



**JOINT FAO/WHO FOOD STANDARDS PROGRAMME**  
**CODEx COMMITTEE ON SPICES AND CULINARY HERBS**  
**Eighth Session**

**COMMENTS OF THE UNITED STATES OF AMERICA**

**U.S. observations regarding “country of harvest” (COH) labelling**

**GENERAL COMMENT**

The United States appreciates the opportunity to provide its perspective to CCSCH regarding COH declaration in the labelling of spices. The United States reiterates its firm commitment to the Codex mandate to ensure fair practices in the food trade and protect consumers' health, including through labelling that is not false, misleading, or deceptive as laid out in the existing Codex labelling texts. Furthermore, the United States upholds the Codex procedure that any proposed deviations from Codex general provisions should be fully justified.

With these principles in view and given the active deliberations in CCFL, CCEXEC, and CAC on the issue of mandatory COH declaration, the United States believes that CCSCH should maintain COH labelling as optional. The United States also advises CCSCH against proposing any deviation from the general Codex labelling provisions before CCFL has developed a suitable approach to address Members' concerns, or before the CAC has endorsed CCFL's recommended approach.

**SPECIFIC COMMENTS**

**Mandatory versus optional**

The United States maintains its position in CCSCH that “country of harvest” labelling should remain optional. This is in line with the CCSCH standard layout and enables trading partners to make use of such labelling without:

- creating trade barriers and undue burden on producers, competent authorities, and inspectors;
- granting unfair trading advantages to one producing country over another; or
- causing consumer confusion via duplicative or contradictory labelling.

**COH versus “country of origin” (COO) declaration**

In reviewing the responses to the Circular Letter<sup>1</sup> and CCSCH7's response to CCFL48<sup>2</sup>, the United States noted that COH and COO are almost always the same for the spices in CCSCH standards. The existing COO labelling framework thus adequately ensures consumers are aware of the origin of these products.

In circumstances where there is misleading labelling, the United States understands the issue to be the incorrect application of COO labelling. Members that wish to convey additional information beyond COO can already make use of voluntary claims as provided for in the *General guidelines on claims* (CXG 1-1979). If needed, the United States believes CCFL may consider developing additional guidance on the application of COO declaration in CCFL to help address Members' concerns.

**Defining COH**

The United States is of the view that defining terms to be used in labelling falls within the purview of CCFL, particularly if needed for the optional use of a term like COH which may have horizontal implications. Rather than consider defining the term in CCSCH, the United States encourages CCSCH to await the options developed by CCFL as the committee that has the purview over and expertise in labelling, which will address Members' needs in a balanced, practicable, and enforceable manner.

---

<sup>1</sup> CX/SCH 25/8/2 Add.1

<sup>2</sup> REP24/SCH – Appendix II

### Concerns around fraud

The United States acknowledges and understands the concerns raised by some Members regarding the occurrence of fraud and fraudulent labelling, particularly for high-value spices. Fraudulent labelling is already prohibited by Codex general provisions. Furthermore, a new mandatory labelling element carries the inherent risk of introducing new opportunities for fraudulent labelling.

In the U.S. view, the issue of fraud in general is a separate concern that cannot be addressed through the establishment of a mandatory labelling provision. Instead, the United States encourages Members that have these concerns to participate in the ongoing work in CCFICS on draft guidelines on the prevention and control of food fraud and the update to the *Principles and guidelines on traceability/product tracing within a national food control system* (CXG 60-2006).

### **CONCLUSION**

Considering the cross-cutting nature of COH labelling, the United States believes that the issue is best handled horizontally and—as determined by CAC—under the purview of CCFL. The United States recognizes the underlying concerns raised by Members, especially around the risk of misleading or fraudulent labelling, and believes that mechanisms are already underway in Codex to address these concerns (e.g. in CCFL and CCFICS) in an equitable, harmonized, and enforceable manner.

The United States agrees with Canada's CRD containing the assessment based on the CL responses that there is insufficient justification to establish a mandatory COH labelling provision in Codex. The United States emphasizes that Codex's purpose is to protect consumers' health and facilitate international trade. Mandatory COH labelling raises the risk of trade barriers, regulatory burden, duplication, consumer confusion, and enforcement challenges.

CCSCH should therefore uphold COO labelling as established in *General standard for the labelling of prepackaged foods* (CXS 1-1985) as the principal origin labelling requirement for spices and culinary herbs, with COH labelling provided as optional only where needed.

The United States acknowledges the need for CCFL to address the concerns raised by Members regarding origin labelling in spices and looks forward to participating in the development of a trade facilitative, science-based approach that ensures labelling provisions are applied consistently, fairly, and transparently across all commodities.