CODEX ALIMENTARIUS COMMISSION

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Food and Agriculture Organization of the United Nations

World Health Organization

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REP19/FL

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

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

Ottawa, Ontario, Canada

13 - 17 May 2019

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LIST OF ABBREVIATIONS

CAC	Codex Alimentarius Commission
CCFH	Codex Committee on Food Hygiene
CCFL	Codex Committee on Food Labelling
CCMMP	Codex Committee on Milk and Milk Products
CCNE	FAO/WHO Coordinating Committee for the Near East
CCNFSDU	Codex Committee on Nutrition and Foods for Special Dietary Uses
CCPFV	Codex Committee on Processed Fruits and Vegetables
CCPR	Codex Committee on Pesticide Residues
CCSCH	Codex Committee on Spices and Culinary Herbs
CL	Circular Letter
CRD	Conference Room Document
CXG	Codex Guideline
CXS	Codex Standard
EU	European Union
EWG	Electronic Working Group
FAO	Food and Agriculture Organization of the United Nations
FIVS	Fédération internationale des vins et spiritueux
FOPNL	Front of pack nutrition labelling
GSLPF	General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)
INFOODS	International Network of Food Data Systems
JEMNU	The Joint FAO/WHO Expert Meetings on Nutrition
NCD	Non-communicable diseases
NRC	Non-Retail Container
NUGAG	WHO Nutrition Guidance Expert Advisory Group
OIV	Organisation internationale de la vigne et du vin
PWG	Physical Working Group
TBT	Technical Barrier to Trade
TFA	Trans-Fatty Acids
TRIPS	Trade Related Agreement Aspects of Intellectual Property Rights
UK	United Kingdom
UN	United Nations
USA	United States of America
WHA	World Health Assembly
WHO	World Health Organization
WTO	World Trade Organisation

INTRODUCTION

1. The Codex Committee on Food Labelling (CCFL) held its Forty-fifth Session in Ottawa, Canada from 13 – 17 May 2019, at the kind invitation of the Government of Canada. The Session was chaired by Ms Kathy Twardek, Director of the Consumer Protection and Market Fairness Division, Canadian Food Inspection Agency (CFIA). The Session was attended by delegates from 55 member countries and one member organisation and 26 observer organisations. A list of participants is contained in Appendix I.

OPENING

2. Mr Simon Kennedy, Deputy Minister of Health Canada opened the session, welcomed delegates and underscored the contribution of the Codex Committee on Food Labelling towards addressing the challenge of non-communicable diseases linked to nutrition, through provision of clear nutritional information to consumers. The Vice-Chairperson of the Codex Alimentarius Commission (CAC), Mr Steve Wearne (United Kingdom), on behalf of the Chairperson and Vice-Chairpersons of the Commission[1], and Mr Tom Heilandt, Codex Secretary also addressed the meeting.

Division of Competence[2]

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)[3]

4. The Committee adopted the Agenda.

MATTERS REFERRED TO THE COMMITTEE (Agenda item 2)[4]

Matters referred by CAC and other Subsidiary Bodies

5. The Committee noted the matters for information, and that matters related to the request from CCFH would be discussed under Agenda Item 8.

Revision of the *General Standard for the Labelling of Prepackaged Foods*: date marking

6. The Committee noted the continued use of the term “date of minimum durability” throughout several Codex texts which was inconsistent with the revised section on date marking in the *General Standard for Labelling of Prepackaged Foods* (GSLPF) and therefore alignment of these texts with the GSLPF was necessary. The Committee agreed to inform commodity committees to ensure alignment of terminology with the newly revised GSLPF and noted that the Secretariat would also undertake a search for the texts where such alignment was needed and could make proposals for amendments to relevant Codex texts for approval by the Codex Alimentarius Commission (CAC).

CCNFSDU: Definition for Biofortification

7. The Chair proposed to focus discussion on the intended use of the definition and where it would be best placed before discussing whether the proposed definition met the needs of CCFL. She recalled that the request for CCNFSDU to consider a definition had come from CCFL41, and reminded that at the time of discussion in CCFL41, the Committee had generally agreed that existing Codex guidelines provided adequate guidance for claims for products with higher micronutrient content, but had recognized that challenges for labelling may arise in expressing the true nature of a food or ingredient if a processed product is biofortified or is based on a biofortified ingredient since no definition for biofortification exists.[5]

8. Delegations who spoke generally appreciated the work of CCNFSDU to develop the proposed definition, and expressed the following views:

    - The definition was too broad and thus of limited value in terms of labelling harmonization, not clear enough, did not facilitate clear understanding of which products would be consider as biofortified, and therefore did not address the initial intent of identifying the true nature of the products obtained through biofortification for the purposes of section 4.1.1 of the GSLPF. It allowed member governments to use equivalent terms that were not identified in the proposal and that the processes covered by the definition have to be determined by competent national/regional authorities.

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1 CRD18 (Opening remarks on behalf of CAC Chair and Vice-Chairs to CCFL45)
2 CRD1 (Annotated Agenda – Division of competence between the EU and its Member States)
3 CX/FL 19/45/1
4 CX/FL 19/45/2; CRD03 (Dominican Republic, European Union, India, Nigeria, Panama, Thailand, FoodDrinkEurope); CRD 14 (Indonesia); CRD15 (Kenya); CRD17 (South Africa)
5 REP13/FL, para. 123

- The need for a definition of the term "biofortification" in the context of CCFL had not been clearly identified. The term was currently not used in any of the Codex adopted texts, or texts in the step process that are under the remit of CCFL.
- Existing texts, in particular the GSLPF, the *Guidelines on Nutrition and Health Claims* (CXG 23-1997) and the *General Principles for the Addition of Essential Nutrients to Foods* (CXG 9-1987) were sufficient to address the appropriate labelling of food with a modified nutrient content; and
- The definition only addressed the process by which nutrients could be obtained, and not nutrient bioavailability. Should the definition be finalised it should be included in the *Guidelines for Nutrition and Health Claims*.

9. Concerns were also expressed by some observers about a single nutrient approach as addressed through biofortification rather than the promotion of diversified diets to address malnutrition. They pointed out that, in their view, the original intent was to limit the scope to conventional breeding, but that the current definition allowed for use of genetic modification and that CCNFSDU should be requested to reconsider this aspect. One observer expressed the view that the probability that GMOs would be part of the method of production, which is not required on labels would be deceptive to consumers.

10. Another observer noted that lots of work had gone into the development of the definition by CCNFSDU and that many aspects raised in the discussion had been taken into consideration in the development of the definition. She noted that careful examination of existing texts could be considered by CCNFSDU together with gaps identified in the discussion and emphasised that guidance on biofortification was needed and Codex was in the position to provide such guidance.

Conclusion

11. The Committee acknowledged the tremendous work done by CCNFSDU, but agreed that current labelling texts were adequate for CCFL purposes and there was no need for a definition on biofortification in the context of food labelling.

MATTERS OF INTEREST FROM FAO AND WHO (Agenda item 3)[6]

12. The Representative of FAO drew the attention of the Committee to various activities of FAO as well as to the joint activities of FAO and WHO of interest to the CCFL: (i) The Joint FAO/WHO Expert Meetings on Nutrition (JEMNU) to provide scientific advice for the establishment of nitrogen to protein conversion factors for soy-based and milk-based ingredients used in infant formula and follow-up formula, noting that a meeting of JEMNU is planned for July 2019; (ii) the FAO website on Food labelling that provides information on food labelling standards and guidelines and FAO activities and projects on food labelling ; (iii) FAO's work on providing up-to-date food composition data, through the International Network of Food Data Systems (INFOODS); (iv) the UN Decade of Action on Nutrition for 2016 – 2025, referring to the establishment of a Nutrition Labelling Action Network that is co-convened by Australia and France; and (v) the FAO Symposium on the Future of Food to be held in Rome on 10-11 June 2019.

13. The Representative of WHO highlighted the activities of relevance to the on-going work of the Committee. With reference to the UN Third High-level meeting on NCDs, the Representative informed the Committee of the efforts being made by WHO in setting up an accountability framework to monitor the private sector's actions in meeting the targets sets by WHO in achieving the reduction of salt/sodium, sugars and fat intake, including the elimination of industrially produced *trans*-fatty acids (TFA) and the accelerated actions being made by WHO in elimination of industrially produced TFA. The Representative further highlighted all the relevant guideline development work including the release of the draft guidelines on saturated and *trans*-fatty acids intake in May/June 2018 for public consultation, various other guidelines under finalization including the guideline on non-sugar sweeteners, and the launching of the new guideline development process addressing priority policy actions (such as nutrition labelling policies, policies to restrict food marketing to children and fiscal policies) to promote healthy diets.

14. She also informed the Committee of the publication of the report of the Second Global Nutrition Policy Review (2016 – 2017) which includes the data on country progress in implementing nutrition labelling. Furthermore, the Representative provided the link to the pre-formatted final draft version of the WHO guiding principle manual on front-of-pack labelling (https://www.who.int/nutrition/publications/policies/guidingprinciples-labelling-promoting-healthydiet/en/) and reminded the Committee of the background information of the work which the Committee was informed of in 2016.

6 CX/FL 17/45/3; CRD13 (WHO)

15. The Representative also provided a brief update on WHO activities on harmful use of alcohol reflected in CRD13, including the WHO Global Status Report on Alcohol and Health 2018 highlighting 3 million deaths attributable to harmful use of alcohol in 2016. The Representative underlined that worldwide alcoholic beverages have relatively little consumer information on the label. The Representative further noted the launching of a new WHO-led SAFER initiative which outlines five high-impact strategies with proven effectiveness and cost-effectiveness that can help governments reduce alcohol-related harm which imply good consumer information on how much and what they consumer with alcoholic beverages.

Conclusion

16. The Committee noted the information provided.

CONSIDERATION OF LABELLING PROVISIONS IN CODEX STANDARDS (ENDORSEMENT) (Agenda item 4)[7]

17. The Committee considered the labelling provisions for endorsement, noted that the provisions in the proposed draft Code of practice on food allergen management for food business operators from CCFH would be considered under agenda item 8, and made the following comments and decisions:

Proposed draft Standard for Quinoa

18. The Committee endorsed the labelling provisions with amendments to section 8.1 Name of the product to ensure that the name of the product was consistent with the descriptions in section 2 of the Standard; and section 8.2 Non retail containers for consistency with the wording in the Procedural Manual as follows:

8.1 Name of the Product

"The product name appearing on the label shall be "quinoa" or "processed quinoa", **consistent with the descriptions in section 2 of this Standard.** Optional information, such as product origin, quality, colour, may be included."

8.2 Non-retail containers

"Information for **non-retail containers** shall be given on the containers….."

Proposed draft standards for spices and culinary herbs

19. The Committee considered the labelling provisions for the following six (6) proposed draft standards (i.e. dried or dehydrated garlic; dried oregano; for dried roots, rhizomes and bulbs – dried or dehydrated ginger; dried basil; dried floral parts – dried cloves; and saffron); agreed that all the provisions were consistent with the requirements of GSLPF, and also noted the following concerns on the labelling provisions 8.3 and 8.3.1 ("Country of Origin/Country of Harvest") and 8.5 (Inspection mark (optional)).

Section 8.3 and 8.3.1 "Country of Origin/Country of Harvest"

20. The Committee noted that for the phrase "Country of Origin/Country of Harvest" it was not clear whether both the country of origin and country of harvest should be declared or only one was required. It was further noted that GSLPF provided for mandatory declaration of the country of origin if its omission would mislead or deceive the consumer. The GSLPF also sets clear criteria on what should be considered as the country of origin which could be different from the country of harvest.

21. The Committee noted that it was important for CCSCH to clarify whether the declaration of the country of harvest was intended to be mandatory if the country of origin and the country of harvest differed; or if the country of harvest could be an additional optional requirement in this case.

Section 8.5 – Inspection mark (optional)

22. The Committee also agreed to request more information on the intention of this mark.

Conclusion

23. The Committee agreed to endorse all the labelling provisions in the six (6) proposed draft standards except for sections 8.3, 8.3.1 and 8.5, which were referred to CCSCH for further consideration.

Standard for Follow-up Formula: Section A: follow-up formula for older infants

24. The Committee noted the following:

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[7] CX/FL 19/45/4; CRD04 (Dominican Republic, European Union, India, Malaysia, Nigeria, Thailand, Vietnam, EFLA); CRD14 (Indonesia); CRD15 (Kenya)

- The second sentence of section 9.2.2 should be revised by deletion of “these ingredients and” as functional classes were applicable food additives and not ingredients and as required by section 4.2.3.3 of GSLPF;
- The units in section 9.3 should be in the abbreviated form (e.g. ml) as more appropriate for labelling purposes and in line with the *Guidelines on Nutrition Labelling* (CXG 2-1985).
- To assure the consistency of datemarking and to allow for the use of “expiration date” or “use by date”, the Committee agreed to replace section 9.4.1 (i) and (ii) and 9.4.2 except for the last sentence with a reference to section 4.7.1 of the GSLPF to allow countries to have a choice on using the appropriate date marking to be declared on the label.
- The proposals to revise sections 9.5.1 to include more detailed preparation instructions for powdered products; and 9.6.1 c) to emphasize that health workers should be independent were not agreed to as CCNFSDU had already considered these proposals and the provisions were a result of extensive discussion and compromise in CCNFSDU.

25. The Committee noted that the last sentence in section 9.6.4 had received very little discussion in CCNFSDU and the lack of a definition for “cross promotion” had raised concerns for members in that Committee.

26. With respect to 9.6.4,there were discussions on whether to delete or retain cross-promotion and the following perspectives were raised in this discussion:

- It was important to protect and support breastfeeding and that labelling should be distinct on follow-up formula for older infants and should avoid confusion with other products such as infant formula and formula for special medical purposes.
- Without a definition for “cross-promotion” and understanding of the intent of the provision, it would be difficult to consider endorsement of the provision. Such lack of definition could lead to different interpretations of the provision and to unnecessary trade barriers.
- Restricting cross-promotion might go beyond the mandate of Codex and could result in legal uncertainties and trade impediments and infringe on intellectual property rights and trade marks as recognized in international agreements such as WTO TBT and TRIPS. It was necessary to determine if restrictions on cross promotion were compatible with the established rules for international trade by the WTO and WIPO.
- There were views that exceptions that allow countries to implement measures to pursue legitimate health objectives.
- A proposal for a footnote was made to clarify that for 9.6.4 it was without prejudice to international framework on trademarks conferred registered trademarks to their owners.
- The term “cross promotion” should not be used but if the concept were needed, alternative wording was required.
- The intention of the statement was not clear. If the intent of cross-promotion is to avoid messages that a follow-up formula for older infants is also suitable for another age group, then the issue was sufficiently covered by the first sentence in 9.6.4 and would therefore be appropriate to delete the last sentence to avoid duplication.
- Even if cross-promotion were defined, it would be difficult to implement and enforce.
- The statement on cross-promotion should be retained, as it was important to guard against confusion to consumers when products are not readily distinguishable in order to protect public health. It was critical to protect consumers and such guidance would help countries to limit or prohibit types of promotion.
- Cross-promotion was defined and used by WHO and could be used within Codex. It was important to ensure conformity of WHA resolutions and Codex.
- The issue of cross-promotion was important and consideration should be given to expanding the first sentence in 9.6.4 to address the intent of limiting or prohibiting cross-promotion.

27. The Representative of WHO explained that WHO had two technical guidance documents which provided definitions on cross promotion. These definitions encompassed broader aspects of advertising and marketing promotion which include packaging, branding and labelling of a product to closely resemble that of another, such as brand extension. In response to the comments by delegations, she noted that one of the terms of reference of CCFL is to address “problems associated with the advertisement of food with particular reference to claims and misleading descriptions” and, therefore, it was within the scope of the work of CCFL;.

if it was not clear what cross promotion meant, it seemed contradictory to say that something which is not clear on what it was would create a trade or IP related problem. Therefore, the Representative proposed to retain the sentence on cross promotion, especially given the fact that not much discussion took place at CCNFSDU and return it to CCNFSDU for further discussion.

Conclusion

28. The Committee agreed to inform CCNFSDU that it had endorsed the sections 9.1 to 9.6.3 with amendments to 9.2.2, 9.3 and 9.4.1 (i) and (ii) and 9.4.2. With regard to 9.6.4, the Committee endorsed the first sentence and agreed to return the last sentence on cross promotion for further consideration by CCNFSDU.

PROPOSED DRAFT GUIDANCE FOR THE LABELLING OF NON-RETAIL CONTAINERS (Agenda item 5)[1]

29. India, as Chair of the EWG and PWG, speaking also on behalf of the co-Chairs Costa Rica and the United States of America, introduced the item and highlighted the progress made by the PWG on each of the draft sections and recommendations as contained in CRD2. He also drew the attention of the Committee to other matters where broad Committee decisions would be required i.e. whether the proposed draft would be a guideline or a standard; whether an amendment to the Procedural Manual was needed; and how to deal with the need to revise commodity standards making reference to labelling of non-retail containers (NRCs).

30. The Chairperson reminded the Committee that the set timeline for completion of the work was 2019, and called for compromise on the outstanding issues in order to progress it.

31. The Committee noted the recommendations in CRD2, agreed to discuss the proposed draft guidance section by section, made appropriate editorial changes and clarified various sections as follows:

Discussion

Purpose and Scope

32. The Committee agreed to the purpose (Section 1) and scope (Section 2) of the proposed draft guidance of non-retail containers.

Section 3 Definition of terms

Food Business

33. The Committee agreed to further simplify the definition for “Food Business” by deleting repeated text.

34. On a proposal to use the term “food business operator” as defined in CCFICS and CCFH texts, the Codex Secretariat explained that Codex terms could be defined by a committee according to a particular context, for use in a particular text.

35. The Chairperson clarified that the term should be defined in the context of the document to be broad enough to address all the required elements. It was also noted that the term “food business operator” had not been used in the proposed draft text and there was no need to define it.

36. The Committee agreed with the revised definition.

Non-Retail Container

37. The Committee considered the two options for the definition for the Non-Retail Containers (NRC) and agreed to the following definition:

> **“Non-retail container”** means any container[1] that is not intended to be offered for direct sale to the consumer[1]. The food[1] in the non-retail containers is for further food business activities before being offered to the consumer[1].
>
> [1]As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985).

38. In the course of the discussion the Committee decided to:

    a) Delete the terms sale, distribution and catering from the definition.

    b) Delete the provision on examples following the definition as well as the associated Annex, as it was explained that these had been used for purposes of drafting and were no longer relevant.

    c) Retain footnotes to the definition as these were intended to create clarity as to the source of

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[1] CL 2019/13-FL; CX/FL 19/45/5; CX/FL 19/45/5-Add.1 (Australia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Guyana, Honduras India, Iran, Jamaica, Kenya, New Zealand, Nicaragua, Peru, Sri Lanka, Thailand, Uruguay, USA, CEFS, FoodDrink Europe, ICBA, IDF/FIL, IFU, IUFOST, World processing Tomato Council); CX/FL 19/45/5-Add.2 (European Union, Ghana, Malaysia, Nigeria), CRD02 (PWG Report); CRD5 (Canada, Dominican Republic, FoodDrinkEurope), CRD14 (Indonesia); CRD15 (Kenya), CRD17 (South Africa)

particular terms (i.e. GSLPF) as used in the definition.

4. General Principles

39. The Committee endorsed the seven proposed principles and further amended principle 4.7 to take into account the notion of traceability of the documents to the food in the NRC.

5. Mandatory Information Requirements

40. The Chairperson of the Committee explained that Section 5 (mandatory information requirements) provided the minimum information that would be expected on the label of a NRC, however other mandatory information would be declared in the accompanying documents or by other means as described under section 6.

Name of food

41. The Committee considered whether to consolidate the provisions related to "multiple foods" contained in section 5.1.1.5 with those in section 5.9. It was noted that whereas both sections dealt with multiple foods, Section 5.1.1.5 focused on how names of multiple foods in a NRC should be given; while Section 5.9 was intended to describe how information on multiple foods should be given. Based on this explanation the two sections were not merged.

42. The Committee agreed the sections on the name of the food were mandatory information and required on the label.

Net Contents

43. The Committee agreed to transfer the provision for net contents to section 6, noting that Section 6 covered all mandatory information irrespective of whether it was declared on the label or not.

Lot Identification

44. The Committee noted the following comments on some of the aspects of lot identification:

- Lot identification should be indelible on the NRC.
- Permanently embossed lot identification on an NRC may not be achievable as some retail containers could be reused.
- Lot identification was important for the identification of the product and could function as a link between the container and the information documents, and therefore it should be kept under mandatory requirements for the label.

45. The Committee agreed to the provision for lot identification for mandatory inclusion on a label.

Date Marking

46. The Committee noted the following views expressed by some delegations on date marking of NRC:

- Date marking and storage were only required on the label of an NRC where the absence of special storage conditions would compromise the safety of the product. If no special storage instructions were required, a date mark could appear on accompanying documents to an NRC.
- Date marking was always required irrespective of storage conditions.

47. The Committee agreed that date marking and storage instructions were mandatory on the label when they are related to the safety and integrity of the product.

Identification of a Non-Retail Container

48. The Committee amended the provision to: provide for flexibility and broad application throughout the envisaged "food business" value chain; and deleted the following statement "not for consumer sale" and "not for direct sale to consumer" as they could be misleading in situations where an NRC was used for sale of food.

49. The Committee agreed to delete the provision related to the identification mark as essential information should not be replaced by an identification mark. The Committee noted that the deletion of this provision would require an amendment to the Procedural Manual: Format for Codex Commodity Standards, section on labelling.

Name and address

50. The Committee agreed with the provision to remain mandatory on the label.

Bulk transport containers

51. The Committee agreed to transfer the provisions for bulk transport containers to a separate section, as it had special requirements that went beyond information on a label.

Non-Retail Container with multiple types of food

52. The Committee agreed with the provision.

Section 6 – Sharing of Information

53. The Committee noted the clarification that Section 6 was intended to bring together all mandatory information including: mandatory information requirements on the label provided under section 5; and information shared by other means; in order to facilitate the use of such information in subsequent products constituted from food derived from an NRC and, such as with net contents, transfer information to the buyer. It was further noted that some of the information transferred from section 5 (Mandatory Information on a Label) to Section 6 would need to be incorporated into this section.

54. The Committee further exchanged views on whether to create an exhaustive list of mandatory information to be shared based on GSLPF; or to develop a broader framework allowing flexibility in the provision of information.

55. Following a brief discussion, the Committee agreed to redraft the section to make it broader, more flexible and to capture the concept that mandatory information could be provided: on labels; through documents or other means; and that the provided mandatory information should be sufficient to enable the preparation and labelling of pre-packaged foods from the food in the non-retail container. It was also recognised that the information on net content of an NRC should be provided, and the new section should reference the GSLPF in a footnote.

56. An observer expressed the view that it was necessary to provide more detailed information, such as on country of origin, whether the food had been irradiated, or were derived from GMOs as essential information for consumers to make an informed choice. Additional comments were made that the provisions for NRC should not introduce new requirements that were not mandatory in the GSLPF.

57. It was further agreed that information provided in the accompanying document, or through other appropriate means, shall be effectively traceable to the food in non-retail containers.

58. In line with the above changes, the title of the section was also amended to read “mandatory information requirements by means other than label”.

Section 7 – Bulk transport containers

59. The Committee agreed to introduce a new Section 7 (Bulk Containers) (see para. 43) and a new section 8 was to cover cases where those non-retail containers which are exempted from mandatory requirements under section 5 because the information can be seen through the clear non-retail container. The titles were kept in square brackets for further consideration.

Section 8 – Presentation of information

60. The Committee agreed to remove the requirement for information being stored in one place, noting that the objective should be accessibility and discernibility of information rather than where it was stored.

Other Matters

61. The Committee noted the information provided by the Codex Secretariat that there was no clear guidance in Codex as to when a document should become a guideline or standard but that the present text had been drafted more in line with the practice used for standards so it could be called General Standard on the Labelling of Non Retail Containers. The Secretariat further noted that the naming of the text would entail no difference as to the significance and implications of a Codex standard or a Codex guideline.

62. The Committee noted that whether the text was a standard or guidelinecould be decided at a later stage.

63. A delegation noted there could be a need for consequential amendments to the GSLPF to remove reference to food for catering purposes in the scope and definition.

Conclusion

64. The Committee noted that there had been a lot of progress on the work and therefore agreed to:

a) Forward the proposed draft standard to CAC42 for adoption at Step 5 (Appendix II).

b) Extend completion of the work to CCFL46 and to inform the CCEXEC accordingly.

c) Inform the relevant Commodity Committees on the progress of the work on NRC.

65. The Committee noted that once the document is finalised there could be the need for consequential amendments to the Procedural Manual, the GSLPF and relevant Commodity standards.

PROPOSED DRAFT GUIDELINES ON THE FRONT-OF-PACK NUTRITION LABELLING (Agenda item 6)[9]

66. Costa Rica, as Chair of the EWG, introduced the item and summarized the work process in the EWG, highlighted the key points of discussion, conclusions and recommendations. She noted that from the written comments received that there were concerns on section 5 and its appropriateness for inclusion in a Codex guideline and proposed that the Committee focus discussion on sections 1 – 4 and to decide later whether section 5 should be maintained in the guidelines.

67. New Zealand, co-chair of the EWG, noted that there was a lot of interest in the work as the subject of FOPNL was currently very topical, and the guideline should remain at a high level to cater to a wide variety of needs.

Discussion

General comments

68. The Committee noted the general support for the work and its purpose, and the following views were expressed by delegations:

- FOPNL was an important tool to support strategies for control of non-communicable diseases (NCDs).
- It was important that the work should remain in line with the mandate agreed at CCFL44, the objective of the guidelines being to provide additional guidance to the requirements for supplementary nutrition information covered in Section 5 of the *Guidelines for nutrition labelling* (CXG 2-1985) and in accordance with this section, the use of supplementary nutrition information should be optional and should only be provided in addition to a nutrient declaration.
- The mandate for the work did not include aspects related to the implementation of FOPNL schemes and section 5 should therefore be deleted. Consideration should be given to transferring some text from this section, to section General Principles, as appropriate.
- The guideline might also contribute to guiding the purchase of non-packaged foods through food services, and that this concept should be included in the guidelines.

Sections 1 – 4

Section 1: Purpose

69. The Committee amended the purpose to clarify that FOPNL was a form of supplementary nutrition information; and a tool to facilitate the consumer understanding of the nutritional value of the food and their choice of food consistent with national dietary guidance or health and nutrition policy of the country or region of implementation, to read as follows: "*Provide general guidance to assist in the development of front-of-pack nutrition labelling, a form of supplementary nutrition information, as a tool to facilitate the consumer's understanding of the nutritional value of the food and their choice of food, consistent with the national dietary guidance or health and nutrition policy of the country or region of implementation*."

Section 2: Scope

70. The Committee noted that section 2 of the scope was not consistent with section 5 of the *Guidelines on Nutrition Labelling* (i.e. supplementary information should be optional and only given in addition to the nutrient declaration except for target populations who have a high illiteracy rate and/or comparatively little knowledge of nutrition) and agreed to amend section 2.1 by inserting a reference to Section 5 of the *Guidelines on Nutrition Labelling* also consistent with the amendment made to the "Purpose".

71. The Committee had considerable discussion on the exclusions in section 2.2 and exemptions in section 2.3 and noted the following views expressed:

- A reference to exclusions could be maintained, but there was no need to name specific products in 2.2.

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9 CL 2019/14-FL; CX/FL 19/45/6; CX/FL 19/45/6-Add.1 (Argentina, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, India, Iran, Iran, Jamaica, Kuwait, New Zealand, Nicaragua, Peru, Uruguay, USA, BEUC CEFS, Consumers International, ESSNA, Food Industry Asia; FoodDrink Europe, ICBA, ICGMA, IDF/FIL, IFU, International Association of Consumer Food organisations; IUFOST, World Federation of Public Health associations); CX/FL 19/45/6-Add.2 (European Union, Ghana, India, Kenya, Malaysia, Nigeria, Republic of Korea, ICGA); CRD6 (Dominican Republic, El Salvador, Panama, Thailand, FIVS, OIV); CRD12 (FoodDrinkEurope, ISDI, WFPHA); CRD14 (Indonesia); CRD17 (South Africa).

- For exclusions, reference could be made to foods for special dietary uses and for infants and young children as defined in Codex rather than listing products.
- Sports foods or drinks should not be excluded as these products were widely consumed by the general public.
- Sports drinks were not defined in Codex and should be excluded as it could cause confusion to consumers
- There was concern on the exclusion for alcoholic beverages. It was stated that consumers would like to see more information on more products rather than less.
- There was no need to specify exemptions indicated in 2.3 since these foods were already exempted from the mandatory nutrient declaration.
- Bottled water should also be included as an example in 2.3 (first bullet point) as a product with zero nutrient value.
- The surface area for small packages may be insufficient and suggestions were made that it could be increased.
- Foods exempted from nutrition labelling (back of pack) should also be exempted from FOPNL, and should therefore be included under section 2.3.
- Consideration should be given to establish criteria to consider the list of exemptions and exclusions which should be science-based and should be mindful of the risk of FOPNL giving nutritional halos to foods not recommended for good health. In all other cases, consumers need useful and interpretative guidance.
- Clarification was requested on footnote 3 to explain the difference between excluded foods and exempted foods
- Some foods have special compositional requirements but not all foods have defined limits in Codex documents

Section 3: Definition of front of pack nutrition labelling

72. The Committee noted the following views:

- The definition should be kept broad to allow countries to decide on their own FOPNL schemes to address their specific situation and meet the needs of their consumers.
- The definition in 3.1 should be simplified by deleting the text after the word 'thereof' which was proposed to keep the guidelines at high level.
- The definition should be aligned with its earlier decision to indicate that FOPNL was a form of supplementary nutrition information.
- Consideration should be given to whether high in warnings should be included or excluded.
- Support for section 3.2 as proposed in the document.
- The whole or part of section 3.2 should be deleted.

73. The Committee noted that there were various views on the need to retain section 3.2 and agreed to further consider this question and the contents of the list.

74. The Committee agreed that there were various views on this section and that further work on the refinement of the definition should take into consideration the written comments.

Section 4: General Principles

75. The Chair proposed to focus on the texts in square brackets that needed further consideration, and also suggested that additional comments to those in the written comments be raised. The Committee noted several proposals for amendments to the principles and there was some agreement for some of them however, the Committee took no firm decisions on their final wording.

4.1

76. Views were expressed that it might not always be possible to have only a single FOPNL scheme in a country or region, countries or regions should have the autonomy to develop FOPNL that suit their situation. It was also proposed that this principle should be amended to indicate that where multiple schemes coexist, they should be complementary, not contradictory to each other and that they should not restrict trade.

4.2

77. The Committee noted a wide range of views on the text in square brackets: that it was not necessary to refer to a wide range of consumers as this did not add clarity to the principle and that it was possible for governments to tailor FOPNL to the needs of specific populations; that the text should be retained as FOPNL was especially important to those consumers who are not using the nutrient declaration on back of pack, and may have lower nutrition literacy; that FOPNL should not mislead the consumer and that consumer research should include scientifically valid evidence of understanding.

4.3

78. The Committee noted that this principle should be subject to section 5 of the *Guidelines on Nutrition Labelling*.

4.5

79. The Committee noted views that the bracketed text in this principle was redundant or could be considered as unnecessarily restrictive and impractical.

4.6

80. The Committee noted the views to delete the square brackets and retain the text which was consistent with the earlier decision on the purpose of the guidelines.

4.7

81. There was support to replace “nutrients of global importance” with “nutrients of public health concern” as it was unclear how nutrients of global importance was defined. It was proposed to include that FOPNL should be non-discriminatory.

4.8

82. Views were expressed as to whether the primary use of FOPNL was to compare foods within or between categories and views were expressed on comparisons between foods without referring to the term categories.

4.9

83. Various views were expressed on this principle that FOPNL should be led by governments, but developed in collaboration with stakeholders. A view was also expressed that it was not the responsibility of Codex to get involved in the way in which with governments develop and implement policies, that distinction should be made between mandatory and voluntary FOPNL which would determine who should lead FOPNL and with whom to collaborate in FOPNL development, and that consideration should be given moving this text to section 5.

4.12

84. The Committee noted a proposal to retain “as consumed” and to delete the rest or to replace “as sold with minimal exceptions” with “as packaged”, as more appropriate.

Other aspects to consider in the development of FOPNL systems

85. The Committee did not discuss this section. The chair, however, noted the earlier comments that the section on implementation of the FOPNL System might be outside the scope of the guidelines, and that further consideration was needed on its retention, or whether some aspects could be taken up in the Principles.

Conclusion

86. The Committee agreed:

a) to re-establish the EWG, chaired by Costa Rica and co-chaired by New Zealand, working in English and Spanish to further develop the guidelines taking into account the written comments submitted and the comments and decision made at this session to Section 1, for circulation for comments at Step 3 and consideration by CCFL46.

b) to establish a PWG, chaired by Costa Rica and co-chaired by New Zealand, working in English, French and Spanish, to meet immediately prior to the next session, to consider comments submitted at Step 3 and to prepare a revised proposal for consideration by CCFL46.

87. The EWG report shall be made available to the Codex Secretariat at least three months in advance of CCFL46.

DISCUSSION PAPER ON INTERNET SALES/E-COMMERCE (Agenda item 7)[10]

88. The United Kingdom introduced the item, also on behalf of the co-drafters: Chile, Ghana, India, and Japan; and recalled that CCFL44 had identified internet sales/e-commerce as a subject of possible new work, and had agreed to issue a CL to collect information on the current practices, issues and any potential role for CCFL in this area. He summarized the findings and recommendations arising out of the information gathering exercise; noted the possible areas for action by CCFL (e.g. establishing definitions for "label" and "labelling"; establishing information to be provided at point of sale). He finally drew the attention of the Committee to the recommendation for CCFL to initiate new work on internet sales/e-commerce addressing the areas identified in the discussion paper.

89. The Committee expressed broad support for starting new work on internet sales/e-commerce and noted the following views:

- In light of the global growth and ever-increasing diversification of e-commerce, it was imperative for Codex to develop international guidance including definitions that would assist governments to monitor this important area, in order to ensure food safety as well as protect consumers from food fraud.
- While undertaking this new work, Codex should coordinate with related work in other international/regional fora on the subject to ensure harmonisation.

90. Given the support for starting new work, the Committee considered the project document in detail, noted comments and took the following decisions pursuant to the discussion:

- Amended the purpose and scope to ensure that the review and revision would not only cover GSLPF but would include all CCFL texts related to food labelling;
- Consequentially amended the main aspects to be covered in line with the changes made in the scope; and
- Amended the section on "need for technical inputs from external bodies" to clarify that the work would take into account related work in other international fora

Conclusion

91. The Committee agreed:

a) To start new work on internet sales/e-commerce and to submit the project document (Appendix III) for approval by CAC42.

b) To establish an EWG chaired by UK, co-chaired by Chile, Ghana, India and Japan, working in English and Spanish, to prepare a proposed draft text for circulation at Step 3 and consideration by CCFL46.

and

c) To keep open the possibility of a PWG, chaired by UK, and co-chaired by Chile, Ghana, India and Japan, to meet immediately prior to the next session of CCFL, to consider written comments submitted and prepare a revised proposal for consideration by CCFL46.

92. The EWG report shall be made available to the Codex Secretariat at least three months in advance of CCFL46.

DISCUSSION PAPER ON ALLERGEN LABELLING (Agenda item 8)[11]

93. Australia introduced the item, also on behalf of the co-drafters: United Kingdom and United States of America and recalled that CCFL44 had identified allergen labelling as a subject of possible new work, and had agreed to issue a CL to collect information on the current practices, issues and any potential role for CCFL in this area. She explained that the findings demonstrated support for work on reviewing and revising the GSLPF to amongst others: clarify the listed food and ingredients known to cause hypersensitivity, and potentially to update the current list to include new foods and ingredients, possible deletions or provide exemptions; need for further information on how allergens should be presented on food labels to ensure consumer protection and to provide more technical specifications for industry. She also noted that there was an increase in the use of "precautionary labelling" or "advisory labelling" and "free from" claims. All of this has

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10 CX/FL 19/45/7; CRD07 (Dominican Republic, European Union, El Salvador, Thailand, FoodDrinkEurope); CRD14 (Indonesia); CRD15 (Kenya); CRD 17 (South Africa)

11 CX/FL 19/45/8; CRD8 (comments of Argentina, Dominican Republic, El Salvador, European Union, Malaysia, Nicaragua, Panama, Republic of Korea, Thailand, FoodDRinkEurope, FIVS, and OIV); CRD14 (Indonesia); CRD15 (Kenya) and CRD17 (South Africa).

led to allergen labelling that is not always clear or understood by consumers. In view of the current work in CCFH on the Code of practice on food allergen management and their proposal to FAO/WHO to provide scientific advice regarding threshold levels, it was timely for CCFL to also consider guidance for precautionary allergen or advisory labelling.

94. In view of the findings, she recommended that the Committee consider initiating new work as described in the project document; and to request scientific advice from FAO/WHO relating to the list of foods and ingredients in section 4.2.1.4 of GSLPF.

Discussion

95. There was general support to start new work and to request scientific advice from FAO/WHO.

96. Delegations also pointed out:

- The need to consider advice from social science experts on how consumers understand allergen labelling and advisory statements.
- The need to ensure that the work on precautionary allergen labelling is consistent with the ongoing work of CCFH on the Code of practice on food allergen management for food business operators.
- That any change to the list of 4.2.1.4 of GSLPF should be based on the scientific advice from FAO/WHO.

97. An observer referring to their comments in CRD8, drew the attention of the Committee to its allergen management guidance for food business operators (2013) and its non-paper on precautionary allergen labelling which could be useful for the new work.

Conclusion

98. The Committee agreed to:

a. Start new work to review and clarify the provisions relevant to allergen labelling in the GSLPF and develop guidance on precautionary allergen or advisory labelling, and to submit the project document (Appendix IV) for approval by CAC42.

b. Establish an EWG chaired by Australia, and co-chaired by the United Kingdom and the United States of America, working in English to:

- Prepare proposed draft revisions and guidelines for circulation for comments at Step 3 and consideration by CCFL46; and
- Take into account the scientific advice from FAO/WHO and evidence based consumer understanding of allergen labelling and advisory statements.

c. Request scientific advice relating to the list of foods and ingredients in section 4.2.1.4 from FAO/WHO on:

i. Whether the published criteria[12] for assessing additions and exclusions to the list is still current and appropriate.

ii. Subject to the advice on the criteria above:

- whether there are foods and ingredients that should be added to or deleted from the list.
- clarification of the groupings of foods and ingredients in the list.
- whether certain foods and ingredients, such as highly refined foods and ingredients, that are derived from the list of foods known to cause hypersensitivity can be exempted from mandatory declaration.

99. The EWG report shall be made available to the Codex Secretariat at least three months in advance of CCFL46.

MATTERS REFERRED FROM CCFH (Agenda Item 2)

100. The Committee agreed to inform CCFH:

a) That it was not in a position to provide a reply on the appropriateness of the use of a precautionary allergen labelling statement and definition at this time, and that CCFL had agreed to start new work

[12] WHO Technical Report Series 896 (2000). Report of an ad hoc Panel on Food Allergens. Annex 4 of Evaluation of certain food additives and contaminants. Fifty-third report of the Joint FAO/WHO Expert Committee on Food Additives. https://www.who.int/foodsafety/publications/jecfa-reports/en/.

on allergen labelling including guidance on precautionary labelling and the review of the list of allergens in the GSLPF. CCFL would keep CCFH updated on progress of this work.

b) That CCFL might be updating the list of foods and ingredients in 4.2.1.4 of GSLPF based on scientific advice from FAO/WHO and in the meantime CCFH should use the list in 4.2.1.4 of GSLPF.

ENDORSEMENT OF LABELLING PROVISIONS (Agenda Item 4)

101. The Committee agreed to endorse the labelling provisions in paragraphs 158 and 159 of the Code of practice on food allergen management for food business operators.

DISCUSSION PAPER ON INNOVATION – USE OF TECHNOLOGY IN FOOD LABELLING (Agenda item 9)[13]

102. Canada introduced the item, and recalled that CCFL44 had identified innovation - use of technology in food labelling as a subject of possible new work, and had agreed to issue a CL to collect information on the current practices, issues and any potential role for CCFL in this area. It was highlighted that from the responses received to the CL, three key areas were identified for possible new work on this topic: development of a criteria for labelling to be made available at the point of sale; revision of the definition for "label" and "labelling" in GSLPF; and review of other Codex texts developed by CCFL. The delegation pointed out a project document had not been put forward at this stage as there was need for clarification on the scope of this work and how it related to the work on internet sales/e-commerce.

103. The Committee held a general discussion on the subject of innovation and use of technology in food labelling and noted the following views expressed by delegations:

- The topic was an acknowledgement of the development and evolution the way food information could be provided to consumers, industry and competent authorities i.e. websites; QR codes; text messaging; mobile phone applications. Consequently the definition of a label and labelling in GSLPF would need further consideration in order to allow that some information could be provided by use of innovative technologies.
- Innovation and use of technologies should assist consumers to compare food products and make an informed choice when buying, however care should be taken not to mislead the consumers.
- Consumer familiarity with, and access to, technology should be taken into account.
- The area of innovation and use technology in food labelling overlaps with the proposed new work on internet sales/e-commerce; and work on these topics should progress in parallel but each at its own pace.
- It would be important not to merge innovation and use of technology with the work on internet sales / e-commerce as these two subjects were distinct. However, consideration should be given to the broad application of innovation and technology in food technology space; and it would be important to get clear understanding of how information in virtual space was used by consumers while at the same time meeting the objective of consumer protection and fair trade.

104. There was general interest in the topic and the Committee agreed to undertake further work at the discussion stage level to further clarify and delineate the scope of innovation and technology in food labelling from e-commerce/internet sales of food.

Conclusion

105. The Committee agreed:

a) That Canada would prepare the discussion paper to further clarify the scope of innovation and technology in food labelling, taking into account the discussions above and to consider preparing a project document for consideration by CCFL46.

b) That information would be sought through a CL to provide information to help in the development of the discussion paper.

106. The discussion paper shall be made available to the Codex Secretariat at least three months in advance of CCFL46.

DISCUSSION PAPER ON LABELLING OF ALCOHOLIC BEVERAGES (Agenda item 10)[14]

[13] CX/FL 19/45/9; CRD9 (Dominican Republic, European Union, Thailand, FoodDrink Europe, FIVS, OIV), CRD14 (Indonesia).

107. The Russian Federation introduced the item, on behalf of the co-drafters: European Union, Ghana, India and Senegal and recalled that CCFL44 had identified labelling of alcoholic beverages as a subject of possible new work, and had agreed to issue a CL to collect information on the current practices, issues and any potential role for CCFL in this area. She summarized some of the responses received to the CL which amongst others, indicated: that there was a lack of harmonization for alcoholic beverage labelling, alcohol content should be addressed; energy requirements on labels were scarce, there were varying views on whether addressing alcoholic beverage labelling was within the mandate of CCFL, lack on agreement whether the current guidance was sufficient for the purposes of alcohol beverage labelling and that due to the wide varieties of alcoholic beverages and their composition and varying consumption patterns it would be difficult to harmonise labelling of these products. Five recommendations reflecting the proposals made by respondents to the CL were put forward for consideration by the Committee. She indicated that the numbering of the recommendations was neither indicative of the preference of the drafters of the discussion paper nor of the level of support by respondents.

Discussion

108. From the delegations that spoke there was varying support for either recommendations 1, 2, 4, 5 or working only on labelling of alcohol content. A request was also made to clarify whether alcohol fell within the Codex definition for food and whether work on the labelling of alcoholic beverages would be within the mandate of CCFL.

109. The Codex Secretariat clarified that the definition for food in the Procedural Manual also covered alcoholic beverages and that several Codex texts relating to food safety already specifically addressed alcoholic beverages.

110. The Codex Secretariat further clarified that as the GSLPF and related guidelines on nutrition labelling and claims were applicable to all foods they also applied to alcoholic beverages. The Codex Secretariat further noted that even though this was the case, there seemed to be a low level of harmonization of national regulations with the Codex standards for these products thus the question that could be addressed was whether there were gaps in GSLPF and other related labelling texts to sufficiently address the labelling of alcoholic beverages to assist members to be better able to develop their regulatory requirements.

111. Delegations supporting not to initiate new work (recommendation 5) expressed the views that:

- The existing texts sufficiently applied to alcoholic beverages and that due to the different varieties of alcoholic beverages and social values around use of these products, it was best dealt with at national level rather than in Codex.
- It would be difficult to establish energy values for alcoholic beverages due to the wide range of products and the varying consumption habits.
- There was already considerable work on alcoholic beverages labelling being undertaken in other international fora, and Codex work was therefore not necessary at this time.

112. Amongst delegations supporting recommendations 1, 2, 4, or working only on the labelling of alcohol content the following views were expressed:

- There might be a need for additional guidance specific to alcohol labelling in the GSLPF to address amongst others alcohol content and minimum age to help consumers make more informed choices.
- Alcoholic beverages were not ordinary food commodities and it was important to inform consumers about the health risks associated with the harmful use of alcohol, which could be addressed through reliable information on the label.
- In some cases, there was wide abuse or misuse of alcoholic beverages in their countries and specific and relevant information on the label was necessary to assist consumers to make informed choices.

113. An observer noted that according to WHO statistics, 3 million deaths per year have been caused by harmful use of alcohol worldwide.

114. The Representative of WHO highlighted the public health importance of alcohol beverage labelling and explained that alcoholic beverages were very special food commodities containing ethanol which had dependence producing and intoxicating properties and therefore the need to protect the health of consumers of which there was an estimated 2.3 billion worldwide. He stated that consumers had the right to make informed choices of what they consume and in what quantities and while there were attempts at national

[14] CX/FL 19/45/10; CRD10 (Argentina, Dominican Republic, European Union, FoodDrinkEurope, FIVS, OIV); CRD17 (South Africa).

level to provide information on labels, up to 25% of middle income countries do not have requirements to disclose the information on alcohol content and only a minority of countries requires basic consumer information on labels such as calories and ingredients. He further explained that while alcohol content could differ in the various alcoholic beverage products, what was essential was the amount of ethanol in grams in the container or serving portion which was important for health protection of consumers. Therefore the aforementioned information on the label should be delivered in a way that is easily understood and useful for consumers, including the health risks involved.

115. The observer from OIV drew the attention of the Committee to the complexity of labelling of alcoholic beverages, but pointed out that if the Committee agreed to start new work, it would be necessary to define the minimum alcohol content for alcoholic beverages and to the clarify the definition of the products for which the standard would apply in order to take into account the specificity of certain products. He noted that there was already considerable work on labelling in wines and wine spirits being undertaken at the OIV in particular, and Codex work should take into consideration the OIV work. OIV was willing to provide scientific expertise and additional information if necessary as part of the cooperation framework between Codex and international intergovernmental organisations.

116. Comments were also made that due to the late availability of the discussion paper, it was difficult to consult at national level therefore further time was needed to consider the paper; and the respondents to the CL were mainly from those countries already having legislation, and more time should be given for members to respond to the document so that the drafters could prepare a revised paper for consideration at the next session.

Conclusion

117. The Committee agreed:

a) To issue a CL requesting comments on the discussion paper (CX/FL 19/45/10); and

b) The Russian Federation, European Union and India would prepare a further discussion paper based on the comments received to the CL, comments made at this session, written comments in CRDs submitted to this session and the clarification made by the Codex Secretariat in paragraphs 98 - 99, for consideration by CCFL46.

118. The discussion paper shall be made available to the Codex Secretariat at least three months in advance of CCFL46.

DISCUSSION PAPER ON A CRITERIA FOR THE DEFINITION OF "HIGH IN" NUTRITIONAL DESCRIPTORS FOR FATS, SUGARS AND SODIUM (Agenda item 11)[15]

119. Canada introduced the item, on behalf of the co-drafter: India and recalled that CCFL44 had identified criteria for the definition of "high in" nutritional descriptors for fats, sugars and sodium as a subject of possible new work, and had agreed to issue a CL to collect information on the current practices, issues and any potential role for CCFL in this area. She summarized the responses received and highlighted the recommendations for consideration by CCFL to clarify the scope and intended applications of "high in" nutritional descriptors and explained that if new work was supported, it would entail development of principles/guidelines for the elaboration of criteria and review the evidence on the impact, including consumer understanding and use of "high in" labelling and for other uses, as appropriate. She explained that Canada had prepared a project document (CRD16) for consideration by the Committee.

Discussion

120. The Committee noted the importance of the issue, but that it was premature to consider new work at this time. Delegations provided the following comments:

- It was premature to proceed with new work in light of the ongoing discussions in CCNFSDU on possible work on nutrient profiling and that Costa Rica and Paraguay are currently undertaking a stock take of existing nutrient profile models for consideration by CCNFSDU; a decision could be taken once CCNFSDU had finalised its discussions on nutrient profiles.
- The descriptors for "high in" should be considered in the context of the work on FOPNL and could be taken up at a later time after FOPNL work has further progressed.
- The topic should be referred to CCNFSDU, as CCNFSDU has established NRV-NCDs for saturated fatty acids and sodium, amongst others.

[15] CX/FL 19/45/11; CRD11 (Dominican Republic, El Salvador, European Union, Nicaragua, Panama, Republic of Korea, Thailand, FoodDrinkEurope); CRD14 (Indonesia); CRD16 (Canada, Malaysia); CRD17 (South Africa).

- The descriptor for "high in" is normally associated with positive labelling used to promote consumption of nutrients, such as "high in fibre". To use this descriptor with nutrients that cause adverse effects to consumers' health, might cause false perception to consumers and increase the consumption of fats, sugars and sodium instead.

Conclusion

121. The Committee agreed that while the work was valuable, it was premature to consider it at this time and it should await the progress of the work on FOPNL and the discussions in CCNFSDU on nutrient profiling. This topic would be retained in the paper on future work and direction for CCFL (see agenda item 13) in order to keep track of the possible need for work at a later stage.

DISCUSSION PAPER ON LABELLING OF FOODS IN JOINT PRESENTATION AND MULTIPACK FORMATS (Agenda item 12)[16]

122. Colombia introduced the item, and recalled that CCFL44 had identified labelling of foods in joint presentation and multipack formats as a subject of possible new work, and had agreed to issue a CL to collect information on the current practices, issues and any potential role for CCFL in this area. She summarized the findings that demonstrated: the absence of international guidelines; lack of harmonised definitions of multipack and joint presentation formats; and existence of diverse regulatory requirements amongst others. The existing gaps warranted undertaking new work on labelling of foods in joint presentation and multipack formats. She proposed to the Committee to postpone the discussion of the paper to its next session, to enable delegates to carefully reflect on the issues highlighted in the paper.

123. Delegations agreed with the proposal by Colombia to postpone consideration of the item, noting that the paper had been issued late and there had not been adequate time to consult with stakeholders.

124. One delegation noted that in order to better clarify future work, the discussion paper should be updated by identifying gaps in the *General Standard for the Labelling of Prepackaged foods* (CXS 1-1985); and should take into account some of the related aspects in the proposed draft standard for non-retail containers.

Conclusion

125. The Committee agreed:

a) to request Colombia to:

- update the discussion paper taking into account the comments made at the session;
- identify gaps in the GSLPF for consideration at CCFL46; and
- consider the need for amendments to the GSLPF as opposed to a stand alone standard;

b) that the discussion paper shall be made available to the Codex Secretariat at least three months in advance of CCFL46.

FUTURE WORK PAPER AND DIRECTION OF CCFL (Agenda item 13)[17]

126. The Committee recalled that CCFL43 (2016) agreed to investigate the future direction and work of CCFL and agreed that Canada would prepare a paper summarising some of the previously identified work that had not gone forward in the Committee, as well as current and future work. CCFL also agreed that the paper would be kept current at each session with a different delegation taking responsibility each time. CCFL44 agreed that India would assist in updating the paper, and also draft prioritization criteria.

127. India introduced the item and highlighted that the paper had been updated and prioritization criteria had been drafted and that it could be implemented on an experimental basis.

Future work / emerging issues

128. An observer noted that climate change was an important topic globally, and noted the opportunity for Codex to consider discussions regarding labels describing environmental impact.

129. The Chair noted that new ideas would be collected through a Cand that members and observers could make proposals for consideration and inclusion in the paper on future work / emerging issues developed by Canada for CCFL44 and India for CCFL45. She further pointed out that the question of criteria for the definition of "high-in" nutritional descriptors for fats, sugars and sodium should also be included in this paper.

Prioritisation criteria

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16 CX/FL 19/45/12; CRD12 (FoodDrinkEurope, ISDI and WFPHA)
17 CX/FL 19/45/13; CRD12 (FoodDrinkEurope, ISDI, WFPHA).

130. The Committee discussed the broad concept of the criteria, and the following views were noted:

- Objectively quantifying the risk was important and this could help with better prioritisation;
- It was not clear how the rating scale had been developed; and it would be useful to circulate the criteria for comments and to consider the approach and criteria at the next session;
- CCFL needed to explore if there was a need for the criteria; and how best to adapt the criteria to the needs of the Committee and encouraged further work around it.

131. India explained that the criteria had been developed following an approach in both CCFH and CCFICS.

Conclusion

132. The Committee agreed:

a) That the United Kingdom would update the paper (on the inventory of future work and emerging issues) for CCFL46 based on CX/FL 17/44/8 and CX/FL 19/45/13;

b) The Codex Secretariat would issue a CL requesting members and observers to provide information on issues for inclusion in the paper;

c) That the matter on criteria for the definition of “high in” nutritional descriptors for fats, sugars and sodium (see Agenda item 11) would be part of the future paper;

d) The paper would be kept current at each session with a different delegation taking on responsibility each time; and

e) To request comments on the proposed draft approach and criteria for evaluation and prioritization of the work of CCFL (Appendix V) through a CL for further consideration at CCFL46.

OTHER BUSINESS (Agenda item 14)

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

DATE AND PLACE OF THE NEXT SESSION (Agenda item 15)

134. The Committee was informed that its 46th Session would be held in October 2020 with the location to be confirmed. The final arrangements being subject to confirmation by the Host Country and the Codex Secretariat.

135. Interest in having annual sessions due to the increase in the agenda was raised. The host country and the Codex Secretariat would give consideration to this matter.

Appendix I

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LISTE DES PARTICIPANTS
LISTA DE PARTICIPANTES

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Appendix II

PROPOSED DRAFT GUIDANCE FOR THE LABELLING OF NON-RETAIL CONTAINERS OF FOODS

(at Step 5)

1. PURPOSE

The purpose of [these Guidelines] / [this Standard] is to facilitate appropriate harmonized labelling of non-retail containers of food and to outline what information shall be presented on the label and what information, while not required on the label, must be provided with a non-retail container by other means.

2. SCOPE

[These Guidelines] / [This Standard][apply] /[applies] to the labelling of non-retail containers of food (excluding food additives and processing aids)[1,2] not intended to be offered directly to the consumer[1] including the information provided in the accompanying physical documents or by other means, and the presentation thereof.

3. DEFINITION OF TERMS

For the purpose of [these Guidelines] / [this Standard], the relevant definitions in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) apply. In addition, the following terms have the meaning as defined below:

"Food Business" means an entity or undertaking, carrying out one or more activity(ies) related to any stage(s) of production , processing, packaging, storage and distribution (including trade) of food[1].

"Non-retail container" means any container[1] that is not intended to be offered for direct sale to the consumer[1]. The food[1] in the non-retail containers is for further food business activities before being offered to the consumer[1].

4. GENERAL PRINCIPLES

The following general principles apply to the labelling of non-retail containers:

4.1 The general principles established in the *General Standard for the Labelling of Prepackaged Foods* (GSLPF) apply equally, as appropriate, to the labelling of non-retail containers of foods.

4.2 The labelling requirements for non-retail containers of foods should be differentiated clearly from the labelling requirements for prepackaged[1] foods.

4.3 The non-retail containers should be clearly identifiable as such.

4.4 The non-retail status of a container shall be determined by the food business selling or distributing the container of food

4.5 The labelling requirements for non-retail containers should be established taking into account the information requirements and implementation capabilities of the relevant stakeholders (food business and competent authorities).

4.6 Subject to the requirements outlined in Section 5 , the information requirements in respect of non-retail containers of food may be met through means other than on a label as allowed by the competent authority in the country in which it is sold.

4.7 The label and information in the accompanying documents or information provided by other means shall be traceable to the food in the non-retail container and shall provide information to enable the labelling of food, intended for sale to the consumer.

5. MANDATORY INFORMATION REQUIREMENTS ON LABEL:

The following information shall appear on the label of non-retail containers of food,**:**

5.1 The name of the food

5.1.1 The name shall indicate the true nature of the food and normally be specific and not generic.

5.1.1.1 Where a name or names have been established for a food in a Codex standard, at least one of these

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1 As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985)

2 This Guideline/Standard is not intended to apply to the labelling of food additives and processing aids for which the *General Standard for the Labelling of Food Additives When Sold as Such* (CXS 107-1981) applies.

names shall be used.

5.1.1.2 In other cases, the name prescribed by national legislation shall be used.

5.1.1.3 In the absence of any such established or prescribed name, either a common or usual name existing by common usage as an appropriate descriptive term which is not misleading or confusing to the food business or in the country in which the food is intended to be sold shall be used.

5.1.1.4 A “coined”, “fanciful”, “brand” name or “trade mark” may be used provided it accompanies one of the names provided in Subsections 5.1.1.1 to 5.1.1.3.

5.1.1.5 Where the non-retail container contains multiple types of food, the names of all the foods contained therein and/or a commonly understood descriptor that best explains the foods present together in the container shall be provided on the label, as allowed by the competent authority in the country in which the product is sold.

5.2 **Lot identification**

Each non-retail container shall be marked in code or in a manner to clearly identify the producing factory and the lot.

5.3 Date marking and storage instructions[3] only when they are related to the safety and integrity of the product.

5.4 **Identification of a non-retail container**

The non-retail containers of foods shall be clearly identifiable as such. If the container is not clearly identifiable as a non-retail container the container shall:

- bear a statement to indicate that the food is not intended to be sold directly to consumer[2] or to clearly identify it as a non-retail container. Some examples of such statements are:

  “NON-RETAIL CONTAINER”

  -“NON-RETAILCONTAINER - NOT FOR DIRECT SALE TO CONSUMER”

Or,

- carry any other mark that indicates that the container is not intended to be sold directly to a consumer

5.5 Name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

5.6 Where a non-retail container contains multiple types of food, the information in respect of all the above provisions in Section 5 should be provided for all the foods contained therein.

6. MANDATORY INFORMATION REQUIREMENTS BY MEANS OTHER THAN LABEL

6.1 The information that shall be provided in the accompanying documents, or through other appropriate means, is the following:

- Information provided on the label as identified in Section 5;
- if not all on the label:
  - information sufficient to enable the preparation and labelling of pre-packaged foods from the food in the non-retail container[4];
  - net content of the non-retail container.

6.2 The information provided in the accompanying documents, or through other appropriate means, shall be effectively traceable to the food in non-retail container.

7. [BULK TRANSPORT CONTAINERS]

7.1 In the case of bulk transport containers such as shipping containers, tankers, barges, drums etc., that are not amenable to possess a label, all the information stipulated in section 5 shall be provided in the accompanying documents or through appropriate other means (e.g. electronically between food businesses) and shall be effectively traceable to the food in such containers.

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3 Information to be provided as in the relevant section of the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985)

4 CXS1-1985 and other relevant Codex labelling text

8. [EXEMPTION]

In the case of non-retail container which provide visual and legible access to the information on the label of prepacked foods, inside such non-retail containers, the information stipulated in section 5 is not required.

9. PRESENTATION OF INFORMATION

9.1 **General**

9.1.1 Labels on non-retail containers of foods shall be applied in such a manner that they will not become separated from the container.

9.1.2 Information and the statements required to appear on the label by virtue of [these Guidelines] / [this Standard] or any other Codex Standards shall be clear, prominent, readily legible and applied in such a manner that any tampering with it will be evident.

9.1.3 The mandatory information requirements on label (Section 5) shall appear in a prominent position on the non-retail container and in the same field of vision.

9.1.4 Information that is provided by means other than the label shall be readily accessible, discernible and clearly displayed.

9.2 **Language**

9.2.1 If the language in the original labelling is not acceptable to the competent authority or the food business in the country in which the product is sold, a translation of the information in the labelling should be provided in the required language in the form of re-labelling, supplementary label and/or in the accompanying documents or other appropriate means to meet the requirements of the country in which the product is sold.

9.2.2 The information provided through translation in the required language shall fully and accurately reflect that in the original labelling.

Appendix III

PROJECT DOCUMENT

PROPOSAL FOR NEW WORK ON INTERNET SALES/E-COMMERCE

1. PURPOSE AND SCOPE OF THE NEW WORK

The scope and purpose of the work is to develop a supplementary text to the *General Standard for the Labelling of Prepackaged Foods* (GSLPF)[1] which provides for the labelling of food sold through internet sales/e-commerce. The work would also review and revise the current Codex provisions under the GSLPF and other text related to food labelling to ensure it provides for the selling of food in an internet sales/e-commerce environment.

2. RELEVANCE AND TIMELINESS

This proposal relates to the development of a text which would provide Governments and other stakeholders with clear and transparent standards/guidance on the labelling of foods sold through the internet/e-commerce. According to the stock take undertaken by CCFL, a significant proportion of Codex members support such work.

Internet sales/e-commerce is a transboundary issue and therefore requires global standards to protect consumers and assure fair trading practices.

3. MAIN ASPECTS TO BE COVERED

1) It is proposed that work to develop supplementary text should at least cover the following aspects:

a. The applicability of the GSLPF and other Codex texts related to food labelling to food sold by internet sales/e-commerce.

b. The development, if deemed appropriate and necessary, of a definition of internet sales/e-commerce for the purposes of this new work.

c. Supplementary text should help to prevent obfuscation of Codex texts and, therefore, misleading of consumers and businesses in respect of the particularities of the internet.

d. The mandatory labelling requirements which, because of practicalities, may be allowed to be provided after an online sale has concluded, though provided before or at the moment of delivery to the consumer. CCFL may need to define these points in an online sale (the "end/conclusion of an online sale" and the "moment of delivery") in order to clearly convey the latest point in the process of an online sale at which certain mandatory requirements need to be provided.

2) In addition, the following issues will be considered:

a. How loose foods should be treated within the scope of future work on internet sales/e-commerce.

b. Clarification of what GSLPF definitions of "label" and "labelling" mean for food sold online and other applicable definitions.

c. If current text on language requirements in the GSLPF and other related text to food labelling is adequate, without some adjustment for food sold online.

Issues raised relating to accountability/responsibility and traceability may need to be referred to other Codex committees such as the Codex Committee on Food Import and Export Inspection and Certification 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.

The internet/e-commerce is a new and emerging platform for selling food which is growing in use globally. The lack of standardised guidance for the labelling of food sold via internet sales/e-commerce

[1] CXS 1-1985.

raises significant issues pertaining to health, food safety, and the protection of fair practices in the food trade.

Criteria applicable to general matters

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

A number of countries have adopted regulations which specifically relate to e-commerce, often through references to distance/remote selling. These regulations are broadly similar in that they state that all practically feasible mandatory information needs to be provided before the end of an online sale. However, there are slight differentiations in terms of what information does not need to be provided until the point of delivery.

With the growth of e-commerce, it is important that some consistency is maintained at a global level to ensure that consumers are protected and 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.

It is proposed that a review of Codex texts related to food labelling, primarily the GSLPF, will focus on the GSLPF's applicability for food sold by internet sales/e-commerce in order to formulate a supplementary text to the GSLPF.

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

There are no international regulations which specifically relate to internet sales/e-commerce. However, Article 14 of Regulation (European Union) 1169/2011 contains provisions on distance selling. There are also some instances of national regulations pertaining to internet sales/e-commerce, as highlighted in the discussion paper.

Codex is the relevant international organization responsible for developing international standards in the area of internet sales/e-commerce.

d) Amenability of the subject of the proposal to standardization

The information to be provided to the consumer in an internet sales/e-commerce context should be comparable to that which is already outlined by the GSLPF. A supplementary text should make the GSLPF's applicability to internet sales/e-commerce clear. The purpose of the new work is to develop unambiguous labelling requirements for food sold to consumers through internet sales/e-commerce. Such labelling requirements can be effectively standardized with the involvement of and inputs from Codex Members.

e) Consideration of the global magnitude of the problem or issue.

E-commerce, and the sale of food via online platforms, is growing at an international level and is a transboundary issue. Business-to-consumer web platforms are being increasingly utilised by food business operators and these platforms offer significant convenience to the consumer. The rise in internet sales, while offering tangible benefits to consumers, also presents risks to consumer protection, consumer safety and public health. There may be a particular risk, in the absence of clear, internationally recognised guidelines, of deliberate and non-deliberate misleading practices leading to significant market failure and/or consumer detriment.

Mandatory regulations for the labelling of food sold via internet sales/e-commerce are in place in a number of countries. Further countries have regulations which outline consumer rights online.

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*

Guidance for labelling food sold by internet sales/e-commerce is of significant interest and activity in a number of countries globally. Codex's FAO website reads: "*Over the last century the amount of food traded internationally has grown exponentially, and a quantity and variety of food never before possible*

travels the globe today"[2]*.* This is largely facilitated by e-commerce. A supplementary Codex text would facilitate the development of a more standardised approach to the topic at an international level.

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 internet sales/e-commerce to participate in discussions. The work could also provide an opportunity to discuss, more broadly, remote/distance selling.

In relation to the new draft Strategic Plan/Goals (2020-2025) under development:

Strategic Goal 1: *Address current, emerging and critical issues*

This work offers CCFL to address one of the most topical developments in the food labelling space.

Strategic Goal 3: *Deliver impact through the recognition and use of Codex standards*

To the extent that internet sales/e-commerce is driven by an increasing number of players globally, the development and adoption of Codex standards in this area will deliver significant benefits to consumers and businesses. This, in turn, will deliver impact through recognition of a harmonised Codex approach which can be used universally for the benefit of all stakeholders.

6. RELATION BETWEEN THE PROPOSAL AND OTHER EXISTING CODEX DOCUMENTS

The proposal is to review and then revise the GSLPF and other Codex text related to food labelling, and subsequently assess the need to amend any further Codex documents. It is noted that the provisions relevant to internet sales/e-commerce labelling in the GSLPF are applicable horizontally across all pre-packaged foods.

7. REQUIREMENT FOR AND AVAILABILITY OF EXPERT SCIENTIFIC ADVICE

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

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

None identified at this stage. There will be opportunities to consult with relevant bodies if necessary throughout the process taking into account related work in other international fora.

9. PROPOSED TIMELINE

Subject to the Codex Alimentarius Commission approval at its 42nd session in 2019, it is expected that the work can be completed in three sessions.

[2] http://www.fao.org/fao-who-codexalimentarius/about-codex/en/

APPENDIX IV

PROJECT DOCUMENT

PROPOSAL FOR NEW WORK ON ALLERGEN LABELLING

1. PURPOSE AND SCOPE OF THE NEW WORK

Declaration of foods or ingredients known to cause hypersensitivity (referred to as allergen labelling) is intended to provide consumers with access to clear and accurate information on the presence of allergens (or substances) in foods, so that they can make safe food choices. This is particularly significant given the potential life-threatening consequences for food allergic individuals, and that the prevalence of conditions is increasing in many parts of the world.

This new work proposes to review and clarify the provisions relevant to allergen labelling in the *General Standard for Labelling of Pre-packaged Foods* (CXS 1-1985) (the *Standard*), and to develop guidance on precautionary allergen or advisory labelling, to provide clear and consistent allergen information for consumers, and increase harmonization to facilitate trade. This proposal does not seek to revise the whole of the *Standard*.

2. RELEVANCE AND TIMELINESS

Globally the prevalence of food allergies is increasing, including in developing countries. Given the serious nature of food allergies and its health consequences, and the increasing complexity of the food supply chain, the current allergen labelling provisions in the *Standard* are considered to lack sufficient clarity and detail for industry in how allergens should be presented on food labels to ensure consumer protection. There is also global variation in national/regional standards for allergen labelling which impacts on harmonization and trade.

This work complements the recent work by the Codex Committee on Food Hygiene (CCFH) on a draft *Code of Practice on Food Allergen Management for Food Business Operators* at Step 5 (REP19/FH, paras 48 – 56 and Appendix III), and the proposal by CCFH to request FAO/WHO convene an expert consultation to provide scientific advice regarding allergen threshold levels (REP19/FH, para 56).

3. MAIN ASPECTS TO BE COVERED

1) Review provisions relevant to allergen labelling in the *Standard* (and related texts as required) to consider:
   a) Scope, definitions and clarity of the existing provisions.
   b) Presentation, legibility and the terms to be used, including the suitability of ingredient labelling provisions when making declarations.
   c) Subject to expert advice, the list of foods and ingredients in section 4.2.1.4 (i.e. additions, deletions or exemptions) and the clarity of the groupings in that list.
2) Develop guidance on the use of precautionary allergen or advisory labelling including:
   a) Principles for the use of precautionary allergen or advisory labelling.
   b) Labelling provisions, including definition(s) for precautionary allergen or advisory labelling.
   c) The location and appropriate Codex text(s) for the guidance.
3) Request scientific advice relating to the list of foods and ingredients in section 4.2.1.4 from the FAO and WHO on:
   a) Whether the published criteria[1] for assessing additions and exclusions to the list is still current and appropriate.
   b) Subject to the advice on the criteria above:
      i) whether there are foods and ingredients that should be added to or deleted from the list.
      ii) clarification of the groupings of foods and ingredients in the list.
      iii) whether certain foods and ingredients, such as highly refined foods and ingredients, that are derived from the list of foods known to cause hypersensitivity can be exempted from mandatory declaration.

[1] WHO Technical Report Series 896 (2000). Report of an ad hoc Panel on Food Allergens. Annex 4 of Evaluation of certain food additives and contaminants. Fifty-third report of the Joint FAO/WHO Expert Committee on Food Additives. https://www.who.int/foodsafety/publications/jecfa-reports/en/.

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.

This proposed new work will review the existing provisions for the declaration of foods and ingredients known to cause hypersensitivity (allergen labelling) and develop new guidance for precautionary allergen or advisory labelling. This will provide clearer and more consistent allergen labelling information to ensure consumer protection particularly in developing countries that rely on Codex standards for their domestic situation.

Criteria applicable to general matters

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

The proposed new work will provide greater harmonisation of allergen labelling standards at an international level. Currently there are differing national/regional standards for allergen labelling when compared to the Codex *Standard*, which is reported to impact on trade.

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

It is proposed that a review of the *Standard* and related texts (as required) will focus on the provisions relevant to the declaration of foods and ingredients known to cause hypersensitivity (allergen labelling) and developing new guidance for the use of precautionary allergen or advisory labelling.

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

This proposed new work complements and builds on work already underway by CCFH.

d) Amenability of the subject of the proposal to standardization

The purpose of this work is to review, update and clarify existing text and provide additional guidance to ensure a clear and contemporary set of international definitions and guidelines for allergen labelling is available for global application.

e) Consideration of the global magnitude of the problem or issue.

There is an increasing prevalence of food allergy occurring primarily in Western countries, such as the United Kingdom (and other countries across Europe), the United States and Australia. Elsewhere, although there is a lack of food allergy prevalence data, the data that exists indicates other countries are also experiencing an increase in the prevalence of food allergies and food allergy sensitisation. Most of these data have come from Asia (China) and Africa, although there are reports that the prevalence of food allergy is also increasing in Latin American nations.

5. RELEVANCE TO CODEX STRATEGIC OBJECTIVES

The proposed new 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, 2 and 3.

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

Provision of clear and consistent information is vital for food allergic consumers to make safe food choices. The review, clarification and scientific update of the existing Codex texts, in addition to developing new guidance on precautionary allergen or advisory labelling, will ensure consumer protection in the contemporary food environment.

Strategic Goal 2: *Ensure the application of risk analysis principles in the development of Codex standards*

The allergen labelling provisions in the *Standard,* including a list of foods and ingredients requiring declaration known to cause hypersensitivity, have not substantively changed since 1999. Therefore the proposed new work includes seeking scientific advice from FAO/WHO on the criteria for updating and clarifying this list.

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

Consideration by CCFL will allow all Codex members the opportunity to contribute to reviewing the existing *Standard* and developing new guidance on allergen labelling. This new work complements and builds on work already underway by CCFH and provides the opportunity for cross Committee collaboration.

6. RELATION BETWEEN THE PROPOSAL AND OTHER EXISTING CODEX DOCUMENTS

The provisions relevant to allergen labelling in the *Standard* that are proposed for review are applicable horizontally across all prepackaged foods.

7. REQUIREMENT FOR AND AVAILABILITY OF EXPERT SCIENTIFIC ADVICE

Scientific advice from FAO/WHO will be needed on the criteria for any additions to and/or deletions from the list of foods and ingredients that are known to cause hypersensitivity.

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

There will be opportunity to consult with relevant bodies if necessary throughout the process. Consideration of evidence based consumer understanding of allergen labelling and advisory statements.

9. PROPOSED TIMELINE

Subject to the Codex Alimentarius Commission approval at its 42nd session in 2019, it is expected that the work can be completed in three sessions

Appendix V

APPROACH AND CRITERIA FOR EVALUATION AND PRIORITIZATION OF THE WORK OF CCFL (For comments)

1. **Purpose:** The following guidelines are established to assist the CCFL to identify, prioritize and efficiently carry out its work, and interact with [other Codex Committees, Task Forces, and] FAO/WHO and their scientific bodies as the need arises.

2. **Scope:** These guidelines apply to new work proposed to the CCFL and lays down criteria and procedures for considering the priorities for proposed work.

3. The draft prioritization approach has been developed in recognition of the criteria for new work as outlined in the Procedural Manual[1], along with existing and proposed guidance developed by other Codex Committees, in particular the Codex Committee on Food Hygiene (CCFH)[2] and the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS)[3]. Criteria relevant to the work of the CCFL and a rating scheme have been developed taking into account the mandate of the Codex Alimentarius Commission, the general principles of food labelling included in the GSLPF and the approaches taken by CCFH and CCFICS.

Criteria for evaluating and prioritizing new work

4. In addition to the priorities established by the Commission in the Strategic Plan, and the criteria applicable to general subjects, additional criteria are required for assessing the new work relevant to the CCFL. Following are the criteria against which the new work to be undertaken in CCFL may be assessed:

Criterion	Rating
Does the proposed new work fall under the mandate of CCFL	Yes/No
Risk* to health of the consumer in the absence of the proposed new work	High 20 Medium 14 Low 8
Potential to mislead consumer in the absence of the proposed new work	High 15 Medium 8 Low 5
Whether the proposed work once finished will assist the consumer in making an informed choice	High 12 Medium 6 Low 4
Impact (positive) on trade facilitation	High 10 Medium 5 Low 3

*As defined in CCFH44 CRD2

Process for evaluating new work

5. New Work Proposals should be presented to CCFL in the format of a project document addressing the criteria given under the *"Criteria for establishment of work priorities*" for general subjects in the Procedural Manual[3] and should preferably take into account the additional criteria outlined above.

6. The new work proposal should also indicate that the work, if approved to commence further, would likely lead to preparation of a new standard/guideline or revision of an existing standard/guideline.

7. CCFL will prioritize new work proposals including revision of existing texts, in order of merit based upon decisions made by CCFL after assessing the new work against the criteria (as defined above) for evaluating and prioritizing work.

[1] Procedural Manual (26th Edition)
[2] CCFH Information document
[3] CX/FICS 18/24/8

8. The Committee may reassess the priority of each item if new information becomes available relating to an item. Such data may be submitted for consideration and the priority for the new work proposal reconsidered.

9. The criteria will be applied in a stepwise manner, in order as mentioned. If the committee decides that a proposed work does not fall under the mandate of CCFL, then the remaining criteria do not need to be applied. Additional criteria, such as feasibility of the proposed new work, may be necessary and developed later for application while considering two or more items of similar priority.

10. The proposed work should be assessed against the criteria and evaluated as per the ratings given for each criterion. New work proposals will ultimately be prioritized as per the overall points received through this rating.

11. The CCFL will develop and maintain a work plan that will include all potential work items relevant to CCFL. The work plan will be revised by the CCFL at every session based on its decisions, new work proposals made and new information/data available. The CCFL will need to decide whether to update the work plan in the plenary or with the help of member countries volunteering on rotational basis. In this context, it may be informed that the CCFH establishes a PWG for this at its every session.