

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 4, 5, 6, 7, 8, 9, 10, 11

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ORIGINAL LANGUAGE ONLY

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

Forty-sixth Session

Virtual

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Comments from East African Community

The East African Community (EAC) Secretariat appreciates the opportunity to provide comments on the different agenda items to be discussed by the 46th Session of Codex Committee on Food Labelling.

Agenda Item 4 - CX/FL 21/46/4

CONSIDERATION OF LABELLING PROVISIONS IN DRAFT CODEX STANDARDS (ENDORSEMENT) (CCAFRICA, CCNASWP, CCFV, CCNE, CCNFSDU, CCPFV and CCSCH)

COMMENT

The EAC support the endorsements as recommended by the respective committees

JUSTIFICATION

The respective committees had resolved the outstanding issues. In particular, the previous CCFL session had instructed CCNFSDU to reconsider the issue of cross-promotion on the basis of Codex mandate, which has now been satisfactorily addressed in clause 9.6.5 as presented for endorsement.

Agenda Item 5 - CX/FL 21/46/5

DRAFT GUIDANCE FOR THE LABELLING OF NON-RETAIL CONTAINERS OF FOODS REP19/FL, Appendix II

- a) To consider the proposed amendments to the draft guidance in the Annex I of this document with the intent to progress it to Step 8 for final adoption by CAC44.

GENERAL COMMENT

The EAC is in agreement to advance the revised draft guidance to step 8 and adopted by CAC having reviewed the Annex I of CX/FL 21/46/5 Add.1

JUSTIFICATION

The draft text is effectively addressing the gaps/challenges CXS 1 has in regard to packaging of non-retail products especially for transportation.

- b) Consider whether the final document should be adopted as Standard or a Guideline keeping in view the clarification provided by the Codex secretariat at CCFL45 (see para. 3a of CX/FL 21/46/5 Add.1).

COMMENT

The EAC proposes to consider adoption of the final document as a standard after harmonizing of the following changes:

Clause 2, scope**COMMENT**

EAC proposes to delete the phrase "not intended to be sold directly to the consumer"

JUSTIFICATION

Taking into account that this clarification is already made in the definition of packaging not intended for retail sales.

Clause 3, Terms and definitions**COMMENT**

The EAC proposes: "Food business" means an entity or undertaking, carrying out one or more activity(ies) related to any stage(s) of production, processing, packaging, storage and distribution ~~(including trade)~~ and marketing of food.

JUSTIFICATION

A clearer definition, not only referring to the distribution between operators, but that also includes marketing.

Clause 4.3**COMMENT**

The non-retail containers should be clearly identifiable as such, as set out in this standard.

JUSTIFICATION

EAC considers supplementing numeral 4.3 by including the text "as set out in this Standard in order to provide a greater understanding of how these packaging should be identified.

Clause 4.5**COMMENT**

The labelling requirements for non-retail containers should be established taking into account the information requirements and implementation capabilities of the food business and competent authorities.

JUSTIFICATION

For this principle, EAC proposes deletion of "the relevant stakeholders" and retain only the wording, "food business and competent authorities". This is to reduce the redundancy of wording and be more specific as the relevant stakeholders mentioned here seem to refer only to the food business and competent authorities.

Clause 5.2**COMMENT**

Each non-retail container shall be marked in code or in a manner to enable the manufacturer to clearly identify the producing factory and the lot for traceability.

JUSTIFICATION

EAC considers it could be beneficial to clarify that the factory and lot needs to be clearly identifiable to the manufacturer for the purposes of traceability, this does not need to be identifiable to the customer necessarily.

Clause 5.3

COMMENT

Date marking and storage instructions only when they are related to the safety and integrity of the product.

JUSTIFICATION

Date marking and storage instructions shall be provided only when they are related to the safety and integrity of the product.

c) To consider the proposed draft amendment to the Procedural Manual for adoption by CAC (see Annex II).

COMMENT

The EAC supports to consider the proposed draft amendment to the Procedural Manual for adoption by CAC (see Annex II); and, inform commodity committees of the finalization of the guidance.

JUSTIFICATION

The scope of the Standard is not limited to pre-packaged foods, a provision for the labelling of non-retail containers may be included as follows: "The labelling of non-retail containers should be in accordance with the Guidance (Standard on the Labelling of Non-Retail Containers." as captured in Annex II of CX/FL 21/46/5 Add.1.

Agenda Item 6 - CX/FL 21/46/6**PROPOSED DRAFT GUIDELINES ON FRONT-OF-PACK NUTRITION LABELLING**

Question 1: Do you confirm the Committee majority preference to delete Section 5 and to incorporate relevant aspects from Section 5 to Section 4?

COMMENT

The EAC is in agreement to delete section 5 and incorporate relevant aspects from Section 5 in Section 4.

JUSTIFICATION

EAC considers that this will avoid duplication in other parts of the guidelines.

Question 2: Do you agree that the proposed text for principle 4.3.1 manages the potential for conflict of interest in the development of a FOPNL system?

COMMENT

The EAC supports the use of consultation such that the clause reads, *4.3.1 FOPNL should be government lead but developed in consultation and partnership with all interested parties including government, private sector, consumers, academia, public health associations among others.*

JUSTIFICATION

While taking note of discussion of both terms i.e. collaboration and consultations as presented by the chairs, and taking note that the guidelines refers some matters to governments, it may not be appropriate to use both terms as in some jurisdictions the term consultation is preferred and has been used in laws where involved of stakeholders are mandatory in developing policies, laws or regulations.

Question 3: Do you agree with the change in focus for principle 4.3.2 to focus on facilitating consumer use of FOPNL?

COMMENT

The EAC is agreement that 'FOPNL should be implemented in a way that facilitates consumer use of the FOPNL' as captured by principle 4.3.2.

JUSTIFICATION

This information is primarily focusing on the consumer as supplementary nutrition information thus there is no need to make reference to the reformulation of products. It will be based on consumers preference that manufacturers may choose to reformulate their products.

Question 4: Considering the proposed changes to the principles, do you agree with deleting the principle groupings?

COMMENT

EAC is in agreement with the deletion of the principle groupings for they are bulky and confusing.

JUSTIFICATION

All the principles are relevant in guiding development of FOPNL and grouping other than presentation is not adding any new value to the section.

Question 5: Which of the following options do you prefer for the placement of the Guidelines on FOPNL:

- part of section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985)
- as an Annex to section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985)
- a stand-alone document

COMMENT

EAC supports the advancement and adoption of the guideline at step 5/8 to act as a guide as well as expediting a number of aspects captured there in proposes that the guidelines be part of section 5 "supplementary nutrition information" of the Guidelines on Nutrition Labelling (CXG 2-1985).

JUSTIFICATION

EAC appreciates that FOPNL is a component of nutrition labelling as defined in CGL 2 section 2 (definitions) as supplementary nutrition information. There as is the case of Nutrient declaration which is also a component of nutrition labelling, FOPNL which at present may be one of the supplementary information should be annexed to CXG.

Agenda Item 7 - CX/FL 21/46/7

PROPOSED DRAFT GUIDELINES ON INTERNET SALES / E-COMMERCE

Section 4

COMMENT

EAC proposes that the product label should give same information as would be provided by traditional label including accurate information on ingredients so as the consumer make informed choice at point of purchase NOT upon delivery.

JUSTIFICATION

Based on the definition of 'e-commerce' as provided, the platform only provides an alternative way of sale as opposed to traditional sale methods. As a result, a true description of the nature of the product as required in CXS 1 should be provided at the point of sale.

Section 5

COMMENT

EAC proposes that there should be no exception of the date markings and lot marking as proposed.

JUSTIFICATION

In some cases, e-commerce may happen across countries i.e., between countries and these marking are very important elements of inspection and clearance during importation. Lot marking is very critical for traceability in the event of consumer complaint or even a food safety related concern.

Advance the draft to stage 5

COMMENT

EAC is in agreement for the revised guidelines to be advanced to **step 5** for adoption by CAC44

JUSTIFICATION

Guideline is sufficient enough to guide purchase and sale of food and any issues to be handled will be expressed for consideration at step 6.

ANNEX 1, Clause 1: scope

COMMENT

EAC is in agreement that the issue of cross-border e-Commerce sales is outside the scope of the draft guidance and should be referred to the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS).

JUSTIFICATION

It refers to the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS). This guideline should contain only requirements for food when placed in e-commerce platform.

Appendix 1, Clause 2

COMMENT

EAC proposes to delete in the definition the phrase *on the digital product information page* to read "Food information" Information concerning a food made available to the final consumer ~~on the digital product information page~~.

JUSTIFICATION

EAC believe that the definition of food information is the same even if not related to the e-commerce, therefore the phrase *on the digital product information page* should be deleted from the definition.

Appendix II, Clause 2.3

COMMENT

EAC proposes to delete section 2.3 and include the following footnote in Section 2.1: Guidelines CX2-1985 allow for the exemption of some foods from the mandatory nutrient declaration (e.g. on the basis of nutritional or dietary insignificance or small packaging). Such foods exempted from the mandatory nutrient declaration can therefore not use FOPNL, except if the nutrient declaration is provided on a voluntary basis.

JUSTIFICATION

The term "exemptions" was often confused with "exclusions", and a footnote could provide clarity since this text is explicit in the Guidelines on Nutrition Labelling (CX2-1985), and it would therefore be up to each government to apply it in its national reality.

Appendix II, Clause 4.3.1

COMMENT

FOPNL should be government lead but developed in collaboration with all interested parties including government, private sector, consumers, academia, public health associations among others.

JUSTIFICATION

For trust, credibility and oversight of conflicts of interest government should lead the process in collaboration with relevant stakeholders in development of the FOPNL.

Appendix II, Clause 4.3.2

COMMENT

FOPNL should be implemented in a way that facilitates food manufacturers' use of the FOPNL on food labels.

JUSTIFICATION

- Maximize means all, a practice which might be difficult to achieve

- Therefore, “facilitates” is suitable word to use

Agenda Item 8 - CX/FL 21/46/8

FOOD ALLERGEN LABELLING

COMMENT

EAC agrees with recommendation of the eWG that it is a complex issue to simultaneously work on GSLPF and PAL. EAC proposes that the text as proposed for GSLPF be concluded and included in current GSLPF and progressed at Step 5/8. The eWG should then be convened to develop specific principles preferably as guideline for the application of PAL, which once completed may be annexed to CXS 1.

JUSTIFICATION

It is complex to develop both the amendments to GSLPF and PAL simultaneously. It will be important to first agree on the amendments related to allergen then progress to develop the applicable PAL.

Agenda Item 9 – CX/FL 21/46/9

INNOVATION – USE OF TECHNOLOGY IN FOOD LABELLING (DISCUSSION PAPER) CX/FL 21/46/9

COMMENT

The General Principles of section 3 of the GSLPF should apply to all labelling information, whether it is provided on a physical label or labelling, or by using technology. Necessary adjustments to the GSLPF should be made to accomplish this.

New work is recommended to develop broad guidelines on the use of technology to provide food labelling information. For example, principles surrounding:

- i. the provision of voluntary or supplemental information through technology
- ii. exceptional circumstances where technology may be appropriate to provide mandatory information
- iii. the presentation, legibility, and accessibility of information provided through technology

Various other Codex texts may need to be reviewed for possible amendments as a result of the innovation and technology work.

JUSTIFICATION

Proposal covers sufficient information hence agreed to proceed.

Agenda Item 10 - CX/FL 21/46/10

LABELLING OF ALCOHOLIC BEVERAGES (DISCUSSION PAPER)

COMMENT

EAC proposes that alcoholic drinks should be excluded from the scope of the standards.

JUSTIFICATION

- providing this information may influence consumers to perceive alcohol as healthy or not damaging
- labelling of alcoholic beverages is being considered by CCFL separately and, therefore, should be considered in that context

Agenda Item 11 - CX/FL 21/46/11

LABELLING OF FOODS IN JOINT PRESENTATION AND MULTIPACK FORMATS (DISCUSSION PAPER) CX/FL 21/46/11

COMMENT

EAC agrees to the proposal to initiate new work on the amendment of the GSLPF to address the labelling of foods presented in multipack formats.