

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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

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

FL/46 CRD24

ORIGINAL LANGUAGE ONLY

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD LABELLING

Forty-sixth Session

Virtual

27 September - October 1 and 7, 2021

Comments from African Union (AU)

#### Agenda Item 4

#### CONSIDERATION OF LABELLING PROVISIONS IN DRAFT CODEX STANDARDS (ENDORSEMENT) (CX/FL 21/46/4)

##### Background

According to the Procedural Manual, Codex general subject committees, CCFL inclusive, may establish general provisions on matters within their terms of reference. These general provisions should only be incorporated into Commodity Standards by reference unless there is a need for doing otherwise.

**Issue:** In line with the terms of reference of CCFL and the above requirement, the Committee is requested to consider and endorse the labelling provisions forwarded by the following Codex Committees; CCAFRICA, CCNASWP, CCFFV, CCNE, CCNFSDU and CCSCH.

**Position:** African Union supports endorsement by CCFL46 of the respective labelling provisions from the following committees for their respective commodities: CCAFRICA, CCNASWP, CCFFV, CCNE, and CCSCH. Additionally, to note the need for consequential amendment of specific labelling provisions on the adoption of the guidance on labelling of non-retail containers.

**Rationale:** The labelling provisions are in line with the existing provisions of the General Standard for the Labelling of Prepackaged Foods (GSLPF).

#### CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES (CCNFSDU)

##### 1. Review of the Standard for Follow Up Formula: Section A: Follow-Up Formula for Older Infants

**Background:** CCNFSDU41 agreed to forward Section 9.6.5 of the Standard for Follow-up Formula (CXS 156-1987): Section A: follow-up formula for older infants for endorsement and inform CCFL of the editorial and other corrections to sections 9.2.2, 9.4.1 and 9.6.4.

**Section 9.6.5 as presented for endorsement by CCFL46** reads: *“The labelling of follow-up formula for older infants shall not refer to infant formula, [name of product] for young children, or formula for special medical purposes intended for infants, including numbers, text, statements, or images of these products”* (para 26 Rep 20/NFSDU).

**Issue:** Section 9.6.5 was a compromise text drafted and agreed at CCNFSDU41 after an extensive debate, to replace the text of the last sentence of 9.6.4. This was to address the intent of prohibition of cross promotion without specific mention of the words ‘cross promotion’. Majority of African delegates had wished to retain the words ‘cross promotion’.

**Position:** African Union supports the endorsement of Section 9.6.5 as presented.

**Rationale:** A Section 9.6.5 which clearly conveys prohibition of cross promotion on product labels would be in alignment with the WHO Guidance to World Health Assembly resolution 69.9 on inappropriate promotion of foods for infants and young children. Specifically, it would contribute to addressing the confusion created in the region for mothers regarding optimal nutrition for their infants and young children. This is particularly important when different types of breastmilk substitutes (BMS) are not readily distinguishable by their labels (infant formula, FUF for older infants, the product for young children, formula for special medical purposes) to enable consumers make informed and appropriate choice if BMS is required. Additionally, replacing the text “*shall not refer to...*” with “*shall not resemble...*” better conveys the intent of cross promotion.

## **2. Proposed Draft Revised Standard for Follow-Up Formula (CXS 156-1987) Section B: Drink/Product for Young Children with Added Nutrients or Drink for Young Children**

### **Issue: Section 9.1.2**

**Background:** CCNFSDU41 agreed to forward the proposed draft scope, definition, and labelling section of the Standard for Follow-Up Formula (CXS 156-1987) Section B to CAC43 for adoption at Step 5 and send the labelling provisions to CCFL for endorsement, which was adopted by CAC43 accordingly.

**Issue: (Section 9.1.2.)** The name of the product shall be “Drink/Product for Young Children with Added Nutrients” or “Drink for Young Children” as defined in Section 2.1, or any appropriate designation indicating the true nature of the product, in accordance with national or regional usage.

**Position:** African Union does not to support the endorsement of the proposed names:

- i. ‘Drink/product for young children with added nutrients’
- ii. “Drink for Young Children”.

AU proposes the following as an alternative name:

### **Drink/product for young children**

**Rationale:** The name of the product (9.1.2) is one of the proposed provisions which needs further discussion.

- i. The words ‘with added nutrients’ should be deleted from the product name “*Drink/Product for Young Children with Added Nutrients*” as this constitutes a nutrient content claim and suggests or implies that the products are somewhat necessary to meet the nutritional needs of young children. There are explicit statements from the World Health Organization (WHO) that these products are not necessary; the name should therefore not suggest or imply that they are necessary for meeting the nutritional needs of young children.
- ii. The name of the product “*Drink for young children*” does not consider the fact that the product may not yet be a drink as packaged, that it may be a concentrated liquid product or powdered product which needs to be (reconstituted) into a drink. This is also to remain consistent with the alternative name proposed in (i) above. If the proposal in (i) above to delete “with added nutrients” is accepted, there will no longer be the need for this second option which would already be reflected in the name ‘Drink/product for young children’ as proposed.

**Section 9.6.5 – See comments provided for Section A above.**

### 3. Proposed Draft Guideline for Ready-To-Use Therapeutic Foods (RUTF)

**Background:** CCFNSDU41 further agreed to forward the Guidelines for Ready-to-Use Therapeutic Foods to CAC43 for adoption at Step 5 and send the labelling provisions to CCFL for endorsement, which was adopted by CAC43 accordingly.

**Position:** African Union supports the endorsement of the labelling provisions for RUTF as presented to CCFL46.

**Rationale:** The labelling provisions for RUTF are well aligned with the GSLPF.

#### Agenda Item 5

#### DRAFT GUIDANCE FOR THE LABELLING OF NON-RETAIL CONTAINERS OF FOODS (REP19/FL - APPENDIX II, CX/FL 21/46/5, CX/FL 21/46/5 Add.1, CX/FL 21/46/5 Add.2)

**Background:** At the 43rd Session of the Codex Committee on Food Labelling (CCFL), the Committee agreed to start new work on guidance for the labelling of non-retail containers of food through an electronic working group (eWG) chaired by India and co-chaired by USA and Costa Rica. Subsequently, the proposed draft guidance was discussed in the 44th and 45th sessions of the CCFL. The proposed draft guidance was agreed upon and forwarded to CAC42 for adoption at Step 5 by the CCFL at its 45th session.

CAC42 adopted the guidance at Step 5. Thereafter, comments were sought from the members through Circular Letter (CL 2019/85-FL). Comments were received from 18 member countries and 5 observer organizations. Comments have been compiled in CX/FL 21/46/5.

In view of the postponement of CCFL46 due to the COVID-19 pandemic, and to benefit from the additional time to continue to progress the work, the CCFL Canadian Secretariat and India, the eWG Chair, analysed and attempted to address the comments received. Accordingly, appropriate amendments have been made in the draft guidance with the objective to facilitate discussions at CCFL46.

1. **Issue:** The Committee is invited to consider the proposed amendments to the draft guidance in Annex I of CX/FL 21/46/5 Add.1 with the intent to progress it to Step 8 for final adoption by CAC44.

**Position:** African Union supports the request to advance the revised draft guidance to step 8 for final adoption by CAC44 with the following changes:

i. **Clause 3, Terms and definitions**

“Food business” means an entity or undertaking, carrying out one or more activity(ies) related to any stage(s) of production, processing, packaging, storage, **distribution and trade of food.**

**Rationale:** This provides a clearer definition and highlights the broader term of trade which occurs between business entities.

ii. **Clause 4.3**

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

**Rationale:** This provides specific guidance on how these packages should be identified.

iii. **Clause 5.2**

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

**Rationale:** It is beneficial to clearly identify the production factory and the lot on the label of a non-retail container in a manner that facilitates traceability.

iv. **Clause 5.3**

“Date marking and storage instructions **shall be required if** they are related to the safety and integrity of the product.”

**Rationale:** This is to make provision for voluntary inclusion of date marking and storage instructions on the labelling of non-retail containers even when they are not related to the safety and integrity of the product. It could be for purposes of inventory, stock rotation, FIFO, etc.

2. **Issue:** To decide whether the final document should be adopted as a Standard or a Guideline keeping in view the clarification provided by the Codex Secretariat at CCFL45.

**Position:** African Union supports the adoption of the final document as a Standard.

**Rationale:** The clarification from the Codex Secretariat indicates that naming will have no consequential effect on significance and application. Also, the document as presented is structured as a standard. This will keep it aligned with the General Standard for Labelling of Prepackaged Foods (GSLPF) with which it has many commonalities.

3. **Issue:** If the Committee agrees to forward the draft guidance to the CAC for adoption at Step 8, the Committee is also invited:

- i. To consider the proposed draft amendment to the Procedural Manual for adoption by CAC (see Annex II); and,
- ii. To inform commodity committees of the finalization of the guidance, noting the Committee’s observation that once the document is finalised there could be the need for consequential amendments to the commodity standards.

**Position:** African Union supports the proposed draft amendment to the Procedural Manual for adoption by CAC (see Annex II of CX/FL 21/46/5 Add.1).

**Rationale:** The proposed text provides clear guidance for the labelling section of relevant commodity standards that apply to non-retail containers.

## Agenda Item 6

### PROPOSED DRAFT GUIDELINES ON FRONT-OF-PACK NUTRITION LABELLING (CX/FL 21/46/6)

**Background:** At the 43rd Session of the Codex Committee on Food Labelling (CCFL), it was agreed to initiate discussions to consider whether there was a need to develop global principles to support the Front of Pack Nutrition Labelling (FOPNL). This was conducted by way of an electronic working group (EWG) chaired by Costa Rica and co-chaired by New Zealand and included the preparation of a stocktake of FOPNL systems currently in use or in the process of being developed by different countries. At CCFL44, the Committee agreed to start new work to develop guidelines on FOPNL systems, through a new EWG chaired by Costa Rica and co-chaired by New Zealand. The initial Terms of Reference are set out in REP18/FL para 48 and Appendix III (project document).

This new work was approved by CAC41 (REP18/CAC, Appendix VI). CCFL45 discussed the Proposed Draft Guidelines and noted the general support for the work and its purpose. From the written comments received, there were concerns on section 5 and its appropriateness for inclusion in a Codex guideline. At CCFL45, the Committee focused the discussion on sections 1 – 4.

1. **Issue:** The Committee is invited to consider all sections of the proposed draft guidelines on Front-of-Pack Nutrition Labelling presented in Appendix II taking into account the specific questions posed in Appendix I.

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

**Position:** African Union supports the proposal to delete section 5 and incorporate relevant aspects from Section 5 in Section 4.

**Rationale:** This will avoid duplication in 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?

**Position:** African Union is of the opinion that the proposed text does not manage the potential for conflict of interest in the development of a FOPNL system. An alternate text which uses “**consultation**” is preferred AU proposes modification in the text as follows:

*4.3.1 FOPNL should be government led but developed in **consultation** with all interested parties including private sector, consumers, academia, public health associations among others.*

**Rationale:** For a government-led activity which is intended to adequately manage the potential for conflict of interest, the degree of engagement between government and the other relevant stakeholders should be limited to consultation.

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

**Position:** African Union does not support the proposed change and request that the original principle (4.3.2) be retained with the following text:

*Principle 4.3.2 FOPNL should be implemented in a way that **encourages** food manufacturers’ use of the FOPNL on food labels.*

**Rationale:** There is an existing principle which is directed at facilitating understanding and use by consumers (4.2.1). An additional principle directed at industry should be included (thus retain 4.3.2) as this will facilitate the uptake of FOPNL by all levels and types of food industries.

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

**Recommended Position:** African Union supports the deletion of principle groupings.

**Rationale:** Although the principles were relevant in guiding the initial development of the FOPNL, there is no real added value in the current presentation.

## **Section 2.2 Exclusion of alcoholic beverages from FOPNL**

**Position:** African Union supports the exclusion of alcoholic beverages from FOPNL.

**Rationale:** There is a potential risk that FOPNL will suggest a nutritional benefit which does not exist for alcoholic beverages.

## **Section 2.2 Exclusion of foods for special dietary uses**

**Position:** African Union does not support the exclusion of Foods for young children from FOPNL. AU also requests that discussions should be initiated at CCNFSDU for confirmation to exclude or not.

**Rationale:** This is a vulnerable group of the population who are particularly at risk for developing non-communicable diseases (NCDs) in later life if exposed to the risk factors at this early stage of life. This is mainly because there is a large number of foods targeted at this population group which tend to be high in nutrients of concern (sugars, fat, sodium, etc). Excessive and frequent consumption of these foods have the potential to result in obesity, overeating, and generally developing unhealthy dietary habits in the future.

## **Section 2.3 Exemptions**

**Position:** African Union supports Option A: Retain Section 2.3.

**Rationale:** The exemptions highlighted are in line with existing provisions of the *Guidelines on Nutrition Labelling* (CXG 2-1985).

### Section 3.1

3.1. *Front-of-pack nutrition labelling (FOPNL) is a form of supplementary nutrition information that presents simplified, [interpretative] nutrition information on the front-of-pack of pre-packaged foods. It can include symbols/graphics, text or a combination thereof that provide information on the overall nutritional value of the food and/or on nutrients included in the FOPNL at a national level.*

**Position:** African Union supports the deletion of the word “interpretative”.

**Rationale:** The word is prescriptive and specific; deletion will facilitate the introduction of varied FOPNL systems in line with specific national circumstances.

### Section 3.2

**Position:** African Union supports the deletion of “quantitative ingredient” declaration from the definition of FOPNL.

**Rationale:** Quantitative ingredient declaration is related to composition of the food and should not be deemed as a declaration of nutrient content.

2. **Issue:** The Committee is invited to consider whether Guidelines will be part of section 5 “*supplementary nutrition information*” of the *Guidelines on Nutrition Labelling* (CXG 2-1985), an annex to the *Guidelines on Nutrition Labelling* (CXG 2-1985), or a stand-alone document.

**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

**Position:** African Union supports the placement of the Guidelines as a stand-alone document.

**Rationale:** This provides a clear separation from related documents on nutrition labelling and emphasises the importance of the issue of FOPNL. A link with relevant documents can be included in the respective document (e.g. Guidelines on nutrition labelling, CXG 2-1985).

## Agenda Item 7

### PROPOSED DRAFT GUIDELINES ON INTERNET SALES / E-COMMERCE (CX/FL 21/46/7)

**Background:** At the 45th Session of the Codex Committee on Food Labelling (CCFL), the Committee agreed to start new work on internet sales/e-commerce through reviewing and then revising Codex Food Labelling texts (project document is available in REP19/FL, Appendix II). The new work was approved by CAC42.

**Issue:** The Committee is invited to review the proposed draft guidance on the food information requirements for pre-packaged foods to be offered via e-commerce (Appendix II) and consider whether it can be advanced to Step 5.

**Position:** African Union supports the advancement to step 5 for adoption by CAC44.

**Rationale:** Guideline provides sufficient guidance for the purchase and sale of food through e-commerce and there will be opportunities to make further inputs to the development of the document if needed.

## Agenda Item 8

### FOOD ALLERGEN LABELLING (CX/FL 21/46/8)

**Background:** At the 45th Session of the Codex Committee on Food Labelling (CCFL45), the Committee agreed to start work to review and clarify the provisions relevant to allergen labelling in the General Standard for the Labelling of Pre-packaged Foods (CXS 1-1985) (GSLPF) and develop guidance on precautionary allergen or advisory labelling (PAL). CCFL45 agreed to establish an electronic working group (eWG) chaired by Australia, and co-chaired by the United Kingdom and the United States of America.

In approving the new work, the Codex Alimentarius Commission (CAC) noted this work is linked to the work of the Codex Committee on Food Hygiene (CCFH) on allergen management and therefore close collaboration between CCFL and CCFH on this issue is important to ensure consistency between the two texts.

1. **Issue:** Noting the request for scientific advice from FAO/WHO, and the consumer evidence provided by the International Social Science Liaison Group (ISSLG), the Committee is invited to consider the:

- i. proposed draft revisions to the GSLPF in Appendix II

**Position:** African Union supports the draft revisions as presented.

**Rationale:** It provides sufficient guidance for allergen management and there will be opportunities to make further inputs to the development of the document if needed.

- ii. proposed draft guidance for the use of PAL in Appendix III; and the location and appropriate Codex text(s) for the guidance (e.g. an annex to the GSLPF or as standalone guidance).

**Position:** African Union supports the placement of the guidance as an annex to the GSLPF.

**Rationale:** To facilitate the use of the guidance document in conjunction with the provisions of the GSLPF.

2. **Issue:** Given the interrelationship between, and the complexity of the issues involved in, both parts of this work program (i.e. revision of provisions relevant to allergen labelling in the GSLPF (Part 1) and the development of guidance on the use of PAL (Part 2)), the Committee is invited to consider whether the work should continue to be progressed together or separately.

**Position:** African Union supports separating work on the two (2) documents.

**Rationale:** It will bring the required focus to review the provisions in the GSLPF with full consideration of all outstanding issues particularly the scientific advice. These will eventually have a bearing on the guidance document for use of PAL.

## Agenda Item 9

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

**Background:** At the 44th Session of the Codex Committee on Food Labelling (CCFL), the Committee considered potential work based on the *Discussion Paper on Future Work and Direction for CCFL*, (CX/FL 17/44/9) that covered previously identified, current, and potential work for the Committee. Broad support was received for the item “Innovation – use of technology in labelling”, which was described as new approaches for providing consumers information about the foods they buy.

**Issue:** The Committee is invited to consider new work on labelling information provided through technology to address the work outlined in recommendations 9.2 and 9.5, and 9.7 (the project document is presented in Appendix II).

### Recommendations 9.2

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.

### Recommendations 9.5

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.

### Recommendations 9.7

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

**Position:** African Union supports initiation of new work on use of technology in food labelling as the proposed provisions are acceptable.

**Rationale:** The use of technology in food labelling is a valuable tool which is being rapidly deployed globally. Additionally, consumers are increasingly more aware and require detailed and accurate information regarding the foods they are consuming. Codex guidance is necessary for protecting and promoting the health of the consumer. Harmonized requirements for these tools via Codex guidance will also contribute to ensuring fair practices in food trade. Thus, this new work will provide a framework to provide the comprehensive information needed by consumers to make informed decisions on their choices of foods.

## Agenda Item 11

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

**Background:** During the 44th Session of the Codex Committee on Food Labelling (CCFL44), held in Asunción, Paraguay from 16 to 20 October, 2017, in the framework of future work, the Committee agreed to the proposal of Colombia to elaborate a discussion paper, on the labelling of foods in joint presentation and multipack formats. As a result, at CCFL45, Colombia presented, as part of future work, the first discussion paper on the labelling of foods in Joint Presentation and Multipack Formats. Presenting the summary of the results it demonstrated: the absence of international guidelines; the lack of harmonised definitions for the labelling of foods in joint presentation and multipack formats.

Since the justification for undertaking the new work was unclear, Colombia proposed that the Committee postpone discussion of the document until its next session, to allow delegates to reflect carefully on the issues highlighted in the document.

The Committee agreed on the need to update the discussion paper submitted by Colombia, taking into account the following aspects and to request Colombia to:

- i. update the discussion paper taking into account the comments made at the session;
- ii. identify gaps in the GSLPF for consideration at CCFL46; and
- iii. consider the need for amendments to the GSLPF as opposed to a standalone standard.



For the development of this document, Colombia took into account the comments made by the Committee, considered the gaps in the GSLPF, and made proposals for amendments to the GSLPF.

**Issue:** The Committee is invited to initiate new work on the amendment of the GSLPF to address the labelling of foods presented in multipack formats (The project document is presented in Appendix II).

**Position:** African Union supports the proposal to initiate new work on the amendment of the GSLPF to incorporate the labelling of foods in joint presentation and multipack formats.

**Rationale:** This amendment will provide the needed guidance to ensure labels of multipacks provide critical information for consumers and authorities. Joint Presentations and Multipacks are convenience-based products which meet specific consumer needs. While these formats may not be currently common through the region, due to global trade there is a high possibility that in the future these will be widely traded within the region.