

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

E

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: codex@fao.org - www.codexalimentarius.org

Agenda item 5

CX/FL 21/46/5

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

46th Session

Virtual

27 September - 1 October and 7 October 2021

DRAFT GUIDANCE FOR THE LABELLING OF NON RETAIL CONTAINERS

Comments in reply to CL 2019/85-FL

Comments of Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, Egypt, El Salvador, Guatemala, Indonesia, Iraq, New Zealand, Peru, Thailand, Tonga, Uganda, Uruguay, USA, CCTA, ICBA, IDF, IFT, IUFoST

Background

1. This document compiles comments received through the Codex Online Commenting System (OCS) in response to CL 2019/85-FL issued in September 2019. Under the OCS, comments are compiled in the following order: general comments are listed first, followed by comments on specific sections.

Explanatory notes on the appendix

2. The comments submitted through the OCS are hereby attached as **Annex I** and are presented in table format.

GENERAL COMMENTS

Australia

Overall, Australia supports the progression of this work.

Australia notes the advice provided by the Codex Secretariat at CCFL45 that there is no clear guidance to when a document should be guidance or a standard but that the present text had been drafted more in line with the practice used for standards (REP19/FL para 61).

Australia would support designating this as a Standard.

Costa Rica

Costa Rica wishes to express its support for the progress of the draft guidance.

Ecuador

Ecuador appreciates the work done, in relation to the document "Preliminary Draft Guidance for the Labelling of Prepackaged Food in Non-Retailed Containers", the country has no comments, because the technical criteria described are well structured. This encourages further work.

El Salvador

- It is considered that the Preliminary Draft should be listed as a General Standard in the Codex Alimentarius, due to the nature of the preliminary draft and how the provisions envisaged by it have been structured.
- El Salvador proposes that this Preliminary Draft be established as the "General Standard for the Labelling of Non-Retailed Containers."
- It is suggested that the GTE should consider that numeral 5.3, referring to date marking, should be amended, referring to the application of those provisions, as stated in section 5.1, 5.2 and 5.4, by placing in front the name of the information to be shown on the label, as well as numbering the paragraph of section 8
- El Salvador is in agreement for the Preliminary Draft to proceed in accordance with the development process of the Codex Alimentarius Standards. The GTE and the CCFL are invited to consider the following comments, prior to referring this work to the Codex Alimentarius Commission for adoption at step 8.

Iraq

we agree with proposed draft guidance for the labeling of non- retail containers of food.

New Zealand

We note the significant progress made on the drafting of this text at both the physical working group immediately prior to CCFL45 and in the plenary of that meeting. New Zealand strongly supports the need for specific guidance on the labelling of non-retail containers and for this to be clearly differentiated from the labelling requirements of pre-packaged foods for retail sale to the consumer (as outlined in the *General Standard for the Labelling of Pre-packaged Food (CXS 1-1985)*).

New Zealand notes the clarification made by the Codex secretariat at CCFL45 and noted in the report of that meeting (REP 19/FL para 61): *that while there was no clear guidance in Codex as to when a document should become a guideline or standard, the present text had been drafted more in line with the practice used for standards so it could be called General Standard on the Labelling of Non Retail Containers. The Secretariat further noted that the naming of the text would entail no difference as to the significance and implications of a Codex standard or a Codex guideline.* Based on this explanation New Zealand supports the draft text being adopted as a General Standard.

Consequential change to GSLPF:

New Zealand notes that once this draft text is adopted there may be the need for consequential amendments to the *General Standard for the Labelling of Prepackaged foods (CXS 1-1985) (GSLPF)* to remove reference to food for catering purposes in the scope and definition. Currently foods for catering purposes are included in the scope of the GSLPF therefore requiring them to be fully labelled as per food for retail sales. The draft text here for the labelling of non-retail containers also includes foods for catering purposes in the scope. New Zealand considers that capturing foods for catering purposes in both texts could cause confusion as to what the labelling requirements are for these foods.

New Zealand suggests that the labelling requirements for foods for catering purposes align more closely with those for non-retail sales as the information on the labels is not intended to be offered to the end consumer. We therefore consider foods for catering purposes should be removed from the GSLPF and only be captured by the labelling requirements for non-retail containers.

ICBA

Proposed change: Wherever "Section X (4, 5, etc.)" is referred to, the text should be edited to indicate the document to which that section belongs—the present document, the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985), or other.

ICBA generally agrees with the draft as it is written. That said, because this guidance document and CXS 1-1985 have similar content (and CXS 1-1985 is referred to in some places in this document), the references should be clarified for the reader.

IDF

We acknowledge the significant progress made on this paper during the physical working group and the plenary session of CCFL45. We continue to support this document being a guideline due to the flexibility required to accommodate labelling differences at national level.

IUFoST

IUFoST support the adoption of this document, food products and ingredients that are intended for further processing into retail products should have enough accompanying information to allow tracking and identification of the origin of the product (traceability), but do not need full labeling that is needed on retail products. The proposed document adds little, if anything to established food industry practices already in place.

SPECIFIC COMMENTS

1. Purpose

	<p>Australia The text refers to information that must be provided with a non-retail container by other means. However the guideline/standard provides that information can be provided through other means, not necessarily 'with' the container. Therefore for clarity we propose the wording be amended as follows (strikethrough deletion, bolded addition): The purpose of [these Guidelines] / [this Standard] is to facilitate appropriate harmonized labelling of non-retail containers of food and to outline what information shall be presented on the label and what information, while not required on the label, must be provided with for a non-retail container by other means.</p>
The purpose of of these Guidelines / [this Standard] is to facilitate appropriate harmonized labelling of non-retail containers of food and to outline what information shall be presented on the label and what information, while not required on the label, must be provided with a non-retail container by other means.	<p>Brazil Brazil supports adopting the document as a standard aiming to maintain the same approach adopted for the other similar and related food labelling Codex texts, including General Standard for the Labelling of Prepackaged Foods (CXS 1-1985).</p>
The purpose of [these Guidelines] / [this Standard] [this Standard] is to facilitate <u>international trade of non-retail containers of food, using</u> appropriate harmonized labelling of non-retail containers of food and to outline what information shall be presented on the label and what information, while not required on the label, must be provided with a non-retail container by other means.	<p>Canada</p>
	<p>Chile Guidelines</p>
	<p>Guatemala Guatemala believes that it is better to leave Guidelines as it is a guide for countries so they can develop their National or Regional Standards.</p>
The purpose of [these Guidelines] / [this Standard] these Guidelines is to facilitate appropriate harmonized labelling of non-retail containers of food and to outline what information shall be presented on the label and what information, while not required on the label, must be provided with a non-retail container by other means.	<p>Indonesia Indonesia propose to delete</p>
The purpose of [these Guidelines] / [this Standard] these Guidelines is to facilitate appropriate harmonized labelling of non-retail containers of food and	<p>Tonga These are guidelines for the labelling of the non-retail containers of foods</p>

to outline what information shall be presented on the label and what information, while not required on the label, must be provided with a non-retail container by other means.	
The purpose of [these Guidelines] / [this Standard] is to facilitate appropriate harmonized labelling of non-retail containers of food and to outline what information shall be presented on the label and what information, while not required on the label, must be provided with a non-retail container by other means.	New Zealand
The purpose of [these Guidelines] / [this Standard] this Standard is to facilitate appropriate harmonized labelling of non-retail containers of food and to outline what information shall be presented on the label and what information, while not required on the label, must be provided with a non-retail container by other means.	Uganda"on the label as well as information not required on the label which must be provided with a non-retail container by other means".
The purpose of [these Guidelines] / [this Standard] <u>this standard</u> is to facilitate appropriate harmonized labelling of non-retail containers of food and to outline what information shall be presented on the label and what information, while not required on the label, must be provided with a non-retail container by other means.	Uruguay Based on background and considering that the CXS 1-1985 prepackaged food document is a standard we believe it also should be a standard.
The purpose of [these Guidelines] / [this Standard] <u>these Guidelines</u> is to facilitate appropriate harmonized labelling of non-retail containers of food and to outline what information shall <u>should</u> be presented on the label and what information, while not required on the label, must be provided with a non-retail container by other means.	USA The United States prefers "Guidelines" to be consistent with the title of this document. This is guidance on how to apply the standard. Here and throughout the document, the United States prefers that the word "shall" be changed to "should" to reflect accurately that these Guidelines are voluntary Codex texts, not mandatory requirements.
The purpose of [these Guidelines] / [this Standard] <u>is</u> to facilitate appropriate harmonized labelling of non-retail containers of food and to outline what information shall be presented on the label and what information, while not required on the label, must be provided with a non-retail container by other means.	IDF/FIL We acknowledge the significant progress made on this paper during the physical working group and the plenary session of CCFL45. We continue to support this document being a guideline due to the flexibility required to accommodate labelling differences at national level
2. SCOPE	
[These Guidelines] / [This Standard] <u>apply</u> / applies <u>These Guidelines apply</u> to the labelling of non-retail containers of food ¹ (excluding food additives and processing aids) ^{1,2} not intended to be offered directly to the consumer ¹ including the information provided in the accompanying physical documents or by other means, and the presentation thereof.	USA The United States prefers "These Guidelines apply ..."
[These Guidelines] / [This Standard] <u>apply</u> / applies <u>This Standard applies</u> to the labelling of non-retail containers of food ¹ (excluding food additives and processing aids) ^{1,2} not intended to be offered directly to the consumer ¹ including the information provided in the accompanying physical documents or by other means, and the presentation thereof.	Egypt Referring to the following Codex Standards concerned with food labelling : - CXS 1-1985 (General Standard for the Labelling of Prepackaged Foods) - CXS 107-1981 (General Standard for the Labelling of Food Additives When Sold as Such) - CXS 146-1985 (General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Uses) - CXS 180-1991 (Standard for Labelling of and Claims for Foods for Special Medical Purposes)

	- Egypt recommends for this proposed draft to be a Standard (not Guidelines) to facilitate appropriate harmonization for labeling of non-retail containers of food.
[These Guidelines] / [This Standard] [apply] / [applies] These Guidelines applies to the labelling of non-retail containers of food ¹ (excluding food additives and processing aids) ^{1,2} not intended to be offered directly to the consumer ¹ including the information provided in the accompanying physical documents or by other means, and the presentation thereof.	Tonga
[These Guidelines] / [This Standard] [apply] / [applies] to the labelling of non-retail containers of food (excluding food additives and processing aids) ^{1,2} not intended to be offered directly to the consumer ¹ including the information provided in the accompanying physical documents or by other means, and the presentation thereof.	New Zealand
[These Guidelines] / [This Standard] [apply] / [applies] to the labelling of non-retail containers of food ¹ (excluding food additives and processing aids) ^{1,2} not intended to be offered directly to the consumer ¹ including the information provided in the accompanying physical documents or by other means, and the presentation thereof.	IDF/FIL
	Guatemala Guatemala recommends that we maintain the use of the term Guidelines to continue consistently.
[These Guidelines] / [This Standard] [apply] / [applies] to the labelling of non-retail containers of food ¹ (excluding food additives and processing aids) ^{1,2} not intended to be offered directly to the consumer¹ including the information provided in the accompanying physical documents or by other means, and the presentation thereof.	Colombia Colombia considers that the phrase "not intended to be sold directly to the consumer" could be omitted from the paragraph proposed for the scope; this taking into account that this clarification is already made in the definition of packaging not intended for retail sales.
3. DEFINITION OF TERMS	
	Australia Definition of 'non-retail container' includes reference to 'containers' in the second sentence which should be singular not plural i.e. containers
	Guatemala Guatemala recommends that we maintain the use of the term Guidelines to continue in concordance.
For the purpose of of [these Guidelines] / [this Standard] , the relevant definitions in the <i>General Standard for the Labelling of Prepackaged Foods</i> (CXS 1-1985) apply. In addition, the following terms have the meaning as defined below:	Brazil Brazil supports adopting the document as a standard aiming to maintain the same approach adopted for the other similar and related food labelling Codex texts, including General Standard for the Labelling of Prepackaged Foods (CXS 1-1985).
For the purpose of [these Guidelines] / [this Standard] , the relevant definitions in the <i>General Standard for the Labelling of Prepackaged Foods</i> (CXS 1-1985) apply. In addition, the following terms have the meaning as defined below:	New Zealand
For the purpose of [these Guidelines] / [this Standard] these Guidelines, the relevant definitions in the <i>General Standard for the Labelling of Prepackaged</i>	USA The United States prefers "these Guidelines ..."

Foods (CXS 1-1985) apply. In addition, the following terms have the meaning as defined below:	
For the purpose of [these Guidelines] / [this Standard] these Guidelines, the relevant definitions in the <i>General Standard for the Labelling of Prepackaged Foods</i> (CXS 1-1985) apply. In addition, the following terms have the meaning as defined below:	Tonga
For the purpose of [these Guidelines] / [this Standard] , the relevant definitions in the <i>General Standard for the Labelling of Prepackaged Foods</i> (CXS 1-1985) apply. In addition, the following terms have the meaning as defined below:	IDF/FIL
FOOD BUSINESS	
“ 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 ¹ .	Peru A clearer definition, not only referring to the distribution between operators, but that also includes marketing
“ Food Business ” means an entity or undertaking, carrying out one or more activity(ies)-activities related to any stage(s)-stage of production-production , processing, packaging, storage and distribution (including trade) of food ¹ .	Tonga
	Thailand Thailand is not certain if this definition of terms should be consistent with Food Business Operator (FBO) that is in the latest draft of GPFH developed by CCFH or not. If the intention of these two definitions is the same, we would like to propose aligning of this definition to that of GPFH for consistency.
NON-RETAIL CONTAINER	
	Uganda Does the definition cover relief food?
“ Non-retail container ” means any container ¹ that is not intended to be offered for direct sale to the consumer ¹ . The food¹ in the non-retail containers is for further food business activities before being offered to the consumer¹.	Canada Canada suggests the second sentence of the “non-retail container” definition is not needed as the definition relates to the container itself and not the food within it.
4. GENERAL PRINCIPLES	
	Australia We suggest the opening sentence in this section is superfluous. We note the General Standard for the Labelling of Prepackaged Foods (CXS 1 -1985) (GSLPF) does not have a similar opening sentence. We propose this can be deleted.
4.1	
	Thailand Thailand would like to propose to reiterate the principles of GSLPF here for better clarification and modify wording appropriately to the scope of this draft.
	ICBA The general principles established in Section 3 of the General Standard for the Labelling of Prepackaged Foods (GSLPF; CXS 1-1985) apply equally, as appropriate, to the labelling of non-retail containers of food. Justification: Text should provide the section number from the GSLPF.

4.2	
The labelling requirements for non-retail containers of foods should be differentiated clearly from the labelling requirements for prepackaged⁴ foods.	Brazil Brazil suggests excluding principle 4.2. We believe that the existence of a specific standard for non-food retailers already clearly indicates the need for specific labeling requirements for it. Moreover, the sentence seems to contradict principle 5.1 that states “The general principles established in the General Standard for the Labelling of Prepackaged foods (GSLPF) apply equally, as appropriate to the labelling of non-retail containers of foods”.
4.3	
	Australia The use of ‘The’ at the beginning of this sentence does not make grammatical sense. It can be deleted as follows. 4.3 The Non-retail containers should be clearly identifiable as such.
The non-retail containers should be clearly identifiable as such, <u>as set out in [these Guidelines]/[this standard]</u> .	Colombia Colombia considers supplementing numeral 4.3 by including the text "as set out in [these Guidelines]/ [this Standard]", in order to provide a greater understanding of how these packaging should be identified.
4.4	
The non-retail status of a container shall should be determined by the food business selling or distributing the container of food	USA As noted earlier, the United States prefers that the word “shall” be changed to “should” to reflect accurately that these Guidelines are voluntary Codex texts, not mandatory requirements.
The non-retail status of a container shall be determined by the food business selling or distributing the container of food.	CCTA
4.5	
The labelling requirements for non-retail containers should be established taking into account the information requirements and implementation capabilities of the relevant stakeholders (food business and competent authorities) authorities.	Thailand For this principle, Thailand 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.
4.5 The labelling requirements for non-retail containers should be established taking into account the information requirements and implementation capabilities of the relevant stakeholders (food business and competent authorities).	Colombia Colombia proposes to adjust the text, in order to give a greater degree of understanding to the proposed paragraph of numeral 4.5,
4.6	
Subject to the requirements outlined in Section 5-5 , the information requirements in respect of non-retail containers of food may be met through means other than on a label as allowed by the competent authority in the country in which it is sold.	ICBA With the exception of the mandatory information requirements outlined in Section 5 of this text, the information requirements in respect of non-retail containers of food may be met through means other than on a label as allowed by the competent authority in the country in which it is sold. Justification: ICBA suggests the addition of minor clarifying text as indicated.

4.7	
The label and information in the accompanying documents or information provided by other means shall-should be traceable to the food in the non-retail container and shall-should provide information to enable the labelling of food, intended for sale to the consumer.	USA The United States prefers that the word “shall” be changed to “should” to reflect accurately that these Guidelines are voluntary Codex texts, not mandatory requirements.
4.7 The label and information in the accompanying documents or information provided by other means shall be traceable to the food in the non-retail container and shall provide information to enable the labelling of food, intended for sale to the consumer.	Colombia Colombia suggests adjusting the Spanish translation; change the term “ <i>rastreables</i> ”, for “ <i>trazable</i> ”. Colombia seeks clarification regarding the guidelines related to the traceability of packaged products contained in packaging not intended for retail sale; this considering that it is not clear for presentations containing products of different lots.
5. MANDATORY INFORMATION REQUIREMENTS ON LABEL	
5.1.1	
The following information shall appear on the label of non-retail containers of food.: The following information shall appear on the label of non-retail container as applicable to the food being labelled, except to the extent otherwise expressly provided in an individual Codex standard	Thailand Thailand would like to propose this new sentence from GSLPF. This proposed wording is clearer. In addition, there are some Codex standards which already have requirements for non-retail containers that may be specific to such commodities.
The following information shall-should appear on the label of non-retail containers of food.:	USA
5.1. The name of the food	
The name shall-should indicate the true nature of the food and normally be specific and not generic.	USA
5.1.1.1	
Where a name or names have been established for a food in a Codex standard, at least one of these names shall-should be used.	USA
5.1.1.2	
Alternatively, in other cases, the name prescribed by national legislation shall may be used, in agreement between the parties involved.	Uruguay The products are usually marketed under the current name of the product in accordance with the legislation of the country. When marketed internally in the country, the current name in the country is used, and in trade between two countries for example, it is usually used the current name in the buyer country. This name prevails over that of Codex in those countries. The proposed wording suggests that the name of the Codex standard prevails over that of the country.
In other cases, the name prescribed by national legislation shall-should be used.	USA
5.1.1.3	
In the absence of any such established or prescribed name, either a common or usual name existing by common usage as an appropriate descriptive term which is not misleading or confusing to the food business or in the country in which the food is intended to be sold shall-should be used.	USA

5.1.1.5	
Where the non-retail container contains multiple types of food, the names of all the foods contained therein and/or a commonly understood descriptor that best explains the foods present together in the container <u>shall-should</u> be provided on the label, as allowed by the competent authority in the country in which the product is sold.	USA
5.2 LOT IDENTIFICATION	
Each non-retail container shall be marked in code or in a manner to clearly identify the producing factory and the lot. Each container must be engraved or otherwise marked, but in an indelible manner, an indication in key or clear language, which allows to identify the production factory and lot to be identified.	Uruguay Consistency with standard CXS 1-1985
Each non-retail container <u>shall-should</u> be marked in code or in a manner to clearly identify the producing factory and the lot.	USA
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 .	New Zealand New Zealand 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.
	IFU #5.2 We have been requested by a company that has more than one factory that they be allowed to state the company name on the label trace the producing factory through the lot code.
	Australia 5.3 We note this section is written in a different way to other sections in that there is no reference to 'shall be provided' or similar. For clarity we propose to amend as follows 5.3 Date marking and storage instructions shall be provided only when they are related to the safety and integrity of the product.
Date marking and storage instructions ³ only when they are related to the safety and integrity of the product.	El Salvador Section 5: Mandatory Information Requirements on the Label: 5.3 Date marking, El Salvador considers that date marking should be listed as "the expiration date" and the date must appear on the label independently, whether the safety or integrity of the food is compromised or not.
Date marking and storage instructions ³ only when they are related to the safety and integrity of the product.	Peru Clearly identify (highlight in bold) the marking of the expiry date of the food, in order to show the shelf life of the food.
	Guatemala Guatemala suggests that the marked term of the expiration date be specifically given to give greater clarity to the text.
Date marking and storage instructions ³ <u>should be included</u> only when they are related to the safety and integrity of the product.	USA
Date marking and storage instructions Date marking and storage instructions ³ - <u>Date marking and storage instructions shall be specified</u> only when they are related to the safety and integrity of the product.	Thailand To be in line with the format of other sub-headings.

Date marking and storage instructions ³ <u>only when they are related to the safety and integrity of the product.</u>	Egypt Referring to the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985), Egypt recommends deleting this phrase
Date marking and storage instructions ³ only when they are related to the safety and integrity of the product.	Uganda This clause may be transferred to section 6 considering that it provides for a condition that may be interpreted differently
Date marking and storage instructions ³ only when they are related to the safety and integrity of the product.	ICBA Date marking and storage instructions ³ are necessary only when they are related to the safety and integrity of the product. Justification: ICBA suggests the addition of minor clarifying text as indicated.
Date marking and storage instructions ³ <u>are required</u> only when they are related to the safety and integrity of the product.	IDF/FIL
	IFU #5.3 Please clarify which date is meant here?
Date marking and storage instructions ³ <u>are required</u> only when they are related to the safety and integrity of the product.	New Zealand
5.4 IDENTIFICATION OF A NON-RETAIL CONTAINER	
	Australia 5.4 We propose a minor editorial addition/correction to the first dot point "...to be sold directly to a consumer...."
	Colombia Colombia considers that it should be specified and clarified how such packaging should be identified, taking into account that not ambiguity should be generated. In addition, it is considered necessary to clarify the following aspects: <ul style="list-style-type: none"> • Where would captions or badges be located? • Would the size of the container have any limitations, compared to the declaration of captions or badges? • What other type of badge could be used? This in order to unify the mark type and not generate multiple options.
The non-retail containers of foods shall be clearly identifiable as such. If the container is not clearly identifiable as a non-retail container the container shall: <ul style="list-style-type: none"> • bear a statement to indicate that the food is not intended to be sold directly to the consumer² or to clearly identify it as a non-retail container. Some examples of such statements are: 	New Zealand
The non-retail containers of foods shall <u>should</u> be clearly identifiable as such. If the container is not clearly identifiable as a non-retail container <u>without a statement designating it as such</u> , the container shall <u>should</u> :	USA The US recommends an editorial addition here to clarify the distinction between the two sentences.
The non-retail containers of foods shall be clearly identifiable as such <u>such</u> <u>(clear identification may be linked to its physical appearance, dedicated branding, etc.)</u> . If the container is not clearly identifiable as a non-retail container the container shall: <ul style="list-style-type: none"> • bear a statement to indicate that the food is not intended to be sold directly to the consumer² or to clearly identify it as a non-retail container. Some examples of such statements are: 	IDF/FIL we suggest an edit to indicate that a designation as a non-retail container is not necessary where the container is identifiable due to its physical appearance (e.g. its size, construction or other characteristics, as in the case of bulk bags, large volume vats of liquid etc), branding (e.g. a catering or ingredients brand name) or the goods being easily distinguished from those sold to consumers due to size and presentation (e.g. large blocks of butter, cheese etc).

<p>“NON-RETAILCONTAINER - NOT FOR DIRECT SALE TO CONSUMER”</p> <p>Or,</p> <ul style="list-style-type: none"> carry any other mark other distinctive sign that indicates that the container is not intended to be sold directly to a consumer 	<p>Colombia</p> <p>Colombia proposes to adjust the second declaration "PACKAGE NOT DESTINED FOR RETAIL SALE - NOT FOR DIRECT SALE TO THE CONSUMER" [<i>Spanish text: “ENVASE NO DESTINADO A LA VENTA AL POR MENOR - NO PARA VENTA DIRECTA AL CONSUMIDOR”</i>], exchanging the word "no" after the "for", in order to give a better understanding to what is to be expressed.</p> <p>Colombia proposes to change the text "another mark" to the term "other distinctive sign"; considering that the term "mark" may be confused with "trademark/commercial mark" (for which the distinctive sign with which a product is identified or distinguished commercially is associated), conditions that are different from each other.</p>
	<p>IFU</p> <p>#5.4 It is clear that bulk containers eg road tanks and 1 tonne containers would not be for retail sale. In this case is the requirement necessary? Does this also apply to products for delivery to food service?</p>
5.5	
<p>Name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall<u>should</u> be declared.</p>	<p>USA</p>
<p><u>Name and address of the manufacturer, packer, distributor, importer, exporter or vendor</u> Name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.</p>	<p>Thailand</p> <p>To be in line with the format of other sub-headings.</p>
<p>5.5 – A subheading Name and address, should be added and emboldened in line with other subheadings of section 5:</p> <p><u>Name and address</u></p> <p>Name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.</p>	<p>New Zealand</p>
<p>Name and address <u>Name and address</u> of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.</p>	<p>IDF/FIL</p> <p>should have emboldened subheading Name and address, as for the other subsections of para 55.</p>
5.6	
	<p>Australia</p> <p>5.6 We note this section is somewhat out of context with the other subsections of 5. We suggest it could be better placed as a subsection under 9.1 Presentation of Information. This would also enable this section to refer to the provisions in both sections 5 and 6.</p> <p>For example</p> <p>9.1.X Where a non-retail container contains multiple types of food, the information in respect of all the above provisions in Sections 5 and 6 should be provided for all the foods contained therein.</p>
<p><u>In case of non-retail container containing multiple types of food</u> Where a non-retail container contains multiple types of food, the information in respect of all the above provisions in Section 5 should be provided for all the foods contained therein.</p>	<p>Thailand</p> <p>To be in line with the format of other sub-headings.</p>

<p>Where a non-retail container contains multiple types of food, the information in respect of all the above provisions in <u>required by</u> Section 5 should be provided for all the foods contained therein.</p>	<p>Canada Canada agrees with this provision but suggests some edits for clarity.</p>
<p>Section 5.6 – Delete section 5.6 New Zealand considers that the text in 5.6 applies to both information required by section 5 and section 6 and therefore suggests that this text is placed in section 9.1 “Presentation of information – General” and reworded to refer to information in both section 5 and 6. <u>Proposed new section 9.1.5:</u> 9.1.5 Where a non-retail container contains multiple types of food, the information in respect of all the above provisions in Sections 5 and 6 should be provided for all the foods contained therein.</p>	<p>New Zealand</p>
	<p>ICBA Where a non-retail container contains multiple types of food, the information listed in the above provisions in Section 5 of this text should be provided for all the foods contained therein. Justification: ICBA suggests the addition of minor clarifying text as indicated and in alignment with our general comment above.</p>
	<p>IDF/FIL</p> <ul style="list-style-type: none"> • Section 5.6 is out of context with the other subsections of 5. It could be presented as a subsection under 9.1 Presentation of Information. This would also enable this para to refer to the provisions in both sections 5 and 6.
6. MANDATORY INFORMATION REQUIREMENTS BY MEANS OTHER THAN LABEL	
	<p>Australia To simplify we propose amending the title as follows: ‘Mandatory information provided by means other than the label’</p>
	<p>Australia Sections 6.1 and 6.2 In these sections there is reference to providing information ‘through other appropriate means’. Whereas elsewhere in the document reference is made to only ‘through other means’ consistent with the title of this section. Also for grammatical clarity the ‘all’ in the second dash point in section 6.1 can be deleted and ‘provided’ included instead. The proposed amendments to these sections are as follows (strikethrough deletion, bolded addition):</p> <p>6.1 The information that shall be provided in the accompanying documents, or through other appropriate means, is the following:</p> <ul style="list-style-type: none"> - Information provided on the label as identified in Section 5; - if not all provided on the label: <p>Section 6.1 In the first open dot point, we think the use of the wording ‘information sufficient to enable the preparation’ could be problematic. This is because only the preparation steps needed to ensure safety e.g. for heat treating beans, processing cassava, should be included in mandatory information. It is not</p>

	<p>possible to provide general information sufficient to enable preparation as this will differ from product to product and in different countries. So for clarity we propose this section be amended to (strikethrough deletion, bolded addition):</p> <ul style="list-style-type: none"> o Information required to prepare the food safely and to enable the preparation and the labelling of pre-packaged foods in which from the food in the non-retail container will be used or packaged from.
	<p>Canada As written, section 6.1 requires that information identified under Section 5 must always be shown on the label and provided in an accompanying document, even when the other information in 6.1 is all on the label. Canada’s understanding of the consensus at CCFL’s 45th session is that:</p> <ul style="list-style-type: none"> • All information required under sections 5 and 6.1 must be shown in one place, either all on the label or all in the accompanying documents. • Information identified under Section 5 must always be shown on the label. • The other information set out in 6.1 may be shown on the label or in accompanying documents. • If all shown on the label, then nothing must be shown in an accompanying document. • If the information set out in 6.1 (net contents and other information to enable preparation and labelling of pre-packaged foods) is not shown on the label, then information required under sections 5 and 6.1 must be all shown in an accompanying document. <p>The current text in the proposed draft guidance, as written, requires the information in Section 5 to be in the accompanying documents, even when all of the information in Section 6.1 is already on the label. Canada believes that the area of consensus reached at the last CCFL session and the resulting text are not quite consistent. To address this inconsistency, Canada proposes revising the text.</p>
<p>The information that shall<u>should</u> be provided in the accompanying documents, or through other appropriate means, is the following:</p>	<p>USA</p>
	<p>ICBA The information that shall be provided in the accompanying documents, or through other appropriate means, is the following:</p> <ul style="list-style-type: none"> - Information provided on the label as identified in Section 5 of this text; - If not all on the label: - Information sufficient to enable the preparation and needed to meet mandatory requirements⁴ for the labelling of pre-packaged The information that shall be provided in the accompanying documents, or through other appropriate means, is the following: - Information provided on the label as identified in Section 5 of this text; - If not all on the label:

	<ul style="list-style-type: none"> - Information sufficient to enable the preparation and needed to meet mandatory requirements⁴ for the labelling of pre-packaged foods in which the contents of the non-retail container will be used or packaged - Net contents of the non-retail container. - ⁴Section 4 of CXS 1-1985 [and other relevant labelling texts] <p>Justification: In addition to in-text clarifications, ICBA suggests that Footnote 4 should be edited to clarify that it refers to information in Section 4 of the GSLPF. If the Committee believes other texts (e.g., Guidelines on Nutrition Labelling / CXG 2-1985) should also be referenced, these should be specified.</p>
<p>• Information provided on the label as identified in Section 5</p>	
Information provided on the label as identified in Section 5;	Canada Remove
<p>• If not all on the label</p>	
if not all on the label:	Canada remove
<p>• Information sufficient to enable the preparation and labelling of pre-packaged foods from the food in the non-retail container</p>	
<ul style="list-style-type: none"> • information sufficient to enable the preparation and labelling of pre-packaged foods from the food in the non-retail container⁴; <u>o country of origin;</u> 	<p>Thailand</p> <p>Thailand would like to add “country of origin” as one bullet under this sub-section. We understand that “country of origin” is already one of the labelling requirements for pre-packaged foods, which may fall into the first bullet of this section. However, for certain products a clear declaration of the country of origin is particular important thus should be clearly spelt out. Therefore, we propose to insert a new bullet for “country of origin”.</p>
<p><u>i) information sufficient to enable the preparation and labelling of pre-packaged foods from the food in the non-retail container⁴; ii) net content of the non-retail container; and iii) Information provided on the label as identified in Section 5. The above does not apply when items (i) to (iii) all appear on the label.</u></p>	Canada
<p>“information sufficient to enable the preparation and labelling of pre-packaged foods from the food in the non-retail container”</p> <p>“Any information required to prepare the food safely and any information needed to meet mandatory requirements for the labelling of pre-packaged foods in which the food in the non-retails container will be used or packaged.”</p>	<p>New Zealand</p> <p>New Zealand does not support the inclusion of the words the words ‘preparation and’ in this bullet point. We consider that only the preparation steps needed to ensure safety e.g. for heat treating beans, processing cassava, should be included in mandatory information. It is not possible to provide general information sufficient to enable the preparation as this will differ from product to product and in different countries. Therefore New Zealand suggests that this be reworded.</p>
<p>information sufficient to enable the preparation and labelling of pre-packaged foods from the food in the non-retail container⁴; Any information required to prepare the food safely and any information needed to meet mandatory requirements for the labelling of pre-packaged foods in which the food in the non-retails container will be used or packaged</p>	<p>IDF/FIL</p> <p>the use of the wording ‘information sufficient to enable the preparation’ is not appropriate. We suggest it could be reworded to something like “Any information required to prepare the food safely and any information needed to meet mandatory requirements for the labelling of pre-packaged foods in which the food in the non-retails container will be used or packaged.” Only the preparation steps needed to ensure safety e.g. for heat treating beans, processing cassava, should be included in mandatory information. It is not</p>

	possible to provide general information sufficient to enable the preparation as this will differ from product to product and in different countries.
Footnote 4	
<ul style="list-style-type: none"> • CXS1-1985 and other relevant Codex labelling text <u>[5] in some countries, net content are one of the mandatory information to be presented on the label of non-retail container</u> 	Thailand
<ul style="list-style-type: none"> ○ net content of the non-retail container 	
net content of the non-retail container ^[5] .	<p>Thailand</p> <p>Insertion of footnote "[5] in some countries, net content are one of the mandatory information to be presented on the label of non-retail container"</p> <p>Thailand has no objection to retain the requirement to declare "net content of the non-retail container" by means other than label. However, there may be laws and regulations in some member countries that mandate net content to be presented on the label, thus we would like to propose insertion of a footnote to indicate that in some countries, net content are one of the mandatory information to be presented on the label of non-retail container.</p>
net content of the non-retail container.	Canada
6.2	
	<p>Australia</p> <p>Sections 6.1 and 6.2</p> <p>In these sections there is reference to providing information 'through other appropriate means'. Whereas elsewhere in the document reference is made to only 'through other means' consistent with the title of this section. Also for grammatical clarity the 'all' in the second dash point in section 6.1 can be deleted and 'provided' included instead. The proposed amendments to these sections are as follows (strikethrough deletion, bolded addition):</p> <p>6.2 The information provided in the accompanying documents, or through other appropriate means, shall be effectively traceable to the food in non-retail container.</p>
The information provided in the accompanying documents, or through other appropriate means, shall <u>should</u> be effectively traceable to the food in non-retail container.	USA
7. [BULK TRANSPORT CONTAINERS]	
	<p>El Salvador</p> <p>Section 7: [Bulk Transport Containers], it is considered that it should be added to paragraph 7.1 that the provisions of sections 5 and 6 should be complied. El Salvador agrees with the name of the section.</p>
	<p>Thailand</p> <p>Thailand supports the retention of this section with clear definition of bulk transport containers. We are of the opinion that only examples of such containers may cause confusion when this text is implemented by different</p>

	<p>countries with different context. Therefore, defining bulk transport containers clearly would be beneficial.</p> <p>Thailand notes that in the Code of Hygienic Practice for the Transport of Food in Bulk and Semi-Packed Food (RCP 47-2001) developed by CCFH, bulk is defined as “unpacked food in direct contact with the contact surface of the food transportation unit and the atmosphere (for example, powdered, granulated or liquid form)”, and food transportation unit includes “food transport vehicles or contact receptacles (such as containers, boxes, bins, bulk tanks) in vehicles, aircraft, railcars, trailers and ships and any other transport receptacles in which food is transported.”.</p> <p>Therefore, we would like to propose the working group to consider either develop new definition for bulk transport containers or use the existing definition.</p>
<p>In the case of bulk transport containers such as shipping containers, tankers, barges, drums etc., that are not amenable to possess a label, all the information stipulated in section 5 shall-should be provided in the accompanying documents or through appropriate other <u>appropriate</u> means (e.g. electronically between food businesses) and shall-should be <u>effectively</u> traceable to the food in such containers.</p>	<p>USA</p> <p>The United States would like to delete the word “effectively” to simplify the language.</p>
<p>8. [EXEMPTION]</p>	
	<p>Australia</p> <p>Australia suggests this new section could be titled ‘TRANSPARENT NON-RETAIL CONTAINERS’</p> <p>There are also a number of editorial errors where ‘container’ should be ‘containers’; reference to ‘pre-packed’ in the section should be ‘pre-packaged’; and a comma can be deleted as indicated below:</p> <p>8. In the case of non-retail containers which provide visual and legible access to the information on the label of prepackaged foods, inside such non-retail containers, the information stipulated in section 5 is not required.</p>
<p>In the case of <u>a</u> non-retail container which provide-provides visual and legible access to the information <u>required by section 5</u> on the label of prepacked foods, inside such prepackaged foods within the non-retail containers, the-that information stipulated in section 5 is not required<u>need not be repeated on the label of the non-retail container.</u></p>	<p>Canada</p> <p>Canada accepts the text in [brackets] “Exemption”.</p> <p>The manner of packing certain non-retail containers may offer clear visual access to prepackaged food inside. Canada suggests that where information required by section 5 of this standard is visible, it would be redundant to require that information be repeated on the outer surface of the non-retail container. Only the information required by section 5 that is not visible in these circumstances needs to be marked on the non-retail container. As such, Canada suggests the following edits to section 8 for precision:</p>
	<p>El Salvador</p> <p>Section 8 [EXEMPTION], El Salvador considers that this section should be named as: Exemptions from Mandatory Labeling Requirements in order to be</p>

	consistent with the General Standard for the Labelling of Prepackaged Foods CXS 1-1985.
Section 8 [Exemptions] – Delete section 8 New Zealand considers the text under section 8 could also be moved under 9.1 “Presentation of Information- General”. Proposed new section 9.1.6: 9.1.6 In the case of non-retail container which provide visual and legible access to the information on the label of prepacked foods, inside such non-retail containers, the information stipulated in section 5 is not required.	New Zealand
In the case of <u>a</u> non-retail container which provide <u>provides</u> visual and legible access to <u>all</u> the <u>required</u> information on-stipulated in section 5 from the label of prepacked foods, inside such non-retail containers, the information stipulated in section 5 is not required <u>required to be separately placed on the container</u> .	USA The US recommends an editorial change to clarify this sentence.
	ICBA Where non-retail containers provide visual and legible access to the information on the label of prepackaged foods, inside the non-retail containers, the information stipulated in Section 5 of this text is not required. Justification: Text edited for clarity as indicated.
	IDF/FIL Section 8 [Exemptions] could be moved under 9.1 (presentation of Information, General).
9. PRESENTATION OF INFORMATION	
9.1 GENERAL	
9.1.1. Labels on non-retail containers of foods shall-should be applied in such a manner that they will not become separated from the container.	USA
9.1.2	
Information and the statements required to appear on the label by virtue of [these Guidelines] / [this Standard] <u>these Guidelines</u> or any other Codex Standards shall-should be clear, prominent, readily legible and applied in such a manner that any tampering with it will be evident.	USA The United States prefers Guidelines for the reasons stated above.
	EI Salvador Section 9: Presentation of Information About numeral 9.1.2, modify the text as follows in bold and underlined or any other Codex standard, will be clear, prominent, easily legible, indelible and applied in such a way that any manipulation with it becomes evident
	Guatemala It is recommended to maintain the term Guidelines to keep in line with previous comments.
9.1.3	
The mandatory information requirements on label (Section 5) shall-should appear in a prominent position on the non-retail container and in the same field of vision.	USA

<p>The mandatory information requirements on label (Section 5) shall appear in a prominent position on the non-retail container and in the same field of vision. <u>In case the information cannot be in the same field of vision, its position on the label should be clearly identified.</u></p>	<p>Thailand Thailand would like to add a new sentence to this section.</p> <p>This is to accommodate different practices and printing techniques that may not facilitate all mandatory information fit into the same field of vision. If flexibility is not allowed, it can cause burden to industry in changing printing equipment. Therefore, we propose that in such case, at least there should be a wording to identify where to find certain mandatory information. For example, date marking or lot identification that is not in the same field of vision but there is an indication in the same field of vision with other information that date marking or lot identification can be found on top, or other side, of the container.</p>
	<p>El Salvador Section 9: Presentation of the Information. On numeral 9.1.3, add compliance with section 6, as shown below in bold and underlined Mandatory information requirements on the label and by means other than the label (Section 5 and 6) shall appear in a prominent position on the container not intended to be sold at the retail level and in the same field of view.</p>
<p>The mandatory information requirements on label (Section 5) shall appear in a prominent position on the non-retail container <u>and in the same field of vision.</u></p>	<p>New Zealand New Zealand does not support the inclusion of the words “and in the same field of vision” in 9.1.3. We note there was no significant discussion on the inclusion of these words at CCFL45. New Zealand considers the proposed wording would be quite restrictive and could reduce clarity of the labelling information. A common practice by industry is to pre-print the standard mandatory elements such as supplier address on one side of a bag or carton and then the variable information (lot number etc) is printed during manufacturing and packaging. We are not aware of any evidence that placing all mandatory information in the same field of vision improves effectiveness.</p>
	<p>ICBA The mandatory information requirements on label (Section 5 of this text) shall appear in a prominent position on the non-retail container and in the same field of vision. Justification: ICBA suggests the addition of minor clarifying text as indicated and in alignment with our general comment above.</p>
<p>9.1.4</p>	
	<p>Guatemala Guatemala believes that, to avoid being subjective, the terms “easily” and “discernible” should be eliminated.</p>
<p>Information that is provided by means other than the label shall<u>should</u> be readily accessible, discernible and clearly displayed.</p>	<p>USA</p>
<p>9.2 LANGUAGE</p>	
	<p>Australia 9.2 Consistent with section 6, and with our comments above on sections 6.1 and 6.2 the reference to providing information ‘through other appropriate</p>

	<p>means' should be amended to 'by means other than the label'. The proposed amendments to these sections are as follows (strikethrough deletion, bolded addition):</p> <p>9.2 If the language in the original labelling is not acceptable to the competent authority or the food business in the country in which the product is sold, a translation of the information in the labelling should be provided in the required language in the form of re-labelling, supplementary label and/or in the accompanying documents or other appropriate by means other than the label to meet the requirements of the country in which the product is sold.</p>
9.2.1	
	<p>Guatemala Guatemala is of the view that the phrase "a new labelling" is not necessary, as the last sentence of the paragraph gives an option to it. And it eliminates the discretion to demand new labeling.</p>
<p>If the language in the original labelling is not acceptable to the competent authority or the food business in the country in which the product is sold, a translation of the information in the labelling should be provided in the required language in the form of re-labelling, supplementary label and/or in the accompanying documents or other appropriate means to meet the requirements of the country in which the product is sold. <u>If a supplementary label is added, it must not cover the original label.</u></p>	<p>Uruguay It is proposed to add the last sentence, in order to be able to keep visible the original information.</p>
9.2.2	
<p>The information provided through translation in the required language shall <u>should</u> fully and accurately reflect that in the original labelling.</p>	USA