

IDFA SUMMARY
37TH SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING

The Codex Committee on Food Labelling held its Thirty-seventh Session in Calgary, Canada from May 4 to 8 May 2009, led by the new Chair Paul Mayers, of the Canadian Food Inspection Agency. The session was attended by 201 delegates representing 63 Member Countries, and 24 international organizations, including the delegation of the International Dairy Federation (IDF) headed by Cary Frye V.P. Regulatory Affairs for International Dairy Foods Association (IDFA). Also providing assistance, as part of the IDF delegation were Sandra Tuijelaars IDF Nutrition Officer, and Isabelle Neiderer and Margherita Marcone, both of the Dairy Farmers of Canada. The agenda covered a diverse range of topics that were being considered for the international Codex labelling standards. A plenary session and much of the meeting was devoted towards reviewing five possible labelling provisions arising from the WHO Global Strategy on Diet, Physical Activity and Health. Also the Committee continued discussions labelling of foods and ingredients obtained through genetic modification/genetic engineering and a recommendation to consider amendments to the declaration of quantity statements to align with International Organization of Legal Metrology (OIML). The meeting also included review of the definition of dietary fibre, labelling of class names of food additives that would be forwarded to the Codex Commission and agreed upon restricted use of Rotenone in organically produced foods. Listed below are details on the key agenda items covered at the meeting:

1. Definition of Fibre

The Committee noted that the Committee on Nutrition and Foods for Special Dietary Uses had agreed to forward to the 32nd session of the Commission for adoption the definition of dietary fibre. The IDF Observer informed the Committee of a proposal to amend the proposed foot note to the definition as presented in a Conference Room Document. IDF presented scientific information supporting indigestible disaccharides, with a degree of polymerization less than 3 should not be excluded from the definition of dietary fibre. This change would permit glactooligosaccharides (GOS) in milk to be labelled as fibre. IDF proposed amending the footnote to the definition to read: "Decision on whether to include carbohydrates with monomeric units lower than 10 should be left to national authorities" The Committee noted that the information on the proposed definition for dietary fibre was for information purposes only and that comments on the definition should be made to the Commission which would be considering its adoption in July.

2. Revision of Codex Class Names and International Numbering Systems

The Committee noted that the 31st session of the Commission had adopted a revision of the Codex Class Names and International Numbering System including a revised list of technological functions in section 2 which was different from the technological functions listed in the *General Standard for the Labelling of Prepackaged Foods* and considered the need for the alignment of the two texts. The Committee agreed that these editorial amendments to Codex standards and related texts that would be presented to the Commission which would allow further study the implications of the amendment.

3. Implementation of the WHO Global Strategy on Diet, Physical Activity and Health

a) Proposed Draft Revision of the Guidelines on Nutrition Labelling concerning the list of nutrients that are always declared.

The Delegation of New Zealand as co-chair of the physical working group presented the key findings on the revision of the Guidelines on Nutrition Labelling concerning the list of nutrients that should always be declared to address public health issues and to assist in informing consumers to make healthy choices where practicable and enforceable in labelling. The main recommendations were that energy value, protein, fat and available carbohydrates be retained, that cholesterol not be added, that saturated fat be added, but that there was no consensus on sugars (whether total or added sugars) and trans-fatty acids and that although there was general agreement that sodium should be declared, that the terminology used needed further consideration, and that dietary fibre be further discussed.

It was also noted the information by WHO¹ that the scientific background papers and the outcomes of the WHO scientific update on health consequences of trans-fatty acids would become available on 11 May 2009 in the European Journal of Clinical Nutrition (Volume 63, supplement 2).

The Committee noted that there was consensus on the importance of the nutrient sodium/salt due to the diversity of views on which term to use, the Committee agreed to retain sodium/salt in square brackets and to establish an electronic working group led by the Delegation of New Zealand to consider issues associated with the declaration of sodium/salt on nutrition labelling and make recommendations to the 38th session of the CCFL on the findings of the Working Group.

¹ CRD 21

The Committee agreed to return the Proposed Draft Revision of the Guidelines on Nutrition Labelling concerning the list of nutrients that are always declared on a voluntary or mandatory basis as amended to Step 3 for comments and further consideration by the next session of the Committee (See Annex I).

b) Discussion Paper on Issues Related to Mandatory Nutrition Labelling

The delegation of Australia informed the Committee on the outcome of the physical working group on issues related to mandatory nutrition labelling. The working group did not make any recommendations as to which type of labelling to be followed but rather had identified the issues that should be considered when deciding on mandatory/voluntary nutrition labelling: costs and benefits, application of mandatory nutrition labelling, implementation and support mechanisms, compliance and enforcement and international trade considerations. The Committee agreed that the report identified a number of practical issues that might be of interest to any governments that are considering mandatory or voluntary nutrition labelling. It was agreed that the delegation of Australia would revise and finalize the discussion paper and present it to the 38th Session of the Committee.

c) Proposed Draft Criteria/Principles for Legibility and Readability of Nutrition Labels

The Delegation of the United States, as co-chair of the physical working group on the implementation of the WHO Global Strategy on Diet, Physical Activity and Health, presented the key findings of the working group concerning criteria and principles for legibility and readability of nutrition labels. The Committee discussed general principles as well and recommended elements of presentation such as format, order of nutrient declaration, font size and numerical declaration. Due to lack of time discussion on exemptions and special provisions were not considered. The Committee agreed to return the Proposed Draft Criteria/Principles for Legibility of Nutrition Labels as amended to Step 3 (Annex II) for comments and further consideration by the next session of the Committee.

d) Discussion Paper of Labelling Provision Dealing with the Food Ingredients Identified in the Global Strategy on Diet, Physical Activity and Health

The Delegation of Norway as chair of the electronic working group informed the Committee that the working group could not complete its work, but that a preliminary report was presented. There was general agreement for the electronic working group to be reconvened and that it should focus its work on the ingredients listed in the Global Strategy (i.e. fruits, vegetables, legumes, whole grains and free/added sugar and salt (sodium)) and to develop actions in relation to the labelling of these ingredients. It was agreed to reconvene the electronic Working Group, co-chaired by Norway and Canada to review and revise the list of proposed actions in order to focus on those ingredients identified in the Global Strategy, identify paragraphs in existing Codex texts on food labelling under

which food ingredients identified in the Global Strategy can be addressed and prepare a discussion paper for consideration by the 38th session of the CCFL.

5) Inclusion of ethylene and Rotenone in the Guidelines for Production, Processing, Labelling and Marketing of Organically Produced Foods

The Committee agreed to return other possible uses of ethylene to Step 6 for comments on the justification of these uses against the criteria in Section 5.1 of the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods* and consideration by the next session of the Committee. The Committee agreed to retain rotenone in Table 2 of Annex 2 but with restricted use to read “the substance should be used in such a way as to prevent its flowing into waterways”.

6) Labelling of Foods and Food Ingredients' Obtained Through Certain Techniques of Genetic Modification/Genetic Engineering (at Step 7) (Agenda Item 6a)

a) Status of the Draft Amendment to the *General Standard for the Labelling of Prepackaged Foods: Definitions*

The Committee agreed to retain the Draft Amendment at Step 7 (Appendix VI).

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

The Committee agreed to circulate the Proposed Draft Recommendations at Step 3 for comments and consideration at the next session (Appendix VII).

7) Discussion Paper on the Need to Amend the General Standard for the Labelling of Pre-packaged Foods (Codex Stand 1-1985) in line with OIML Recommendation Regarding the Declaration of the Quantity of Product in Prepackages.

The representative from the International Organization of Legal Metrology (OIML) introduced the discussion paper that contained proposals for the alignment of Codex texts with those developed by OIML. The representative indicated that he would like to have the opportunity to revise the discussion paper in light of the comments received. It was agreed to invite the representative of OIML to redraft the discussion paper for consideration at its next session while noting that no commitment was being made to undertake new work.

8) Discussion Paper on Modified Standard Common Name

The delegation of Canada introduced the discussion paper and recalled that the Global Strategy on Diet, Physical Activity and Health had encouraged the food industry to develop innovative foods

supporting its implementation. The delegation also recalled that the Draft Action Plan for Implementation of the Global Strategy on Diet, Physical Activity and Health had contained a proposed action that “the Codex General Standard for the Labelling of Prepackaged Foods and the Codex General Standard for the Use of Dairy Terms” be amended to permit the use of the names established in a standard to be used in conjunction with either a comparative claim or a nutrient content claim on the label of a modified standardized food, provided that the claims comply with requirements set out in the Codex Guidelines for Use of Nutrition and Health Claims.” Many delegations and some observers did not support continuation of this work. The following points were made supporting this position:

- There are other means to inform consumers than to modify standardized names.
- Modification of standardized names can only be applied to a limited number of products and most of these already have relevant provisions e.g. milk products.
- Modification of a standardized name could confuse consumers and would be unfair because consumers expect certain essential characteristics and quality of a product with a standardized name.
- Modification of standardized names could be better dealt with in the commodity standards and any issues of consistency could be dealt with through the endorsement process.
- There are too many variations in products as to be able to define this at the horizontal level and it would also be difficult to deal with modified names in different languages;
- How can it be controlled that “the basic identity” of the modified food is the same?
- There should be evidence given that use of modified standardized names would have a positive effect on public health.
- It would be better to replace existing products with newer more healthily formulated products.
- Modified products may need more food additives (e.g. sugar reduced jams) and be of lower quality and lack beneficial characteristics that the consumer may expect (e.g. reduced fat chocolate).

Many other delegations and some observers supported continuation of this work. The following points were made in support of this position:

- The issue is relevant to the implementation of the Global Strategy on Diet, Physical Activity and Health.
- Products with modified names are already on the market and rules are needed to protect the consumers from unfair practices.
- Horizontal guidance from CCFL is necessary to ensure consistency of claims.
- The possibility to use modified standardized names can motivate the industry to reformulate foods.
- There may be special rules necessary for foods for children and young infants but dealing with this in a horizontal committee would be more efficient.

- The work would give guidance to commodity committees on how to address the issue consistently. In conclusion, it was recognized that there was a diversity of views on whether or not the CCFL should provide horizontal guidance on the use of modified standardized common names for the purpose of nutrition claims in the context of the implementation of the Global Strategy on Diet Physical Activity and Health and, therefore, it was not reasonable to either completely discontinue discussing the issue nor to request starting new work at the present time.
- In order to be better informed for a further analysis of this issue, the Committee decided that Codex Commodity Committees and FAO/WHO Coordinating Committees should be invited to provide advice, in particular concerning the relevance and implications to their work of horizontal guidance or related texts from the CCFL on modified standardized common names for the purpose of nutrition claims.
- Because of the meeting schedule of the relevant Committees, further detailed discussion on this issue would be deferred until 2011 at its 39th session. At the 38th Session consideration would be given the terms of reference of an electronic working group to further develop a discussion paper taking into account the advice of relevant Codex Committees and further advice from Codex members and observers.
- The Committee agreed that the discussion on modified standardized common names will remain on the CCFL agenda as a separate item since it is still in the stage of a discussion paper and not new work.

8) Other Business, Future Work and Date and Place of Next Session

a) Establishment of a process for the periodic review of the *Guidelines For The Production, Processing, Labelling And Marketing Of Organically Produced Food* in line with the process outlined in Section 8.1 of the *Guidelines*

The Committee agreed that the Delegation of the United States of America would develop a discussion paper which would more clearly define a structured approach to the review of the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Food in particular modification of the lists in Annex 2. for consideration by the Committee at its next session.

b) Inclusion of spinosad, potassium bicarbonate and copper octanoate in Annex II, Table 2 of the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods*

The Committee noted that more justification against the criteria in Section 5.1 of the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods* was needed to agree new work on this item

c) Exchange of information between competent authorities when suspecting fraud concerning organic products

The Committee agreed that the Delegation of the European Community would prepare a discussion paper on issues related to the exchange of information between competent authorities when suspecting fraud concerning organic products and the scope of possible new work for consideration by the next session of the Committee.

d) Misleading naming of energy drinks

The Delegation of Nigeria explained that the name of some energy drinks which contain stimulants such as caffeine, guarana, etc. but were low in energy was misleading and even harmful to consumers and proposed that the Committee consider new work to better describe and name these products. The Committee agreed that a discussion paper prepared by Nigeria with the support of IACFO would be considered at the next session.

e) Date and Place of the Next Session

The next session would be held in Quebec City during the first week of May 2010.

Annex I

**Proposed Draft Revised Guidelines on Nutrition Labelling
(Section 3.2 Listing of Nutrients)
(at Step 3 of the Procedure)**

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. dietary carbohydrate excluding dietary fibre), fat, saturated fat, [trans-fatty acids], [sodium/salt], total sugars [added sugars], and [dietary fibre];

3.2.1.3 The amount of any other nutrient for which a nutrition or health 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 or national dietary guidelines.

Annex II

**PROPOSED DRAFT RECOMMENDED PRINCIPLES AND CRITERIA FOR LEGIBILITY
OF NUTRITION LABELLING
(At Step 3 of the procedure)**

GENERAL PRINCIPLES

[Option One

- (1) Nutrition labelling shall be applied in such a manner that it will not become separated from the container.
- (2) Nutrition labelling shall be clear, prominent, indelible, and readily legible by the consumer under normal conditions of purchase and use.

- (3) Where the container is covered by a wrapper, the wrapper shall carry the nutrition labelling or the existing nutrition labelling on the inner container shall either be readily legible through the outer wrapper or not be obscured by the outer wrapper.
- (4) Consistent with Section 8.2 of the General Standard for the Labelling of Prepackaged Foods, if the language on the original label is not in accordance with national legislation, a supplementary label containing the nutrient declaration in the required language may be used instead of relabelling. In the case of either relabeling or a supplementary label, the information provided must be in accordance with national legislation and should accurately reflect that in the original label. Principles 1, 2 and 3 above should be applied to any supplementary nutrition labels.]

Option Two

[In the case of nutrition labelling whether applied on a mandatory or voluntary basis, the principles of Sections 8.1.1, 8.1.2, 8.1.3 and 8.2 of the Codex GSLPF should be applied.]

SPECIFIC ELEMENTS OF PRESENTATION

- (5) These recommendations related to specific elements of presentation are intended to facilitate and enhance the legibility of nutrition labelling. However, national authorities may determine any alternative means of nutrition presentation taking into account approaches and practical issues at the national level and based on the needs of their consumers.

- (6) [Option One

Format: Nutrient content should be declared in a numerical, tabular format. Consideration may be given to other formatting elements to enhance legibility. Where there is insufficient space for a tabular format, nutrient declaration may be presented in a linear format.]

[Option Two

Format: Nutrient content should be declared in a numerical, tabular format. Consideration may be given to other formats that enhance prominence. Where there is insufficient space for a tabular format, nutrient declaration may be presented in a linear format.]

- (7) [Order –

- (i) Nutrients should be declared in a specific order developed by competent authorities and should be consistent across food products.]

- (8) Font – A minimum font type size should be considered. A significant contrast should be maintained between the text and background so as to be clearly visible.

- ~~(9) Language – The language of nutrient declaration should be according to national legislation in the country of sale. See also (4) above.~~

- (10) Numerical Presentation

The numerical presentation of nutrient content should be in accordance with the provisions of Section 3.4 of the Guidelines on Nutrition Labelling (CAC/GL 2 - 1985).

EXEMPTIONS AND SPECIAL PROVISIONS

[(11) Small packages may be exempt from nutrient declaration, provided no nutrition or health claim is made in the labelling of that food. Small packages are defined as packages with a largest printable surface of less than XX cm² (TO BE DETERMINED)].

[(12) To accommodate nutrition labelling of small packages, national authorities may also consider the declaration of a shortened, minimum set of key nutrients.]

[OTHER PROVISIONS FOR CONSIDERATION

- ~~The contents of only those nutrients that are listed in section 7(i) may be declared within the nutrition table. Other substances or ingredients should not be declared within the nutrition table.~~