codex alimentarius commission

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

WORLD HEALTH ORGANIZATION

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ALINORM 01/22A

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION
Twenty-fourth Session
Geneva, 2-7 July 2001

REPORT OF THE TWENTY-NINTH SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING

Ottawa, Canada, 1 – 4 May 2001

Note: This document incorporates Circular Letter CL 2001/19-FL

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CX 5/15 **CL 2001/19-FL**
May 2001

TO: - Codex Contact Points
- Interested International Organizations

FROM: - Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, 00100 Rome, Italy

SUBJECT: **Distribution of the Report of the 29th Session of the Codex Committee on Food Labelling (ALINORM 01/22A)**

A. MATTERS FOR ADOPTION BY THE 24th SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Draft Standards and Guidelines at Step 8 of the Procedure

1. Draft Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (Beekeeping and additives for livestock products) (para. 40, Appendix II)

2. Draft Amendment to the General Standard for the Labelling of Prepackaged Foods: Definitions (Draft Recommendations for the Labelling of Foods Obtained through Certain Techniques of Genetic Modification/Genetic Engineering) (para. 64, Appendix IV)

Governments wishing to propose amendments or comments on the above documents should do so in writing in conformity with the Guide to the Consideration of Standards at Step 8 (see Procedural Manual of the Codex Alimentarius Commission) to the Secretary, Joint FAO/WHO Food Standards Programme, FAO, viale delle Terme di Caracalla, 00100 Rome, Italy **before 10 June 2001**.

Proposed Draft Guidelines at Step 5 of the Accelerated Procedure

3. Proposed Draft Amendment to the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (Table 1: Substances used in Soil Fertilizing and Conditioning) (para. 45, Appendix III)

Governments wishing to submit comments on the implications which the Proposed Draft Amendment may have for their economic interests should do so in writing in conformity with the Accelerated Procedure for the Elaboration of Codex Standards to the Secretary, Joint FAO/WHO Food Standards Programme, FAO, viale delle Terme di Caracalla, 00100 Rome, Italy **before 10 June 2001**.

B. REQUEST FOR COMMENTS AND INFORMATION

Draft Standards at Step 6 of the Procedure

4. Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (class names) (para. 86, Appendix VI)

Governments and international organizations wishing to submit comments should do so in writing to the Secretary, Joint FAO/WHO Food Standards Programme, FAO, viale delle Terme di Caracalla, 00100 Rome, Italy, with a copy to the Secretary of the Committee, Mr. Ron B. Burke, Director, Bureau of Food Regulatory International and Interagency Affairs, Health Protection Branch, Health Canada, HPB Bldg, Room 200, Tunney's Pasture, Ottawa K1A OL2, Canada (Telefax Nº 613.941.3537, e-mail: codex_canada@hc-sc.gc.ca , **before 15 December 2001**.

Proposed Draft Standards and Guidelines at Step 3 of the Procedure

5. Proposed Draft Recommendations for the Labelling of Foods Obtained through Certain Techniques of Genetic Modification/Genetic Engineering (Proposed Draft Guidelines for the Labelling of Food and Food Ingredients Obtained through Certain Techniques of Genetic Modification/Genetic Engineering) (para. 79, Appendix V)

6. Proposed Draft Guidelines for Use of Nutrition and Health Claims (Proposed Draft Recommendations for the Use of Health Claims) (para.110, Appendix VIII)

7. Proposed Draft Amendment to the Guidelines on Nutrition Labelling (para. 95, Appendix VII)

8. Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (Quantitative Declaration of Ingredients) (para. 117, Appendix IX)

Governments and international organizations wishing to submit comments should do so in writing to the Secretary, Joint FAO/WHO Food Standards Programme, FAO, viale delle Terme di Caracalla, 00100 Rome, Italy, with a copy to the Secretary of the Committee, Mr. Ron B. Burke, Director, Bureau of Food Regulatory International and Interagency Affairs, Health Protection Branch, Health Canada, HPB Bldg, Room 200, Tunney's Pasture, Ottawa K1A OL2, Telefax Nº 613.941.3537, e-mail: codex_canada@hc-sc.gc.ca , **for points 5 and 6, before 15 October 2001 and for points 7 and 8, before 15 December 2001.**

SUMMARY AND CONCLUSIONS

The summary and conclusions of the 29th Session of the Codex Committee on Food Labelling are as follows:

Matters for adoption by the Commission:

The Committee:

- agreed to advance to Step 8 the Draft Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (beekeeping and additives in livestock production) (para. 40, Appendix II);

- agreed to advance to Step 5 of the Accelerated Procedure the Proposed Draft Amendment to the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods* (Table 1: Substances Used in Soil Fertilizing and Conditioning) (para. 45, Appendix III);

- agreed to advance to Step 8 the Draft Amendment to the *General Standard for the Labelling of Prepackaged Foods*: Definitions (Draft Recommendations for the Labelling of Foods Obtained through Certain Techniques of Genetic Modification/Genetic Engineering) (para. 64, Appendix IV);

Other Matters of Interest to the Commission

- Agreed to return to Step 6 the Draft Amendment to the *General Standard for the Labelling of Prepackaged Foods* (class names) (para. 86, Appendix VI);

- Agreed to return to Step 3 the Proposed Draft Recommendations for the Labelling of Foods Obtained through Certain Techniques of Genetic Modification/Genetic Engineering (Proposed Draft Guidelines for the Labelling of Food and Food Ingredients Obtained through Certain Techniques of Genetic Modification/Genetic Engineering) (para. 79, Appendix V)

- agreed to return to Step 3 the Proposed Draft Amendment to the *Guidelines on Nutrition Labelling* (para. 95, Appendix VII);

- agreed to return to Step 3 the Proposed Draft Guidelines for Use of Nutrition and Health Claims (Proposed Draft Recommendations for the Use of Health Claims) (para. 110, Appendix VIII);

- Agreed to return to Step 3 the Proposed Draft Amendment to the *General Standard for the Labelling of Prepackaged Foods* (Quantitative Declaration of Ingredients) (para. 117, Appendix IX)

- agreed to undertake new work on 1) the revision of the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods*: Section 5 - Criteria and Annex 2 - Permitted Substances (para. 48); and 2) a Proposed Draft Amendment to the *General Standard for the Labelling of Prepackaged Foods* (Country of Origin) (para. 122);

- endorsed the labelling provisions in the Draft Standards submitted for consideration (paras. 14-25).

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LIST OF APPENDICES

INTRODUCTION

1) The Codex Committee on Food Labelling held its Twenty-Ninth Session in Ottawa, from 1 to 4 May 2001, at the kind invitation of the Government of Canada. The meeting was attended by 299 delegates and observers representing 50 Members and 39 international organizations. The meeting was chaired by Dr. Anne MacKenzie, Associate Vice-President, Science Evaluation, Canadian Food Inspection Agency. The complete list of participants is attached as Appendix I to this report.

OPENING OF THE SESSION

2) The Session was opened by Mr. Ronald L. Doering, President, Canadian Food Inspection Agency, who recalled that the labelling standard and guidelines developed by the Committee, which is one of its important and influential Committees, are highly relevant and important to consumers worldwide. Mr. Doering stressed that food labels not only provide information about composition and nutritional content of individual foods but increasingly, labels serve consumers as an essential guide to making wise dietary choices. Mr. Doering also pointed out that the committee was to be commended for the substantial progress which had been recently made in a number of important areas and for its current work to address new labelling issues. He wished delegates all success in this important work which would achieve both improved health protection for consumers and contribute to fair practices in international food trade.

ADOPTION OF THE AGENDA (Agenda Item 1)

3) The Committee adopted the Provisional Agenda (CX/FL 01/1, CX/FL 01/1-Add.1) as the Agenda for the Session. The Committee agreed that claims on the absence of food produced using gene technology (Negative Claims) proposed by the Delegations of Australia and South Africa would be discussed under Agenda item 5.

MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER COMMITTEES (Agenda item 2)[1]

4) The Committee was informed of the conclusions and action taken by the Committee on Nutrition and Foods for Dietary Uses (scientific basis for health claims) and the Committee on Fish and Fishery Products (declaration of fish content) in reply to the requests of the CCFL, as presented in the working document.

Committee on Methods of Analysis and Sampling

5) The Committee noted that the CCMAS had considered its request concerning methods of analysis for foods derived from biotechnology and agreed that it should exercise a general coordinating role as regards methods for the detection or identification of such foods, taking into account also the work of relevant international organizations in this area. The Chair of the CCMAS (Professor Biacs, Hungary) indicated that the next session of the Committee (November 2002) would consider methods for foods derived from biotechnology as required, including the proposals that would come from the Intergovernmental *Ad Hoc* Task Force on Foods Derived from Biotechnology.

Committee on Natural Mineral Waters

6) The Committee noted the request from the CCNMW concerning fluoride content and agreed that the Committee on Nutrition and Foods for Special Dietary Uses would be more competent to address this question from the nutritional point of view in a first stage, and that the CCFL might consider labelling aspects later if required.

7) As regards the question concerning water used in the preparation of infant foods and formula, the Committee noted that the CCNFSDU was currently revising the Codex Standard for Infant Formula and agreed that the questions raised by the CCNMW should be addressed in the revision of the Standard, which included a section on Information for Use.

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[1] CX/FL 01/2, CRD 7 (comments of India, IBFAN), CRD 14 (comments of Canada)

8) The Delegation of Senegal pointed out the problems related to infant feeding in Africa, especially in relation to water use and contamination, and the Committee recognized the importance of addressing these questions in the revision of the Standard for Infant Formula.

9) In reply to questions concerning the presence of contaminants, and especially lead in water and infant formula, the Secretariat informed the Committee that the Committee on Food Additives and Contaminants had advanced to Step 8 several maximum levels for lead in foods, including infant formula (0.02 mg/kg).[2] The Committee also noted that the *Draft Standard for Bottled/Packaged Waters Other than Natural Mineral Waters* provides that "all packaged water shall comply with the health-related requirements of the most recent *WHO Guidelines for Drinking Water Quality*".[3]

***Ad Hoc* Intergovernmental Task Force on Foods Derived from Biotechnology**

10) In addition to the matters mentioned in the document, the Committee noted that the *Ad Hoc* Intergovernmental Task Force on Foods Derived from Biotechnology (Chiba, Japan, March 2001) had advanced to Step 5 the *Proposed Draft Principles for the Risk Analysis of Foods Derived from Biotechnology* and the *Proposed Draft Guidelines for the Conduct of Food Safety Risk Assessment of Foods Derived from Recombinant-DNA Plants*. It had agreed to use the term "modern biotechnology" as defined by the Cartagena Protocol on Biosafety to the Convention on Biological Diversity to ensure consistency, and asked the CCFL to give consideration to using the same definition in its work, although some delegations and observers were of the opinion that for food labelling purposes it may be appropriate to use terms and definitions that were easier for consumers to understand[4]. The Task Force had also considered available analytical methods, and agreed that there should be a collaborative exchange with the CCMAS with a view to CCMAS considering the validation of methods of analysis and ultimately their endorsement, and had agreed to inform the CCFL of its progress in this area.

11) The Delegation of France referred to the discussion on traceability in the Task Force and pointed out that the work of the CCFL in several areas, especially organically produced foods and genetically modified foods, reflected the importance of traceability throughout the food chain. The Committee noted that the Committee on Food Import and Export Inspection and Certification Systems had asked the Commission to consider traceability from a general perspective in order to provide guidance to relevant Committees and to ensure a harmonized approach throughout Codex, on the basis of a paper prepared by the Secretariat.

12) The Committee had an exchange of views to decide whether it should take specific action concerning traceability. Many delegations and some observers expressed the view that this was an essential aspect of the work of the Committee, and proposed that the Committee should inform the Commission of its wish to participate actively in future work on traceability.

13) The Delegation of Argentina recalled that the last session of the Committee on General Principles had discussed traceability and "looked forward to receiving the advice of the Commission on this matter and drew attention to its role of ensuring a consistency of approach of such matters throughout the Codex system. It looked forward to contributing positively to the future development of this topic" (ALINORM 01/33A, para. 15).

14) Several delegations, including the United States, stressed that it was premature to undertake any work in the Committee before the Commission had given clear direction to Codex Committees on how to proceed in this area, especially as this appeared to be a controversial subject. The Committee agreed that it should be kept informed of further discussions on traceability in the Commission and Codex Committees.

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2 ALINORM 01/12, Appendix XI

3 ALINORM 01/20, page 22, Section 3.2.1 health Related Limits for Chemical and Radiological Substances

4 ALINORM 01/34A, para. 23

CONSIDERATION OF LABELLING PROVISIONS IN DRAFT CODEX STANDARDS (Agenda Item 3)[5]

CODEX COMMITTEE ON PROCESSED FRUITS AND VEGETABLES

Draft Revised Standard for Canned Applesauce

14) In the section on Labelling of Non-Retail Containers, the Delegation of India proposed that the declaration of the importer should appear, in addition to current requirements, as it was important for inspection purposes. The Committee therefore agreed that the section on Labelling of Non-Retail Containers should refer to 'the name and address of the manufacturer, packer, distributor and/or importer' in the first and second sentences.

15) The Committee agreed to make a similar amendment to all standards under consideration at the present session and recommended that other Codex Committees should take into account this decision when considering labelling provisions in Codex standards.

16) The Committee endorsed the other labelling provisions as proposed. It was noted that the correct French translation of applesauce was 'purée de pommes'.

Draft Revised Standard for Canned Pears

17) The Committee agreed to add at the end of section 7.2.2 that 'when pears are presented unpeeled, this should be mentioned in the label' and endorsed the other provisions as proposed.

18) The Committee also agreed that the Spanish version of the standard should include the following terms as alternatives to the current text, taking into account different terms used in Spanish speaking countries:

'Stemmed' or 'Unstemmed': 'con cabo', 'sin cabo'

'Dice' or 'Diced' or 'Cubes': 'cubos', 'cubeteados' o 'en cubos'

'Pieces' or 'Irregular pieces': 'trozos' o 'trozos irregulares'

CODEX COMMITTEE ON COCOA PRODUCTS AND CHOCOLATE

Draft Revised Standard for Cocoa Butter

Draft Revised Standard for Cocoa (Cacao) Mass (Cocoa/Chocolate Liquor) and Cocoa Cake

19) The Committee endorsed the labelling provisions as proposed in both above-mentioned standards.

Draft Revised Standard for Cocoa Powders (Cocoas) and Dry Mixtures of Cocoa and Sugars

20) The Committee endorsed the labelling provisions and agreed to add a section on Labelling of Non-Retail Containers for consistency with the other standards on cocoa products.

CODEX COMMITTEE ON NATURAL MINERAL WATERS

21) The Committee endorsed the labelling provisions of the Proposed Draft Standard for Bottled/Packaged Drinking Waters (Other than Natural Mineral Waters) as proposed.

CODEX COMMITTEE ON FISH AND FISHERY PRODUCTS

Draft Standard for Crackers from Marine and Freshwater Fish, Crustacean and Molluscan Shellfish

22) The Committee endorsed the labelling provisions as proposed.

23) The Committee noted that the next session of the CCFFP would discuss further the Draft Standard for Dried Salted Anchovies, including the labelling section, and agreed to consider it after it had been finalized.

CODEX COMMITTEE ON SOUPS AND BROTHS

24) The Committee endorsed the labelling provisions in the Draft Standard for Bouillons and Consommes as proposed.

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[5] CX/FL 01/3, CRD 15 (comments of Canada)

CODEX COMMITTEE ON VEGETABLE PROTEINS

25) The Committee endorsed the labelling provisions in the Draft Standard for Wheat Protein Products including Wheat Gluten as proposed.

26) The Delegation of India asked for clarification concerning the reference to the end of the year instead of the end of the month in section 8.3 Date Marking. The Committee noted that this was consistent with the General Standard for the Labelling of Prepackaged Foods, which requires a declaration of the month and year except when the month is December; in this case it is sufficient to indicate the year (section 4.7 Date Marking and Storage Instructions).

27) The Committee noted that the reference of the General Standard mentions the revision of 1991 although the standard was amended in 1999 because this was not a complete revision. However, the latest version of the standard (1999) is applicable as in the case of all other Codex standards and related texts, and as indicated in the note to the published standard.

PROPOSED DRAFT AMENDMENTS TO THE GUIDELINES FOR THE PRODUCTION PROCESSING LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS: (Agenda Item 4)[6]

SECTION ON BEES AND ADDITIVES (Agenda Item 4a.)

28) The Committee recalled that its 28th session had advanced the provisions on livestock production to Step 8 while the provisions concerning bee production and the food additives and processing aids for livestock products were returned to Step 6 for further consideration. These sections and the comments received in response to CL 2000/16-FL were considered by the Working Group that met prior to the current Session. The Chairperson of the Working Group, Ms Ruth Lovisolo (Australia), presented the revised sections of the Draft Guidelines to the Committee and indicated that consensus had been reached on the revised text.

Beekeeping

29) In undertaking its work the Working Group noted, in particular, that the Codex Guidelines should be sufficiently flexible to enable all Codex Members to adapt the rules for beekeeping to national conditions. It was further noted that system control of organic beekeeping operations was essential to ensure compliance with the principles of organic production as set out in the Guidelines.

30) Amendments to the Section on bees included a change to the title of section for consistency to previously agreed text. The title would now read: 'Beekeeping and bee products'. Members of the Working Group agreed that the text should include the following headings: general principles, conversion, origin of bees, placement of hives, health of the bees, management of hives, and record keeping.

31) The revised text takes into account a range of issues that will provide consumers with the necessary assurances about organic beekeeping and bee products. It was recognised that, while bees play a valuable role as pollinators, they also act as an indicator of the health of the environment. However, there are many threats to the organic status of bee products from collection sites that do not meet the organic requirements. The greatest concerns in this respect are sites that have been treated with conventional agricultural chemicals and genetically modified crops.

32) The Working Group agreed that there should be sufficient food supply for the bees to ensure that they do not forage into zones that could not comply with the organic requirements. It was also agreed that good management of hives should ensure that there is an adequate food supply retained in the hives for dormancy periods. Specific provisions for feeding the bee colonies were articulated for extenuating climatic circumstances that may limit the food supply.

33) In refining the text in relation to the health status of bees and hives preventative measures were emphasized. In this context, it was noted that the response to certain diseases would be determined by national

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[6] ALINORM 01/22, Appendix IV, CX/FL 01/4 (comments of Chile, Denmark, France, New Zealand, EC), CX/FL 01/4-Add.1 (Brazil, IFOAM), CRD 16 (Canada), CRD 26 (Thailand), CRD 29 (Cuba), CRD 39 (Japan), CRD 44 (report of the Working Group)

regulations. The text was strengthened also to ensure that detailed record keeping included maps of hive movements.

34) In finalizing the text for beekeeping and bee products, certain consequential amendments were made to the 'Minimum inspection requirements and precautionary measures under the inspection or certification system' as set out in Annex 3, paragraphs 5 and 7 of the Step 8 text that was agreed at the last session of CCFL[7]. The Committee agreed with the revised text of the sections on beekeeping as proposed by the Working Group, for advancement to Step 8.

Food additives and processing aids for livestock products

35) The Committee was informed that there were differences of opinion among members of the Working Group in relation to the use of food additives and processing aids in processed organic products. Some delegates considered that food additives and processing aids should be restricted as far as possible and that such restrictions were stimulating the food industry to seek innovative technologies that would achieve compliance with the Guidelines.

36) Other delegates noted that consumers expect foods from conventional and organic sources to be presented in a certain way and that traits in food vary between areas where the foods are produced. They considered that consumers should not be deprived on a whole range of traditional food products from organic sources and that the food additives and processing aids allowed in the standards elaborated by Codex commodity committees, such as CCMMP, should also be permitted in the comparable organic product.

37) The major concerns before the Working Group related to the use of colouring agents, flavours, nitrates and nitrites in processed organic livestock products.

38) Further, it was found there were shortcomings in the criteria for additives and processing aids in the preparation or preservation of food as set out in Section 5 of the Guidelines (CAC/GL 32-1999) as they did not give sufficient guidance on the role of traditional substances or the need for their ongoing use in products carrying organic claims. Therefore, consensus was only achievable by agreeing to develop a limited and provisional list of food additives and processing aids for inclusion in a separate division within Tables 3 and 4. In view of the restrictive nature of these lists, a note was added in both instances to ensure that countries develop their own list that meet the expectations of their respective consumers. The Committee agreed with this approach and the text proposed for advancement to Step 8.

39) The Committee expressed its thanks to Ms Lovisolo and to the Working Group for their constructive contribution to the finalization of these two sections of the Draft Guidelines and for their considerable work on the Guidelines in recent years.

Status of the Draft Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods

40) The Committee advanced the Draft Guidelines (Beekeeping and Bee Products, and Food Additives and Processing Aids for Livestock Products) to Step 8 for adoption by the 24th Session of the Commission (see Appendix II).

PROPOSED DRAFT AMENDMENT TO THE GUIDELINES: TABLE 1: SUBSTANCES FOR USE IN SOIL FERTILIZING AND CONDITIONING (Agenda Item 4b.)[8]

41) The Committee recalled that at its 28th session the Delegation of Malaysia proposed to add by-products of oil palm cocoa and coconut to the substances for the use in soil fertilization and condition in Table 1 of the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods.* In view of the specific and non-controversial nature of this amendment, the Committee proposed to use the Accelerated Procedure and this was subsequently approved by the 47th Session of the Executive Committee.

42) The Working Group considered the proposal by Malaysia with the comments received and agreed that the materials proposed should be included in the list of inputs for soil fertilization and conditioning. However, a

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7 ALINORM 01/22, Appendix II

8 CL 2000/43-FL, CX/FL 01/05 Corrigendum: comments from Brazil, Canada, Cuba, France, Japan, Malaysia, Mexico, Thailand, IFOAM, CRD 17 (Canada), CRD 27 (Thailand).

number of members of the Working Group considered that such products should be devoid of synthetic additives, in conformity with the criteria for the use of materials in organic systems set out in Section 5 of the Guidelines. This criteria should be adhered to in selecting inputs for organic production systems.

43) The Working Group also noted that in developing countries the organic industry is at an early stage and it is more important at this point in time to encourage both the development of the industry and the recycling of plant materials. Therefore, the Working Group concluded that plant materials containing synthetic additives may be used providing they are adequately composted before application although this requirement was not specifically included in the conditions relating to by-products of the palm and cocoa industries.

44) The Committee also noted a proposal from Mexico for the inclusion of by-products from the production process of sugar cane and sugar. It was recognized that these inputs were already permitted as substances for use in soil fertilizing and conditioning within Annex 2, Table 1: by-products of the sugar industry, and composts of plant residues.

Status of the Proposed Draft Amendment to the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods

45) The Committee advanced the Proposed Draft Amendment to the Guidelines (Annex 2, Table 1, Substances for use in soil fertilizing and conditioning), to Step 5 of the Accelerated Procedure for adoption by the 24th Session of the Commission (see Appendix III).

Review of the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods

46) The Committee noted a proposal from the Working Group that identified concerns in the application of the requirements for inclusion of substances in Annex 2 of the Guidelines and in the criteria for the development of lists of substances by countries. It also noted that a process for review of the Guidelines was set down in Section 8 of CAC/GL 32-1999. The Committee also noted that, as a result of technological advances in the organic food industry, the lists of inputs would need to be updated.

47) The Committee agreed to initiate a review of the criteria for inputs as set out in Section 5 of the Guidelines so as determinations on future inputs would be supported by technical submissions. This would assist in the future objective evaluation of proposals for inputs to organic food products. The criteria would be reviewed in parallel with the revision of Annex 2.

48) The Committee agreed to ask the Commission for approval of new work on the revision of Section 5 and Annex 2 of the Guidelines. It also agreed that, subject to the approval of the Commission, comments would be sought by Circular Letter from both Member countries and international organizations on Section 5 and Annex 2 and that proposed revised criteria would be developed and circulated at Step 3 prior to the next session of CCFL to facilitate their review at the next session. It was expected that the amendments would be finalized and forwarded for adoption to the 25th Session of the Commission in 2003.

DRAFT RECOMMENDATIONS FOR THE LABELLING OF FOODS OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC MODIFICATION/GENETIC ENGINEERING (DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS): DEFINITIONS (Agenda item 5a)[9]

49) The Committee recalled that the Draft Amendment (Definitions) had been adopted at Step 5 by the 23rd Session of the Commission and considered by the last session of the CCFL, which had made a number of amendments and returned the text to Step 6 for further comments.

50) The Delegation of Argentina, supported by the Delegation of Brazil, proposed to replace the current definition with the definition of "modern biotechnology" in order to be consistent with the decision of the *Ad Hoc* Intergovernmental Task Force, which had agreed to use the definition of the Cartagena Protocol. These delegations also pointed out that the Definitions should be at the same Step as the rest of the text to facilitate

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[9] ALINORM 01/22, Appendix V, CX/FL 01/6 (comments of Malaysia, New Zealand, Spain), CX/FL 01/6-Add.1 (Canada, India, South Africa, Switzerland, Thailand, EC, 49PBC) CRD 8 (Brazil, Malaysia, IBFAN). CRD 30 (Cuba), CRD 42 (Paraguay)

discussion. The Chairperson recalled that the Draft Definitions had been adopted by the Commission at Step 5 in 1999 and that this decision could not be changed by the Committee.

51) The Delegation of Norway, while recognizing the need for consistency in Codex, stressed the need to consider definitions for the purposes of food labelling and in relation to the indications that would actually be used in the label. The Delegation indicated that the result of a search on the internet demonstrated clearly that the references to "Genetic modification\genetic engineering" (combined) outnumbered more than 30 times the references to "modern biotechnology" as related to foods, and that these terms were more widely used. The Delegation of India proposed to replace the current text with a reference to "genetically modified foods and food ingredients and products derived therefrom" as it was more easily understood by consumers.

52) The Committee had an extensive discussion on the need to retain the definition of "genetic modification/genetic engineering" or to replace it with a definition of "modern biotechnology". Several delegations stressed the need for consistency throughout Codex and with the Cartagena Protocol and supported the reference to "modern biotechnology". Several other delegations and observers stressed the need to retain a definition for labelling purposes that would correspond to the terms commonly used and understood by consumers worldwide, and to the regulations established by several countries. The Delegation of the United States also noted that it would be difficult to find a term that would be acceptable globally. Several delegations also pointed out that the Cartagena Protocol referred to living modified organisms, and that the terminology currently used in the text would therefore be consistent with the Protocol.

53) The Delegation of Ireland expressed the view that the replacement of "genetically modified\engineered" by the term "modern biotechnology" would confuse consumers and recommended retention of the current terminology. The Observer form Consumers International stated that following consultations with its members worldwide, the terms "genetically modified\engineered" were acceptable, but "modern biotechnology" was not an acceptable term. The Delegations of India and Nigeria supported the views expressed by Ireland and CI.

54) The Observer from IFOAM, supported by the Observer from RAFI, expressed the view that consistency should be achieved with the existing definition of genetically engineered/ modified organisms in the *Guidelines for the Production Processing Marketing and Labelling of Organically Produced Foods* and expressed concern with the adoption of a new definition which could affect current provisions for organically produced foods. The Secretariat indicated that since the Guidelines were an adopted text, its provisions were not affected by the development of another Codex text with a different scope; the definition in the Guidelines had been adopted for the specific purpose of defining the "organic" claim while the text under discussion concerned general labelling requirements.

55) The Delegation of Argentina requested that the terms "derived from certain techniques.." should replace "obtained from certain techniques.." for a more precise Scope definition. The Committee decided to refer to "obtained through\derived from" in the Spanish version of the text.

56) The Committee also discussed the reference to "no longer equivalent/differs significantly". The Delegation of Malaysia proposed to retain the current text without square brackets as both terms were acceptable and to refer to "techniques" instead of "technologies" to ensure consistency throughout the text. Several delegations proposed to retain only "no longer equivalent". The Delegation of India proposed to use the term "not equivalent" as it provided clear information for the consumer. Other delegations indicated that the notion of equivalence was not clearly defined and open to various interpretations, and supported the term "differs significantly' as this was more precise from a scientific perspective.

57) Following the proposal of the Delegation of the Netherlands, the Committee agreed to delete this definition as it did not appear necessary, and agreed that it would address the use of these terms further while considering labelling requirements, including the Scope, sections 3.1 and 6.1 (Label declarations).

58) The Committee considered a compromise text for the Definitions proposed by the Delegation of Canada, and further amended after discussion in a small drafting group (Canada, Malaysia, Mexico, Senegal, Sweden, United States, Consumers International, International Council of Grocery Manufacturers Associations), as follows: the definitions in the current text were retained and clarified and the definition of "modern biotechnology" was added, in order to take into account the different approaches taken by member countries as regards the definitions under consideration in the CCFL.

59) The Delegation of India, supported by the Observer from IBFAN, expressed the view that modern biotechnology was not defined clearly and should not be included, and that the text agreed at the last session should be retained unchanged. The Observer from IFOAM, supported by the Delegation of India, proposed that "modern biotechnology" be mentioned only in a footnote for clarification purposes and that it should not be used in the labelling. The Observer from IBFAN supported this view and stated that the use of "modern biotechnology" could be construed as promotional.

60) The Delegation of Nigeria expressed its objection to the revised text as the use of "modern biotechnology" should be restricted to use at the national level in those countries where it was allowed, but should not be used at the international level, and the process of genetic modification should always be declared in the label, especially in view of adverse effects that might originate from intermediate products. The Committee noted that a number of examples of label declarations were contained in section 6 of the Proposed Draft Guidelines.

61) Many delegations and observers supported the revised text as a compromise, in order to achieve significant progress on the important issues under consideration, with the understanding that the labelling requirements would be discussed in the text under consideration in Agenda 5b, and the Committee agreed that the Draft Definitions should be forwarded to Step 8 for final adoption.

62) The Delegations of Austria, Germany and Switzerland indicated that they could generally support the compromise text, but they needed more time in order to reach a final decision, and they might be able to do so before the Commission met.

63) The Delegations of Argentina, Brazil, Costa Rica and the United States expressed their reservation on the revised Definitions as member countries needed more time to consider the text; without prejudging of its content, they proposed that it should be returned for further comments and consideration at the next session. The Delegation of the United States noted that continued separation of the Definitions from the Guidelines could complicate the work of the Committee.

Status of the Draft Recommendations for the Labelling of Foods Obtained through Certain Techniques of Genetic Modification/Genetic Engineering (Draft Amendment to the General Standard for the Labelling of Prepackaged Foods): Definitions

64) The Committee agreed to forward the Draft Amendment to Step 8 for adoption by the 24th Session of the Codex Alimentarius Commission (see Appendix IV).

PROPOSED DRAFT RECOMMENDATIONS FOR THE LABELLING OF FOODS OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC MODIFICATION/GENETIC ENGINEERING (PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS) (Agenda item 5b)[10]

63) The Committee recalled that its last session had returned the Proposed Draft Recommendations for redrafting by a Working Group coordinated by Canada in order to combine the different labelling options proposed in the comments and during the discussion.

64) The Chair of the Working Group (Mr Gerry Reasbeck, Canada) informed the Committee that a smaller Drafting Group had met twice to facilitate the revision of the text and expressed his thanks to India and Brazil for hosting these meetings between the sessions. As a result of extensive discussion, the Working Group had revised the text in the form of Guidelines which allowed different labelling options, including comprehensive labelling, and provided guidance on labelling requirements in each case. The Guidelines presented in CX/FL 01/7 also included an explanation of the changes made in Annex 2 and a discussion paper on a number of issues which had been raised at the last session of the CCFL (Attachment A).

65) The Committee expressed its appreciation to Mr Reasbeck and to the Working Group for their considerable efforts and constructive approach to address these complex issues, in order to facilitate the work of the Committee.

[10] CX/FL 01/7, CX/FL 01/7-Add.1 (comments of Canada, India, South Africa, Switzerland, EC, CI, 49PBC), CRD 5 (Argentina), CRD 9 (Brazil, Malaysia, Thailand, IBFAN), CRD 34 (New Zealand), CRD 35 (Indonesia), CRD 43 (Paraguay), CRD 45 (Nigeria), CRD 46 (Egypt)

General comments

66) The Delegation of Argentina expressed a general reservation on the entire document in principle due to its likely implications in international trade, recalling the basic objectives of Codex and the *Statements of Principle on the Role of Science and the Extent to which Other Factors are Taken into Account*. The Delegation emphasized that labelling of food according to the process of production had been object of negative decisions in the framework of WTO. It recalled that the Committee on General Principles at its last session, had agreed that reference to « other factors » beyond science should be based on recommendations from other multilateral fora. It requested, accordingly, that no further work should be undertaken on this document. The Delegation of the United States also referred to rights and obligations previously agreed in the WTO. The Secretariat recalled that the CCGP had discussed the role of science and other factors in relation to risk analysis and proposed several Criteria for the Consideration of Other Factors in relation to the *Statements of Principle* but there had been no agreement on the reference to the « recommendations of relevant multilateral intergovernmental organizations » and the relevant text (in square brackets) was forwarded to the Commission for consideration (ALINORM 01/33A, paras. 92-98). The Secretariat also recalled that the development of labelling provisions for different types of foods, including those produced through biotechnology was in conformity with the terms of reference of the CCFL and the mandate of Codex.

67) Some delegations questioned the development of Guidelines which would provide different options according to the regulatory approach taken in member countries since this was not the usual approach in Codex and it was not clear how this would apply in case of trade disputes. These delegations indicated that Codex should rather give general recommendations that could be applied in all countries as a basis for international harmonization.

Purpose

68) The Committee agreed that the purpose was "to provide guidelines to ensure" that labelling provided the required information and amended the text accordingly.

69) The Committee noted proposals to replace "obtained through" with " derived from" certain techniques and to replace "certain techniques" with "techniques" in the purpose and the Title. After an exchange of views, the Committee however agreed to retain the wording used in the Definitions which had been finalized earlier (see para 64 above).

70) Some delegations proposed to refer to "verifiable" information, as there was no guarantee against misleading labelling and claims if the information could not be verified. Other delegations objected to this inclusion as it would restrict the information provided to consumers.

71) Several delegations proposed to delete the reference to "facilitating consumer choice" as it was not necessary and it was clear that information was provided "to consumers". Other delegations stressed that the overall objective of food labelling was to facilitate consumer choice and it was retained in the Purpose.

72) The Delegation of Argentina, supported by several delegations proposed that the information should be "relevant for consumer health protection and the promotion of fair practices in foods trade", as indicated in the second *Statement of Principles on the Role of Science and the Extent to which Other Factors are Taken into Account* . Some delegations indicated that such a reference was not relevant, as the purpose of labelling was to ensure consumer information irrespective of health concerns. As a compromise, the Committee agreed that reference should also be made to the third *Statement of Principle* concerning labelling, as proposed by the Observer from Consumers International.

73) The Committee agreed that the revised text of the first paragraph including the above amendments should be placed in square brackets for further consideration (see Appendix V). The Delegation of India proposed that the second paragraph should be deleted. The Committee did not discuss specifically the second paragraph and it was not amended.

Scope

74) The Delegation of Argentina proposed to include a statement to the effect that Codex standards should not affect other obligations of member countries at the international level, as recommended by the Committee on General Principles (see also para. 66).

75) The Delegation of India proposed to refer to "genetically modified foods and food ingredients and products derived therefrom" which are "not equivalent" as it was more easily understood by consumers, and to retain only "and" between the different cases described in section 1.1 to reflect that the Guidelines applied in all cases.

76) The Committee agreed to replace "corresponding existing food and ingredients" with "conventional counterpart"[11] to be consistent with the term used in the Task Force on Foods Derived from Biotechnology and the FAO/WHO Expert Consultation on Safety Aspects of Genetically Modified Foods of Plant Origin.

77) The Delegation of Italy proposed that labelling should not be limited to foods intended for the final consumer but should apply throughout the food chain. The Committee noted that further discussion would be required on this question, since the purpose of the Guidelines currently referred to providing information to consumers.

78) The Committee agreed with the proposal of the Delegation of Norway to separate section 1.1 into three sub-sections (1.1.1, 1.1.2, and 1.1.3) to make it clear that the three options presented were open for further consideration and "and/or" was retained between these options. The Delegations of Canada and the United States proposed to retain the current section 1.1.2 in square brackets until a decision was made on labelling to indicate the method of production. The Delegation of Australia pointed out that there was no agreement on methodology or criteria for determining compliance/enforcement of the Proposed Draft Guidelines. The Committee did not consider this section further at this stage.

Status of the Proposed Draft Recommendations for the Labelling of Foods Obtained through Certain Techniques of Genetic Modification/Genetic Engineering (Proposed Draft Guidelines for the Labelling of Foods and Food Ingredients Obtained through Certain Techniques of Genetic Modification/Genetic Engineering)

79) The Committee was not able to proceed further with the consideration of the Guidelines due to time constraints and agreed that the current text, as amended at the current session should be returned to Step 3 for further comments (see Appendix V). It was also agreed that the existing Working Group, extended to all interested member countries and international organizations and coordinated by Canada would work by electronic mail to consider the comments received in order to prepare a revised text for consideration by the next session.

Other matters

80) The Committee could not discuss the proposal from the Delegations of Australia and South Africa concerning Negative Claims (CRD 1) and agreed that it would be considered at the next session in conjunction with the Proposed Draft Guidelines.

DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS : CLASS NAMES (Agenda item 6)[12]

81) The Committee recalled that the Proposed Draft Amendment had been returned to Step 6 for further comments due to lack of consensus on the definition of a class name for "milk protein products" and "milk protein".

82) The Delegation of New Zealand recalled that in view of technological evolution, there were a wide variety of milk protein products on the market and the technical description of such products would not be adequate for the purposes of labelling and consumer information. The Committee on Milk and Milk Products had therefore proposed to establish a class name which would cover "milk protein products" with a minimum level of 35% milk protein and "milk protein" with 50%.

83) Some delegations supported the proposal put forward by the CCMMP. Other delegations proposed to retain only the class name for milk protein products (35%). The Delegation of India, supported by the Delegation of Indonesia, proposed a single class of milk protein products with a minimum level of 30% milk protein. Other

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11 "Conventional Counterpart" means a related organism/variety, its component and/or products for which there is experience of establishing safety based on common use of food (ALINORM 01/34A, Appendix II).

12 ALINORM 01/22, Appendix VI, CX/FL 01/8 (comments of New Zealand, Spain), CX/FL 01/8-Add.1 (United Kingdom, EC), CRD 6 (IDF), CRD 18 (Canada), CRD 25 (India, Thailand)

delegations proposed that the minimum content of protein for "milk protein products" should be higher than 35%, for example 50%.

84) The Delegation of Sweden, speaking on behalf of the EC, as well as the Delegation of Switzerland, proposed the use of a single class name "milk protein" and considered that this name should be used only for ingredients with a high milk protein content, for example 50%. They expressed the view that the use of the class name "milk protein products" would be misleading for consumers.

85) The Chairperson noted that there was no consensus on the definition of a class name although this question had been discussed extensively in previous sessions, and noted that the Committee might wish to reconsider the need to proceed with this work at its next session.

Status of the Draft Amendment to the General Standard for the Labelling of Prepackaged Foods : Class Names

86) The Committee agreed to return the Draft Amendment to Step 6 for further comments and consideration at the next session (see Appendix VI)

PROPOSED DRAFT AMENDMENT TO THE GUIDELINES FOR NUTRITION LABELLING

(Agenda item 7)[13]

87) The last session of the Committee had returned to Step 3 the Proposed Draft Amendment requiring labelling of sugars, fibre, saturated fat and sodium when nutrition labelling was applicable since no consensus could be reached on the text and several amendments had been proposed during the session.

88) The Delegation of Mexico expressed the view that nutrition labelling should be made on a voluntary basis only and proposed to add a new section to this effect while deleting section 3.2.2 on additional nutrient declaration.

89) The Delegation of the United Kingdom proposed that nutrition labelling should be required also when a health claim was made, as this would provide essential information to the consumers in order to make an informed choice. Several delegations and the Observer from Consumers International supported this proposal and the Committee amended the text of section 3.2.2 accordingly. The Delegation of Sweden, speaking on behalf of the EC and referring to its written comments, considered that when claims are made for cholesterol, compulsory accompanying information on saturates is necessary and this should be reflected in section 3.2.4.

90) The Delegation of Argentina proposed to add a declaration of dietary fibre in section 3.2.1.2 and to retain the references to dietary fibre in section 3.2, and to declare saturated, mono- and polyunsaturated fatty acids and cholesterol in section 3.2.4. The Delegation of New Zealand proposed to include a reference to "biologically active substances" in addition to nutrients in section 3.2.1.3 in order to recognize the health significance of some non-nutrients.

91) Several delegations and the Observers from CI and IBFAN proposed to retain current section 3.2.2. (additional nutrient declaration) without square brackets; to delete the last sentence in section 3.2.3 referring to dietary fibre; to include the declaration of trans fatty acids in sections 3.2.2 and 3.2.4.

92) The Observer from WSRO expressed the view that declaration of sugars should not be required in sections 3.2.2 and 3.2.3 as this provision was not substantiated by current scientific evidence and therefore contradicted the first *Statement of Principle*. The Observer from CIAA supported the current text of the Guidelines, and expressed the view that nutrient content should be declared on a voluntary basis or when a claim was made for a specific nutrient .

93) After an extensive exchange of views, the Committee agreed to retain section 3.2.2, the last sentence of section 3.2.3 and the last sentence of section 3.2.4 in square brackets. The declaration of trans fatty acids was included in sections 3.2.2 and 3.2.4, and the reference to cholesterol was retained without square brackets in section 3.2.4 (declaration of fatty acids).

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[13] ALINORM 01/22, Appendix VII, CX/FL 01/9 (comments of Australia, Chile, Denmark, Malaysia, New Zealand, CIAA), CRD 3 (Canada, Thailand, EC), CRD 24 (WSRO), CRD 31 (Cuba), CRD 37 (Indonesia)

94) In addition to the discussion on the current text the Committee also noted the general comments of the Delegations of Canada, Denmark, Japan and the United States and the Observer from IACFO supporting mandatory nutrition labelling irrespective of the claims made.

Status of the Proposed Draft Amendment to the Guidelines for Nutrition Labelling

95) The Committee agreed to return the Proposed Draft Amendment, as amended at the current session, to Step 3 for further comments and consideration at the next session (see Appendix VII).

PROPOSED DRAFT RECOMMENDATIONS FOR THE USE OF HEALTH CLAIMS (Agenda Item 8)[14]

96) The Committee recalled that, at its 28th Session, in view of the large number of revisions proposed and the issues that required further deliberation, it was agreed that the Working Group established at the 27th Session would meet immediately before the 29th Session to consider the comments received and further redraft the text.

97) The Chairperson of the Working Group, Dr M. Cheney (Canada), presented the redrafted text and a summary of discussions by the Working Group (CRD 48) to the Committee. It was highlighted that the Working Group: (1) changed the name of the draft to Proposed Draft Guidelines for the Use of Nutrition and Health Claims, thereby making consequential changes throughout the text, (2) retained the reference to consumer education in the preamble rather than moving it under Section 7 as a condition for health claims, and (3) agreed that infant formula and foods for young children should not be allowed to carry health claims

98) There had been considerable discussion in the Working Group on whether Nutrient Function Claims should be included as Health Claims rather than Nutrition Claims. There were divergent positions on Reduction of Disease Risk Claims: some delegations stressed their importance from a public health viewpoint, while other delegations expressed concern as to whether there were sufficient scientific data to substantiate these claims. The Working Group agreed that section 3.4 of the General Guidelines on Claims (CAC/GL 1-1979 (Rev.1-1991) might need to be reviewed in light of the Reduction of Disease Risk Claims as some delegates indicated that disease risk reduction would be equivalent to prevention of disease, and this claim was viewed as being contrary to section 3.4. The use of examples was considered useful in conveying the intent and differentiating the types of health claims under consideration in the context of the total diet, and a small working group (Canada, Germany, Sweden, Switzerland, and CIAA) reviewed the table of examples submitted by Sweden [15] with the objective of illustrating the differences between the various types of nutrition and health claims. It was recommended that work on the development of acceptable examples for health claims should continue.

99) Many delegations and observer organizations expressed their appreciation for the work of the Working Group in addressing these complex issues related to health claims.

100) The Committee agreed with the proposal of the Delegation of Sweden to include a table of examples of health claims at the end of the Guidelines and agreed to add to this table the examples of claims which were already included in other sections of the Guidelines (see Appendix VIII).

101) The Delegation of Malaysia did not support the inclusion of examples in the Guidelines because the examples might be misconstrued to be conclusive; they might carry greater weight; they were not exhaustive; and the conditions for permitting health claims were already stipulated in section 7.1.

102) The Delegations of Mexico and Brazil stated that sections 7.1 to 7.4 should apply to advertisement, noted that the Working Group had not discussed this question although it is mentioned under the terms of reference of CCFL, and proposed that this should be considered by the next session.

103) The Committee agreed to include under Section 1 Scope a provision that health claims are not permitted for foods for infants and young children, unless specifically provided for in relevant Codex standards established by relevant Committees such as the Codex Committee for Nutrition and Foods for Special Dietary Uses.

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14 ALINORM 01/22, Appendix VIII, CX/FL 01/10 (comments from Australia, Denmark, Malaysia, New Zealand, Spain, Sweden, CIAA, EFLA, IADSA, IDF, ILSI), CX/FL 01/10-ADD.1 (Thailand), CRD 10 (IBFAN), CRD 19 (Canada), CRD 32 (Cuba), CRD 36 (Indonesia), CRD 40 (Japan), CRD 48 (Revised Text prepared by the Working Group and the report of the discussion)

15 CX/FL 01/10 and CRD 48

104) The Delegation of India expressed the view that the disease and diet relationship should be established on a clear scientific basis in order to support claims, and that the serving size and instructions for use should be defined for different population groups. The Delegation proposed to delete the section on disease risk reduction claims as such claims were misleading to consumers, and to prohibit comparative and health claims for foods for infants and young children.

105) Some delegations expressed their concern over section 2.2.3 Reduction of Disease Risk Claims as they considered its inclusion was premature and suggested its deletion. The Delegation of the Netherlands proposed to include "Reduction of Disease Risk Factor Claims" since this would be more appropriate in view of the available scientific data to support these claims. Several delegations supported this suggestion and noted that they actually used this claim to reduce disease risk factors in their country.

106) The Delegation of South Africa and the Observer from ICGMA proposed to delete the reference to national health policy in the Preamble as it would create barriers to trade.

107) The Committee agreed that, for "Reduction of Disease Risk Claims", in addition to information on an accepted diet-health relationship, information on the composition of the product relevant to the relationship would be required "unless the relationship is based on a whole food or foods whereby the research does not link to specific constituents in the food". The text was amended accordingly.

108) Some delegations discussed whether or not the Reduction of Disease Risk Claims would contradict section 3.4 of the General Guidelines on Claims (CAC/GL 1-1979 (Rev. 1-1991)) and recommended that the relationship between the General Guidelines on Claims and the provisions for health claims should be further considered.

109) Some delegations expressed their reservation on Section 2.2.2 Enhanced Function Claims as this term was likely to mislead consumers.

Status of the Proposed Draft Guidelines for the Use of Nutrition and Health Claims (Proposed Draft Recommendations for the Use of Health Claims)

110) The Committee agreed that the Proposed Draft Guidelines needed further development and to return them to Step 3 for further comments and consideration at the next session (see Appendix VIII). It was agreed that a Working Group open to all member countries and international organizations chaired by Canada would meet between the sessions and immediately prior to the next session in order to facilitate the revision of the text.

PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS: QUANTITATIVE DECLARATION OF INGREDIENTS (Agenda item 9)[16]

111) The Committee recalled that the 28th Session of CCFL agreed to undertake new work on a Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (section 5.1) concerning Quantitative Ingredient Declaration (QUID) labelling. The 47th Session of the Executive Committee subsequently approved this proposal as new work (ALINORM 01/3, para. 43 and Appendix III).

112) The Observer from IACFO presented the revised text (CRD 33) to the Committee and expressed the view that QUID labelling is becoming increasingly important for consumers to avoid misleading labelling, and to allow consumers to make an informed choice related to the health related properties and quality of the product. The Observer therefore proposed that the labelling of all multi-ingredient food disclosing in the ingredient list the percentage, by weight, of each key ingredient (including ingredients of compound ingredients). The Observer from CI supported this proposal.

113) The Delegation of Thailand elaborated further on the labelling regulations mentioned by IACFO and informed the Committee that the mandatory regulations for QUID enforced in Thailand required the approximate percentage of the main ingredients to be declared without a ratio level. The main ingredients are those that are essential in the composition of the food.

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[16] CL 2000/35-FL, CX/FL 01/11 (comments of Costa Rica, Cuba, Malaysia, New Zealand, Poland, South Africa, Spain, CIAA, IACFO, ICGMA, ISDC), CRD 2 (comments of EC, CI), CRD 11 (comments of Thailand, IBFAN), CRD 20 (comments of Canada), CRD 33 (additional comments of IACFO), CRD 38 (comments of Indonesia)

114) Many delegations and observers expressed their concern on QUID labelling and noted that declaration thresholds needed careful consideration. The Delegation of Sweden, speaking on behalf of the EC, supported the principle of QUID labelling but questioned the justification for declaring systematically the quantity of each ingredient above a certain percentage. The Delegations of Mexico and Costa Rica expressed the view that the quantity of an ingredient should be declared only where the ingredient is emphasized in a graphic or written manner, including in the name of the food, or is considered as valuable. The Delegation of Mexico also questioned the provisions of the proposed amendment since the declaration of the percentage of all ingredients could infringe the intellectual property rights of the manufacturers. The Delegation of India indicated that product innovation would be lost if quantitative declaration of ingredients were to be applied.

115) Some delegations noted that QUID labelling should be considered as voluntary. The Delegation of Canada indicated that it did not support the need for universal QUID labelling in view of the considerable amount of information already provided in the *General Standard for the Labelling of Prepackaged Foods* and related guidelines to assist consumers' choice. This view was supported by the Delegations of United States and Chile. Some delegations supported retaining the current text of the Standard but agreed that further discussion of quantitative declaration would be needed.

116) The Committee, recognizing the diversity of opinions among Member countries, decided to circulate the alternative texts presented in CL 2000/35-FL and CRD 33. The delegation of United States was also invited to provide detailed proposals concerning voluntary labelling by adding section 7.3 to the *General Standard*.

Status of the Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods (Quantitative Declaration of Ingredients)

117) The Committee agreed to return the Proposed Draft Amendment, as proposed in CL 2000/35-FL and CRD 33, to Step 3 for circulation and consideration at the next session (see Appendix IX).

DISCUSSION PAPER ON COUNTRY OF ORIGIN LABELLING (Agenda item 10)[17]

118) The Committee recalled that its last session had discussed a proposal from the Delegation of the United Kingdom to initiate new work on country of origin labelling, since this was an important element of information for consumers and several countries were currently considering this question at the national level. The Committee had agreed that a detailed discussion paper should be prepared for further consideration by the 29th Session.

119) The Delegation of the United Kingdom presented the discussion paper prepared in collaboration with the Delegations of Switzerland and Malaysia and pointed out that the current provisions of the *General Standard for the Labelling of Prepackaged Foods* did not entirely address consumer concerns in relation to country of origin declaration. The paper also considered the practical implications of additional labelling provisions, outlined different options for new provisions on origin declaration for both foods and ingredients, and included specific proposals to amend the *General Standard*.

120) Many delegations and observers expressed their appreciation for this comprehensive discussion paper and supported the proposal of the United Kingdom to undertake a revision of the current provisions on origin declaration in the General Standard.

121) Some delegations, including the United States, and observers expressed their concerns about the justification of additional labelling requirements for ingredients by origin; the feasibility and practical aspects of ingredient origin declaration; and possible implications in international trade. It was noted by the Delegation of the United States that the results of current consultations in the World Customs Organization would be considered in the framework of WTO. The Observer from ICGMA supported the concerns expressed about the feasibility, justification and practicality of the proposal and referred to sections 4.5.1 and 4.5.2 of the General Standard as sufficiently addressing country of origin labelling. The Observer concluded by opining that the Committee should remain focused on food labelling provisions intended to protect the health of consumers and facilitating trade, and should not amend the current Standard.

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[17] CX/FL 01/12, CRD 4 (comments of CI, 49PBC), CRD 21 (Canada), CRD 28 (Thailand), CRD 41 (Japan)

122) The Committee agreed to seek the approval of the Commission to undertake new work on an amendment to the General Standard to amend current provisions on country of origin labelling (Section 4.5). Subject to the approval of the Commission, it was agreed that the Delegation of the United Kingdom, with the assistance of Switzerland, Malaysia and other interested countries would prepare a Proposed Draft Amendment on the basis of the discussion paper, for circulation at Step 3 and consideration by the next session of the Committee.

OTHER BUSINESS, FUTURE WORK AND DATE AND PLACE OF THE NEXT SESSION (Agenda item 11)[18]

MISLEADING FOOD LABELS

123) The Committee recalled that its 28th Session had agreed to consider a discussion paper prepared by the Delegation of the United States on this issue at its 29th Session. However, due to lack of time at the present Session, the Committee agreed that misleading food labels would be considered by the next Session on the basis of the discussion paper (CX/FL 01/13).

DATE AND PLACE OF THE NEXT SESSION

124) The Committee was informed that the next session was tentatively scheduled to be held in Halifax from 6 to 10 May 2002, the exact arrangements to be determined between the host country and the Codex Secretariat.

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[18] CX/FL 01/13 (discussion paper prepared by United States)

SUMMARY STATUS OF WORK

Subject Matter	Step	Action by	Document Reference in ALINORM 01/22A
Draft Guidelines for Organically Produced Foods (beekeeping and additives in livestock products)	8	Governments 24th CAC	para. 40 Appendix II
Draft Amendment to the General Standard (Draft Recommendations for the Labelling of Foods obtained through certain techniques of GM/GE): Definitions	8	Governments 24th CAC	para. 64 Appendix IV
Proposed Draft Amendment to the Guidelines for Organically Produced Foods (Table 1)	5A[19]	Governments 24th CAC	para. 45 Appendix III
Draft Amendment to the General Labelling Standard (class names)	6	Governments 30th CCFL	para. 86 Appendix VI
Proposed Draft Recommendations for the Labelling of Foods obtained through certain techniques of GM/GE (Proposed Draft Guidelines)	3	Governments Canada 30th CCFL	para. 79 Appendix V
Proposed Draft Amendment to the Guidelines on Nutrition Labelling	3	Governments 30th CCFL	para. 95 Appendix VII
Proposed Draft Guidelines on Use of Nutrition and Health Claims (Proposed Draft Recommendations for the Use of Health Claims)	3	Governments 30th CCFL	para. 110 Appendix VIII
Proposed Draft Amendment to the General Standard (Quantitative Declaration of Ingredients)	3	Governments 30th CCFL	paras. 117 Appendix IX
Proposals for new work: 1) Revision of the Guidelines on Organically Produced Foods (Section 5: Criteria and Annex 2) 2) Proposed Draft Amendment to the General Standard: Country of Origin Labelling	1/2/3	CAC Governments 30th CCFL	1) para. 48 2) para. 122

[19] Accelerated Procedure

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DRAFT GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS
(Livestock and Livestock Products: Beekeeping and additivs)
(At Step 8 of the Procedure)

ANNEX 1, B: Livestock and livestock products
Species Specific Requirements

Beekeeping and bee products

General Principles

54. Bee keeping is an important activity that contributes to the enhancement of the environment, agriculture and forestry production through the pollination action of bees.

55. The treatment and management of hives should respect the principles of organic farming.

56. Collection areas must be large enough to provide adequate and sufficient nutrition and access to water.

57. The sources of natural nectar, honeydew and pollen shall consist essentially of organically produced plants and/or spontaneous (wild) vegetation.

58. The health of bees should be based on prevention such as adequate selection of breeds, favourable environment, balanced diet and appropriate husbandry practices.

59. The hives shall consist basically of natural materials presenting no risk of contamination to the environment or the bee products.

60. When bees are placed in wild areas, consideration should be given to the indigenous insect population.

Siting of hives

61. Hives for beekeeping shall be placed in areas where cultivated and/or spontaneous vegetation comply with the rules of production as set out in Section 4 of these Guidelines.

62. The official certification body or authority shall approve the areas which ensure appropriate sources of honeydew, nectar and pollen based on information provided by the operators and/or through the process of inspection.

- The official certification body or authority may designate a specific radius from the hive within which the bees have access to adequate and sufficient nutrition that meets the requirements of these Guidelines.

63. The certification body or authority must identify zones where hives, that meet these requirements, should not be placed due to potential sources of contamination with prohibited substances, genetically modified organisms or environmental contaminants.

Feed

64. At the end of the production season hives must be left with reserves of honey and pollen sufficiently abundant for the colony to survive the dormancy period.

65. The feeding of colonies can be undertaken to overcome temporary feed shortages due to climatic or other exceptional circumstances. In such cases, organically produced honey or sugars should be used if available. However the certification body or authority may permit the use of non-organically produced honey or sugars. Time-limits should be set for such derogations. Feeding should be carried out only between the last honey harvest and the start of the next nectar or honeydew flow period.

Conversion Period

66. Bee products can be sold as organically produced when these Guidelines have been complied with for at least one year. During the conversion period the wax must be replaced by organically produced wax. In cases where all the wax cannot be replaced during a one-year period, the certification body or authority may extend the conversion period. By way of derogation:

- when organically produced beeswax is not available, wax from sources not complying with these Guidelines may be authorized by the certification body or authority, provided it comes from the cap or from areas where no prohibited materials have been used.

67. Where no prohibited products have been previously used in the hive, replacement of wax is not necessary.

Origin of bees

68. Bee colonies can be converted to organic production. Introduced bees should come from organic production units when available.

69. In the choice of breeds, account must be taken of the capacity of bees to adapt to local conditions, their vitality and their resistance to disease.

Health of the bees

70. The health of bee colonies should be maintained by good agricultural practice, with emphasis on disease prevention through breed selection and hive management. This includes:

i) the use of hardy breeds that adapt well to the local conditions;
ii) renewal of queen bees if necessary;
iii) regular cleaning and disinfecting of equipment;
iv) regular renewal of beeswax;
v) availability in hives of sufficient pollen and honey;
vi) systematic inspection of hives to detect any anomalies;
vii) systematic control of male broods in the hive;
viii) moving diseased hives to isolated areas, if necessary; or
ix) destruction of contaminated hives and materials.

71. For pest and disease control the following are allowed:

- lactic, oxalic, acetic acid
- formic acid
- sulphur
- natural etheric oils (e.g. menthol, eucalyptol, camphor)
- *Bacillus thuringiensis*
- steam and direct flame.

72. Where preventative measures fail, veterinary medicinal products may be used provided that:
- preference is given to phytotherapeutic and homeopathic treatment, and
- if allopathic chemically synthesised medicinal products are used, the bee products must not be sold as organic. Treated hives must be placed in isolation and undergo a conversion period of one year. All the wax must be replaced with wax which is in accordance with these Guidelines, and
- every veterinary treatment must be clearly documented.

73. The practice of destroying the male brood is permitted only to contain infestation with *Varroa jacobsoni*.

Management

74. The foundation comb shall be made from organically produced wax.

75. The destruction of bees in the combs as a method of harvesting of bee products is prohibited.

76. Mutilations, such as clipping of the wings of queen bees, are prohibited.

77. The use of chemical synthetic repellants is prohibited during honey extraction operations.

78. Smoking should be kept to a minimum. Acceptable smoking materials should be natural or from materials that meet the requirements of these Guidelines.

79. It is recommended that temperatures are maintained as low as possible during the extraction and processing of products derived from beekeeping.

Record Keeping

80. The operator should maintain detailed and up-to-date records as set out in Annex 3, paragraph 7. Maps should be maintained depicting the location of all hives.

Consequential amendments to:
ANNEX 3 at Step 8 *(ALINORM 01/22 Appendix II)*
MINIMUM INSPECTION REQUIREMENTS AND PRECAUTIONARY MEASURES UNDER THE INSPECTION OR CERTIFICATION SYSTEM at Step 8

5. Each year, before the date indicated by the inspection body, the operator should notify the official or officially recognized inspection/certification body of its schedule of production of crop products and livestock, giving a breakdown by land parcel/herd, flock or hive.

7. All livestock should be identified individually or, in the case of small mammals or poultry, by herd, flock or in the case of bees by hive. Written and/or documentary accounts should be kept to enable tracking of livestock and bee colonies within the system at all times and to provide adequate traceback for audit purpose. The operator should maintain detailed and up-to-date records of:

i) breeding and/or origins of livestock;
ii) registration of any purchases;
iii) the health plan to be used in the prevention and management of disease, injury and reproductive problems;
iv) all treatments and medicines administered for any purpose, including quarantine periods and identification of treated animals or hives;
v) feed provided and the source of the feedstuffs;
vi) stock movements within the unit and hive movements within designated forage areas as identified on maps;
vii) transportation, slaughter and/or sales;
viii) extraction, processing and storing of all bee products.

DRAFT AMENDMENTS TO ANNEX 2, TABLE 3 OF THE GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS (CAC/GL 32-1999) (At Step 8 of the Procedure)

INGREDIENTS OF NON AGRICULTURAL ORIGIN REFERRED TO IN SECTION 3 OF THESE GUIDELINES

3.1 Food additives, including carriers

INS	Name	Specific conditions
Consequential amendment at commencement of Table, insert following subject heading		
For plant products		
….		
170	Calcium carbonates	---- …….. etc
Insert the following at the end of the Table		
For livestock and bee products		
The following is a provisional list for the purposes of processing livestock and bee products only. Countries may develop a list of substances for national purposes that satisfy the requirements of these Guidelines as recommended in Section 5.2.		
153	Wood Ash	Traditional cheeses
170	Calcium carbonates	Milk products. Not as colouring agent.
270	Lactic acid	Sausage casings
290	Carbon dioxide	---
322	Lecithin	Obtained without the use of bleaches or organic solvents. Milk products/milk based infant food/fat products/mayonnaise.
331	Sodium citrate	Sausages/pasteurisation of egg whites/milk products
406	Agar	---
407	Carrageenan	Milk products
410	Locust bean gum	Milk products/meat products
412	Guar gum	Milk products/canned meat/egg products
413	Traganth gum	---
414	Arabic gum	Milk products/fat/confectionery
440	Pectin (unmodified)	Milk products
509	Calcium Chloride	Milk products/meat products
938	Argon	---
941	Nitrogen	---
948	Oxygen	---

TABLE 4: PROCESSING AIDS WHICH MAY BE USED FOR THE PREPARATION OF PRODUCTS OF AGRICULTURAL ORIGIN REFERRED TO IN SECTION 3 OF THESE GUIDELINES

Substance	**Specific condition**
Consequential amendment at commencement of Table, insert following subject heading **For plant products**	
Insert the following at end of Table 4 **For livestock and bee products** The following is a provisional list for the purposes of processing livestock and bee products only. Countries may develop a list of substances for national purposes that satisfy the requirements of these Guidelines as recommended in Section 5.2.	
Calcium carbonates	---
Calcium Chloride	Firming, coagulation agent in cheese making.
Kaolin	Extraction of propolis.
Lactic acid	Milk products: coagulation agent, pH regulation of salt bath for cheese.
Sodium carbonate	Milk products: neutralizing substance.
Water	---

PROPOSED DRAFT AMENDMENT TO THE GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS
(At Step 5 of the Accelerated Procedure)

AMENDMENTS TO ANNEX 2, TABLE 1

Table 1
Substances for use in Soil Fertilizing and Conditioning

Substance	**Description; compositional requirements; conditions of use**
…….. By products of the sugar industry (e.g. Vinasse)	Need recognized by certification body or authority.
Insert the following **By products from oil palm, coconut and cocoa (including empty fruit bunch, palm oil mill effluent (pome), cocoa peat and empty cocoa pods).**	**Need recognized by certification body or authority.**
By-products of industries processing ingredients from organic agriculture	Need recognized by certification body or authority.

DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (DRAFT RECOMMENDATIONS FOR THE LABELLING OF FOODS OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC MODIFICATION/GENETIC ENGINEERING)
DEFINITIONS
(At Step 8 of the Procedure)

Section 2. Definition of Terms

For the purpose of the General Standard:

"Food and food ingredients obtained through certain techniques of genetic modification / genetic engineering" means food and food ingredients composed of or containing genetically modified / engineered organisms obtained through modern biotechnology, or food and food ingredients produced from, but not containing genetically modified / engineered organisms obtained through modern biotechnology.

"Organism" means any biological entity capable of replication, reproduction or of transferring genetic material.

"Genetically modified / engineered organism" means an organism in which the genetic material has been changed through modern biotechnology in a way that does not occur naturally by multiplication and/or natural recombination.

"Modern biotechnology" means the application of:

a. In vitro nucleic acid techniques[1], including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles, or
b. Fusion of cells[2] beyond the taxonomic family,

that overcome natural physiological, reproductive or recombination barriers and that are not techniques used in traditional breeding and selection

---

1 These include but are not limited to: recombinant DNA techniques that use vector systems and techniques involving the direct introduction into the organism of hereditary materials prepared outside the organism such as micro-injection, macro-injection, chemoporation, electroporation, micro-encapsulation and liposome fusion

2 Fusion of cells (including protoplast fusion) or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells/protoplasts do not fall within the same taxonomic family

(1) **PROPOSED DRAFT RECOMMENDATIONS FOR THE LABELLING OF FOODS OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC MODIFICATION/GENETIC ENGINEERING**
(PROPOSED DRAFT GUIDELINES FOR THE LABELLING OF FOOD AND FOOD INGREDIENTS OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC MODIFICATION/GENETIC ENGINEERING)
(At Step 3 of Procedure)

(2) **PURPOSE OF THE GUIDELINES**

[To provide guidelines to ensure that the labelling of food and food ingredients obtained through certain techniques of genetic modification/genetic engineering provides factual, verifiable, understandable and non-misleading information relevant to protect consumer's health and to ensure fair practices in food trade. Food labelling plays an important role in furthering both of these objectives and to facilitate consumer choice.]

These guidelines set out a number of approaches and related information that could be used for the labelling of food and food ingredients obtained through certain techniques of genetic modification/genetic engineering.

(3) **1.0 SCOPE**

These guidelines recommend procedures for the labelling of food and food ingredients obtained through certain techniques of genetic modification/genetic engineering.

1.1 These guidelines apply to the labelling of such food and food ingredients:

1.1.1 when they are [no longer equivalent to / differ significantly] from the corresponding conventional counterparts, as regards its: composition, nutritional value or intended use; and/or

1.1.2 when they are composed of or contain a genetically modified / engineered organism or contain protein or DNA resulting from gene technology; and/or

1.1.3 when they are produced from, but do not contain, genetically modified / engineered organisms, protein or DNA resulting from gene technology.

(4) **2.0 DEFINITION OF TERMS**
(At Step 8 of the Procedure)

For the purpose of these guidelines:

"Food and food ingredients obtained through certain techniques of genetic modification / genetic engineering" means food and food ingredients composed of or containing genetically modified / engineered organisms obtained through modern biotechnology, or food and food ingredients produced from, but not containing genetically modified / engineered organisms obtained through modern biotechnology.

"Organism" means any biological entity capable of replication, reproduction or of transferring genetic material.

"Genetically modified / engineered organism" means an organism in which the genetic material has been changed through modern biotechnology in a way that does not occur naturally by multiplication and/or natural recombination.

"Modern biotechnology" means the application of:

c. In vitro nucleic acid techniques[3], including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles, or
d. Fusion of cells[4] beyond the taxonomic family,

that overcome natural physiological, reproductive or recombination barriers and that are not techniques used in traditional breeding and selection.

(6) **3.0 LABELLING PROVISIONS**
(At Step 3 of the Procedure)

In adopting a specific approach to the labelling of food and food ingredients obtained through certain techniques of genetic modification/genetic engineering the following provisions could be used:

(7) 3.1 When food and food ingredients obtained through certain techniques of genetic modification/genetic engineering, as defined in Section 2 are [no longer equivalent to / differ significantly] from the corresponding existing food and food ingredients, as regards:

-composition; and/or
-nutritional value; and/or
-intended use;

the characteristics or properties which make it different from the corresponding existing food and food ingredients should be clearly identified on the label as described in Subsection 6.l on label declarations.

(8) 3.2 The presence in any food or food ingredients obtained through certain techniques of genetic modification/genetic engineering of an allergen transferred from any of the products listed in Section 4.2.1.4 of the General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985 (Rev.1-1991, Amended 1999) shall be declared[5]

(9) 3.3 [The presence of substances that are absent [or present in altered proportions having regard to accepted limits of natural variation] in corresponding existing foods that may have implications for the health of certain sections of the population [should] [shall] be labelled].

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3 These include but are not limited to: recombinant DNA techniques that use vector systems and techniques involving the direct introduction into the organism of hereditary materials prepared outside the organism such as micro-injection, macro-injection, chemoporation, electroporation, micro-encapsulation and liposome fusion

4 Fusion of cells (including protoplast fusion) or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells/protoplasts do not fall within the same taxonomic family

5 This provision is at Step 8 for consideration by the Codex Alimentarius Commission at its 24rd Session (July, 2001)

(10) 3.4 In addition to the provisions of Subsection 3.1 to 3.3, when food and food ingredients obtained through certain techniques of genetic modification/genetic engineering as defined in Section 2, are labelled to indicate method of production, labelling declarations should apply (some examples of which are described in Subsection 6.2):

(a) When they are composed of or contain a genetically modified / engineered organism or contain protein or DNA resulting from gene technology; and/or

(b) When they are produced from, but do not contain, genetically modified /engineered organisms, protein or DNA resulting from gene technology even when they do not differ in composition, nutritional value, intended use [and/or other parameters].

(11) 3.5 [Notwithstanding Section 4.2.2.2 of the General Standard[6]], the presence of substances that are absent in corresponding existing food and food ingredients that could be the subject of ethical objections [should] [may] be labelled. [Where such labelling is used, member countries should establish criteria on how labelling decisions, based on ethical considerations, will be decided and implemented in a manner that is fair, transparent and consistent.]

(12) **[4.0 THRESHOLD LEVELS**

4.1 Where food and food ingredients obtained through certain techniques of genetic modification/genetic engineering, are labelled to declare the method of production, consideration may be given to:

[Establishment of a threshold level in food and food ingredients for the presence of food and food ingredients obtained from certain techniques of genetic modification/genetic engineering, below which labelling would not apply[7]] and/or

[Establishment of a de minimis threshold level for adventitious or accidental inclusion in food and food ingredients, of food and food ingredients obtained through certain techniques of genetic modification/genetic engineering, below which labelling would not apply]]

(13) [**5.0 EXEMPTIONS**

5.1 Notwithstanding the provisions of Subsection 3.1 to 3.3, consideration may be given to the exemption from labelling of specific categories (for example highly processed food ingredients, processing aids, food additives, flavours) of food and food ingredients obtained through certain techniques of genetic modification / genetic engineering.]

(14) **6.0 LABEL DECLARATIONS**

In accordance with the General Principles section of the Codex General Standard for the Labelling of Prepackaged Foods and the Codex General Guidelines on Claims, prepackaged food shall not be described on any label or in any labelling or presented in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character or safety in any respect.

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6 Section 4.2.2.2 requires that pork fat, lard and beef fat shall always be declared by their specific names

7 Consideration of a threshold must address existing provisions of the *Codex General Standard for the Labelling of Prepackaged Foods*, e.g. Section 4.2.1.3 (Compound Ingredients)

(15) 6.1 Where food and food ingredients obtained through certain techniques of genetic modification/genetic engineering are labelled to indicate final product characteristics, the following requirements should apply:

(a) if the composition or nutritional value of food and food ingredients is [no longer equivalent to/ differs significantly] from the corresponding existing food and food ingredients, the label should provide, in conjunction with, or in close proximity to, the name of the food and food ingredients, such additional words or phrases as necessary to inform the consumer as to its changed composition or nutrient content in conformity with Sections 4.1 and 4.2.2 of the General Standard. In addition, nutrient declaration should be provided in conformity with the Codex Guidelines on Nutrition Labelling.

(b) if the mode of storage, preparation or cooking is [no longer equivalent to / differs significantly] from the corresponding existing food and food ingredients, clear instructions for use should be provided.

(16) 6.2 In addition to the provisions in Subsection 6.1, where food and food ingredients obtained through certain techniques of genetic modification/genetic engineering are labelled to declare the method of production, examples of label declaration(s) include but are not limited to:

(a) ["Produced from genetically modified (naming the source)"] e.g. "produced from genetically modified soya"

(b) If the ingredient is already listed as produced from the source, ["genetically engineered (naming the food)"], e.g. "genetically engineered maize flour"

(c) ["Grown from seeds obtained through [modern] plant biotechnology"]

(d) If the ingredient is designated by the name of a category, ["contains (name of the ingredient) produced from genetically modified (source)"], e.g. starch ("contains starch produced from genetically modified maize")

(e) ["Genetically engineered (naming the characteristic) (naming the food)"] e.g. "genetically engineered high oleic soybean oil"

(f) ["Product of plant / animal biotechnology"]

(g) ["Naming the food/food ingredient (genetically modified)"] e.g. "soybean (genetically modified)"

(h) ["Naming the food/food ingredient (genetically modified food/food ingredient (not segregated)"] e.g. "soybean (genetically modified soybean not segregated)"

(i) ["Product of gene technology"]

(17) 6.3 Where the presence of food and food ingredients obtained through certain techniques of genetic modification/genetic engineering is declared on the label, the following would apply:

(a) In the case of single-ingredient foods, or where there is no list of ingredients, the information should appear clearly on the label of the food; or

(b) In the case of a food ingredient(s) in a multi-ingredient food, the information should be shown in the list of ingredients or in parentheses immediately following the ingredient(s). Alternately, the ingredient(s) may be identified by an asterisk and the required wording should appear in a statement immediately following the list of ingredients.

(18) **[7.0 IMPLEMENTATION**

Consistent with the approach(es) adopted under Section 3, additional consideration should be given to procedures and methodologies for the identification of food and food ingredients produced using certain techniques of genetic modification/genetic engineering and verification of label declarations. These include, but are not limited to: development of validated detection methods; establishment of verification (for example, documentation) systems; and efforts for the development of supporting capacity and infrastructure.]

DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (CLASS NAMES)
(At Step 6 of the Procedure)

Section 4.2 List of Ingredients

4.2.2.1 The following class names may be used for the ingredients falling within these classes:

[Milk Protein /Milk Protein Products]: Milk products containing a minimum of [30/35]% of milk protein (m/m) in dry matter *.

* Calculation of milk protein content : Kjeldahl nitrogen x 6.38

PROPOSED DRAFT AMENDMENT TO THE GUIDELINES ON NUTRITION LABELLING
(At Step 3 of the Procedure)[8]

3.2 Listing of Nutrients

3.2.1 Where nutrient declaration is applied, the declaration of the following should be mandatory:

3.2.1.1 Energy value; and

3.2.1.2 The amounts of protein, available carbohydrate (i.e., carbohydrate excluding dietary fibre), fat..

3.2.1.3 The amount of any other nutrient for which a nutrition claim is made; and

3.2.1.4 The amount of any other nutrient considered to be relevant for maintaining a good nutritional status, as required by national legislation.

[3.2.2 Where one or more of the following: sugars, fibre, saturated fat and sodium are declared voluntarily [or because a nutrition claim for one of these nutrients is made] or if a health claim is made then the nutrient declaration will consist of information on the sugars, fibre, saturated fatty acids, trans fatty acids and sodium in addition to the requirements of 3.2.1 or]

3.2.3 Where a claim is made regarding the amount and/or the type of carbohydrate, the amount of total sugars should be listed in addition to the requirements in Section 3.2.1. the amounts of starch and/or other carbohydrate constituent(s) may also be listed. [Where a claim is made regarding the dietary fibre content, the amount of dietary fibre should be declared.]

3.2.4 Where a claim is made regarding the amount and/or type of fatty acids or cholesterol, the amounts of saturated fatty acids or cholesterol and of polyunsaturated fatty acids and trans fatty acids should be declared in accordance with Section 3.4.7 and 3.2.1. [The amounts of any other fatty acid constituent(s) may also be listed.]

3.2.5 In addition to the mandatory declaration under 3.2.1, , 3.2.3 and 3.2.4 vitamins and minerals may be listed in accordance with the following criteria:

3.2.5.1 Only vitamins and minerals for which recommended intakes have been established and/or which are of nutritional importance in the country concerned should also be declared.

3.2.6 When nutrient declaration is applied, only those vitamins and minerals which are present in significant amounts should be listed.[9]

3.2.7 In the case where a product is subject to labelling requirements of a Codex standard, the provisions for nutrient declaration set out in that standard should take precedence over but not conflict with the provisions of Sections 3.2.1 to 3.2.6 of these guidelines.

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[8] Amendments to the current text of the Guidelines are underlined

[9] As a rule, 5% of the recommended intake (of the population concerned) supplied by a serving as quantified on the label should be taken into consideration in deciding what constitutes a significant amount.

PROPOSED DRAFT GUIDELINES FOR USE OF NUTRITION AND HEALTH CLAIMS
(PROPOSED DRAFT RECOMMENDATIONS FOR THE USE OF HEALTH CLAIMS)
(At Step 3 of the Procedure)[10]

Nutrition claims should be consistent with national nutrition policy and support that policy. Only nutrition claims that support national nutrition policy should be allowed.

Health claims must be consistent with national health policy, including nutrition policy, and support such policies. Health claims should supported by specific consumer education. Claims of the type described in section 3.4 of the Codex General Guidelines on Claims are prohibited.

1. SCOPE

1.1 These guidelines relate to the use of nutrition and health claims in food labelling.

1.2 These guidelines apply to all foods for which nutrition and health claims are made without prejudice to specific provisions under Codex standards or Guidelines relating to Foods for Special Dietary Uses and Foods for Special Medical Purposes.

1.3 These guidelines are intended to supplement the Codex General Guidelines on Claims and do not supersede any prohibitions contained therein.

1.4 Health claims are not permitted for foods for infants and young children unless specifically provided for in relevant Codex standards.

2. DEFINITIONS

2.1 ***Nutrition claim***[11] means any representation which states, suggests or implies that a food has particular nutritional properties including but not limited to the energy value and to the content of protein, fat and carbohydrates, as well as the content of vitamins and minerals. The following do not constitute nutrition claims:

(a) the mention of substances in the list of ingredients;
(b) the mention of nutrients as a mandatory part of nutrition labelling;
(c) quantitative or qualitative declaration of certain nutrients or ingredients on the label if required by national legislation.

2.1.1 ***Nutrient content claim*** is a nutrition claim that describes the level of a nutrient contained in a food.
(Examples: [12] "source of calcium"; "high in fibre and low in fat";)

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10 Additions to the current text of the *Guidelines for Use of Nutrition Claims* are underlined

11 This definition is identical to the definition in the Codex Guidelines on Nutrition Labelling (CAC/GL 2-1985, Rev.1-1993).

12 Examples included for clarification of definitions.

2.1.2 ***Comparative claim*** is a claim that compares the nutrient levels and/or energy value of two or more foods.
(Examples: "reduced"; "less than"; "fewer"; "increased"; "more than".)

2. 2 Health claim means any representation that states, suggests, or implies that a relationship exists between a food or a constituent of that food and health. Health claims include the following:

2.2.1 ***Nutrient Function Claims*** - a nutrition claim that describes the physiological role of the nutrient in growth, development and normal functions of the body.[13]

[Examples:
"Calcium aids in the development of strong bones and teeth";
"Protein helps build and repair body tissues";
"Iron is a factor in red blood cell formation";
"Vitamin E protects the fat in body tissues from oxidation".
"Contains folic acid: folic acid contributes to the normal growth of the fetus"**]**

2.2.2 ***Enhanced Function Claims*** **-** These claims concern specific beneficial effects of the consumption of foods and their constituents in the context of the total diet on physiological **[**or psychological**]** functions or biological activities but do not include nutrient function claims. Such claims relate to a positive contribution to health or to the improvement of a function or to modifying or preserving health.

[Examples:
"Certain non-digestible oligosaccharides improve the growth of specific bacterial flora in the gut"
"Folate can help reduce plasma homocysteine levels"
"X may assist in increasing alertness"**]**

[2.2.3 ***Reduction of disease risk claims*** - Claims relating the consumption of a food or food constituent, in the context of the total diet, to the reduced risk of developing a disease [or health-related condition]. The claim must consist of two parts:
1) Information on an accepted diet-health relationship; followed by
2) Information on the composition of the product relevant to the relationship unless the relationship is based on a whole food or foods whereby the research does not link to specific constituents of the food.

Risk reduction means significantly altering a major risk factor(s) for a disease [or health-related condition]. Diseases have multiple risk factors and altering one of these risk factors may or may not have a beneficial effect. The presentation of risk reduction claims must ensure, for example, by use of appropriate language and reference to other risk factors, that consumers do not interpret them as prevention claims.**]**

[Examples:
"Iron can help reduce the risk of anaemia. Food A is a high source of iron.";
"A diet low in saturated fat may reduce the risk of heart disease. Food B is low in saturated fat.";

[13] This definition is identical to the definition in Section 2.1.3 of the Codex Guidelines for Use of Nutrition Claims (CAC/GL 23-1997)

"Folate may reduce a woman's risk of having a child with neural tube defects. Food C is high in folate."
"Sufficient calcium intake may reduce the risk of osteoporosis in later life. Food D is high in calcium."**]**

3. NUTRITION LABELLING

Any food for which a nutrition or health claim is made should be labelled with a nutrient declaration in accordance with Section 3 of the Codex Guidelines on Nutrition Labelling.

4. NUTRITION CLAIMS

4.1 The only nutrition claims permitted shall be those relating to energy, protein, carbohydrate, and fat and components thereof, fibre, sodium and vitamins and minerals for which Nutrient Reference Values (NRVs) have been laid down in the Codex Guidelines for Nutrition Labelling.

5. NUTRIENT CONTENT CLAIMS

5.1 When a nutrient content claim that is listed in the Table to these Guidelines or a synonymous claim is made, the conditions specified in the Table for that claim should apply.

5.2 Where a food is by its nature low in or free of the nutrient that is the subject of the claim, the term describing the level of the nutrient should not immediately precede the name of the food but should be in the form "a low (naming the nutrient) food" or "a (naming the nutrient)-free food".

6. COMPARATIVE CLAIMS

Comparative claims should be permitted subject to the following conditions and based on the food as sold, taking into account further preparation required for consumption according to the instructions for use on the label:

6.1 The foods being compared should be different versions of the same food or similar foods. The foods being compared should be clearly identified.

6.2 A statement of the amount of difference in the energy value or nutrient content should be given. The following information should appear in close proximity to the comparative claim:

6.2.1 The amount of difference related to the same quantity, expressed as a percentage, fraction, or an absolute amount. Full details of the comparison should be given.

6.2.2 The identity of the food(s) to which the food is being compared. The food(s) should be described in such a manner that it (they) can be readily identified by consumers.

6.3 The comparison should be based on a relative difference of at least 25% in the energy value or nutrient content, except for micronutrients where a 10% difference in the NRV would be acceptable, between the compared foods and a minimum absolute difference in the energy value or nutrient content equivalent to the figure defined as "low" or as a "source" in the Table to these Guidelines.

6.4 The use of the word "light" should follow the same criteria as for "reduced" and include an indication of the characteristics which make the food "light".

7. HEALTH CLAIMS

7.1 Health claims should be permitted provided that the following conditions are met:

7.1.1 Health claims must be based on current relevant scientific substantiation and the level of proof must be sufficient to substantiate the type of claimed effect as recognised by generally accepted scientific review of the data and the scientific substantiation should be reviewed as new knowledge becomes available. [14]

7.1.2 Any health claim must be accepted by or be acceptable to the competent authorities of the country where the product is sold. Only health claims that support national health policy and goals should be allowed.

7.1.3 The claim about a food or food constituent must be stated within the context of the total diet.

7.1.4 The claimed benefit should arise from the consumption of a reasonable quantity of the food or food constituent in the context of a normal diet.

7.1.5 If the claimed benefit is attributed to a constituent in the food, the food in question should be:
(i) - a significant or high source of the constituent in the case where increased consumption is recommended; or,
(ii) - low in, reduced in, or free of the constituent in the case where reduced consumption is recommended.
Where appropriate, the conditions for nutrient content claims and comparative claims will be used to determine the levels for "high", "low", "reduced", and "free".[15]

7.1.6 Only those nutrients for which a Nutrient Reference Value (NRV) has been established in the Codex Guidelines on Nutrition Labelling or those nutrients which are mentioned in officially recognized dietary guidelines of the national authority having jurisdiction, should be the subject of a nutrient function claim. [16]

7.2 Health claims should have a clear framework for qualifying and/or disqualifying conditions for eligibility to use the specific claim, including the ability of competent national authorities to prohibit claims made for foods that contain nutrients or constituents in amounts that increase the risk of disease or an adverse health-related condition. The health claim should not be made if it encourages or condones excessive consumption of any food or disparages good dietary practice.

7.3 If the claimed effect is attributed to a constituent of the food, there must be a validated method to quantify the food constituent that forms the basis of the claim.

7.4 The impact of health claims on consumers' eating behaviours and dietary patterns should be monitored.

7.5 The following information should appear on the label or labelling of the food bearing health claims:

7.5.1 A statement of the quantity of any nutrient or other constituent of the food that is the subject of the claim.

7.5.2 Information on the target group, if appropriate.

7.5.3 Information on how to use the food to obtain the claimed benefit, if appropriate.

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14 Reference to the Scientific Criteria for Health-related Claims being developed by the CCNFSDU to be inserted here

15 Guidelines for Use of Nutrition Claims (CAC/GL 23-1997)

16 This section is identical to Section 7.1 of the Codex Guidelines for Use of Nutrition Claims (CAC/GL 23-1997)

7.5.4 If appropriate, advice to vulnerable groups on how to use the food and to groups, if any, who need to avoid the food.

7.5.5 Maximum safe intake of the food where necessary.

8. CLAIMS RELATED TO DIETARY GUIDELINES OR HEALTHY DIETS

Claims that relate to dietary guidelines or "healthy diets" should be permitted subject to the following conditions:

8.1 Only claims related to the pattern of eating contained in dietary guidelines officially recognized by the appropriate national authority.

8.2 Flexibility in the wording of claims is acceptable, provided the claims remain faithful to the pattern of eating outlined in the dietary guidelines.

8.3 Claims related to a "healthy diet" or any synonymous term are considered to be claims about the pattern of eating contained in dietary guidelines and should be consistent with the guidelines.

8.4 Foods which are described as part of a healthy diet, healthy balance, etc., should not be based on selective consideration of one or more aspects of the food. They should satisfy certain minimum criteria for other major nutrients related to dietary guidelines.

8.5 Foods should not be described as "healthy" or be represented in a manner that implies that a food in and of itself will impart health.

8.6 Foods may be described as part of a "healthy diet" provided that the label carries a statement relating the food to the pattern of eating described in the dietary guidelines.

TABLE OF CONDITIONS FOR NUTRIENT CONTENTS

COMPONENT	CLAIM	CONDITIONS
		NOT MORE THAN
Energy	Low	40 kcal (170 kJ) per 100 g (solids) or 20 kcal (80 kJ) per 100 ml (liquids)
	Free	4 kcal per 100 ml (liquids)
Fat	Low	3g per 100 g (solids) 1.5 g per 100 ml (liquids)
	Free	0.5 g per 100 g (solids) or 100 ml (liquids)
Saturated Fat	Low[17]	1.5 g per 100 g (solids) 0.75 g per 100 ml (liquids) and 10% of energy
	Free	0.1 g per 100 g (solids) 0.1 g per 100 ml (liquids)
Cholesterol	Low[8]	0.02 g per 100 g (solids) 0.01 g per 100 ml (liquids)
	Free	0.005 g per 100 g (solids) 0.005 g per 100 ml (liquids) and, for both claims, less than: 1.5 g saturated fat per 100 g (solids) 0.75 g saturated fat per 100 ml (liquids) and 10% of energy of saturated fat
Sugars	Free	0.5 g per 100 g or 100 ml
Sodium	Low Very Low Free	0.12 g per 100 g 0.04 g per 100 g 0.005 g per 100 g

[17] In the case of the claim for "low in saturated fat", trans fatty acids should be taken into account where applicable. This provision consequentially applies to foods claimed to be "low in cholesterol" and "cholesterol free".

DIFFERENT TYPES OF CLAIMS SUBJECT TO THE CONDITIONS IN THESE GUIDELINES

The purpose of these examples is only to illustrate the differences between different types of health and nutrition claims. Special conditions for use of these claims are found in the guidelines.

COMPONENT	TYPE OF CLAIM	CLAIM
Calcium	Nutrient content claim	Food A is a source of calcium
	Comparative claim	Food A contains x % more calcium than…
	Nutrient function claim	Calcium aids in the development of strong bones and teeth. Food A is a source of/rich in calcium.
	Enhanced function claim	Calcium may help to improve bone density. Food A is a source of/rich in calcium.
	Reduction of disease risk claim	Sufficient calcium intake may reduce the risk of osteoporosis in later life. Food A is high in calcium.
Iron	Nutrient content claim	Food B is a source of iron
	Comparative claim	Food B contains increased contents of iron
	Nutrient function claim	Iron is a factor in red blood cell formation. Food B is a source of/rich in iron.
	Enhanced function claim	A good iron status may promote endurance. Food B is a source of/rich in iron.
	Reduction of disease risk claim	Iron deficiency is common among women, but good dietary habits can reduce the risk for iron deficiency. B is an important source of the type of iron that is readily absorbed by the body.
Folic acid	Nutrient content claim	Food C is a source of folic acid
	Comparative claim	Food C contains x % more folic acid than…
	Nutrient function claim	Folic acid contributes to the normal growth of the fetus. Food C contains folic acid
	Nutrient function claim	Folate may help to normalise plasma homocysteine levels. Food C is a source of/rich in folic acid.
	Reduction of disease risk claim	Folate may reduce a woman's risk of having a child with neural tube defects. Food C is high in folate.
General Examples	Nutrient content claim	Food D is high in fibre Food D is low in fat
	Comparative claim	Component X has been reduced in Food E Food E contains less component X than…
	Nutrient function claim	Protein helps build and repair body tissues Vitamin E protects the fat in body tissues from oxidation
	Nutrient function claim	Certain non-digestible oligosaccharides improve the growth of specific bacterial flora in the gut Food F may assist in increasing alertness
	Reduction of disease risk claim	A diet low in saturated fat may reduce the risk of heart disease. Food G is low in saturated fat

PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (Quantitative Ingredient Declaration Labelling)
(At Step 3 of the Procedure)

5. ADDITIONAL MANDATORY REQUIREMENTS

5.1 Quantitative Labelling of Ingredients

5.1.1 Every food sold as a mixture or combination shall disclose the percentage, by weight, of each ingredient (including ingredients of compound ingredients) comprising more than 5% of the food by weight.

5.1.2 The information required in Section 5.1.1 shall be declared on the product label as a numerical percentage adjacent to each respective ingredient listed in the ingredient list.

5.1.3 If the quantity of any ingredient is emphasized on the label by words or pictures, or if the product bears a name or other similarity to another food with different ingredient composition, or if an ingredient or class of ingredients is normally associated with the food by consumers, the percentage, by weight, of each emphasized ingredient shall be reported on the label either:

(a) in close proximity to the words or images emphasizing the particular ingredient, or
(b) beside the common name of the food,

in lettering that is at least 50% as large as the common name.

5.1.4 Where commodity-specific standards of Codex Alimentarius conflict with the requirements prescribed here, the commodity-specific requirements shall prevail to the extent of the conflict.

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PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (Quantitative Ingredient Declaration Labelling)
(At Step 3 of the Procedure)
(Alternative text Proposed by IACFO)

5. ADDITIONAL MANDATORY REQUIREMENTS

5.1 Quantitative Labelling of Ingredients

5.1.1 Every food sold as a mixture or combination [shall] **[may]** disclose the **[ingoing]** percentage, by weight, of each ingredient (including ingredients of compound ingredients) [comprising more than 5% of the food by weight.] **[that:**

(a) is associated by consumers with the food; or
(b) is emphasized on the label through words or pictures; or
(c) is essential to characterize the food; or
(d) is essential to distinguish the food from others with which it may be confused; or
(e) appears in the name of the food; or
(f) comprises more than 25% of the food by weight.]

5.1.2 The information required in Section 5.1.1 shall **[, if provided,]** be declared on the product label as an **[approximate]** numerical percentage adjacent to each respective ingredient listed in the ingredient list.

5.1.3 If the quantity of any ingredient is emphasized on the label by words or pictures, or if the product bears a name or other similarity to another food with different ingredient composition **[with which it may be confused]**, or if an ingredient is normally associated with the food by consumers, the **[ingoing]** percentage, by weight, of each **[such]** [emphasized] ingredient shall **[also]** be reported on the label either:

(a) in close proximity to the words or images emphasizing the particular ingredient, or
(b) beside the common name of the food,

[in lettering that is at least 50% as large as the common name].

5.1.4 Where commodity-specific standards of Codex Alimentarius conflict with the requirements prescribed here, the commodity-specific requirements shall prevail to the extent of the conflict.