

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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Agenda Item 5, 6, 12

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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD LABELLING

Forty-seventh Session

Gatineau, Canada

15 – 19 May 2023

(Comments of Malaysia)

#### Agenda Item 5

#### AGENDA ITEM 5 - CX/FL 23/47/5 FOOD ALLERGEN LABELLING

##### Part A: Proposed draft revision to the General Standard for the Labelling of Prepackaged Foods – Provisions relevant to allergen labelling

Malaysia would like to thank Australia, United Kingdom and United States of America for preparing the Proposed Draft revision to the General Standard for the Labelling of Prepackaged Foods – Provisions relevant to allergen labelling, and appreciates the opportunity to provide comments.

#### 2. DEFINITION OF TERM

Malaysia agrees with the definition of “food allergy”.

#### 4. MANDATORY LABELLING OF PREPACKAGED FOODS

4.2.2.4 Malaysia proposes to move ‘sesame and product’ from section 4.2.1.4 to section 4.2.1.5 since Allergic reaction from consumers with sesame allergies is rarely reported in Asia. Thus, sesame is not considered a significant allergen in this region.

#### 8. PRESENTATION OF MANDATORY INFORMATION

As for section 8, Malaysia is of the view that the wording requiring the allergen declarations to be clearly distinguishable on the label, either in the list of ingredients or in a separate statement, or both. Therefore, we propose the following changes to the texts of paragraphs 8.3.1 and 8.3.2 as follows:

8.3.1 The foods and ingredients listed in sections 4.2.1.4, 4.2.1.6 and where applicable 4.2.1.5 shall be declared so as to contrast distinctly from the surrounding text, such as through the use of font type, style or colour-; **or**

8.3.2 When the foods and ingredients in sections 4.2.1.4, 4.2.1.6 and where applicable 4.2.1.5 are declared in the list of ingredients, they ~~may also~~ **shall** be declared in a separate statement, which shall be placed near and in the same field of vision as the list of ingredients.

##### Part B: Proposed Draft Annex to The GSLPF: Guidelines on the Use of Precautionary Allergen Labelling

Generally, Malaysia agrees with the proposed draft Guidelines on the Use of Precautionary Allergen Labelling. However, Malaysia proposes that paragraph 5.2 to refer generally to Section 8.3 and not specifically to Section

8.3.1 as this section is for ingredients listing while this proposed draft is on unintended presence of allergens in food due to cross-contact. The proposed changes as follows:

5.2 PAL should appear as a separate statement in the same field of vision as the ingredient list (when present), as in Section 8.3.

#### **Agenda Item 6**

### **AGENDA ITEM 6 - CX/FL 23/47/6 PROPOSED DRAFT GUIDANCE ON THE PROVISION OF FOOD INFORMATION FOR PREPACKAGED FOODS TO BE OFFERED VIA E-COMMERCE: AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (SUPPLEMENTARY TEXT)**

Malaysia would like to thank United Kingdom, Japan, Chile, India and Ghana for preparing the Proposed Draft Guidance on The Provision of Food Information for Prepackaged Foods to be Offered via E-Commerce.

#### **3. DEFINITIONS**

- a) Malaysia agrees with the definition of “e-commerce” that adapted from the WTO definitions:

“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.

In the context of prepackaged food, this definition should be amended accordingly to be inline with the scope of the guidelines and by replacing the word of ‘goods and services’ with the ‘food stuffs/ products’.

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

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

Malaysia supports the removal of the definition for minimum durability as it is not mentioned anywhere in the text of the proposed draft guidance.

- c) [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.]

Malaysia supports to remove the square brackets and retain the text so that consumers can have comparable access to information needed to make informed choices when purchase online.

- d) [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.]

For this paragraph, Malaysia supports to remove the text in the square brackets as there is no issues of space limitations for food information in e-pages.

#### **Agenda Item 12**

### **AGENDA ITEM 12 - CX/FL 23/47/12 CRD DISCUSSION PAPER ON SUSTAINABILITY LABELLING CLAIMS**

Malaysia thanks New Zealand and the European Union for the discussion paper proposal for new work on sustainable labelling claims. However, Malaysia has concerns that the proposed work is too diverse. Malaysia is also of the view that it is beyond the capacity of CCFL as it would require information from and involvement of various organizations already in place to look into the concerns relating to sustainability related issues. This could result in duplication of effort already being undertaken by other organisations

For example, in relation to sustainability and environment factors alone, there are already expert global organisations which are looking into this area. They are the UNFCCC secretariat (UN Climate Change) which is the United Nations entity tasked with supporting the global response to the threat of climate change. The ultimate objective under the UNFCCC is to stabilize greenhouse gas concentrations in the atmosphere at a level that will

prevent dangerous human interference with the climate system, in a time frame which allows ecosystems to adapt naturally and enables sustainable development.

The Intergovernmental Panel on Climate Change (IPCC) is the United Nations body for assessing the science related to climate change. The objective of the IPCC is to provide governments at all levels with scientific information that they can use to develop climate policies. An open and transparent review by experts and governments around the world is an essential part of the IPCC process, to ensure an objective and complete assessment and to reflect a diverse range of views and expertise.

The United Nations Environment Programme (UNEP) is the leading environmental authority in the United Nations system. UNEP uses its expertise to strengthen environmental standards and practices while helping implement environmental obligations at the country, regional and global levels. UNEP's mission is to provide leadership and encourage partnership in caring for the environment by inspiring, informing, and enabling nations and peoples to improve their quality of life without compromising that of future generations.

Additionally, the emergence of international certification systems for sustainably produced food, particularly to maintain and develop access to EU markets, has catalysed the move by the industry to take up sustainability as a guiding concept and philosophy in a proactive and ethical manner. However, there is no common language used to determine by neither importing country nor producing country to confirm if the food is sustainably produced or not. Hence, to carry on the work on sustainability food labelling will require a huge expertise to harmonize the sustainability standards or preference used between producers and consumers which is beyond the capacity of CCFL.

#### **SIX AREAS OF CONCENTRATION UNDER UNEP**

UNEP re-organised its work programme into six strategic areas as part of its move to results based management. The selection of six areas of concentration was guided by scientific evidence, the UNEP mandate and priorities emerging from global and regional forums. The six strategic under UNEP are:

1. Climate Change UNEP
2. Post-Conflict And Disaster Management UNEP
3. Ecosystem Management
4. Environmental Governance UNEP
5. Harmful Substances UNEP
6. Resource Efficiency/Sustainable Consumption And Production UNEP

With so much efforts already being carried out with the relevant expertise, it is redundant for CCFL to also reinvent the wheel.

Malaysia is of the opinion that the proposal on Sustainability Labelling Claims is beyond the term of reference (TOR) of CCFL. Any consideration of new work must be scoped within the role of CCFL and be relevant for the health protection of consumers and/or for the promotion of fair trade practices for food. Therefore, Malaysia is of the view that this discussion paper should not be considered as new work.