

IBFAN Comments made by Patti Rundall during CAC46 – 27, 28 and 29th November 2023

Agenda Item 2: Report of the 85th Session of the Executive Committee of the Codex Alimentarius Commission Future of Codex. Part 3 Model for Future Codex Work. IBFAN supported the comments of Ecuador and favours in-person and virtual participation. This would go some way towards rebalancing and reversing disparities by increasing the presence of poorly resourced countries who are less able to send as many people to in-person meetings. This would also be better in terms of time, cost and efficiency, environmental impact and transparency.

Codex Strategic Plan 2026- 2031 – Part 1 IBFAN has followed Codex since the late 1980s and attended meetings since 1995. For IBFAN Codex has been a real problem, not the wonderful thing that everyone here seems to think it is. Codex has been a problem because it has been used by some as a 'regulatory ceiling' rather than as a 'floor' and so has effectively limited the ability of countries to go forward to adopt essential legal safeguards. Since IBFAN has worked consistently for policy coherence, mirroring what WHO has said, we believe that Codex should address this problem and make sure that Member States, who wish to do whatever the World Health Assembly recommends, can do so. We would also like to see more attention paid to transparency - not just as a word - but keeping policy setting free from undue influence. Member States should be the ones making decisions here. Too often, corporations are sitting on Member States delegations and we think that it's really wrong, or ought to be discouraged, to put it that way. We would also like to see much more transparency in the naming of the NGOs. Many are corporations and yet their names imply that they are NGOs working for Public Interest. We would like much more attention to One Health, Biodiversity and the transformation of the food system away from the current corporate-led system that promotes ultra-processed foods. We need much more emphasis on protecting the environment. So, we would like all those things and a lot more that are in our comments that we submitted. Thank you very much.

Agenda Item 3. Procedural Manual.

IBFAN. Thanks very much. And I'm sorry if this is the wrong place and you can advise me, Steve. Basically, we've asked many times that on the Codex Trust Fund (CTF), that it should be written into the Procedural Manual, that it should be publicly funded, because of the risk in this Multi Stake Holder world that it could be funded by philanthropies or others or even corporations. So, is the PM the right place? I am just throwing that out as an idea that somebody else may like to pick up, but I think it would be incredibly dangerous if it was not publicly funded. Could be in general principles or something?

FAO Markus Lipp. Thank you very much IBFAN for bringing this topic up. So the CTF is of course funded according to the rules and procedures of FAO and WHO and they are publicly available. Everything that FAO and WHO does is of course, governed by the Guiding principles that are laid out in the Constitutions and the mechanisms that would apply in certain funding mechanisms. So, we encourage IBFAN and everybody else who is interested in that, to review all the information that is available on the WHO and FAO website with regarding to funding mechanisms, under which conditions are which funding mechanisms are supplied. They are transparent, they are well governed and they are very obvious to everybody who wants to look at that. So, we do not consider there to be a need for further improvements over of the Procedure Manual in this regard, because it is already governed by members of WHO and FAO in the way members of the both organisations see fit. Thank you.

WHO Dr Moez Sanaa: Good afternoon, just to confirm that the same role for WHO We don't have private funding at all. All the funds are coming from the governments for the CTF. Thank you.

Chair: Thank you, FAO and WHO for explaining the procedures to which the Codex Trust Fund is subject. And just to clarify it for the absolute clarity of members. The CTF is not governed by the provisions of the Procedural Manual.

Agenda 4.5 Xilpaterol: Thanks very much. I will be brief. We do understand the desire of countries who feel that having a standard would be a safeguard, but from our perspective, we don't see it that way. We are concerned that any endorsement from Codex will boost the trade of these drugs, and the actual the direction of travel will be more use of Zilpaterol. It is surprising so many countries don't want it, yet they believe that this standard will help make them safer. No-one has been able to convince me that it's going to be safe in the milk. But most importantly from a One Health perspective, we find this really scary. Thank you.

AG Item 4.6.CCNFSDU 4.6.1 FUF: Thanks very much. And congratulations, Steve, for your election. IBFAN has followed this, as you know, for many, many years, and we would have actually preferred a revocation of the standard. We felt that the 1987 standard was not necessary and actually boosted the growth of a market of totally unnecessary products that were not in line with what WHO and the world health community were saying. However, we had to accept that the market was growing, and that yes, maybe you needed a standard to actually fix some of the terrible problems that were addressed in the composition of the product and the marketing. But that said, we would have preferred it absorbed into the infant formula standard. But there is now a second standard. So our

comments are a concern that we still have, that these are ultra-processed products that are replacing culturally appropriate, appropriate bio diverse family foods. We mustn't forget that these are not good products that you give to babies, and that it's going to make them better, it's going to be worse for the child. The products are high in sugar, there's no control on GM, they're flavoured - the ones over 12 months. Some of the controls we've got in thankfully forbid health claims, but there's no real control on the cross promotion. So, all those things are problematic. And we would strongly urge all governments to bring in legislation to stop the marketing and promotion of these products because it is not helpful to children to have these products promoted to them as if there's they're better than normal foods or breastfeeding which can be a life-saver. So I'll leave it at that. But thank you very much and at least it's better than it was. Thank you.

Agenda Item 4.6. CCNFSU Canned baby food Thanks very much, just one small point that this standard is so out of date and really bad. There's absolutely nothing in it that is useful, so we feel it's not fit for purpose and should be revoked. Any amendment is likely to give the false impression that the standard is up to date. That's our only point. I don't know how you deal with that, but it is a very bad standard and it would be bad if countries felt that this was somehow improved. Thank you.

Chair: Thank you IBFAN, your point is well taken. And we have on the agenda for the next meeting of CCNFSU. A review of all of the old standards that fall under this committee, and the secretariat is currently preparing a paper to that end. So, the committee will be addressing that point, not just for this standard, but for all old standards. And I look forward to those discussions at CCNFSU 44, which will be under the chairpersonship of Martine Puester who's with us here in the hall today. Thank you for your comment. And seeing no objection from members. We will conclude as I proposed and adopt the amendment the standard for canned baby foods.

Agenda 4.7: COMMITTEE ON FOOD ADDITIVES (CCFA) trisodium citrate (INS 331(iii)) in FC 01.1.1 in the *General Standard for Food Additives* (GSFA) (CXS 192-1995) IBFAN understands the wish of countries to use this additive, but we are concerned about the use of additives generally and just for technological reasons. We support the African countries that have expressed concerns who do not want additives in milk. We worry that they might come under pressure to allow imports.

The term 'Stakeholders': IBFAN requested that a term other than Stakeholder be used in Codex. IBFAN has no financial interest in the outcome of any of Codex discussion so not consider itself to be a Stakeholder.

Chair: The Codex website now has a list of all Codex Observers with direct links to the companies they represent.

AG 4.10. CCFL Digital labelling Guidance CCFL: *IBFAN is worried that digital marketing is now out of control and misleading consumers. We believe that the standard should include extra safeguards to protect infants and young children. Nutrition and health claims must not be permitted for foods for infants and young children, health warnings about inappropriate and needless use, and safe preparation of the product must be communicated in any information using technology and all information for foods for infants and young children must be in conformity with the International Code of Marketing of Breastmilk Substitutes and subsequent WHA resolutions, ideally referencing the Code of Ethics for International Trade in Food. Electronic labelling relating to foods for infants and young children should not lead consumers to commercial websites and other commercial and promotional information and no user data should be collected or tracked through electronic means.*

AG 4.2 US proposal for new work on Recycling packaging (CCEXEC 85) IBFAN has on several occasions recommended that industries address the environmental problem of packaging so welcome this proposal hoping that it will include a call to phase out use of plastic. Alongside the safety and environmental issues related to biodegradable plastics, we would suggest that these moves should be led and governed by governments and that no promotional sustainability claims are made - especially on ultra-processed or unhealthy products.

AG 5: Editorial amendments to Codex texts proposed by the Codex Secretariat. IBFAN raised concerns about the inconsistency and harm caused by references to science. One example is the meaningless Industry term – *'established history of apparently safe use'* This term appears four times in the Infant Formula and Follow-up Formula Standard. This creates a critically important loophole that opens the door for producing industries to maintain untested/unsafe ingredients in these products.