

CODEX ALIMENTARIUS COMMISSION

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Food and Agriculture
Organization of the
United Nations



World Health
Organization

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REP18/FL

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

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REPORT OF THE FORTY-FOURTH SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING

Asuncion, Paraguay

16 - 20 October 2017

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SUMMARY AND STATUS OF WORK

Responsible Party	Purpose	Text/Topic	Code	Step	Para.
Members CCEXEC75 CAC41	Adoption	Draft Revision of the <i>General Standard for the Labelling of Prepackaged Foods</i> : date marking	CXS 1-1985	8	32
EWG/PWG (India, United States of America, Costa Rica) CCFL45	Redrafting	Proposed draft guidance for the labelling of non-retail containers	-	2/3	41
CCEXEC75 CAC41 EWG (Costa Rica, New Zealand) CCFL45	Approval Drafting	Proposed draft guidelines on front of pack nutrition labelling	-	2/3	48
CCFO	Action / information	Criteria for high / mid oleic in vegetable oils	-	-	6
CAC/CCNE	Information	Terms in Codex texts	-	-	17
All commodity committees	Information	Ongoing work on guidance for the labelling of non-retail containers	-	-	20
CCNFSDU	Information/ consideration	CCFL work on front of pack nutrition labelling	-	-	50
UK, Chile, India, Japan, Ghana CCFL45	Drafting	Discussion paper on internet sales / e-commerce	-	-	58 (a)
Australia, UK, USA CCFL45	Drafting	Discussion paper on allergen labelling	-	-	58 (b)
Canada CCFL45	Drafting	Discussion paper on innovation – use of technology in food labelling	-	-	58 (c)
Russian Federation, EU, Ghana, India, Senegal CCFL45	Drafting	Discussion paper on labelling of alcoholic beverages	-	-	58 (d)
Canada, India CCFL45	Drafting	Discussion paper on criteria for the definition of “high in” nutritional descriptors for fats, sugars and sodium	-	-	58 (e)
Colombia CCFL45	Drafting	Discussion paper on labelling of foods in joint presentation and multipack formats	-	-	58 (f)
India CCFL45	Drafting	Discussion paper on future work and direction of CCFL (update)	-	-	63

LIST OF ABBREVIATIONS

CAC	Codex Alimentarius Commission
CCAFRICA	FAO/WHO Coordinating Committee Africa
CCASIA	FAO/WHO Coordinating Committee for Asia
CCFH	Codex Committee on Food Hygiene
CCFL	Codex Committee on Food Labelling
CCFO	Codex Committee on Fats and Oils
CL	Circular Letter
CCLAC	FAO/WHO Coordinating Committee for Latin America and the Caribbean
CCMMP	Codex Committee on Milk and Milk Products
CCNE	FAO/WHO Coordinating Committee for the Near East
CCPFV	Codex Committee on Processed Fruits and Vegetables
CCPR	Codex Committee on Pesticide Residues
CCSCH	Codex Committee on Spices and Culinary Herbs
CRD	Conference Room Document
EU	European Union
EWG	Electronic Working Group
FAO	Food and Agriculture Organization of the United Nations
FIVS	Fédération internationale des vins et spiritueux
FOPL	Front of pack nutrition labelling
GSLPF	General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)
INFOODS	International Network of Food Data Systems
NCD	Non-communicable diseases
NUGAG	WHO Nutrition Guidance Expert Advisory Group
OIV	Organisation internationale de la vigne et du vin
PAHO	Pan American Health Organization
PWG	Physical Working Group
WHA	World Health Assembly
WHO	World Health Organization

INTRODUCTION

1. The Codex Committee on Food Labelling (CCFL) held its Forty-fourth Session in Asuncion, Paraguay from 16 – 20 October 2017, at the kind invitation of the Governments of Canada and Paraguay. The Session was chaired by Ms Lyzette Lamondin, Executive Director, Food Import Export and Consumer Protection Directorate, Canadian Food Inspection Agency (CFIA) and co-chaired by Dr. Laura Mendoza, of the National Institute of Food and Nutrition, Paraguay. The Session was attended by delegates from 46 member countries and one member organisation and 16 observer organisations. A list of participants is contained in Appendix I.

OPENING

2. Mrs. María Teresa Barán the Vice-Minister of Health and Mr. Oscar Stark, the Vice-Minister of Commerce of Paraguay opened the session, and addressed the meeting where they underscored the important role of Codex in supporting global efforts towards food safety and promoting fair practices in food trade. The meeting was also addressed by the Country Representatives of the Food and Agriculture Organization of the UN (FAO) and the World Health Organization (WHO)/ Pan American Health Organization (PAHO) in Paraguay, the Chairperson of the Codex Alimentarius Commission and the Codex Secretary.

Division of Competence¹

3. The Committee noted the division of competence between the European Union and its Member States, according to paragraph 5, Rule II of the Procedure of the Codex Alimentarius Commission.

ADOPTION OF THE AGENDA (Agenda item 1)²

4. The Committee adopted the provisional agenda with the following addition under item 7, (Front-of-pack nutrition labelling (FOPL)):
 - General Guidelines to Establish Nutritional Profiles (Costa Rica and Paraguay)³.

MATTERS REFERRED TO THE COMMITTEE (Agenda items 2a and b)⁴

Matters referred by CAC and other Subsidiary Bodies

5. The Committee noted the matters for information and that some matters would be discussed under other relevant agenda items.

CCFO: definition / criteria for determining high/mid oleic acid in vegetable oils

6. The Committee agreed to inform the Committee on Fats and Oils (CCFO) that:
 - i. the primary role of CCFL is to ensure labels are not false or misleading to consumers;
 - ii. the issue of oleic acid in vegetable oils was of a compositional or technical nature and should be best dealt with in CCFO; and
 - iii. the principle of consistency of labelling designations when addressing different vegetable oils should be applied based on the compositional characteristics of the oils as agreed by CCFO.
7. The Committee further agreed that consistency in the use of labelling terms could be considered as part of future work.

Biopesticides, biostimulants and biofertilizers

8. The Committee noted that:
 - a. this was a very technical issue; and

¹ CRD1 (Annotated Agenda – Division of competence between the EU and its Member States)

² CX/FL 17/44/1

³ CRD 12 (Costa Rica and Paraguay)

⁴ CX/FL 17/44/2; CX/FL 17/44/2 Add.1; CX/FL 17/44/2 Add.2; CRD2 (IOFI); CRD3 (Codex Secretariat); CRD9 (India, El Salvador, EU, Thailand, AU, IDF); CRD10 (Indonesia); CRD11 (Dominican Republic); CRD13 (Russian Federation); CRD23 (South Africa).

- b. a paper would also be presented to the Committee on Pesticide Residues (CCPR), and CCFL would wait to see if there were any labelling issues to address.

Revision of Section 4.2.3.4 of CXS 1-1985

9. The Committee:
 - a. agreed not to make any revisions to the class titles “flavours” and “flavourings” in section 4.2.3.4 as these terms were already included in various national legislations in a number of countries; and
 - b. noted that there might be a need to revise the qualifiers “natural”, “nature identical”, “artificial” as well other related sections in the Standard, i.e. section 5, and agreed that this could be addressed as part of overall improvements of CXS 1-1985 under item 9 (Future Work).

MATTERS OF INTEREST FROM FAO AND WHO (Agenda item 3)⁵

10. The Representative of FAO drew the attention of the Committee to various activities of FAO of interest to CCFL: (i) the declaration of the United Nations (UN) General Assembly of the UN Decade of Action on Nutrition for 2016 – 2025, and the development of a work programme to achieve the Decade’s aims; (ii) the joint FAO/WHO Regional Symposia on Sustainable Food Systems for Healthy Diets and Improved Nutrition scheduled for 2017; (iii) the development of a number of FAO publications on food labelling to build the capacity in member countries to implement food labelling policies and programmes; (iv) a survey carried out by FAO food safety and quality unit in order to determine the current status of food date marking legislation and food waste related issues in Codex member countries; (v) FAO’s work on providing up-to-date food composition data, through the International Network of Food Data Systems (INFOODS).
11. The Representative of WHO highlighted some of the activities relevant to the on-going work of the Committee. In particular, she called attention to: (i) the four World Health Assembly (WHA) resolutions and decisions adopted in 2016 – 2017, i.e. on the UN Decade of Action on Nutrition (2016 – 2025); (ii) WHO Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children; (iii) updated best buys and other recommended interventions to address non-communicable diseases (NCDs) which include actions to reduce unhealthy diets (Appendix 3); and (iv) the implementation plan to guide actions to end childhood obesity. The Representative also highlighted WHO’s other specific work which related to nutrition labelling, including: the technical meeting on nutrition labelling; launching of the WHO Nutrition Guidance Expert Advisory Group (NUGAG) Subgroup on Policy Actions which will be developing policy guidelines related to nutrition labelling among several other priority policy actions (i.e. fiscal policies, trade and investment policies); the 2nd Global Nutrition Policy Review which included detailed analysis of country implementation on nutrition labelling; and development and implementation of nutrient profile models in five of six WHO regions.
12. The Representative of WHO also introduced the discussion paper on alcoholic beverage labelling and highlighted, in their view, the unique potential of labelling to provide accurate information to consumers to protect their health at the points of sale and consumption, including information on alcohol content, caloric value, ingredients and health risks associated with alcohol consumption. He stated that according to WHO estimates, around two billion people used alcoholic beverages during the past 12 months, and around three million deaths annually are attributed to alcohol consumption. Therefore, it was timely for Codex to initiate the process of developing, in a phased manner, guidance on alcoholic beverage labelling.

Conclusion

13. The Committee noted the information provided and agreed to discuss the proposal on the labelling of alcoholic beverages under item 9 (Future Work).

CONSIDERATION OF LABELLING PROVISIONS IN CODEX STANDARDS (ENDORSEMENT) (Agenda item 4)⁶

⁵ CX/FL 17/44/3; CX/FL 17/44/3-Add.1; CRD4 (India, Norway, Kazakstan); CRD16 (USA); CRD17 (FIVS); CRD20 (Nicaragua).

⁶ CX/FL 17/44/4 Rev.; CRD8 (India, Thailand, AU, IDF); CRD11 (Dominican Republic); CRD14 (Paraguay).

14. The Committee endorsed the labelling provisions in: regional standards for laver products (FAO/WHO Coordinating Committee for Asia (CCASIA)), yacon (FAO/WHO Coordinating Committee for Latin America and the Caribbean (CCLAC)), unrefined shea butter (FAO/WHO Coordinating Committee for Africa (CCAFRICA)) and doogh (FAO/WHO Coordinating Committee for Near East (CCNE)); standards for cumin, dried thyme and black, white and green pepper (Committee for Spices and Culinary Herbs (CCSCH)); fish oils (Committee for Fats and Oils (CCFO)); dairy permeate powders (Committee for Milk and Milk Products (CCMMP)); and annexes for certain quick frozen vegetables of the *Standard for Quick Frozen Vegetables* (CXS 320-2015) (Committee for Processed Fruits and Vegetables (CCPFV)) and made the following amendments and comments:

Annex on French Fried Potatoes

15. The Committee amended the Spanish version of the annex to address other common names by which sweet potato is known in Spanish-speaking countries.

Standards for spices and culinary herbs

16. The Committee:
- agreed to refer to the “name” of the product in section 8.2.2 as the provision related to the name and not to the nature of the product in the Standard for Black, White and Green Pepper;
 - agreed to align the Spanish version of the standards for consistency with the Spanish terminology used in commodity standards (e.g. styles, labelling of non-retail containers, etc.);
 - noted that the Secretariat would undertake editorial corrections when finalizing the standards.

Regional Standard for Doogh

17. The Committee noted that this was a regional standard and that there was no Codex definition for the term “probiotics” and that ideally terms without Codex definitions should not be used in Codex standards. This matter should be brought to the attention of CAC and CCNE.
18. The Committee, however, recognized that this standard had been thoroughly discussed in CCNE and adopted by CAC40 and that removal of the term from the labelling section would impact on other sections of the standard which would then require further consideration by CCNE. On this basis, the Committee endorsed the labelling provisions as presented in the standard.
19. The Committee further noted that the standard applied regionally for a product named doogh provided it complies with the provisions of the standard.

Other considerations – labelling of non-retail containers

20. The Committee:
- noted that many commodity standards (including those submitted for endorsement) contained provisions for non-retail containers which referred to a standardized text applicable to this provision that had been endorsed by CCFL at past and present sessions;
 - agreed to inform commodity committees of CCFL’s ongoing work on guidance for the labelling of non-retail containers so that they were aware that the current standardized provisions might need to be adjusted or removed to reference the aforesaid guidance.

DATE MARKING (REVISION OF THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS) (Agenda item 5)⁷

21. The Committee recalled that the only outstanding issue that needed further consideration was the criteria for exemptions from date marking and agreed to focus its discussions on this section of the document. The Committee

⁷ CL 2016/34-FL; CX/FL 17/44/5 (Albania, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Ecuador, Egypt, India, Indonesia, Jordan, Kenya, Malaysia, Mexico, Nicaragua, Paraguay, Peru, Samoa, Syrian Arab Republic, United States of America, IDF); CRD5 (New Zealand); CRD6 (El Salvador, EU, Philippines, Thailand, AU); CRD10 (Indonesia); CRD11 (Dominican Republic); CRD13 (Russian Federation); CRD14 (Paraguay); CRD15 (Senegal); CRD23 (South Africa).

had discussions, both in plenary and through an in-session working group led by Canada, and made the following comments and/or decisions:

4.7 (vii)

22. The Committee noted that the wording of the chapeau implied that foods meant to be consumed before a certain date due to food safety reasons could inadvertently be exempted. There was therefore a need to amend this section to avoid such ambiguity and to ensure that foods were not exempted from a date mark if food safety would be compromised.
23. The Russian Federation expressed the view that only very limited number of foods could be exempted from any date marking, as there is no unlimited storage time, and all foods deteriorate over time. In this case, a statement that the food has no expiration date under specific/intended conditions should be preferred. At the same time the criteria and the list allowed for exemption of many food categories which pose a safety risk to consumers beyond the expiration date.

Conclusion

24. The Committee amended this section to clarify that exemptions would not apply if food safety is compromised, and to provide flexibility to Competent Authorities to apply the criteria depending on their needs. This would address concerns expressed that the exemptions might apply to foods for which such exemptions were not intended.

Criterion 1.1 and 1.2

25. The Committee considered the proposal of the Committee on Food Hygiene (CCFH) to combine (merge) the two criteria and had an exchange of views on the following points:
 - i. to refer to the “nature of the food”, or to “preserving nature” of the food as more appropriate;
 - ii. that examples, within the criterion, should not be included as these were subjective; and if included, they should be limited to the condition of the food or types of preservation (i.e. water activity and acidity);
 - iii. inclusion of examples would facilitate interpretation by competent authorities and businesses;
 - iv. to include a reference to “intended storage conditions” as not all storage conditions are stated;
 - v. that storage conditions should always be stated on the label.

Conclusion

26. The Committee agreed with the proposal of CCFH and to include reference to also “intended” storage conditions as not all storage conditions are always stated and deleted “preservative” to open up the criterion.

Criteria 2, 3, 4

27. The Committee had an exchange of views on the following points:
 - i. No additional criteria were needed in view of the decision on criterion 1 and therefore 2, 3 and 4 could be deleted.
 - ii. In relation to criterion 2:
 - the responsibility should not be on the consumer as some deterioration was not always evident to the consumer; it was not always possible to determine the state of the food because of the packaging;
 - this criterion was about food quality and not food safety as such consumers should be able to assess clearly evident deterioration;
 - the intent of the criterion was for non-processed fresh produce.
 - iii. in relation to criterion 4:
 - the intent of the criterion was for products such as bakers’ or pastry-cooks’ wares;
 - this criterion was not needed as foods with a short shelf life are not traded internationally;

Please note all working documents, including the report of the session are available on the Codex website at [CCFL44](#)

- retain the criterion as Codex texts provided guidance to governments also for foods produced and consumed locally.

Conclusion

28. The Committee agreed to:
- a. retain criteria 2, 3 and 4;
 - b. amend criteria 2 and 4 for clarification and to better illustrate the intent; and
 - c. recognize that all criteria should be read with the chapeau (4.7 vii), which makes it clear that exemptions do not apply in cases where food safety might be compromised.

List of examples

29. The Committee had an exchange of views on the following points:
- i. the list of examples was illustrative and the current list was sufficient;
 - ii. some foods should not be exempted such as chewing gum; certain alcoholic beverages; and any other foods to which additives and flavours were added, as they could lose their quality/ organoleptic characteristics over time.
 - iii. a footnote should be added to indicate that the list was illustrative and that it was up to competent authorities to decide on the foods to be exempted from date marking,
 - iv. reference to competent authorities was not necessary as they have the discretion whether to apply Codex texts / provisions.

Conclusion

30. The Committee agreed to retain the list without any amendments and inserted a footnote to indicate that the list was illustrative.

All other sections

31. The Committee:
- a. confirmed the decisions of CCFL43 with respect to definitions and other texts;
 - b. made corrections to the numbering in section 4.7 and editorial corrections to section 4.7(iv);
 - c. agreed to use both terms “*fecha de caducidad / fecha de vencimiento*” in the Spanish version of the text;
 - d. noted that there might be a need to standardise abbreviations for dating marking in the future.

Conclusion

32. The Committee agreed to forward the proposed draft revision to CAC41 for adoption at Step 8 (Appendix II).
33. The Russian Federation expressed their reservation to this decision for the reasons stated in paragraph 23.

PROPOSED DRAFT GUIDANCE FOR THE LABELLING OF NON-RETAIL CONTAINERS (Agenda item 6)⁸

34. India, as Chair of the electronic working group (EWG), introduced the item and summarized the work process in the EWG, highlighted the key points of discussion, conclusions and recommendations. The Delegation indicated that for this session it was key to decide whether this guidance should be a stand-alone document or should be inserted in the *General Standard for the Labelling of Pre-packaged Foods (CXS 1-1985) (GSLPF)* in order to further proceed with work on the guidance.

⁸ CL 2017/71-FL; CX/FL 17/44/6; CX/FL 17/44/6-Add.1 (Argentina, Chile, Costa Rica, Ecuador, Egypt, Jordan, Malaysia, New Zealand, Paraguay, Thailand, Trinidad and Tobago, ICBA, ICGMA, IDF, IFU); CRD 7 (El Salvador, EU, Philippines, Thailand, Uruguay, AU); CRD10 (Indonesia); CRD11 (Dominican Republic); CRD13 (Russian Federation); CRD15 (Senegal), CRD20 (Nicaragua); CRD21 (India, Costa Rica, USA).

35. The Committee focused its discussion on the best placement for the guidance and noted the following views:
36. A delegation was of the view that this document should be incorporated into the GSLPF as a single document, which would: improve consistency in the text and minimize the need for cross-referencing another document; remove confusion in definitions; improve distinctions between retail containers and non-retail containers; reduce redundancies; and could better assist commodity committees in developing labelling requirements by only referencing a single document. Incorporating a text on non-retail labelling into the GSLPF would require minor amendments to the title and scope of the GSLPF and could be done in a manner that would not open any other parts of the general standard.
37. Most delegations were in favour of having the guidance as a stand-alone document noted that the GSLPF and the proposed guidance addressed two different sets of labelling requirements (i.e. retail and non-retail containers respectively); and these two documents were aimed at different stakeholders (i.e. consumers and trade operators respectively). The insertion of the guidance in the GSLPF would cause confusion and imply additional work on adjusting the scope and other relevant sections to accommodate provisions for non-retail containers that might delay work in the finalization of the guidance and produce a more complex document difficult to use as compared with the current GSLPF.
38. A view was expressed that some of the proposed provisions in the guidance added unnecessary burden to national governments and the industry because much of the required information was already included in the electronic or paper documents accompanying the shipment. The Committee should focus on provisions that were supplementary to those already available or required at export / import control stages and should not duplicate the provisions in the GSLPF for retail containers.
39. An observer indicated that CCFL should refrain, where possible, from referring to competent authorities in order to produce an internationally harmonized guidance document.
40. At the request of India, an informal discussion was held with member delegations.

Conclusion

41. The Committee agreed:
- a. to keep the guidance as a stand-alone document;
 - b. to use cross-references to relevant Codex texts in the final document to ensure consistency;
 - c. to re-establish an EWG, chaired by India and co-chaired by Costa Rica and USA, working in English and Spanish to continue developing the guidance for consideration at the next session while taking into account comments submitted at this session and the views expressed in plenary;
 - d. that consideration would be given to convening a physical Working Group (PWG) prior to the next session, chaired by India and co-chaired by Costa Rica and USA, working in English and Spanish to consider comments, and to prepare a revised proposal for consideration by CCFL45.

DISCUSSION PAPER ON FRONT-OF-PACK LABELLING (Agenda item 7)⁹

42. Costa Rica, as Chair of the EWG, introduced the item and recalled that the mandate of the EWG focused on three broad aspects i.e. stock-taking on the existing systems of FOPL; the need for development of principles for FOPL; and preparation of a discussion paper on FOPL, in case there was a demonstrated need.
43. Costa Rica further outlined the outcome for each of the three areas and highlighted the recommendation of the EWG to start new work to develop harmonised guidelines on FOPL.
44. The Chair of the Committee drew the attention of CCFL to the workshop to raise awareness around FOPL held in the margins of the session and noted that the large number that attended the event had demonstrated that there was a lot of interest on the subject. She invited comments on the discussion paper to determine whether there

⁹ CX/FL 17/44/7; CRD9 (India, El Salvador, EU, Thailand, AU, IDF); CRD10 (Indonesia); CRD11 (Dominican Republic); CRD13 (Russian Federation); CRD15 (Senegal); CRD18 (FoodDrinkEurope); CRD19 (Republic of Korea); CRD20 (Nicaragua); CRD22 (Paraguay); CRD23 (South Africa); CRD24 (revised project document on FOPL).

was support for starting new work.

45. The Committee expressed broad support for developing guidance on use of simplified nutrition information on the front of pack.
46. The Committee had an exchange of views on the following points:
- i. Currently there are no international guidelines on best practices for FOPL and a multiplicity of FOPL systems can lead to technical barriers to trade. New work on FOPL systems would provide clear and transparent scientific guidance to governments wishing to implement this type of labelling; and would help in harmonization of FOPL systems and thus facilitate international trade.
 - ii. The new work should include a definition for FOPL, and aspects to be considered in FOPL systems. Interest was also expressed to work on fundamental principles for monitoring and assessing the effectiveness of such systems.
 - iii. FOPL systems should be scientifically substantiated; and should apply exclusively to prepackaged foods and possibly with a number of exceptions.
 - iv. FOPL should provide consumers with accurate and transparent nutrition information, and in a format that helps them to easily understand the essential nutrition information to make informed decisions.
 - v. There was limited published evidence on FOPL and some countries were in the process of publishing such information. However, emerging evidence will be taken into account;
 - vi. Complementary consumer awareness, communication, education, and monitoring and evaluation strategies were essential factors in assuring the success of any FOPL system.
 - vii. FOPL should not replace nutrient declaration.
 - viii. Consideration should be given to inclusion of positive elements such as fibre, fruits and vegetables.
 - ix. Account of other texts should be taken into account, in particular texts on nutrition guidelines and claims.

Project document for new work

47. Given the support for starting new work, the Committee considered the revised project document, clarified the scope; identified the main aspects to be covered; and agreed that the placement of the document would be decided at a later stage. The Committee further agreed that the main aspects to be covered should be broad and flexible enough to allow further discussion to take place in the EWG. The Committee also noted that WHO evidence reviews on nutrition labelling as well as any relevant Codex texts, including the *Guidelines on Nutrition Labelling* (CXG 2-1985), would be considered in the development of the guidance.

Conclusion

48. The Committee agreed to:
- a. start new work to develop guidelines on FOPL systems, and to submit the project document (Appendix III) for approval to CAC41.
 - b. establish an EWG, chaired by Costa Rica and co-chaired by New Zealand, working in English and Spanish, and subject to approval of the new work by CAC41, with the following terms of reference:
 - to consider the *Guidelines on Nutrition Labelling* (CXG 2-1985) and any other relevant Codex guidelines;
 - based on the four (4) key aspects: (i) purpose and scope; (ii) definition of FOPL; (iii) general principles for FOPL; and (iv) aspects to consider in the development of FOPL systems, identified under section 3 (“Main Aspects to be Covered”) of the project document, prepare proposed draft guidelines for circulation for comments and for consideration at CCFL45;
 - make recommendations on the placement of the guidelines.

General Guidelines to Establish Nutritional Profiles

49. Costa Rica drew the attention of the Committee to potential new work to develop general guidelines to establish

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nutrient profiles. The potential new work would supplement the work on FOPL and could be undertaken by CCNFSDU.

50. The Committee agreed to inform CCNFSDU of the new work on FOPL and to request CCNFSDU to consider how it could contribute towards this work.

DISCUSSION PAPER ON CONSUMER PREFERENCE CLAIMS (Agenda item 8)¹⁰

51. Turkey introduced the item and summarized the main findings of the discussion paper and drew the attention of the Committee to the conclusions and recommendations in the paper.

Conclusion

52. The Committee agreed that:
- the information provided in the discussion paper was useful;
 - there was no need to start new work at this stage; and
 - this matter could be addressed as part of the discussion on future work (item 9).

FUTURE WORK AND DIRECTION FOR CCFL (Agenda item 9)¹¹

53. Canada introduced the item and noted that the discussion paper covered previous, current and potential work of the Committee. The Delegation proposed that the Committee give consideration to the items presented, in particular to the potential work.
54. The Committee considered the items identified as potential work and noted broad support for them, and in particular for the following: internet sales/e-commerce; allergen labelling; innovation – use of technology in food labelling; alcoholic beverages labelling; criteria for the definition of “high in” nutritional descriptors for fats, sugars and sodium; and labelling of foods in multipack format.
55. While there was broad support for work on these items, some concerns were raised on the proposed work on alcoholic beverages labelling, namely that some of the points raised in the WHO discussion paper were outside the mandate of CCFL, (e.g. health warnings on labels). These issues should be dealt with by national governments and should not be the subject of any future work. There was already considerable work on alcoholic beverages labelling being undertaken in other international fora such as the Organisation internationale de la vigne et du vin (OIV) and the Fédération internationale des vins et spiritueux (FIVS), and Codex work was therefore not necessary at this time; and a comprehensive review of national legislation and work in international fora was needed.
56. Some countries from the African region highlighted the need for work on alcoholic beverages labelling due to increased availability and consumption of alcoholic beverages in their countries. The existing labelling regimes in such countries did not provide sufficient information, such as alcohol content; and that in some instances alcohol was being offered in quantities as little as 100 ml without any labelling.
57. The Committee noted that any work to be undertaken should be within the purview of CCFL and that information on the existing state of play would be needed to further develop any new work.

Conclusion

58. The Committee agreed to develop the following discussion papers:
- Internet sales/e-commerce prepared by UK with assistance of Chile, India, Japan, Ghana;
 - Allergen labelling prepared by Australia with assistance of UK and USA;
 - Innovation – use of technology in food labelling prepared by Canada;

¹⁰ CX/FL 17/44/8; CRD9 (India, AU, El Salvador, EU, Thailand, IDF); CRD10 (Indonesia); CRD11 (Dominican Republic); CRD13 (Russian Federation); CRD15 (Senegal).

¹¹ CL 2016/31-FL; CX/FL 17/44/9; CRD9 (India, AU, El Salvador, EU, Thailand, IDF); CRD10 (Indonesia); CRD11 (Dominican Republic); CRD14 (Paraguay); CRD15 (Senegal).

- d. Alcoholic beverages labelling prepared by the Russian Federation with assistance of EU, Ghana, India and Senegal;
 - e. Criteria for the definition of “high in” nutritional descriptors for fats, sugars and sodium prepared by Canada and India; and
 - f. Labelling of foods in joint presentation and multipack formats prepared by Colombia.
59. The Committee further agreed that information would be sought through a Circular Letter (CL) on current practices, issues and any potential role in the areas identified above or in the case of alcoholic beverages labelling and allergen labelling where some Codex provisions already exist, any potential further role for CCFL.
60. The Chairperson clarified the possible new work identified did not preclude submission of other proposals for new work should the need arise.

Future work paper and prioritisation process

61. The Committee recalled the decision of CCFL43 that the future work paper would be kept current at each session with a different delegation taking on responsibility each time; and that a prioritization approach could be considered¹².
62. An observer expressed the view that, when setting work priorities, CCFL should consider quantifying the risks to health and the risks of misleading consumers when setting work priorities, similar to a process established by CCFH.

Conclusion

63. The Committee agreed:
- a. that India would update the paper and develop a prioritization approach;
 - b. the Secretariat would issue a CL requesting members and observers to provide information on issues for inclusion in the paper;
 - c. that matters raised earlier in the Committee, e.g. consumer preference claims (item 8) and flavours/flavourings (item 2), could be part of the future paper; and
 - d. the paper will be kept current at each session with a different delegation taking on responsibility each time.

OTHER BUSINESS (Agenda item 10)

64. The Committee noted that there was no other business to discuss.

DATE AND PLACE OF THE NEXT SESSION (Agenda item 11)

65. The Committee was informed that its 45th Session would be held in approximately 18 months' time. The final arrangements being subject to confirmation by the Host Country and the Codex Secretariat.

¹² REP16/FL, para. 71

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APPENDIX II

DRAFT REVISION TO THE *GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS*
(CODEX STAN 1-1985)

(For adoption at Step 8)

2. DEFINITION OF TERMS:

For use in **Date Marking** of prepackaged food:

“Date of Manufacture” means the date on which the food becomes the product as described. This is not an indication of the durability of the product.

“Date of Packaging” means the date on which the food is placed in the immediate container in which it will be ultimately sold. This is not an indication of the durability of the product.

“Best Before Date” or “Best Quality Before Date” means the date which signifies the end of the period, under any stated storage conditions, during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption.

“Use-by Date” or “Expiration Date” means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons.

4.7 Date marking and storage instructions

4.7.1 If not otherwise determined in an individual Codex standard, the following date marking shall apply, unless clause 4.7.1(vii) applies:

- (i) When a food must be consumed before a certain date to ensure its safety and quality the “Use-by Date” or “Expiration Date” shall be declared¹.
- (ii) Where a “Use-by Date” or “Expiration Date” is not required, the “Best-Before Date” or “Best Quality-Before Date” shall be declared.
- (iii) The date marking should be as follows:
 - On products with a durability of not more than three months; the day and month shall be declared and in addition, the year when competent authorities consider consumers could be misled.
 - On products with a durability of more than three months at least the month and year shall be declared.
- (iv) The date shall be introduced by the words:
 - “Use-by <insert date>” or “Expiration Date <insert date>” or “Best before <insert date>” or “Best Quality Before <insert date>” as applicable where the day is indicated; or
 - “Use-by end <insert date>” or “expiration date end <insert date>” or “Best before end <insert date>”; or “Best Quality Before end <insert date>” as applicable in other cases.
- (v) The words referred to in paragraph (iv) shall be accompanied by:
 - either the date itself; or
 - a reference to where the date is given.
- (vi) The day and year shall be declared by uncoded numbers with the year to be denoted by 2 or 4 digits, and the month shall be declared by letters or characters or numbers. Where only numbers are used to declare the date or where the year is expressed as only two digits, the competent authority should determine whether to require the sequence of the day, month, year, be given by appropriate abbreviations accompanying the date mark (e.g. DD/MM/YYYY or YYYY/DD/MM).
- (vii) Provided that food safety is not compromised, the provision in 4.7.1 (i) or 4.7.1 (ii) is not required for a food if one or more of the following criteria apply:

¹ Consideration should be given to other Codex texts

1. Where safety is not compromised and quality does not deteriorate because the nature of the food is such that it cannot support microbial growth (e.g. alcohol, salt, acidity, low water activity under intended or stated storage conditions);
2. Where the deterioration is clearly evident by physical examination at the point of purchase, such as raw fresh produce that has not been subject to processing and presented in a manner that is visible to the consumer;
3. Where the key/organoleptic quality aspects of the food are not lost;
4. Where the food by its nature is normally consumed within 24 hours of its manufacture, such as some bakers' or pastry-cooks' wares.

For example, foods such as²:

- fresh fruits and vegetables, including tubers, which have not been peeled, cut or similarly treated;
- wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;
- alcoholic beverages containing at least 10% alcohol by volume;
- bakers' or pastry-cooks' wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;
- vinegar;
- non-iodized food grade salt;
- non-fortified solid sugars;
- confectionery products consisting of flavoured and/or coloured sugars;
- chewing gum.

In such cases, the "Date of Manufacture" or the "Date of Packaging" may be provided.

- (viii) A "Date of Manufacture" or a "Date of Packaging" may be used in combination with 4.7.1 (i) or (ii). It shall be introduced with the words "Date of Manufacture" or "Date of Packaging", as appropriate, and use the format provided in clause 4.7.1(vi).

- 4.7.2 Any special conditions for the storage of the food shall be declared on the label where they are required to support the integrity of the food and, where a date mark is used, the validity of the date depends thereon.

²This is an illustrative list.

PROJECT DOCUMENT FOR NEW WORK ON THE DEVELOPMENT OF GUIDANCE ON USE OF SIMPLIFIED NUTRITION INFORMATION ON THE FRONT OF PACK

1. PURPOSE AND SCOPE OF THE NEW WORK

The scope and purpose of the work is to develop guidance on the use of simplified nutrition information on the front of pack. This guidance should be consistent with the requirements for supplementary nutrition information in the *Guidelines for Nutrition Labelling* (CXG 2-1985). The work will include defining front of pack nutrition labelling (FOPL).

A decision on whether this guidance should be placed within the *Guidelines for Nutrition Labelling* (CXG 2-1985) or in a separate document will be made after they have been developed.

2. RELEVANCE AND TIMELINESS

This proposal relates to development of guidance to assist governments (or other stakeholders) in the development of simplified nutrition information (particularly on front of pack) which has been identified as a significant opportunity in a number of countries.

According to the stocktake undertaken by the eWG, there is an increasing number of Codex members where front of pack nutrition labelling systems is currently in use or being proposed for use.

The *Guidelines on Nutrition Labelling* (CXG 2-1985) allow for the use of supplementary nutrition information, however they do not provide the necessary guidance to ensure supplementary nutrition information such as front of pack labelling is applied in a way that ensures potential barriers to trade are minimized.

3. MAIN ASPECTS TO BE COVERED

The *Guidelines for Nutrition Labelling* (CXG 2-1985) in Section 5 allow for the use of supplementary nutrition information; however, further clarification is required and the present project document seeks to establish additional guidance which may include general principles for front of pack nutrition labeling systems.

The proposal is to develop specific guidelines that may or may not be included within the *Guidelines for Nutrition Labelling* (CXG 2-1985).

It is proposed that the guidance covers at least the following aspects:

- i. Purpose and Scope
- ii. Definition of FOPL
- iii. General principles for FOPL
- iv. Aspects to consider in the development of FOPL systems

4. ASSESSMENT AGAINST THE CRITERIA FOR THE ESTABLISHMENT OF NEW WORK PRIORITIES

General criterion

Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries.

Simplified nutrition information may have a role to play in facilitating greater understanding of the nutrition content of foods by consumers. This may also help guide consumers to healthier choices. Simplified nutrition information, particularly on front of pack, may also encourage food manufacturers to reformulate their food products to gain a more positive nutrient profile, thus improving the nutritional quality of the food supply available to consumers. Improved nutrition via either a healthier food supply or consciously made healthier choices would improve the risk profile for a number of non-communicable diseases globally.

Criteria applicable to general subjects

(a) *Diversification of national legislations and apparent resultant or potential impediments to international trade*

A number of countries have adopted or are planning simplified nutrition labelling systems either on a voluntary or mandatory basis. It is important that with a growing number of systems globally some consistency is maintained at a global level to ensure that impediments to trade that may arise from different approaches are minimised.

(b) *Scope of work and establishment of priorities between the various sections of the work.*

Conduct a revision of Codex texts including the *Guidelines on Nutrition Labelling* (CXG 2-1985) is undertaken in order to formulate recommendations and guidance on the use of front of pack nutrition labelling.

(c) *Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body(ies)*

In November 2015 WHO held a technical meeting on Nutrition Labelling for Promoting Healthy Diets. The objectives of this meeting included reviewing the types of FOPL being implemented at that time, reviewing the evidence for effectiveness of different types of FOPL and reviewing case studies of countries with experience in implementing FOPL.

Subsequently, WHO initiated work on the development of Guiding Principles on FOPL which will be taken into account as soon as they are available to complement the work being done in the CCFL.

(d) *Amenability of the subject of the proposal to standardization*

Many countries are looking to Codex for clear and unambiguous guidance on areas such as nutrition labelling. The purpose of the new work proposal is the review and clarification of existing text to ensure it provides for the use of simplified nutrition labelling on the front of pack and the development of additional guidance to support its use, either in the current guidelines or in an independent document.

(e) *Consideration of the global magnitude of the problem or issue*

Simplified front of pack nutrition information is a topic of interest in a number of countries around the World. Voluntary and mandatory systems are in place in a number of countries and at a global level this is a topic of discussion at the WHO. It has also been raised at WTO where inconsistency in labelling requirements has the potential to be a barrier to trade. Promotion healthier diets for consumers and encouraging manufacturers to improve the healthiness of the food supply are areas where strong guidance could have a significant impact globally.

5. RELEVANCE TO CODEX STRATEGIC OBJECTIVES

The proposed work is in line with the Commission's mandate for the development of international standards, guidelines and other recommendations for protecting the health of consumers and ensuring fair practices in food trade. The new work proposal will contribute to advancing Strategic Goals 1 and 3 as described below.

Strategic Goal 1: Establish international food standards that address current and emerging food issues

The use of simplified nutrition labelling on the front of pack is of increasing interest and activity in a number of countries globally. Currently there is no global guidance on best practice with regard to this form of labelling. Therefore, there is a risk that a proliferation of systems may result in confusion and barriers to trade.

Providing guidance for countries looking to implement front of pack nutrition labelling and principles that should be considered when implementing such a system would help ensure a degree of global harmonisation.

Strategic Goal 3: Facilitate the effective participation of all Codex members

Bringing this topic to CCFL will enable all members who have an interest in simplified nutrition labelling to participate in discussions.

6. RELATION BETWEEN THE PROPOSAL AND OTHER EXISTING CODEX DOCUMENTS

The proposal is to consider the *Guidelines on Nutrition Labelling* (CXG 2-1985) and other relevant Codex guidelines.

7. REQUIREMENT FOR AND AVAILABILITY OF EXPERT SCIENTIFIC ADVICE

None identified at this stage. There will be opportunity to consult with relevant bodies if necessary throughout the process.

8. NEED FOR TECHNICAL INPUT TO THE STANDARD FROM EXTERNAL BODIES

WHO work on guiding principles for front-of-pack nutrition labelling systems and evidence reviews on nutrition labelling being developed as part of the guideline development for promoting healthy diets will be considered in the development of guidance for Codex.

9. PROPOSED TIMELINE

If approved by the Commission in 2018, the work is expected to take the Committee at least two sessions to complete.