

# CODEX ALIMENTARIUS COMMISSION



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World Health  
Organization

Agenda Item 7

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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD LABELLING

#### Forty-seventh Session

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#### **Proposed draft Guidelines on the Use of Technology to Provide Food Information: Amendment to the General Standard for the Labelling of Prepackaged Foods**

(Comments from Burundi, El Salvador, European Union, Ghana, Nigeria, South Africa, Uganda, United Republic of Tanzania)

#### Burundi

##### **Scope:**

**Comment:** Burundi proposes moving of the statement “For the purposes of this document, technology refers to any electronic or digital means, such as websites, online platforms and mobile applications. “From the scope to the definitions section”.

In addition, the scope should be improved by clarifying that the use of technology is not intended to replace GSLPF so as to read, “These guidelines apply to food information that is accessed using technology via a reference on a prepackaged food’s label or labelling. The use of technology does not replace the labelling requirements as provided in GSLPF CXS 1-1985.”

**Justification:** The purpose of a scope is to define the boundary of coverage of a standard without including definition. The additional statement will inform users that they are obligated to ensure labelling complies with CXS 1-1985 and that the use of technology is only intended to either provide the same information as the GSLPF CXS 1-1985 or necessary additional information as indicated in the project document for this work.

##### **Principles for the use of technology in food labelling (Section 4)**

**i) Comment:** Burundi proposes principle 4 (4) to read “Food information required to be shown on a label or labelling of a pre-packaged food shall not be replaced using technology unless there is certainty that the [purchaser or] consumer can readily access that information. Refer to section 5 for considerations in determining the appropriate use of technology to provide food information”.

**Justification:** As provided in the project document, the requirement of GSLPF is not replaceable, as implied by the proposed deletion.

**ii) Comment:** Burundi recommends the deletion of principles 4 (10) and the reference made to clause 8.1.3 of GSLPF in principle 4(9).

**Justification:** Principle 4 (10) is already included in 4 (9) by referencing clause 8.1.2 of GSLPF. Reference made to clause 8.1.3 is not applicable because it provides conditions where a wrapper is used on a product package. In the case of use of technology this clause does not apply.

##### **Considerations in determining the appropriate use of technology to provide food information (section 5)**

**Comment:** Burundi proposes amendment of the opening statement “The following factors are for use in considering if mandatory food labelling information can be provided using technology instead of the label or labelling, or if food information that is not required on the label or labelling should be provided using technology” to read as “The following factors should be considered in using technology for labelling”.

**Justification:** The current opening statement in the draft guidelines may be construed to mean that the labelling requirements as required in GSLPF can be replaced contrary to the intention of the project document.

**Response to recommendations by EWG**

Response on considering the Proposed Draft Guidelines on the use of technology to provide food information (Appendix II):

**Issue 1:** Agree that the proposed definition of “food information” should align with the same term used in the CCFL EWG on e-commerce/internet sales.

**Comment:** Burundi agrees that the definition in the two Codex texts should be aligned.

**Justification:** for consistency

**Issue 2:** Agree that Sections 4 (1) and 4 (2) cover the intent of item 3(a) in Project Document for this work (REP 21/FL, Appendix V) and that the GSLPF would not require revisions;

**Comment:** Burundi notes that Sections 4 (1) and 4 (2) are aligned to sections 3.1 and 3.2 of GSLFP, hence there is no need for revision.

**Issue 3:** Discuss whether a reference to “purchasers” is needed, or if “consumers” is sufficient;

**Comment:** Burundi supports and notes that the use of the term “consumer” is sufficient and does not support reference being made to “purchaser” in addition to having the consumer.

**Justification:** The mandate of Codex is to protect the consumer hence the use of “consumer” is consistent and aligned with Codex texts and principles.

**Issue 4:** Consider if the criteria in Section 5 of the Proposed Draft Guidelines in Appendix II address items 3 (b) (i) and (ii) of the Project Document for this work.

**General comment:** Burundi notes that the current text suggests that the use of technology to provide food information could replace the physical label, and is therefore not aligned to clause 3 (b) (i) of the project document. Burundi recommends the need for re-drafting of certain factors as proposed on our specific comments above and notes that there are still substantive issues to be clarified before advancement to the next step.

### El Salvador

**Antecedentes:** La Ley de Creación del Sistema Salvadoreño para La Calidad, faculta al Organismo Salvadoreño de Reglamentación Técnica-OSARTEC, a actuar como el Punto de Contacto del Codex Alimentarius en El Salvador a partir del mes de septiembre del año 2011.

**Comentarios Generales:**

El Salvador agradece el documento preparado por el Grupo de trabajo por medios electrónicos (GTe) presidido por el Canadá.

El Comité Espejo sobre Etiquetado de los Alimentos ha revisado el documento en cuestión, en ese sentido se presentan las siguientes observaciones de carácter general para consideración del CCFL47.

El Salvador está de acuerdo con el Anteproyecto de directrices sobre la utilización de la tecnología para ofrecer información sobre los alimentos, presentado en el apéndice II, en las secciones de:

1. Finalidad
2. Ámbito de Aplicación
3. Definiciones
4. Principios para el uso de la tecnología en el etiquetado de alimentos: 11 principios.
5. Consideraciones para determinar el uso apropiado de la tecnología para proporcionar información sobre los alimentos: 8 consideraciones.

Se considera que el anteproyecto está listo para avanzar al trámite 5 y solicitamos se valoren los comentarios específicos sobre el tema citados a continuación.

#### **Comentarios Específicos:**

- Se está de acuerdo con la definición propuesta de “información sobre los alimentos” y esta debería alinearse con el mismo término utilizado en el GTe del CCFL sobre comercio electrónico y venta por internet.
- En el principio 1 se solicita eliminar la palabra “falaz” por ser un sinónimo de la palabra “falsa” y agregar el término “equívoca”, según se describe en la legislación nacional RTCA 67.01.07:10 Etiquetado General de los Alimentos Previamente Envasados, respecto a la información sobre etiquetado de los alimentos.
- Se ve innecesario utilizar en los diferentes principios 2,4,6,7,8 la palabra “compradores”, únicamente hacer referencia a “consumidores” la directriz está enfocada a los consumidores, en caso del RTCA 67.01.07:10 Etiquetado General de los Alimentos Previamente Envasados, en el numeral 3.3. Consumidor se define como la persona individual o colectiva, natural o jurídica que compra o recibe alimento con el fin de satisfacer sus necesidades, conforme a esta legislación nacional se está de acuerdo en mantener solo el texto referente a “consumidor”.  
Así también una segunda referencia la definición de consumidor organizacional es aquel que compra para una empresa, institución u organización entera, o que tiene en cuenta las necesidades de un negocio que regenta o del que participa (Enciclopedia Concepto, Editorial Etecé).
- En el principio 4 al final eliminar “información alimentaria” por “información sobre los alimentos”.
- En el principio 5 se sugiere eliminar el texto tachado y agregar las palabras señalada en negrita:  
Cuando la información sobre los alimentos se facilite utilizando tecnología, la referencia en la etiqueta o en el etiquetado debe vincularse directa ~~Vida de almacén~~ mente a esta información y la información alimentaria debe estar disponible la duración durante la vida de almacén útil del alimento.
- En la Sección 5 en numeral 1 eliminar “información alimentaria” por “información sobre los alimentos” para que sea congruente con el texto citado de las otras consideraciones. Así también se sugiere agregar en el ejemplo el texto en negrita para mejorar la comprensión del ejemplo citado.: ...por ejemplo, en lo que respecta a la prevalencia y la confiabilidad del servicio **tecnológico en el que se almacena la información**.

#### **European Union**

#### **REVISED European Union Comments**

In response to the request for comments, the European Union and its Member States (EUMS) would like to make the following comments.

##### **I. Comments on specific points:**

- i) Provide comments on whether the proposed definition of “food information” should align with the same term used in the CCFL EWG on e-commerce/internet sales.

The EUMS are of the view that the definition of “food information” should align with the one used in the CCFL EWG on e-commerce/internet sales.

In line with the comments provided in the eWG on e-commerce/internet sales, the EUMS propose to amend the definition of food information as follows:

**“Food information”** means the information about a prepackaged food that is ~~the subject of a Codex text made available to the final consumer by means of a label, other accompanying material, or any other means including modern technology tools or verbal communication.”~~

**ii) Provide comments on whether sections 4(1) and 4(2) cover the intent of item (a) in Project Document for this work (REP 21/FL, Appendix V) and that the GSLPF would not require revisions.**

The EUMS consider that sections 4(1) and 4(2) cover the intent of item (a) in the Project Document, as the points conform to what is provided in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985). However, instead of repeating provisions that are laid down in the GSLPF, the EUMS propose to include an overarching principle stating that all provisions laid down in the GSLPF shall also apply in the context of the use of Technology in food labelling where appropriate for mandatory and voluntary information.

**iii) Provide comments on whether a reference to “purchasers” is needed, or if “consumers” is sufficient.**

The EUMS are of the view that a reference to “consumers” is sufficient, as these guidelines and the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) are meant to cover the information provided by the business to the consumer (B2C).

**iv) Provide comments on whether the criteria in Section 5 of the Proposed Draft Guidelines in Appendix II of CX/FL 23/47/7 address items 3 (b)(i) and (ii) of the Project Document for this work.**

The EUMS consider that Section 5 does not clearly address items 3(b)(i) and 3(b)(ii) for several reasons. In general, the EUMS consider that the scope of the Draft Guidelines is not yet clear and that it should be clarified whether and which principles apply to mandatory or voluntary food information, or to both. The EUMS are of the opinion that certain principles for the Use of Technology in Food Labelling apply to both type of food information, while others would only apply to mandatory food information. In this regard, the EUMS suggest restructuring Section 4 and 5 to present the principles accordingly.

Regarding the principles below, the EUMS would like to raise the following comments:

- The EUMS consider principle (8) in section 4 to be very prescriptive and wonder if it is even necessary. The EUMS therefore suggest to delete it.
- The EUMS do not agree to list in this draft guidance some circumstances where exemptions regarding the provision of food information may be appropriate (Section 5 principle (3) and (4)).
- The EUMS consider that the principles aim at being general, rather than providing examples.

In the light of the above, the EUMS would like to propose to revise Section 4 and 5 as follows:

**“4. General principles for the Use of Technology in Food Labelling**

~~Food information that is accessed using technology via a reference on the prepackaged food's label or labelling should be based on the following principles:~~

- ~~(1) Food information shall not be described or presented using technology in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.~~
- ~~(2) Food information shall not be described or presented using technology by words, pictorial or other devices which refer to or are suggestive either directly or indirectly, of any other product with which such food might be confused, or in such a manner as to lead the [purchaser or] consumer to suppose that the food is connected with such other product.~~

- (3) Food information described or presented using technology shall not conflict with information provided on the label or labelling of the prepackaged food, including when shown in different languages.
- (4) Food Information required to be shown on a label or labelling of a prepackaged food shall not be replaced using technology unless there is certainty that the [purchaser or] consumer can readily access that information. Refer to Section 5 for considerations in determining the appropriate use of technology to provide food information.
- (5) Where food information is provided using technology, the reference on the label or labelling should link directly to this information and the food information should be available for the duration of the food's shelf life.
- (6) Food information described or presented using technology should be readily accessible to [purchasers or] consumers without having to provide or disclose information that is used to identify an individual.
- (7) When the label or labelling of a prepackaged food references food information to be accessed using technology, sufficient information shall be displayed on the technology platform to enable [purchasers or] consumers to ascertain that the food information pertains to that prepackaged food.
- (8) If the purpose of the reference on the label or labelling of the prepackaged food is not self-explanatory to [purchasers or] consumers, it should be accompanied by an explanation of how to use it or the type of food information that will be found when used (e.g. "scan here for more information on ingredients").
- (9) The reference and any explanatory statement shown on the label or labelling that links to food information to be accessed using technology should adhere to sections 8.1.2 and 8.1.3 of the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985).
- (10) Food information described or presented using technology shall be clear, prominent and readily legible to the [purchaser or] consumer under normal settings and conditions of use of the technological platform.
- (11) Food information described or presented using technology shall be shown in a language that is acceptable to the [purchaser or] consumer for whom it is intended.

- (1) All provisions applying to mandatory and voluntary food information as laid down in the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985) shall also apply in the context of the Use of Technology in food labelling.
- (2) Food information described or presented using technology should be readily accessible to [purchasers or] consumers without having to provide or disclose information that is used to identify an individual.
- (3) Food information described or presented using technology shall be presented in one place, separately from other commercial information intended for sales or marketing purposes.

## 5. Considerations in determining the appropriate Principles for the Use of Technology to provide mandatory food information

The following factors ~~are for use in shall be followed~~ when considering if mandatory food labelling information can be provided using technology instead of the label or labelling, ~~or if food information that is not required on the label or labelling should be provided using technology:~~

- (1) There should be sufficient appropriate technological infrastructure to support providing food information using that technology within the geographic area or country where the food is sold, such as in regards to prevalence and reliability of service.
- (2) The general population, including vulnerable population, or a sub-set of the population for whom the food information is intended, should have widespread and equal access to the technology in that geographic area or country, and have adopted its use.

new (3) The same level of information as by means of the package or the label shall be ensured.

new (4) Evidence of uniform consumer understanding and of the wide use of these means by consumers shall be demonstrated.

new [moved here from section 4] (5) Food information required to be shown on a label or labelling of a prepackaged food shall not be replaced using technology unless there is certainty that the [purchaser or] consumer can readily access that food information using technology shall be demonstrated. Refer to Section 5 for considerations in determining the appropriate use of technology to provide food information.

new [moved here from section 4] (6) There shall be a clear reference on the label or labelling that additional information can be found by means of technology. Such food information is provided using technology, the reference on the label or labelling should link directly to the this information provided using technology and the food information should be available for the duration of the food's shelf life a reasonable time depending on the food product concerned.

new [moved here from section 4] (7) When the label or labelling of a prepackaged food references food information to be accessed using technology, Sufficient information shall be displayed on the technology

- platform to enable [purchasers or] consumers to ascertain that the food information pertains to that prepackaged food.
- (3) ~~This food information concerning shall not relate to health and safety (e.g. ingredients, allergens, expiration dates) should not be provided exclusively using technology if its absence on the label or labelling could cause injury to the health of a consumer.~~
  - (4) ~~This food information that is shall not be necessary at the time of sale of the physical product to make an informed purchasing decision should not be provided exclusively using technology. However, food information that would meet the consumer's information needs if provided during the use of the product may be eligible to be provided using technology.~~
  - (5) ~~This food information that relates to a specific shall not be specific relate to an individual physical product (e.g. lot code, best before date) in a way that should not be provided using technology if doing so its absence on the label would compromise the ability to relate the information to the individual product.~~
  - (6) ~~In the case of food information that would normally be required on the label if not for certain constraints, such as the size or nature of the package, consideration should be given to the use of technology to provide consumers with access to that information.~~
  - (7) ~~In the case of food information that is normally required on the label but for which temporary exemptions have been granted, such as in the case of emergency situations, consideration should be given to the use of technology to provide consumers with access to that information for the duration of the temporary exemption.~~
  - (8) ~~In the case of food labelling information that is not accessible under all conditions of sale (such as a vending machine) or by all demographics of consumers (such as those with visual impairments), consideration should be given to the use of technology to facilitate consumer access to that information."~~

In light of the above comments, the EUMS consider that further discussion on the above mentioned points are needed before advancing to Step 5 for adoption by CAC44.

## Ghana

### Section 2: Scope

**Position:** Ghana proposes the second sentence be moved to definitions:

"For the purposes of this document, technology refers to any electronic or digital means, such as websites, online platforms and mobile applications." from the scope to the definitions section.

**Rationale:** The scope of a standard defines the coverage of the document and not to define terms as used in the document. The sentence seeks to define technology which should be part of the definition section.

### Section 4: Principles for the Use of Technology in Food Labelling

**Position:** Ghana supports the use of "purchaser".

**Rationale:** The draft guidelines apply to both consumers and purchasers of prepackaged foods.

### Section 4(4)

**Position:** Ghana proposes principle 4 (4) to read:

"Food information required to be shown on a label or labelling of a pre-packaged food shall not be replaced using technology."

**Rationale:** The language of the section suggests that, where a purchaser can readily access information, then the labeling requirement can be replaced with technology. However, the labeling requirement of the GSLPF can be replaced.

### Section 5: Considerations in determining the appropriate use of technology to provide food information

**Position:** Ghana proposes amendment of the opening statement of the section:

"The following factors are for use in considering if mandatory food labelling information can be provided using technology instead of the label or labelling, or if food information that is not required on the label or labelling should be provided using technology" to read as "The following factors should be considered in using technology for labelling".

**Rationale:** The statement in the draft guidelines can be interpreted to mean that the labelling requirements in GSLPF can be replaced contrary to the intention of the project document.

## Nigeria

Nigeria appreciates the work done by the electronic working group (EWG) chaired by Canada for the preparation of the draft guidelines.

### PROPOSED DRAFT GUIDELINES ON THE USE OF TECHNOLOGY TO PROVIDE FOOD INFORMATION Appendix 11

- **4. Principles for the Use of Technology in Food Labelling**

(4) Nigeria supports the removal of the square bracket and to retain 'Purchaser' and 'Consumer'

**Rationale:** The scope of the document (GSLPF) covers catering purposes which speaks to 'purchasers' defined to include persons purchasing prepackaged foods for catering purposes.

## South Africa

### Recommendations:

### APPENDIX II

CCFL47 is invited to:

(a) consider the Proposed Draft Guidelines on the use of technology to provide food information (Appendix II), and to:

(i) agree that the proposed definition of "food information" should align with the same term used in the CCFL EWG on e-commerce/internet sales.

- South Africa agrees that the definition of "food information" should align with the same definition within the e-commerce/internet sales text.

Rationale: To ensure consistency with the same terms in the CCFL related texts.

(ii) agree that Sections 4(1) and 4(2) cover the intent of item (a) in Project Document for this work (REP 21/FL, Appendix V) and that the GSLPF would not require revisions.

- South Africa agrees that sections 4 (1) and 4(2) of the proposed draft guidelines cover the intent of item (a), therefore, the GSLPF does not need amendments to achieve the outcome in the item (a) whereby the general principles in section 3 of the GSLPF are captured.

Rationale: The general principles in section 3 of the GSLPF are captured in section 4 (1) and 4 (2) of the proposed draft Guidelines.

(iii) discuss whether a reference to "purchasers" is needed, or if "consumers" is sufficient.

- South Africa is of the opinion that mentioning “consumers” is sufficient. Therefore, references to “purchasers” should be deleted.

Rationale: This is in line with the Codex texts and principles.

(iv) consider if the criteria in Section 5 of the Proposed Draft Guidelines in Appendix II address items 3 (b)(i) and (ii) of the Project Document for this work.

- South Africa is of the opinion that Section 5 of the proposed draft guidelines addresses items 3(b) (i) and (ii) of the project document for this work. However, we are also of the opinion that section 4, would also require further amendments to clearly show when information must always be physically present on the label to fulfil item 3 (i) of the project document.

Rationale: Section 5 covers criteria on the types of information that may be provided using technology as well as circumstances where exemptions may be required.

(b) consider whether the Proposed Draft Guidelines are ready to advance to Step 5 in the Codex step procedure

- South Africa supports the advancement of the draft guidelines to step 5, taking note of the comments submitted for consideration.

Rationale: The proposed draft document provides appropriate guidance regarding food information that should be provided using technology. This will assist consumers to make informed choices, also increase harmonization and facilitate trade.

#### **Specific comments:**

##### Section 4 (4):

- South Africa propose inclusion of the following amendments to this section.

*(4) Food information required to be shown on a label or labelling of a pre -packaged food shall not be replaced using technology unless there is certainty that the [purchaser or] consumer can readily access that information **there are provisions to exempt certain information from being labelled on a food product.** Refer to section 5 for considerations in determining the appropriate use of technology to provide food information. Refer to section 5 for considerations in determining the appropriate use of technology to provide food information.*

Rationale:

- The only scenarios where mandatory information can be omitted from the label or labelling should be where there is an existing exemption e.g. small unit sizes, or labelling exemptions in emergency situations.
- It is not appropriate for there to be a blank option to not have mandatory information on the label/labelling if the information is accessible digitally because it is not feasible to always have digital access for everyone at all times.

##### Section 4 (6):

- South Africa suggests further clarifying the intent of principle 4.6 to ensure a common understanding. The potential need to disclose personal identifying information was a concern raised previously by other members and observers. Therefore, we suggest adding the words “any personally identifiable” to this principle as noted below.

*(6) Food information described or presented using technology should be readily accessible to [purchasers or] consumers without having to provide or disclose **any personally identifiable** information that is used to identify an individual.*

##### Section 5:

- South Africa requests clarity on section 5 since mandatory food labelling information is required for both the label/labelling and when using technology.

### Uganda

- a) The Proposed Draft Guidelines on the use of technology to provide food information (Appendix II of CX/FL 23/47/7), and in particular to provide comments on whether;
  - i. the proposed definition of “food information” should align with the same term used in the CCFL EWG on e-commerce/internet sales.

**Position:** Uganda supports the proposal to align the definition of “food information” with the same term used in the EWG on e-commerce

**Rationale:** It provides a reference to the already existing Codex texts.

- ii. Sections 4(1) and 4(2) cover the intent of item (a) in Project Document for this work (REP 21/FL, Appendix V) and that the GSLPF would not require revisions.

**Position:** Uganda supports that Sections 4(1) and 4(2) covers cover the intent of item (a) in Project Document for this work (REP 21/FL, Appendix V) and that the GSLPF would not require revisions; (this is to ensure clarity)

**Rationale:** The entire text under 3.1 and 3.2 in the GSLPF has been maintained and only replaced “prepackaged food” with “food information.”

- iii. a reference to “purchasers” is needed, or if “consumers” is sufficient.

**Position:** Uganda proposes that both purchaser and consumer are retained and as presented and proposes it should apply everywhere it square brackets appears.

**Rationale:** This is because there are instances where the purchaser buys not for consumption but for further sale to the consumer. This will ensure that all intermediaries involved in the purchase of the product are catered for.

- iv. the criteria in Section 5 of the Proposed Draft Guidelines in Appendix II of CX/FL 23/47/7 address items 3 (b)(i) and (ii) of the Project Document for this work.

**Position:** Uganda supports criteria as laid out in section 5 of the Proposed Draft Guidelines and that address items 3 (b)(i) and (ii) of the Project Document

**Rationale:** They provide clarity on the use of technology during electronic labelling

- b) Whether the Proposed Draft Guidelines are ready to advance to Step 5 in the Codex step procedure.

**Position:** Uganda supports the proposed Draft guidelines be advanced to step 5 in the Codex step procedure.

### United Republic of Tanzania

- (a) (i) The URT agrees that the proposed definition of “food information” should align with the same term used in the CCFL EWG on e-commerce/internet sales for consistency

#### **Justification**

Having different definitions of the same term may cause confusion to the users of the documents

- ii. The URT agrees that the amendment in Sections 4(1) and 4(2) covers the intent of item (a) in Project Document for this work (REP 21/FL, Appendix V) and that the GSLPF would not require revisions

iii. The URT recommends that reference to purchasers is needed

**Justification:**

Purchaser and consumer are not always the same because there are cases where purchasers do not consume what they purchase especially in the case of caterer services, where a purchaser may not consume what they purchase

iv. The URT submits that the criteria in Section 5 of the Proposed Draft Guidelines in Appendix II address items 3 (b)(i) and (ii) of the Project Document for this work

b. The URT recommends the advancement of the guideline to step 5. However, URT is proposing the shifting of the definition of technology from the scope to the clause of definitions

**Justification:**

The scope should not consist of the definition of terms