, M Skeaff, S Stender and M Tavella. 2009. WHO Scientific Update on trans fatty acids: summary and conclusions. European Journal of Clinical Nutrition. European Journal of Clinical Nutrition, 63, S68–S75.

8. In relation to your response to question 7, do eWG participants have suggestions for any additional labelling (and advertising) conditions for any claims that you have proposed for trans-fatty acids? If so, please elaborate and provide suggested draft text.

New Zealand

New Zealand does not support claims for trans fatty acids. However, if a claim is made for trans-fatty acids it should be put into context with saturated fats. A claim for trans-fatty acids should also state the relative content of saturated fat for example “Contains Xg trans and saturated fatty acids.”

Norway

We recognise the trans-fatty acid intake to be of global concern referring to the recommendation by WHO. We will not oppose the inclusion on claims related to trans-fatty acids, but do not have any specific suggestion to new entries of claims or conditions for use.

Nationally there has been cooperation between authorities and food industry the last 20 years to reduce the trans-fatty acid levels in foods. The cooperation has been successful and the intake of trans-fatty acids in the population was in 2009 line with the WHO-recommendations and was estimated to 0.6% of the energy intake.

Singapore

In view of the increasing demand of claims pertaining to trans-fatty acids, it may be necessary to tighten the use of such claims by proving additional condition on the saturated fat content. This helps to better assess products for appropriate use of claims related to trans-fatty acids.

There is no proposed text or additional condition on saturated fat.

Thailand

Refer to No. 7.

United Kingdom

N/A (See Q &A number 7)

United States

Some other key questions from the document:

9. for each component, what are the claims that the eWG members wish to add?

. For sugars and salt/sodium, the claims that have been proposed are for the non-addition of these two ingredients.

We suggest proposing conditions for claims such as “no added sugars,” or “without added sugars” and “no added salt” or “without added salt.”

b. For trans-fatty acids, eWG members should propose new claims to be added to the table.

10. for each component and claim, what are the suggested conditions specifically related to the composition?

a. For all three tasks, eWG participants should propose conditions for consideration of the larger Committee and then for referral for consideration by CCNFSDU.

See Question 5 above.

11. for each component and claim, are there additional conditions that should be added related to labelling and/or advertising (where appropriate) requirements?

a. For all three components, eWG members should consider whether new conditions for labelling (and advertising) need to be added.

See Question 5 above.

III. Other Comments

As noted in paragraph 6 of the document, advertising is referenced by a footnote in the Guidelines for Use of Nutrition and Health and therefore the phrase “(and advertising)” can be deleted in subsequent text.

ICBA: Question is not relevant to beverages.