



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 6

CRD03

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CCODEX COMMITTEE ON FOOD LABELLING

Forty-seventh Session

Gatineau, Canada

15 – 19 May 2023

PROPOSED DRAFT GUIDELINES ON THE PROVISION OF FOOD INFORMATION FOR PREPACKAGED FOODS OFFERED VIA E-COMMERCE

The United Kingdom as chair of the EWG, alongside co-chairs Chile, Ghana, India and Japan, have revised the draft text below upon consideration of comments and recommendations received in response to CL 2023/07/OCS-FL as compiled in CX/FL 23/47/6 Add.1. The amendments and editorial changes are outlined directly in the text boxes which include the rationale for the changes made.

The Committee is invited to consider the revised Guidelines as presented in this CRD.

PROPOSED DRAFT GUIDELINES ON THE PROVISION OF FOOD INFORMATION FOR PREPACKAGED FOODS OFFERED VIA E-COMMERCE

‘Proposed Draft Guidelines ...’

Rationale;

- Supported by the large majority expressing a preference in response to the CL.
- Better able to incorporate changes stemming from developments in emerging technology

1. PURPOSE

1.1 The purpose of these guidelines is to ensure consumers buying prepackaged foods via e-commerce have the information needed to make informed choices, **similar to the information they would find on the physical label of the food**. [It also aims to provide additional provisions that should be used specifically when food is offered for sale via e-commerce, as outlined in Section 5, to address the specific complexities of product information e-pages.]

Include ‘**similar to the information they would find on the physical label of the food**’

Rationale; Makes clear equivalence in information provision between online and in-store is an integral part of the purpose of this document.

Place in square brackets ‘**It also aims to provide additional provisions that should be used specifically when food is offered for sale via e-commerce, as outlined in Section 5, to address the specific complexities of product information e-pages.**’

Rationale; Inclusion of this statement is dependent on the durability text in Section 5 and corresponding definition.

2. SCOPE

2.1 These guidelines apply to the food information required, or provided voluntarily, for prepackaged foods offered for sale via e-commerce, and to certain aspects relating to the presentation thereof. ~~prior to the moment when a consumer commits to making a purchase.~~

Delete from 2.1 ‘prior to the moment when a consumer commits to making a purchase’.

Rationale; This sequencing issue is elaborated in Section 5.1 and therefore redundant here.

2.2 ~~It does~~ **They do** not apply to information that is required on the label of prepackaged foods at the point of delivery ~~for which the general standards are outlined within~~ **as set out in** the *General Standard for Labelling of Prepackaged Foods* (GSLPF) (CXS 1-1985).

‘They do not apply ...’ and ‘as set out’ are editorial.

3. DEFINITIONS

The following terms shall be used in conjunction with Section 2 of the GSLPF (CXS 1-1985) for the purposes of applying this text.

“At the point of delivery” means the moment when consumers receive prepackaged food.

“e-commerce” means the distribution, marketing, sale or delivery of goods and services by electronic means by methods specifically designed for the purpose of receiving or placing of orders.

~~["e-commerce" means the marketing, sale, or purchase of food stuffs through electronic or virtual means.]~~

Definition of 'e-commerce'.
Majority support for the amended WTO text

Rationale for recommended version;

- Adjusts the WTO definition to be specific to these guidelines.
- Includes 'by methods specifically designed ...' to set the scope of this specific definition as relevant to these guidelines.

"Food information" means the information about a prepackaged food that is the subject of a Codex text.

["Minimum durability" means the period (e.g. in hours, days, months etc.) between the point of delivery or agreed date for collection in-store and the best before or use-by date, as applicable.]

Definition of 'minimum durability'; This definition is only relevant if the provision on durability information in Section 5 is retained. The words 'or agreed date for collection in-store' are from proposals of those in favour of keeping the definition

"Prior to the point of e-commerce sale" means provided before consumers commit to ~~make the~~ purchasing **the** order regardless of making any payment.

Minor editorial change from 'make the purchase order' to 'purchasing the order'

Rationale; in order to avoid a phrase (the 'purchase/purchasing order') that might have a specific meaning in some member countries.

"Product information e-page" means the virtual space on any consumer-facing transactional ~~digital~~ **electronic** platform, which is intended to facilitate informed e-commerce sale.

'electronic' replaces 'digital'

Rationale; for consistency with other text, including the definition of 'e-commerce'.

4. GENERAL PRINCIPLES

The general principles in Section 3 of the GSLPF (CXS 1-1985) are applicable to food information shown on the product information e-page of the prepackaged food that is being offered for sale.

5. FOOD INFORMATION PRINCIPLES

5.1 The food information required to be provided on the label of a prepackaged food or in associated labelling, shall be provided on the product information e-page of the prepackaged food prior to the point of e-commerce sale, except to the extent otherwise expressly provided in these guidelines, or any other Codex text.

This includes the following food information indicated in/by:

- Section 4 and Section 5 of the GSLPF (CXS 1-1985) except information required by 4.6 and 4.7.1;
- Section 3 of the *Guidelines on Nutrition Labelling* (CXG 2-1985);
- Any other relevant Codex text;
- ~~Any national legislation.~~

Delete 'Any national legislation'

Rationale; general support to delete the text

5.2 A statement shall appear on the product information e-page prior to the point of e-commerce sale to direct the consumer to check the food information on the physical label before consumption.

5.3 A competent authority may require that additional information about the prepackaged food be stated on the product information e-page and may specify at which point in the e-commerce sale that information shall be shown.

The amended version of 5.3 is supported by a number of respondents, some on the basis of it mitigating the omission of both the 'small units' text and more especially, the 'expiry date' text (below) as well as the text 'Any national legislation' condition now omitted from Section 5.1. Other respondents support omitting this and consider inclusion of this text as undermining of the harmonising intention of this document, and that autonomous measures by competent authorities are in any event, possible, without needing to be encouraged.

[A competent authority may require that the product information e-page should state that a product is expected to arrive before a minimum period before the expiry date, within their national boundaries. The specific length of this expected period shall be determined by the producer.]

Some respondents support the option for a competent authority to require information on the remaining time within the food's durability to protect consumers and inform their purchase decision. A larger number of respondents consider this to be problematic with reasons including the following:

- Practical difficulties in providing the information with accuracy at this point in the transaction
- Potential to generate waste if the sale of short-life food is impeded

~~[A competent authority may require that the labelling exemption of small units outlined in Section 6 of the GSLPF (CXS 1-1985) should apply in an e-commerce context within their national boundaries.]~~

~~Deleted; A competent authority may require that the labelling exemption of small units outlined in Section 6 of the GSLPF (CSX 1-1985) should apply in an e-commerce context within their national boundaries.~~

~~Rationale; The majority of respondents considered this exemption unnecessary as there is no space restriction in an e-commerce context.~~

6. OPTIONAL FOOD INFORMATION PRIOR TO THE POINT OF E-COMMERCE SALE

Section 7 of the GSLPF (CXS 1-1985) is applicable to food information shown to consumers on the product information e-page for the prepackaged food that is being offered for sale.

7. PRESENTATION OF MANDATORY FOOD INFORMATION

7.1 Food information required by these guidelines shall be clear, prominent and readily legible by the consumer under normal settings and conditions of use ~~of such~~ **for** a product information e-page.

Editorial: replace "of such" with "for"

7.2 The language or languages on a product information e-page shall be suitable to the consumer in the country in which the food is marketed and to which it may be delivered.