

CODEX ALIMENTARIUS COMMISSION



**Food and Agriculture
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Agenda Item N°. 4(c)

CX/FL 12/40/6-Add.1

JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON FOOD LABELLING

**Fortieth Session
Ottawa, Ontario, Canada, May 15 – 18 May 2012**

REQUIREMENTS ON MANDATORY NUTRITION LABELLING Report of the Electronic Working Group

COMMENTS AT STEP 3

COMMENTS FROM:

**BRAZIL
CANADA
COSTA RICA
IDF
FIVS
ICBA**

BRAZIL

(i) General Comments:

We would like to congratulate Australia on the work as a coordinator of the electronic working group on mandatory nutrition labelling.

Brazil supports the proposed amendment on subsection 3.1.2 of the Guidelines on Nutrition Labelling as it would guarantee consumer's access to relevant nutrition information that could be used to make healthier food choices.

CANADA

Canada would like to thank Australia for their work in chairing the electronic working group and collating the information received into the discussion paper. Canada is supportive of the work to amend the *Guidelines on Nutrition Labelling* to make nutrition labelling mandatory for pre-packaged foods, including those with nutrition and health claims. We support progressing the proposed work to make nutrition labelling mandatory.

Mandatory nutrition labelling should use the list of nutrients to always be declared agreed to by the Committee at the 39th session and advanced to the Commission for their approval at Step 8—specifically: protein, available carbohydrate, fat, saturated fatty acids, sodium and total sugars (REP 11/FL Appendix II).

Canada notes that currently the wording of Section 3.1.1 would require the full list of the nutrients to always be declared on all foods for which nutrition claims are made, either in labelling or advertising. This has specific implications for non-packaged foods as these foods typically do not have labels, or if they do, the label may be small (e.g. a tag), making it impractical to require full nutrition disclosure. Canada believes that it is important for pre-packaged foods to carry the full list of nutrients agreed to in Section 3.2, either when a nutrition (or health) claim is made or if nutrition labelling is mandatory. However, for non-packaged foods, it may be more practical if the label or advertisement carrying the nutrition (or health) claim, as the case may be, be required to disclose only the nutrient that is the subject of the claim, and other nutrients could be disclosed on a voluntary basis.

Canada does not support adding in wording referring to “where supported by national circumstances” when discussing whether nutrient declaration be mandatory as this is implicit in all Codex Standards.

Canada considers that it will likely be necessary to exempt certain foods from mandatory nutrition labelling, including foods with negligible nutritional value (examples might include most bottled waters, spices, teas, coffees, etc), very small packages, foods produced on the premises or distributed only within a small local area. These are the types of exemptions that exist in the Canadian framework for mandatory nutrition labelling currently. Specific exemptions may be needed in other countries based on local circumstances.

In light of the above comments, Canada has suggested some reworded text, as follows:

3.1 Application of nutrient declaration

[3.1.1 Nutrient declaration should be mandatory for all prepackaged foods including those foods for which nutrition or health claims, as defined in the *Guidelines for Use of Nutrition and Health Claims* Section 2.4, are made.

3.1.2 Certain prepackaged foods may be exempted from displaying the nutrient declaration, subject to local circumstances. Nutrient declaration should be voluntary for all other foods.

3.1.3 For all other foods for which a nutrition or health claim is made, either on the label or in advertising, the amount of the nutrient that is the subject of the claim should be declared on the label or in the advertisement, as the case may be, in accordance with these guidelines.]

Supporting Guidance Material

Canada has experience in implementing a comprehensive mandatory nutrition labelling system and believes that we can contribute to providing assistance to countries wanting to implement these requirements in their jurisdictions. Canada supports the further development of the discussion paper developed by Australia entitled "Issues Related to Mandatory Nutrition Labelling" for this purpose. With this further development, this piece could potentially be added as an Annex to the *Guidelines on Nutrition Labelling*.

COSTA RICA

Costa Rica would like to express its thanks for the opportunity of presenting the following comments:

- Include in the text of paragraph 39 at the end of point 3.1.1 the words "are made"

Justification: The idea is not clear.

It is important to maintain the words shown in bold in point 3.1.2 as it would not be understood the same way if they are eliminated. Costa Rica would also like to propose that same sentence be kept in brackets.

As a follow up to the previous comments, Costa Rica proposes that paragraph 39 be kept as follows:

3.1 Application of nutrient declaration

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

3.1.2 Nutrient declaration should be ~~voluntary~~ **mandatory** for all other foods, **[where supported by national circumstances]**

IDF

The International Dairy Federation (IDF) appreciates the opportunity to comment on CX/FL 12/40/6 requirements on Mandatory Nutrition labelling, report of the Electronic Working Group. The IDF would like to provide the following comments:

The proposed amendment to section 3.1.2 for consideration:

3.1.2 Nutrient declaration should be ~~voluntary~~ **mandatory** for all other foods

,is **not supported** by IDF. As highlighted by the eWG members, it is important to consider national circumstances (CX/FL 12/40/6, §34). IDF recognizes the need for consideration by local authorities of local circumstances with respect to social, environmental and economic impact when adopting Mandatory Nutrition Labelling.

IDF would like to propose the following wording for §39 for consideration by the next session of the CCFL (proposed additions are shown in **bold underlined**):

3.1 Application of nutrient declaration

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

3.1.2 Nutrient declaration should be ~~voluntary~~ **mandatory** for all other foods, **where supported by national circumstances**.

FIVS

(i) General Comments

The proposal in paragraph 39 is as follows:

On behalf of the eWG, Australia puts to CCFL an amended Subsection 3.1.2 for consideration, subject to the Discussion Points raised below. The amended Section to read:

3.1 Application of nutrient declaration

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

3.1.2 Nutrient declaration should be mandatory for all other foods.

FIVS believes that Nutrient declarations should be mandatory for foods for which nutrition claims are made. For foods, including alcoholic beverages, where no nutrient declarations are mandated, the declaration should be voluntary unless a nutrient claim is made. We believe the proposed approach is inconsistent with international government policy and legislation.

The proposed text from the EWG does not reflect the broadly accepted policy positions and creates an opportunity to use the Codex Standard as a Technical Barrier to Trade. In addition, as many economies adopt Codex Standards as they are approved. If we accept the EWG recommendation, they may well, unintentionally create an intentional barrier to trade adding cost to producers and consumers.

We strongly support option (4b) 3.1.1 Nutrient declaration should be mandatory for foods for which nutrition claims, as defined in Section 2.4, are made, **and for all other foods where supported by national circumstances.**

This clearly recognises national circumstances relating to public policy and provides some protection against arbitrary barriers to trade being established.

ICBA

The International Council of Beverages Associations (ICBA) is an international nongovernmental organization that represents the interests of the worldwide nonalcoholic beverage industry. The members of ICBA operate in more than 200 countries and produce, distribute, and sell a variety of nonalcoholic beverages, including sparkling and still beverages such as soft drinks, juice-containing beverages, bottled waters, and ready-to-drink coffees and teas.

ICBA and its members recognize the importance of providing meaningful and understandable fact-based nutrition information from which consumers can make informed dietary decisions. In conjunction with robust consumer education programs, such information can be an effective tool to help consumers meet their individual energy and nutrient needs.

The following represents ICBA's positions with respect to nutrition labeling:

1. ICBA supports further consideration of mandatory nutrition labeling.
2. The nutrition panel should include the list that was agreed in 2011 by the Codex Alimentarius Commissions, and which has subsequently been included in CAC/GL 2-1985, section 3.2: Energy value and the amounts of protein, available carbohydrate (i.e., dietary carbohydrate excluding dietary fibre), fat, saturated fat, sodium and total sugars; and the amount of any nutrient for which a nutrition or health claim is made.

3. Exemptions from nutrition labeling should be established for certain types of food and packaging, except where nutrition or health claims are made. Such exemption should apply to:

- a. Foods or beverages with negligible nutritional contribution, e.g., plain, unsweetened water; plain unsweetened tea and coffee beverages, herbs, spices, etc.
- b. Small packages, packages that have shapes such that a label cannot be affixed or certain glass bottles. For such packages, nutrition information should be provided by alternate means, such as consumer care lines or websites.

4. Consumer education campaigns should be encouraged, with the goal of building consumers' awareness, understanding and use of nutrition information as a tool for making dietary choices that meet individual needs.

5. Nutrition information, whether part of the product package, or presented through brochures and other media, should emphasize the importance of the overall diet, recognizing that all foods and beverages can be part of a sensible, balanced diet, combined with regular physical activities.

With respect to questions raised in the report of the eWG, ICBA has the following additional comments:

National Circumstances: ICBA does not support introduction of “where supported by national circumstances” in 3.1.2. This phrase is vague and highly subjective. As such, what constitutes “circumstances” could vary considerably around the world.

Discussion Paper on Mandatory Nutrition Labelling: Whether or not nutrition labeling is made mandatory, ICBA supports the addition of the Discussion Paper on Mandatory Nutrition Labeling as an Annex to the Codex Guidelines on Nutrition Labeling, where it would provide important guidance for those governments that decide to implement mandatory nutrition labeling. The current position of the Discussion Paper as an Annex to ALINORM 10/33/22 may not be readily evident to those who could benefit from the information it contains.

National considerations: Taking national considerations into account is inherent to the implementation of Codex provisions. ICBA does not feel that separate mention needs to be made within the Codex Guidelines on Nutrition Labeling,

Packages vs. Unpackaged Foods: While ICBA has interest in the nutrition labeling of packaged products, its view is that a Codex requirements for nutrition labeling of unpackaged foods would not be practicable or feasible in many parts of the world. A requirement could, perhaps, be considered where nutrition or health claims are made at the point of sale.

Reference to Health Claims: The need to apply nutrition labeling in the presence of health claims has already been incorporated into 3.2.1.3 of the Codex Guideline on Nutrition Labelling: “The amount of any other nutrient for which a nutrition or health claim is made.” For consistency, reference to “health claim” should also be incorporated into 3.1.1.