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THE USE OF COUNTRY OF HARVEST IN FOOD LABELLING OF SPICES

Part A: THE CONCLUSIONS OF CCFL49 ON THE USE OF “COUNTRY OF HARVEST” IN ADDITION TO THE MANDATORY DECLARATION OF COUNTRY OF ORIGIN IN FOOD LABELLING OF SPICES

Conclusion 1 - Role of CCFL and Application of Horizontal Labelling Provisions

CCFL is the CAC's subsidiary body established to prepare standards and related texts on food labelling and is well placed to support commodity committees to understand food labelling in general, including the horizontal labelling provisions of CCFL texts that apply to all foods. CCSCH and other commodity committees have the ability to refer items requiring labelling input to CCFL for response early in the step process, to inform the development of labelling provisions prior to seeking endorsement. As required, alternative ways for CCFL to provide guidance from a labelling perspective to commodity committees could also be explored, such as workshops held in parallel to sessions.

Conclusion 2 - Application of General Principles to Origin Labelling

All labelling information, including origin labelling statements whether mandatory or voluntary, are subject to the General Principles outlined in Section 3 of the *General Standard on the Labelling of Prepackaged Foods* (CXS 1-1985), which prohibits false, misleading, and deceptive labelling. This general provision applies also to mandatory country of origin labelling statements. When these General Principles are read in conjunction with the GSLPF (CXS 1-1985) country of origin requirements and commodity specific labelling requirements, it is clear that any false, misleading, or deceptive declarations of country of origin are prohibited in existing Codex texts. An example of a misleading declaration of origin that is not permitted under these provisions is the labelling of the country of packaging as the country of origin of a food when such a food is imported in its consumer ready form from a producing country into the packaging country, and no processing or production occurs in the packaging country.

Conclusion 3 - Interpretation of “Change in the Nature of the Food” under CXS 1-1985

Section 4.5.2 of the GSLPF (CXS 1-1985) states: “when a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling”. When considering the labelling of foods, it is important to understand at what point the food underwent processing which changed its nature before being packaged and sold to consumers, as this step determines the country of origin for the purposes of labelling.

CCFL may not always have the expertise on specific processes that commodities undergo and how these may or may not result in a change of nature. However, in general, if a process results in a new and different food with a new name (as described in Section 4.1 of the GSLPF), this would likely be a change in nature. Conversely, if a process does not result in a new and different food, this would generally not be considered a change in nature. Considerable information was gathered through the CL and EWG to enable clarifications on whether some processing steps involve a change in nature-for example packaging, sorting, and grading would not be considered to change the nature of the food. These clarifications may be useful for CCSCH in considering labelling provisions going forward.

Conclusion 4 - Labelling when COO and COH are the same

When the country of harvest and the country of origin of a spice is the same, one statement of origin is sufficient as it avoids redundancy and potential confusion and minimizes burden on industry. This equivalence could be explicitly stated in the commodity standard where relevant. Dried saffron was an example provided by EWG members of a commodity for which country of harvest and country of origin are the same. In these situations, fulfilling the mandatory country of origin labelling requirement means declaring the country of harvest.

Conclusion 5 - Determination of Country of Origin When Country of Harvest Differs

When country of origin and country of harvest of a spice or culinary herb are different, the country of origin is the country in which the change of nature occurred. A spice and culinary herb related example of when country of harvest and country of origin are different include vanilla beans that are harvested in one country and then processed in another country to become vanilla extract, which is a new and different food not covered by the CCSCCH standard. In this case, the country of origin for labelling purposes would be the country in which the processing resulted in the final product, and the GSLPF (CXS 1-1985) provisions apply.

Conclusion 6 - Understanding and Definition of "Country of Harvest"

The meaning of country of harvest is generally understood to be the country where a spice or culinary herb is grown and harvested. Given that "harvest" is already defined in the CCSCCH glossary of terms as "the act or process of gathering agricultural crops", and that the term has been used in several CCSCCH texts, there may be limited benefit to developing a definition of country of harvest. While it would not hinder any resolution of issues, it is worth considering if it is the best use of Codex and Member resources. The root issue is not the understanding of the term, but rather the implications for labelling when country of origin and country of harvest are the same, and when they are not. If country of harvest is to be defined, CCFL is not the appropriate Codex body to do so.

Conclusion 7- Declaration of Multiple Countries of Origin for Blended Spices

Products may exist in international trade that are blends of a single type of spice or culinary herb from multiple origins, packaged together. This may occur when spices are exported in non-retail containers from countries where they were harvested and dried, to another country where they are packaged together from all of the sources and labelled. It could also happen if a producing country imports a spice in non-retail containers, blends it with the same spice they produce, and packaged it together. In these cases, the spice or culinary herbs in the package are from multiple countries of origins, and the packaging of these spices together does not change their nature. These spices or herbs would continue to be those covered by CCSCCH standards.

The existing general provisions of the GSLPF (CXS 1-1985), which, while not explicit on how to label blends of the same food from multiple origins, do not prevent the labelling of multiple countries of origin when that is the case. In addition, all countries of origin should be declared if their omission would mislead consumers, based on Section 3.1 of CXS 1-1985.

Conclusion 8 - Voluntary Labelling Statements and Applicable Codex Texts

In general, optional or voluntary statements or claims can be made on food labels, provided that such statements are not false or misleading. In all cases, any voluntary statements or claims are subject to CCFL texts that apply to all foods, including the General Principles in Section 3 of the GSLPF (CXS 1-1985) which prohibits false and misleading labelling, and the *General Guidelines on Claims*, which provide further guidance. This permission to make optional statements, such as the optional declaration of country of harvest, can be stated in Codex standards, but it does not need to be specified in order for voluntary information to be provided.

Conclusion 9 - Scope of Codex Labelling Provisions and CCFL Mandate

Labelling provisions are established by Codex with the intent to address health and safety matters and fair practices in trade. Interests in promoting products based on producing country, regional characteristics, or other qualities can be expressed through voluntary labelling statements or claims. Labelling for promotional purposes is subject to, in particular, the *General Guidelines on Claims* (CXG 1-1979) and the *Guidelines on Nutrition and Health Claims* (CXG 23-1997). Members may also explore other mechanisms outside of Codex that support promotion of foods from specific regions, such as geographic indications.

Part B: PROPOSED PROVISIONS UNDER 8.2 COUNTRY OF ORIGIN AND COUNTRY OF HARVEST IN THE STANDARD FOR DRIED FLORAL PARTS –SAFFRON (CXS 351-2022)**8.2 Country of origin and country of harvest**

8.2.1 Country of origin shall be declared*.

8.2.2 Region of harvest and year of harvest (optional).

*Footnote: for this standard the country of origin is the same as the country of harvest.