



Food and Agriculture
Organization of
the United Nations



World Health
Organization

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Agenda Item 4a

CX/FL 12/40/4

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEx COMMITTEE ON FOOD LABELLING

Fortieth Session

Ottawa, Ontario, Canada, 15 - 18 May 2012

Proposed draft revision of the Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-1997): Additional conditions for nutrient content claims and comparative claim

At step 3 of the Procedure

Governments and international organizations in Observer status with the Codex Alimentarius Commission wishing to submit comments on the proposal in Appendix 3 are invited to do so **no later than 23 April 2012** to:

Codex Contact Point for Canada, Food, Directorate, Health Canada, 251 Sir Frederick Banting Driveway, Ottawa, ON K1A 0K9, Canada, Fax : +1.613.941.3537, E-mail: Codex_Canada@hc-sc.gc.ca

with a copy to the Secretariat, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, Viale delle Terme di Caracalla, 00153 Rome, Italy, Fax No + 39.06.5705.4593; E-mail: codex@fao.org

INTRODUCTION

At the 39th Session of the Codex Committee on Food Labelling (CCFL), the Committee agreed to establish an electronic working group (eWG) led by Canada, open to all members and observers and working in English with the following terms of reference:

- To develop proposed text for inclusion in the *Guidelines for Use of Nutrition and Health Claims* for non-addition claims for sugars and salt consistent with the principles agreed at the 39th Session of the Committee and consider the placement of text.
- To propose an amendment to the text of section 6.3 to clarify that sodium would be captured in the claims that would require a change of 25% in order to be made.
- To review paragraphs 6.3 and 6.4 of the current *Guidelines for Use of Nutrition and Health Claims* and consider adding an additional paragraph in order to have separate paragraphs for conditions for each of the three types of comparative claims; namely:

- claims related to reducing the energy or nutrient content (e.g. “reduced”/“lower”);
 - “light” claims; and
 - claims related to having more of a nutrient (e.g. “more”)
- To develop claims and conditions for use related to trans-fatty acids for inclusion in the *Guidelines for Use of Nutrition and Health Claims*.

Twenty-five countries as well as the EU and thirteen INGOs requested to participate in the eWG. A list of all eWG members can be found in Appendix 1. In response to the 1st Discussion Paper circulated on November 14th, 2011, comments were received from nineteen participants including twelve member governments, the EU, and six INGOs. The 2nd Discussion Paper was circulated on February 13th, 2012 and comments were received from nineteen participants including eleven member governments, the EU, and eight INGOs. Both sets of responses received were considered and integrated into this final paper. The conclusions of the eWG on proposed draft amendments to the *Guidelines* will be circulated for comments and considered by the 40th Session of the Committee in May 2012 in Ottawa, Canada

TIMELINES AND KEY ACTIVITIES

Dates	Key Activity	Duration
November 14, 2011– December 22, 2011	Circulate document with proposed text and background for comments from eWG members	Five weeks
January 3, 2012– February 13, 2012	Revision of document by Canada based on input from eWG members	Five weeks
February 13, 2012 – March 16, 2012	Distribution of document with proposed text for review and input from eWG members	Four weeks
March 19, 2012 – March 30, 2012	Final revision of the document by Canada based on input.	Two weeks
April 5, 2012	Circulation of the document to eWG and Codex Secretariat	

BACKGROUND

1. In May 2004, the 57th World Health Assembly (WHA) endorsed the World Health Organization (WHO) *Global Strategy on Diet, Physical Activity and Health* (Global Strategy). The overall goal of this strategy is to promote and protect health by guiding the development of an enabling environment for sustainable actions at the individual, community, national and global levels that, when taken together will lead to reduced disease and death rates related to unhealthy diets and physical inactivity. The strategy addresses two main risk factors for non-communicable diseases, namely diet and physical activity.

2. The Global Strategy made recommendations with respect to diet for populations and individuals as follows:

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

3. Paragraph 59 of the Global Strategy goes on to state:

Public health efforts may be strengthened by the use of international norms and standards particularly those drawn up by the Codex Alimentarius Commission. Areas for further development could include:

- *labelling to allow consumers to be better informed about the benefits and content of foods;*

- *measures to minimize the impact of marketing on unhealthy dietary patterns;*
- *fuller information about healthy consumption patterns including steps to increase the consumption of fruits and vegetables;*
- *production and processing standards regarding the nutritional quality and safety of products.*
- *Involvement of governments and nongovernmental organizations as provided for in the Codex should be encouraged.*

4. At the 35th session of the CCFL, the WHO presented a Draft Action Plan for the Implementation of the Global Strategy on Diet, Physical Activity and Health (CL 2006/44-CAC) which was based on the recommendations from the Global Strategy, the responses received from Codex members in the FAO/WHO electronic forum and the comments made by delegates in the 34th session of the Committee regarding labelling issues. The recommendations applying to labelling were intended to provide consumers with better information about the benefits and contents of foods.

5. At the 36th session of the CCFL, the Committee agreed to strike an electronic working group led by Norway which was tasked, in part, to identify paragraphs in existing Codex texts on food labelling under which the food ingredients identified in the Global Strategy could be addressed. An evolution of discussion papers were developed through intersession electronic working groups leading up to the 38th session.

6. At the 38th session, a project document (Appendix V, ALINORM 10/33/22) was developed and presented which described the planned work on the establishment of claims for sugars, salt/sodium and *trans* fatty acids with the intention that work progress to Step 5 by 2012 and for adoption by the Commission in 2014 (see Appendix 2 of this document). Work was started during an eWG and physical working group held just prior to the 39th session to develop a discussion paper for presentation at the 39th session. This is work that requires collaboration with our colleagues at the Codex Committee on Nutrition and Foods for Special Dietary Use (CCNFSDU). It is implicit that all work will need to be referred to CCNFSDU for their consideration and deliberations as CCFL works through the Step process.

KEY COMMENTS AND RECOMMENDATIONS

7. All text under consideration is shown in square brackets. Proposed revised text developed during the deliberations of the eWG is underlined, and deleted text is shown with strikethrough. A summary of the text under consideration is shown in Appendix 3 of the paper.

Non-Addition Claims for Sugars and Salt

8. The Global Strategy recommended that populations limit the intake of free sugars and salt (sodium) from all sources. While the *Guidelines for Use of Nutrition and Health Claims* (CAC/GL 23-1997) already provide guidance for claims on sugars and sodium, work has progressed to identifying claims for the non-addition of the two ingredients – sugars and salt - and related conditions. The reference to the ingredients sugar and salt can be considered to imply that a food has a particular nutritional profile due to the absence of the ingredient source of the nutrients sugars and sodium, respectively. These claims for the non-addition of sugars or salt to a food may also assist consumers in constructing healthful diets, provided such claims are truthful and not misleading.

9. It was proposed (CXFL 11/39/6) that a new separate section be created in the *Guidelines for Use of Nutrition and Health Claims* for the non-addition of sugars and salt (sodium). Responses were divided on whether to place the new section as a new Section 7 following Section 6 on comparative claims and preceding the current Section 7 on health claims, or to place it as a new Section 6, immediately following Section 5 on Nutrient Content Claims. As there is no clear preference among eWG members, we recommend that the new section on non-addition claims be placed in a new Section 7 as this would allow for the sections dealing with the two types of (explicit) nutrition claims, i.e. nutrient content claims (Section 5) and comparative claims (Section 6), to be kept together within the *Guidelines*. Conditions for non-addition claims, which are more like implied nutrition claims, would then follow as a new Section 7.

10. During the eWG deliberations, it was proposed that consideration be given to developing a definition for “non-addition claims” that could be added to Section 2, to be consistent with the current structure of the *Guidelines*. A majority of the participating eWG members supported the idea of having a definition for non-addition claims. Although non-addition claims are about the non-addition of *ingredients*, they imply that a specific nutrient has not been added to the food bearing the claim. Based on the recommendation to place the section on Non-Addition Claims for Sugars and Salt (Sodium) in a new Section 7 within the *Guidelines* following the sections on Nutrition Claims (Section 4), Nutrient Content Claims (Section 5) and Comparative Claims (Section 6), a new definition for “Non-Addition Claims” should be placed as a new Section 2.2 within the *Guidelines*, following the definitions for *Nutrition claim* (2.1), *Nutrient content claim* (2.1.1) and *Nutrient comparative claim* (2.1.2).

11. With respect to the wording of the definition, we have taken comments received from eWG members into consideration as well as the conditions set out in Section 5.1(vi) of the *General Guidelines on Claims*, which also pertain to the use of non-addition claims. Although we have used parallel wording with some of the requirements found in Section 5.1(vi) of the *General Guidelines on Claims*, we do not feel it would be appropriate to integrate the concept of Section 5.1(vi)(c) into the definition of “Non-addition claims”. This particular condition would seem to contradict the meaning of non-addition claims for the ingredients sugars and salt by suggesting that sugars and salt could be substituted with other ingredients giving the food equivalent characteristics (i.e. other sources of sugars and sodium) as long as a disclaimer is used. Based on the comments received and to be as consistent as possible with Section 5.1(vi) of the *General Guidelines on Claims*, the proposed definition is presented to the Committee for consideration, as follows:

2. Definitions

2.1.2 Nutrient comparative claim...

[2.2 **Non-addition claim** means any claim that an ingredient has not been added to a food, either directly or indirectly, thereby implying that a specific nutrient has not been added to that food. The ingredient is one whose presence or addition is permitted in the food and which consumers would normally expect to find in the food.]

[2.3] **Health claim...**

12. At the 39th session, the Committee agreed that proposals for claims for the non-addition of sugars and claims for the non-addition of salt should be based upon the principles agreed to at that session. Given that the principles are fairly self-explanatory, the eWG used them as a starting point for proposed text in a new Section 7 of the *Guidelines*. A few members proposed the incorporation of practical examples within the text of the *Guidelines* to assist with interpretation by national authorities of each of the claim conditions. To address this issue, the development of supplementary guidance on nutrition and health claims was proposed for consideration by the eWG. Members of the eWG were asked to consider whether supplementary guidance would be better provided by way of an Annex to the *Guidelines* or by some alternative means, such as the use of tables of additional information or examples within the *Guidelines* themselves. Overall, members did not support the drafting of a separate set of guidance for inclusion in an Annex. However, since there was still a desire to include practical examples to improve clarity and to facilitate understanding and interpretation of the conditions, we have included examples in the proposed draft Sections 7.1, 7.2 and 7.3 (see paragraph 21). We note that this is already an approach used in the *Guidelines for Use of Nutrition and Health Claims*. For example, several of the definitions within Section 2 of the *Guidelines* include examples to help illustrate the types of claims that would be covered by the respective definitions.

13. One eWG member proposed the inclusion of non-addition claims for saturated and *trans* fatty acids. Consideration of such claims is not currently within the mandate of this eWG as outlined in the terms of reference and would need to be proposed as new work.

Non-Addition of Sugars Claims

14. At the 39th session, the Committee agreed that proposals for claims for non-addition of sugars should be developed on the basis of the following principles:

1. No sugars of any type have been added to the food. (Examples of sugars include: sucrose, glucose, honey, molasses, corn syrup, etc.);
2. The food contains no ingredients that contain sugars as an ingredient. (Examples of such ingredients include: jams, jellies, sweetened chocolate, sweetened fruit pieces, etc.);
3. The food contains no ingredients containing sugars that functionally substitute for added sugars. (Examples of such ingredients include: non-reconstituted concentrated fruit juice, dried fruit paste, etc. These specific examples are where the sugars content of the ingredient has been concentrated and then the ingredient is in such a way to replace the functional roles of sugars – such as sweetening, thickening, browning, texturizing, etc...);
4. The sugars content of the food itself has not been increased by some other means above the amount contributed by the ingredients. (An example might be the use of enzymes to hydrolyse starches to release sugars);
5. The food that it resembles and for which it substitutes normally contains added sugars. (Examples include some types of fruit juices, fruit beverages, baked goods, etc.);
6. Additional conditions and/or disclaimer statements may be used with these claims to assist consumer understanding of the claims within countries. Disclaimer statements should appear in close proximity to, on the same side and in the same prominence as the claim.

15. The eWG used the above principles as a starting point for proposed text for inclusion in the *Guidelines*. For the most part, the proposed text parallels the agreed upon principles themselves. How the proposed text would be presented within the *Guidelines* was the topic of further discussion.

16. The first four conditions were retained as the specific conditions for the non-addition of sugars. With respect to the third principle, i.e. “The food contains no ingredients containing sugars that functionally substitute for added sugars”, it was noted that the functional role of sugars is a notion that may be difficult to translate into legal provisions and that the purposes for which a given ingredient was introduced into a recipe may be difficult to distinguish. Recognizing the concerns raised around the issue of defining “functional” roles of sugars and that the functionality of the ingredient would be implicit in the substitution of the ingredient, it was proposed to delete the word “functionally” in the proposed condition, as follows:

[The food contains no ingredients containing sugars that ~~functionally~~ substitute for added sugars.]
(Proposed section 7.1(c) as in paragraph 21)

17. In general, the majority of respondents did not object to the removal of this term, however, several respondents suggested adding “for their sweetening properties” to the text after “for added sugars”. This proposal could potentially create a loophole since it could be argued that the ingredient is not present in the food for its sweetening characteristics, but for other functional roles of sugars in the food. The role of sugars in foods is not limited to sweetening, and includes thickening, texturizing, browning (Maillard reaction), etc. Therefore, it is recommended that the statement not be limited to just the sweetening functions of sugars.

18. Concerns were also raised by several members around the text that was proposed in line with the fifth principle, i.e. “The food that it resembles and for which it substitutes normally contains added sugars”, suggesting that it is confusing and may be difficult to interpret. One eWG member pointed out that the principle is already included in the *General Guidelines on Claims* (Sections 5.1(v) and (vi)(b)). To recall, the principle was proposed to ensure non-addition claims would not be misleading to consumers and not

be used on foods that do not contain added sugars by their nature (e.g. on whole fruit, or where standards of identity do not allow for the addition of sugars to a food). While we agree that this does repeat the concept listed in the *General Guidelines on Claims*, we felt that it would still be beneficial to reiterate this specifically in these *Guidelines*. However, to address the concerns raised regarding ease of interpretation and noting that it is a condition that also applies to the non-addition of salt claims, we propose introductory text at the beginning of proposed new Section 7 for further clarification, immediately preceding proposed new Sections 7.1 (Non-Addition of Sugars) and 7.2 (Non-Addition of Salt), as follows:

[7. Non-Addition Claims for Sugars and Salt

Claims for the non-addition of sugars and/or salt may be used provided that the substance is one which consumers would normally expect to find in the food.]

19. It was generally agreed that by using the word “*Claims*” instead of “A *claim* for the non-addition...” in the above text, that claims having the same meaning as “no added sugars” or “no added salt” (i.e. synonymous claims) would be covered. For the same reason, the use of “*Claims*...” rather than “A *claim*...” has also been applied to the specific sections on non-addition claims for sugars and non-addition claims for salt (proposed new Sections 7.1 and 7.2, respectively - see paragraph 21).

20. It was decided that given the sixth principle for non-addition of sugars and the fifth for non-addition of salt, which both pertain to additional conditions or the use of disclaimer statements, are essentially identical, it would be best to combine these into one condition numbered 7.3. There was general agreement amongst the eWG members that there should be evidence of consumer use and understanding of disclaimer statements in order for these to be used, however, opinions were divided on whether or not this aspect should be included as text in the *Guidelines*. For the time being, Canada’s suggestion for the text in Section 7.3 has been included below, as it incorporates many of the members’ comments. However, as indicated above, not all participants were supportive of specifically including text in this regard, thus it should be considered further at the Committee.

[7.3 Additional Conditions

Additional conditions and/or disclaimer statements may be used with non-addition claims to assist consumer understanding of the claims within countries. Disclaimer statements should appear in close proximity to, on the same side and in the same prominence as the claim. These may be developed based on evidence of consumer use and understanding.]

21. To summarise, the text proposed as a result of the discussions thus far, with examples incorporated, is as follows:

[7. Non-Addition Claims for Sugars and Salt

Claims for the non-addition of sugars and/or salt may be used provided that the substance is one which consumers would normally expect to find in the food.]

[7.1 Non-Addition of Sugars

Claims regarding the non-addition of sugars to a food may be made provided the following conditions are met.

(a) No sugars of any type have been added to the food (Examples: sucrose, glucose, honey, molasses, corn syrup, etc.);

(b) The food contains no ingredients that contain sugars as an ingredient (Examples: jams, jellies, sweetened chocolate, sweetened fruit pieces, etc.);

- (c) The food contains no ingredients containing sugars that substitute for added sugars (Examples: non-reconstituted concentrated fruit juice, dried fruit paste, etc.); and
(d) The sugars content of the food itself has not been increased above the amount contributed by the ingredients by some other means (Example: the use of enzymes to hydrolyse starches to release sugars).]

7.3 Additional Conditions

Additional conditions and/or disclaimer statements may be used with non-addition claims to assist consumer understanding of the claims within countries. Disclaimer statements should appear in close proximity to, on the same side and in the same prominence as the claim. These may be developed based on evidence of consumer use and understanding.]

Definition of Sugars

22. Although the agreed upon principles recognize that the term “sugars” encompasses both sugars as added ingredients as well as other ingredients containing sugars as natural components that are used to substitute for added sugars, a number of eWG members emphasized the need to specifically define “sugars” for the purposes of non-addition claims. Based on the comments received and in reviewing the *Guidelines for Use of Nutrition and Health Claims* as well as the *Guidelines for Nutrition Labelling*, five options were presented for the members’ consideration. Of these five options, two were not supported by eWG members, there was various levels of support for the other three options. A further new option was also proposed. The latter four options are being brought forward for further discussion with the Committee.

Options Retained for Further Discussion

- 1) Do not include a definition in the *Guidelines for Use of Nutrition and Health Claims*.
 - Rationale: Some members did not feel it necessary to repeat the definition as “sugars” is already defined in the *Guidelines on Nutrition Labelling*.
- 2) Include the definition [“Sugars” means all mono-saccharides and di-saccharides] as a footnote to the conditions in Section 7.1 for the non-addition of sugars in the *Guidelines for Use of Nutrition and Health Claims*.

A footnote was favoured by some members since it would not unduly increase the length of the Guidelines. However, it is noted that the term “sugars” is also found in the table to the Guidelines, thus there may subsequently be a question raised whether a definition in a footnote in another section of the Guidelines would then apply in that context.
- 3) Include the definition [“**Sugars**” means all mono-saccharides and di-saccharides] in Section 2 of the *Guidelines for Use of Nutrition and Health Claims*.
 - Rationale: The term “nutrition claim” is defined in both Section 2 of the *Guidelines for Use of Nutrition and Health Claims* as well as in Section 2 of the *Guidelines on Nutrition Labelling* (CAC/GL 2-1985). As such, the definition of “sugars” could also potentially be included in both locations for ease of reference. The downside of this option is that in the case that amendments are required to the definition, this may require amendments in more than one set of Guidelines.
- 4) Propose to amend Section 2 of the *Guidelines for Use of Nutrition and Health Claims* to cross-reference the definition of “sugars” in Section 2 of the *Guidelines on Nutrition Labelling*. For example: [2.3 The definition of **sugars** laid down in the Codex *Guidelines on Nutrition Labelling* applies.]
 - Rationale: This approach has been used in other Codex Standards (e.g. *General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary*

Uses). The benefit of this approach is that should there be a need to modify the definition in the future, having the definition in one place would limit the need for changes to multiple *Guidelines*.

Options Not Retained by eWG Members

- 1) Include the definition ["Sugars" means all mono-saccharides and di-saccharides] in Section 7.1 as an additional condition for the non-addition of sugars claim in the *Guidelines for Use of Nutrition and Health Claims*.
- 2) Propose to amend the definition of "sugars" in Section 2 of the *Guidelines on Nutrition Labelling* to mirror that in the same section for "trans fatty acids".
 - For example, [**Sugars:** For the purpose of the Codex *Guidelines on Nutrition Labelling* and other related Codex Standards and Guidelines, sugars are defined as] all mono-saccharides and di-saccharides present in food.

Non-Addition of Salt Claims

23. At the 39th session, the Committee agreed that proposals for claims for non-addition of salt should be developed on the basis of the following principles:

1. The food contains no added sodium salts. (Examples include sodium chloride, sodium tripolyphosphate);
2. The food contains no ingredients that contain added sodium salts. (Examples of these ingredients might include: Worcestershire sauce, condiments, pickles, pepperoni, soya sauce, etc.);
3. The food contains no ingredients that contain sodium salts that functionally substitute for added salt. (A potential example might be seaweed, depending on how it is used);
4. The food that it resembles and for which it substitutes normally contains added sodium salts; and
5. Additional conditions and/or disclaimer statements may be used with these claims to assist consumer understanding of the claims within countries. Disclaimer statements should appear in close proximity to, on the same side and in the same prominence as the claim.

24. The eWG used the above principles as a starting point for proposed text for inclusion in the *Guidelines*. For the most part, the proposed text parallels the agreed upon principles themselves. However, how they would be presented within the *Guidelines* was the topic of further discussion.

25. The first three conditions were retained as the specific conditions for the non-addition of salt. However, to address concerns around use of the term "functionally" in the third principle, i.e. "The food contains no ingredients that contain sodium salts that functionally substitute for added salt." and to be consistent with the approach for non-addition of sugars claims, the proposed condition has been modified as follows:

[The food contains no ingredients containing sodium salts that ~~functionally~~ substitute for added salt.]

26. Japan specifically expressed concerns with the example of seaweed proposed to illustrate this particular condition. However, it is proposed to retain seaweed as an example while recognizing that it would depend on the intent of its use in a food. We have not at this time been able to come up with another example to help illustrate the condition itself, however, we should be careful not to negate the possibility of foods falling under this condition in the future and thus we are retaining the condition to help ensure that the right foods are excluded from carrying the claim.

[The food contains no ingredients containing sodium salts that substitute for added salt. (Example: seaweed, depending on how it is used)] (Proposed section 7.2(c) as in para 21)

27. As pointed out in the discussion under *Non-Addition of Sugars Claims* (para 18), concerns were also raised around the text that was proposed in line with the fourth principle, i.e. “The food that it resembles and for which it substitutes normally contains added sodium salts”, suggesting that it is confusing and may be difficult to interpret. As discussed earlier, to address the concerns raised and noting that it is a condition that also applies to the non-addition of sugars claims, introductory text is proposed at the beginning of Section 7 for further clarification, immediately preceding Sections 7.1 (Non-Addition of Sugars) and 7.2 (Non-Addition of Salt) as shown in para 21.

28. Although development of conditions for non-addition of salt claims were agreed upon at the 39th session (paragraphs 42-48 REP 11/FL), a few eWG members questioned the purpose of this claim given that guidance for sodium content claims such as “sodium free” and “very low sodium” already exists in Section 8.6 of the *Guidelines for Use of Nutrition and Health Claims*. It is noted from a quick survey of Mintel’s Global New Product Database (GNPD), which Canada (Health Canada specifically) has a license to, that many countries have products in the marketplace with “No Added Salt”, “free of added salt” and “unsalted” claims, including Canada, the USA, Italy, the UK, Spain, Argentina, Australia, Japan, China, Ireland, and the Czech Republic on products that include: canned vegetables and legumes, tomato sauce, vegetable and tomato juices, porridge and cold breakfast cereals, oatcakes, matzos and crackers, nuts, potato chips, butter, baby foods, frozen potatoes, etc. Given that this concern was expressed by only a few members and since the claim is commonly being used, the development of guidelines to govern its use is justified.

29. There was some discussion in the eWG about the title and introductory paragraph in the proposed new Section 7.2 on Non-Addition Claims for Salt, with consideration given to changing reference from the term “salt” to “sodium salts” as follows: “Non-Addition of Sodium Salts”. Sufficient concern was expressed about this proposal, with one member reminding eWG members of the outcome of the 39th session, which is described in paragraph 43 of the report (REP 11/FL) as follows:

“The Committee referred to its earlier discussion on the declaration of sodium/salt and considered whether the principles should refer to salt or to sodium salts, as several delegations considered that non-addition claims referred to the ingredient and not to the nutrient, and it was agreed to refer to “principles for conditions for non-addition of salt”. Other delegations pointed out that the claim was on the addition of salt but the conditions should take into account sodium from all sources and the term “sodium salts” was retained in the principles.”

30. The Committee therefore agreed that the proposals for claims for the non-addition of salt should be based on the principles listed above in paragraph 23 – specifically with consideration of the presence of all sodium salts, and not just sodium chloride. In line with this decision, it is proposed to maintain reference to these claims as claims about the non-addition of salt and to maintain conditions which relate to the non-addition of all sodium salts. This is presented as Option 1 below.

OPTION 1:

[7.2 Non-Addition of Salt

Claims regarding the non-addition of salt to a food, including “no added salt”, may be made provided the following conditions are met.

- (a) The food contains no added sodium salts (Examples: sodium chloride, sodium tripolyphosphate, etc.);
- (b) The food contains no ingredients that contain added sodium salts (Examples: Worcestershire sauce, condiments, pickles, pepperoni, soya sauce, etc.); and
- (c) The food contains no ingredients that contain sodium salts that substitute for added salt (sodium) (Examples: seaweed, depending on how it is used).]

31. A few eWG members continued to have reservations about the intent of the claim, suggesting that the conditions for the claim would exclude products formulated with no added salt (sodium chloride) but which have functional ingredients that contain sodium and thus might limit the types of reformulated products that could carry this claim. Additionally, concerns were expressed by the US that there may be a potential conflict with the Codex *Standard for Food Grade Salt* (STAN 150-1985), which defines salt as sodium chloride. The recommendation put forward would be that the conditions should reflect the non-addition of salt (sodium chloride) and not the non-addition of other sodium salts.

32. The EU expressed a concern that the WHO recommendation relates to lowering consumption of sodium from all sources, not just added salt. The EU proposed that a limit of 0.12 g sodium per 100g, which is the threshold below which the claim "low sodium" is allowed, be considered as a condition of use for the claim related to the non-addition of salt. It is noted that the original intent of non-addition claims was to encourage product reformulation. The majority of eWG members felt it was not necessary to place further limitations on the amount of naturally occurring sodium in foods that carry non-addition claims. Maintaining such an approach would be consistent with the approach taken for the non-addition of sugars claim.

33. In consideration of the above comments received, an alternative option for Section 7.2 is proposed to the Committee for consideration and further discussion. The second option is a combination of the suggestion made by the US which would maintain the conditions based on the non-addition of salt (sodium chloride) and would also incorporate the concept proposed by the EU of a limit on the total amount of sodium contained in the food. The latter condition would address the issues brought up regarding other sources of sodium in foods such as low-level sodium-containing vitamins, minerals and/or other food additives which may be necessary for the production process. This additional condition could potentially strengthen the approach of using only sodium chloride in the conditions by limiting the level of sodium to the amount set out for the "low in sodium" claim so that consumers would not be misled regarding the nutritional composition of the food. This would likely also meet the intent set out by the WHO to limit the consumption of salt/sodium from all sources. This is presented below as Option 2.

OPTION 2:

[7.2 Non-Addition of Salt

Claims regarding the non-addition of salt (sodium chloride) may be made provided the following conditions are met.

- (a) The food contains no added sodium chloride;
- (b) The food contains no ingredients that contain added sodium chloride; and
- (c) The food meets the conditions of "low in sodium" claim as described in the Table to these Guidelines.]

34. The first option is the approach that was discussed and generally agreed to. However, there may be merit to the Committee further exploring the second option. Therefore both options are presented to the committee for consideration. Note – that pursuing the second option will also require reconsideration of the definition for non-addition claims discussed in paragraph 12.

Proposed Text for Non-Addition Claims

35. Overall, based on the comments received from the eWG members throughout the course of discussions, the text proposed for non-addition claims for consideration by the Committee is as follows:

[7. Non-Addition Claims for Sugars and Salt

Claims for the non-addition of sugars and/or salt may be used provided that the substance is one which consumers would normally expect to find in the food.]

[7.1 Non-Addition of Sugars

Claims regarding the non-addition of sugars to a food may be made provided the following conditions are met.

- (a) No sugars of any type have been added to the food (Examples: sucrose, glucose, honey, molasses, corn syrup, etc.);
- (b) The food contains no ingredients that contain sugars as an ingredient (Examples: jams, jellies, sweetened chocolate, sweetened fruit pieces, etc.);
- (c) The food contains no ingredients containing sugars that substitute for added sugars (Examples: non-reconstituted concentrated fruit juice, dried fruit paste, etc.); and
- (d) The sugars content of the food itself has not been increased above the amount contributed by the ingredients by some other means (Example: the use of enzymes to hydrolyse starches to release sugars).]

Preferred Option 1:

[7.2 Non-Addition of Salt

Claims regarding the non-addition of salt to a food, including “no added salt”, may be made provided the following conditions are met.

- (a) The food contains no added sodium salts (Examples: sodium chloride, sodium tripolyphosphate, etc.);
- (b) The food contains no ingredients that contain added sodium salts (Examples: Worcestershire sauce, condiments, pickles, pepperoni, soya sauce, etc.); and
- (c) The food contains no ingredients that contain sodium salts that substitute for added salt (sodium) (Examples: seaweed, depending on how it is used).]

Alternate Option 2:

[7.2 Non-Addition of Salt

Claims regarding the non-addition of salt (sodium chloride) may be made provided the following conditions are met.

- (a) The food contains no added sodium chloride;
- (b) The food contains no ingredients that contain added sodium chloride; and
- (c) The food meets the conditions of “low in sodium” claim as described in the Table to these *Guidelines*.]

7.3 Additional Conditions

Additional conditions and/or disclaimer statements may be used with non-addition claims to assist consumer understanding of the claims within countries. Disclaimer statements should appear in close proximity to, on the same side and in the same prominence as the claim. These may be developed based on evidence of consumer use and understanding.]

[8.] Health Claims

...

Salt-Free Claims

36. At the 39th session, the Committee supported the principle that claims to the effect that a food is “salt-free” should be permitted provided that the food meets the conditions for “sodium free” listed in the Table of conditions for nutrient content claims. The majority of eWG members who responded did not oppose including conditions for “salt-free” as a new Section 5.2 within Section 5 on Nutrient Content Claims. The proposed text is therefore recommended to be placed in Section 5.2, as follows:

...

5. Nutrient Content Claims

5.1 When a nutrient content claim that is listed in the Table to these Guidelines or a synonymous claim is made, the conditions specified in the Table for that claim should apply.

[5.2 A claim to the effect that a food is free of salt can be made, provided the food meets the conditions for free of sodium listed in the Table to these Guidelines.]

[5.3] Where a food is by its nature low in or free of the nutrient that is the subject of the claim, the term describing the level of the nutrient should not immediately precede the name of the food but should be in the form “a low (naming the nutrient) food” or “a (naming the nutrient)-free food”...

Comparative Claims

37. Sections 6.3 and 6.4 of the *Guidelines for Use of Nutrition and Health Claims* currently outline the compositional basis for making comparative claims as follows:

Section 6.3 The comparison should be based on a relative difference of at least 25% in the energy value or nutrient content, except for micronutrients where a 10% difference in the NRV would be acceptable, between the compared foods and minimum absolute difference in the energy value or nutrient content equivalent to the figure defined as “low” or as a “source” in the Table to these Guidelines.

Section 6.4 The use of the word “light” should follow the same criteria as for “reduced” and include an indication of the characteristics which make the food “light”.

38. Over the course of past discussions on comparative claims, various countries and others have expressed some confusion as to which figure in 6.3 to use for sodium as it is generally considered to be a micronutrient. It was proposed to clarify the section to include sodium in the nutrients that would require a relative difference of 25% while the difference is currently 10% for micronutrients based on the Nutrient Reference Value (NRV). It was noted that no NRVs exist for sodium and potassium, however NRVs for these nutrients, as well as others, are currently under consideration in the CCFSDU. Evidence on potassium is currently under consideration by the WHO, as well as in some countries, and the Committee agreed that the relative difference applied for potassium required further consideration. Thus potassium has not been part of the discussions of the eWG.

39. At the 39th session, it was proposed that the current Section 6.3 be split into two sections to provide greater clarity to countries on their intent and application. The first section would deal with comparative claims related to the decreased content of a nutrient or energy. It would specifically identify that sodium would have to be reduced by at least 25%. It was agreed that the second part of 6.3 would be split into a separate section dealing with comparative claims related to the increased content of a

nutrient or energy. To provide even greater clarity, eWG members agreed that the respective sections would benefit from being split into two sentences.

40. The eWG also discussed the suggestion of one eWG member that the wording of the conditions should address the two situations where comparisons can be made: 1) for reformulated foods (e.g. regular cookies for the reduced fat version, or whole versus partly skimmed milk) and 2) for similar or substitute foods (e.g. banana versus apples, or chicken versus tofu) where the food has not been reformulated to be reduced in the nutrient but rather is inherently lower in the nutrient compared to a similar food. There was general agreement to this approach; therefore, it is proposed that the two types of comparisons be distinguished by using the words “decreased” and “increased” to address the first type of comparison, and the words “lower” and “higher” to address the second type of comparison.

41. In addition to separating the conditions for decreased/lower claims and increased/higher claims into separate sections, it was also suggested that another condition be included in these *Guidelines* to avoid having a reduced in saturated fat claim on foods high in trans fatty acids. There was general agreement among eWG members for the addition of such a condition, as it may be useful for countries where the level of intake of trans fatty acids is a public health concern. The claim itself would still be based on the subject nutrient while the conditions would ensure that there is not a replacement of saturated fatty acids by trans fatty acids during reformulation or through comparison with a similar or substitute food. One eWG member suggested that the focus should be on preventing an increase in the level of industrially produced trans fatty acids. The proposed text in paragraph 45 below will need to be referred to the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCFSNDU) for their consideration.

42. It was also agreed at the 39th session that the Committee would review Section 6.4 referring to “light” claims as it was closely related to Section 6.3. Similar to the comments received on non-addition claims, a suggestion was made to the effect that conditions for “light” claims should apply to other claims having the same meaning e.g. “lite”. Several options were presented to the eWG members and a majority agreed that a reference to synonymous claims should be included in the text of the conditions given that this would translate well regardless of the language of a country.

43. Another comment pointed out that the term “reduced”, which is referenced in the current text for “light” claims in Section 6.4 of the *Guidelines*, is not used elsewhere in Section 6 of the *Guidelines*. It was therefore suggested that reference rather be made to Section 6.3 to clarify that it is the conditions in that specific section that would apply in the case of “light” claims.

44. The United States noted that under their regulations, “light” is not synonymous with “reduced” and therefore believes the term “light” should not follow the same criteria as for “reduced”. They have taken the approach that “light” indicates a reduction that is greater than that defined for reduced. Examination of the specific conditions for “light” claims was not part of the terms of reference for this eWG and therefore pursuing this approach would have to be agreed to by the Committee as it has repercussions beyond what was mandated.

Proposed Text for Comparative Claims

45. Based on the comments received from the eWG members, the text proposed for comparative claims for consideration by the Committee is as follows:

[6.3 The comparison for decreased or lower energy or nutrient content, including sodium, should be based on:

a) a relative difference of at least 25% in the energy value or nutrient content, ~~except for micronutrients where a 10% difference in the NRV would be acceptable,~~ between the compared foods; and

b) a minimum absolute difference in the energy value or nutrient content equivalent to the figure defined as “low” ~~or as a “source”~~ in the Table to these Guidelines.

6.4 In addition to the conditions set out in Section 6.3, the content of trans fatty acids should not increase for foods carrying a comparison claim for decreased or lower saturated fatty acids content."

6.5 The use of the word "light" or a synonymous claim should follow the same criteria as listed in for "reduced" Section 6.3 of these Guidelines and include an indication of the characteristics which make the food "light".

6.6 The comparison for increased or higher energy or nutrient content should be based on:
a) a relative difference of at least 25% in the energy value or nutrient content, except for micronutrients where a difference of 10% of the NRV would be acceptable, between the compared foods; and
b) other than for micronutrients, a minimum absolute difference in the energy value or nutrient content equivalent to the figure defined as "source" in the Table to these Guidelines.]

46. Currently, no claims have been established for "low" in sugars or trans fatty acids in the *Guidelines for Use of Nutrition and Health Claims*, and thus with the current wording of Section 6.3, it would not be possible for comparative claims to be made for sugars or trans fatty acids. The Committee agreed at the 39th session that consideration of work in this area would constitute new work as it had not been previously discussed.

Additional Issues Regarding Comparative Claims

47. Several additional issues related to comparative claims were noted by eWG members throughout the course of discussions and are brought forward for consideration by the Committee. The specific issues are as follows:

1. It was noted that the conditions involved in the comparison of increased micronutrient content when making comparative claims is based on a difference of 10% of the Nutrient Reference Value (NRV). One eWG participant suggested that member countries do not commonly use this approach for comparative claims and instead use a relative difference based on the micronutrient level in the food (e.g. 10% difference or 25% difference). As well, a review of the NRVs for nutrients associated with risk of diet-related noncommunicable diseases (NRV-NCDs) for the general population is currently being undertaken by CCFNSDU. Taking these factors into consideration, it is suggested that this issue be proposed to CCFNSDU for their consideration to ensure that the current approach reflects current evidence-based guidance.
2. Another member suggested to add a further restriction to Section 6 to the effect that any "reduced" or "increased" claim must be nutritionally meaningful. In particular, it was noted that "reduced" claims for sugars(s) are frequently used in a way that misleads consumers into expecting a comparable reduction in energy content. It was suggested that such claims should only be permitted where the product is also reduced in energy to a comparable extent to the claimed reduction in sugar(s). We note that this approach has not been taken for comparative claims of other macronutrients and would have to be referred to CCFNSDU as new work if the Committee found there was a need to open these conditions for comparative claims.
3. It was suggested by one eWG Member that a definition for "low sugars" be agreed on and incorporated into the text. Since this definition goes beyond the terms of reference of this eWG, a definition for "low sugars" would need to be proposed as new work by the Committee.
4. It is noted that there is some inconsistency in terminology between the Guidelines on Nutrition Labelling and the Guidelines for Use of Nutrition and Health Claims. When drafting the text for section 6.4 above, it was noted that the Table for conditions for nutrient content claims refers to Saturated Fat whereas the Guidelines on Nutrition labelling section 3.4.7 refers to saturated fatty

acids for the purposes of nutrition labelling. The Committee may wish to ensure that terms are used consistently throughout relevant text in these two sets of Guidelines. As a note, it was decided to use the term “trans fatty acids” throughout this Report.

Trans Fatty Acid Claims

48. The *Guidelines on Nutrition Labelling* define trans fatty acids (TFA) as follows:

“all the geometrical isomers of monounsaturated and polyunsaturated fatty acids having non-conjugated, interrupted by at least one methylene group, carbon-carbon double bonds in the trans configuration”

49. Paragraph 22 of the Global Strategy recommends shifting fat consumption towards the elimination of trans fatty acids (TFAs). The WHO Scientific Update on trans-fatty acids¹ in 2009 found that data on TFAs was sufficient to support recommendations leading to a significant reduction or virtual elimination of industrially produced TFA for the implementation of the Global Strategy. Dietary TFAs have adverse effects on blood lipoprotein profiles and coronary heart disease risk (CHD) risk impacting individuals and populations. Industrially produced TFAs are produced during partial hydrogenation of oils and are not present naturally in foods and have no known health benefits.

50. While the Global Strategy recommends eliminating TFAs from the food supply, the use of partially hydrogenated vegetable oils continues to be widespread in many developing and developed nations. The Global Strategy has identified Codex as a vehicle to enhance labelling to allow consumers to be better informed about the benefits and content of foods. The work within CCFL has identified a list of nutrients to always be declared in nutrition labelling. Although there was no support at the Committee level to add TFAs as part of the mandatory list, a footnote was added to the effect that, in countries where the level of intake of TFAs is a public health concern, consideration be given to the declaration of TFAs in nutrition labelling (paragraph 52, ALINORM 10/33/22). While reportedly not a nutrient of public health concern for many nations, it is one of concern for others. As was pointed out during discussions in the 39th session, not all nutrition claims currently listed in the *Guidelines for Use of Nutrition and Health Claims* are for nutrients considered to be of public health concern in all countries. Furthermore, the use of nutrition claims by countries and food companies is voluntary. The establishment of a Codex guideline on the conditions for trans fatty acid claims can help encourage consistency between nations wishing to use these claims.

51. Since the opportunity to use claims in the labelling (and advertising) of foods can encourage reformulation, as well as communicate the content of the food to consumers, there is an opportunity to develop nutrition claims with uniform criteria with respect to TFAs. Discussions at the 39th session pointed out that there is currently no NRV established for TFAs (paragraph 56, ALINORM REP/11/FL). Additionally, the Global Strategy recommends the elimination of industrially produced TFAs from the diet as opposed to a reduction of intakes. It was therefore suggested that claims that would reference a “low” level of TFAs not be pursued at this time. With the elimination of industrially produced TFAs in mind, it was suggested that a “free” claim for TFAs be proposed. This approach was generally supported through the first round of comments on the Discussion Paper.

52. The existing footnote to the Table of conditions for nutrient content claims with respect to saturated fat and cholesterol indicate that TFAs should be taken into account where applicable. This is due to the health impacts of these two fatty acids and cholesterol on cardiovascular disease. It was proposed that the conditions for TFA claims should also include conditions for saturated fat and potentially cholesterol, in order that a food claiming to be free of TFAs also be low in saturated fats and potentially cholesterol.

¹ Chizura, N., Uauy, R et al (2009) WHO Scientific Update on trans-fatty acids EJCN

53. It was suggested and agreed that the proposed text for free of TFAs be inserted between Saturated Fat and Cholesterol within the Table of conditions for nutrient content claims.

Key Comments and Recommendations Received on Trans Fatty Acid Claims

54. Most respondents were in agreement with the establishment of a TFA-free claim and that the conditions for food should be based on the TFA content. Based on the input received, there did not seem to be a desire to pursue additional claims beyond free of TFAs at this time. As a starting point, the table entry for the TFA-free claim was developed for consideration by the eWG based on the existing approach to the conditions for free of cholesterol and low in saturated fats.

Text Proposed to eWG

Component	Claim	Conditions (not more than)
Trans fatty acids	Free	0.1 g per 100 g (solids) 0.1 g per 100 ml (liquids) and, less than 1.5 g saturated fat per 100 g (solids) 0.75 g saturated fat per 100 ml (liquids) and 10% of energy of saturated fat

55. Although there was general agreement with the establishment of TFA-free claims, some concerns were expressed regarding the proposed conditions. It was understood by the participating members that conditional values described in the conditions for the TFA-free claim within the Table of conditions for nutrient content claims would be established by CCFNSDU and it was suggested these values should be defined according to scientific evidence. Consequently, proposed values have been removed from the conditions.

56. A suggestion that a condition be set based on a serving size instead of, or in addition to, per 100 g or ml was also retained by the eWG. Two members suggested that the conditions for TFA free claims should also be established per serving because it would keep the consistency with the most recent conditions developed for the claims for source of protein, dietary fibre, vitamins and minerals. Furthermore, the conditions would be aligned with the requirements for the presentation of nutrient declaration established in Section 3.4.5 of the *Guidelines on Nutrition Labelling* which allow for the nutrient declaration to be presented per serving in countries where serving sizes are normally used. However, it is noted that using the same level of trans fat on a serving size basis may create inequities with the same foods where the level is based on 100 g (or ml), this should therefore also be taken into consideration. One approach may be that the food would need to meet the conditions for the claim on both a 100 g or 100 ml basis as well as on the serving size basis. It was also noted that the general basis of calculation of laboratory analysis is 100 g or 100 mL.

57. In addition to the above, one member also suggested that consideration be given to whether separate categories of foods should be established for 1) oils and fats, oil and fat emulsions and 2) ready-to-eat foods or other foods, as well as what the respective TFA levels would be for each category.

58. In view of the fact that all of the proposed conditions for the TFAs claim that refer to saturated fat levels are the conditions set out for a "low in saturated" fat claim in the Table to the Guidelines, it was generally agreed that all such conditions could be replaced with a cross-reference to the conditions established for "low in saturated fat" claims within the Table of conditions for nutrient content claims. Having a saturated fat criteria helps to maintain public health focus while providing industry with a tool to promote foods without TFAs. The cross-reference would simplify the text and avoid having to revise the text in the case of future amendments in the conditions for low in saturated fat claims.

59. Australia and New Zealand noted that the proposed conditions for TFA free claims would contravene their consumer laws, where 'free' is taken to mean zero. However, the conditions for all "free" claims described in the Table of conditions for nutrient content claims have a maximum level that were considered to be insignificant, but not zero.

60. The majority of members who responded felt that the inclusion of conditions being added to the claim with respect to food's cholesterol content is not necessary. It was generally noted that the intake of fats and the type of fats has a greater impact on blood cholesterol levels than dietary cholesterol. One eWG member suggested that conditions on the TFA levels be set for claims on saturated fatty acids and cholesterol. This is already covered by a footnote however, this does not specify any levels. Conditions on TFA levels for claims for saturated fat and cholesterol would be new work.

61. The proposed text for the Committee's consideration is as follows:

Component	Claim	Conditions (not more than)
Trans fatty acids	Free	<p>X g per 100 g (solids) X g per 100 ml (liquids) and/or X g per serving</p> <p>and,</p> <p>the food must meet the conditions set for "low" in saturated fat in this Table.</p>

62. The issue of whether "0g TFA" can be considered as a synonymous claim to "TFA-free" was raised throughout the course of discussions. In particular, it was noted by one eWG member that the term "Free" may be interpreted as zero by consumers and that a declaration of claim as "0 g trans-fat" should not be allowed if it does not conform to the conditions for "trans fat free. Since there are no rounding rules laid out in the *Guidelines of Nutrition Labelling*, a TFA level of 0.1-0.4 g could technically be rounded down to "0g" using mathematical rounding rules. Additionally, without requiring that the conditions for TFA free be met, a manufacturer would be able to claim that a food containing 0 g of trans fat, but a high level of saturated fat, is TFA-free. Therefore, the statement "0g TFA" could be considered to be a synonym for "TFA-free". Having this claim be considered as an acceptable synonymous claim for "TFA-free" would be important in the case when a quantitative statement such as "0g TFA" is taken from a Nutrition Facts table and put on the label elsewhere (i.e. principle display panel). It is noted that Section 5.1 of these Guidelines refers to synonymous claims, however, it is not clear whether a quantitative statement such as "0g trans fats" would be considered to be a synonymous claim. It is recommended that this question be further considered by the Committee.

63. Once the Committee has considered the above approach, the issue must be referred to CCNFSDU for their consideration of the development of the specific conditions for the level of trans fatty acids appropriate for the claim.

Additional Issues Regarding Trans Fatty Acids

64. A number of other issues related to trans fatty acids were also brought up by the eWG which the Committee may wish to refer to CCNFSDU for their consideration.

1. One member questioned whether there is evidence of benefit of removing TFAs from foods which still contain moderate (but not low) levels of saturated fatty acids.
2. Additionally it was also questioned whether the evidence supports the current conditions for the low in saturated fat claim, particularly with regard to the condition that less than 10% energy should come from saturated fat.

3. It was noted that the method of analysis currently adopted for TFAs for the purposes of the *Guidelines for Nutrition Labelling* (AOCS Ce 1H-05²³) is only suitable for certain types of oils and fats. It was suggested that CCFL recommend to the Codex Committee on Methods of Analysis and Sampling (CCMAS) that the List of Methods be updated to include trans fatty acids. The AOAC 996.06 official method has already been adopted as a type II method for the analysis of fatty acids (including TFAs) in infant formula and in the *Guidelines for Nutrition Labelling* for the analysis of saturated fatty acids. One member specifically questioned the sensitivity of analytical methods for TFAs, suggesting that current validated methods can only reliably measure down to 0.5g. However, it seems that AOAC 996.06 Official Method (2008) can detect extremely low levels of TFAs.

As such, it was proposed that CCNFSDU give consideration to making a request to CCMAS for the AOAC 996.06 official method for detection of trans fatty acids to be classified as a type 1 method. The eWG generally agreed with this proposal.

Appendix 1

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Appendix 2 PROJECT DOCUMENT

PROPOSAL FOR THE ESTABLISHMENT OF CLAIMS FOR SUGARS, SALT/SODIUM AND TRANS-FATTY ACIDS (reproduced from ALINORM 10/33/22, Appendix V)

Purpose and Scope of the Proposed Revised Standard

The purpose of the proposed work is to include in the Table of conditions for nutrient contents in the *Guidelines for Use of Nutrition and Health Claims* (CAC/GL 23-1997) new claims concerning sugars, salt/sodium and trans-fatty acids.

Its Relevance and Timeliness

According to the *World Health Organization's Global Strategy on Diet, Physical Activity and Health* (GS DPAH), non-communicable diseases are a large contributor to population mortality and the global burden of disease. Diets high in certain fatty acids, sugars and salt are associated with increased risk of noncommunicable diseases.

At the 37th session of the CCFL, an electronic working group was established to develop a discussion document on ways of addressing labelling text in relation to the ingredients identified in the Global Strategy, including added sugars and salt/sodium. Discussion of the suggested actions in this paper at the 38th session resulted in the agreement to propose new work on claims related to the non-addition of sugars and/or salt/sodium and explicit comparative claims for sugars and/or salt/sodium. The discussion document CX/FL 10/38/9 included proposed text related to these types of claims.

Additionally, in Matters Referred to the 38th session of the CCFL, the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) also requested that CCFL identify the claims related to salt/sodium, trans fatty acids and sugars for which conditions should be established, as well as to provide additional information on the types of claims for which CCFL wishes CCNFSDU to establish criteria, the purpose of the claims and CCFL's priorities for the development of criteria for the claims.

The Main Aspects to be Covered

It is proposed that new entries to the Table of conditions for nutrient contents in the *Guidelines for Use of Nutrition and Health Claims* (CAC/GL 23-1997) be entered for the non addition of sugars and salt/sodium and that additional conditions of use be established for comparative claims for sugars and salt/sodium content.

Additionally, the heading of the Table of conditions for nutrient contents will be reviewed and consideration will be given for adding nutrient content claims in relation to trans fatty acids.

Assessment Against the Criteria for the Establishment of Work Priorities

The proposal is consistent with the criteria as follows:

Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries: The proposed claims should support consumers in making informed food choices to support the selection of an overall healthy diet. In addition, the establishment of conditions for claims ensures a level playing field for the food industry by setting consistent criteria for the use of the claims which had been identified as an issue by developing countries at the 38th session.

Relevance to the Codex Strategic Objectives

This work is relevant to Goal 1 of the *Codex Strategic Plan 2008-2013* – promoting sound regulatory frameworks. This work is to review and develop Codex standards and related texts for food labelling and nutrition, taking into account scientific and technological developments and the

WHO *Global Strategy on Diet, Physical Activity and Health*, to ensure that they: emphasize a horizontal approach and the need to maintain inclusiveness, and address food labelling and nutrition so as to avoid being overly prescriptive and not more trade restrictive than necessary, while respecting the basic objectives of the CAC, taking into consideration the technical and economic implications for all members as well as the special needs of developing countries including infrastructure, resources and technical and legal capabilities.

Information on the Relation between the Proposal and Other Existing Codex Documents

The proposal is to amend the *Guidelines for Use of Nutrition and Health Claims*. It does not affect other existing Codex documents.

Identification of any Requirement for and Availability of Expert Scientific Advice

The development of these claims and their conditions will require review and expertise from the Codex Committee on Nutrition and Foods for Special Dietary Uses.

Identification of any Need for Technical Input to the Standard from External Bodies so that this Can be Planned For

None identified.

The Proposed Time-Line

It is proposed that the work commence in 2010 with a proposed date for adoption at Step 5 in 2012 and adoption by the Commission in 2014.

Appendix 3: Summary of Proposed Draft Text for amending the *Guidelines for Use of Nutrition and Health Claims*

Non-Addition Claims

2. Definitions

2.1.2 *Nutrient comparative claim...*

[2.2] ***Non-addition claim*** means any claim that an ingredient has not been added to a food, either directly or indirectly, thereby implying that a specific nutrient has not been added to that food. The ingredient is one whose presence or addition is permitted in the food and which consumers would normally expect to find in the food.]

[2.3] *Health claim...*

7. Non-Addition Claims for Sugars and Salt

Claims for the non-addition of sugars and/or salt may be used provided that the substance is one which consumers would normally expect to find in the food.]

7.1 Non-Addition of Sugars

Claims regarding the non-addition of sugars to a food may be made provided the following conditions are met.

- (a) No sugars of any type have been added to the food (Examples: sucrose, glucose, honey, molasses, corn syrup, etc.);
- (b) The food contains no ingredients that contain sugars as an ingredient (Examples: jams, jellies, sweetened chocolate, sweetened fruit pieces, etc.);
- (c) The food contains no ingredients containing sugars that substitute for added sugars (Examples: non-reconstituted concentrated fruit juice, dried fruit paste, etc.); and
- (d) The sugars content of the food itself has not been increased above the amount contributed by the ingredients by some other means (Example: the use of enzymes to hydrolyse starches to release sugars).]

Preferred Option 1:

7.2 Non-Addition of Salt

Claims regarding the non-addition of salt to a food, including “no added salt”, may be made provided the following conditions are met.

- (a) The food contains no added sodium salts (Examples: sodium chloride, sodium tripolyphosphate, etc.);
- (b) The food contains no ingredients that contain added sodium salts (Examples: Worcestershire sauce, condiments, pickles, pepperoni, soya sauce, etc.); and
- (d) The food contains no ingredients that contain sodium salts that substitute for added salt (sodium) (Examples: seaweed, depending on how it is used).]

Alternate Option 2:**7.2 Non-Addition of Salt**

Claims regarding the non-addition of salt (sodium chloride) may be made provided the following conditions are met.

- (a) The food contains no added sodium chloride;
- (b) The food contains no ingredients that contain added sodium chloride; and
- (c) The food meets the conditions of "low in sodium" claim as described in the Table to these Guidelines.]

7.3 Additional Conditions

Additional conditions and/or disclaimer statements may be used with non-addition claims to assist consumer understanding of the claims within countries. Disclaimer statements should appear in close proximity to, on the same side and in the same prominence as the claim. These may be developed based on evidence of consumer use and understanding.]

[8.] Health Claims

...

Salt-Free Claims

...

5. Nutrient Content Claims

5.1 When a nutrient content claim that is listed in the Table to these Guidelines or a synonymous claim is made, the conditions specified in the Table for that claim should apply.

[5.2 A claim to the effect that a food is free of salt can be made, provided the food meets the conditions for free of sodium listed in the Table to these Guidelines.]

[5.3] Where a food is by its nature low in or free of the nutrient that is the subject of the claim, the term describing the level of the nutrient should not immediately precede the name of the food but should be in the form "a low (naming the nutrient) food" or "a (naming the nutrient)-free food"...

Comparative Claims

[6.3 The comparison for decreased or lower energy or nutrient content, including sodium, should be based on;

- a) a relative difference of at least 25% in the energy value or nutrient content, ~~except for micronutrients where a 10% difference in the NRV would be acceptable,~~ between the compared foods; and
- b) a minimum absolute difference in the energy value or nutrient content equivalent to the figure defined as "low" ~~or as a "source"~~ in the Table to these Guidelines.

6.4 In addition to the conditions set out in Section 6.3, the content of trans fat should not increase for foods carrying a comparison claim for decreased or lower saturated fat content."

6.5 The use of the word “light” or a synonymous claim should follow the ~~same~~ criteria as listed in for “reduced” Section 6.3 of these Guidelines and include an indication of the characteristics which make the food “light”.

6.6 The comparison for increased or higher energy or nutrient content should be based on:

a) a relative difference of at least 25% in the energy value or nutrient content, except for micronutrients where a difference of 10% of the NRV would be acceptable, between the compared foods; and

b) other than for micronutrients, a minimum absolute difference in the energy value or nutrient content equivalent to the figure defined as “source” in the Table to these Guidelines.]

Trans Fatty Acids

Component	Claim	Conditions (not more than)
Trans fatty acids	Free	X g per 100 g (solids) X g per 100 ml (liquids) and/or X g per serving and, the food must meet the conditions set for “low” in saturated fat in this Table.