

INTRODUCTION

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

OPENING

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

Division of Competence¹

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

ADOPTION OF THE AGENDA (Agenda Item 1)²

4. The Committee adopted the Provisional Agenda as its Agenda for the Session with the following addition under Agenda Item 7, (Front-of-pack nutrition labelling):
 - General Guidelines to Establish Nutritional Profiles (Costa Rica and Paraguay)³.

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

Matters referred by CAC and other Subsidiary Bodies

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

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

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

Biopesticides, biostimulants and biofertilizers

8. The Committee noted that:
 - this was a very technical issue; and
 - a paper would also be presented to CCPR and CCFL would wait to see if there were any labelling issues to address.

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

² CX/FL 17/44/1

³ CRD 12 (Costa Rica and Paraguay)

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

Revision of Section 4.2.3.4 of CXS 1-1985

9. The Committee:

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

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

10. The Representative of FAO drew the attention of the Committee to various activities of FAO of interest to CCFL: (1) the declaration of the UN General Assembly of the UN Decade of Action on Nutrition for 2016 – 2025, and the development of a work programme to achieve the Decade’s aims; (2) the joint FAO/WHO Regional Symposia on Sustainable Food Systems for Healthy Diets and Improved Nutrition scheduled for 2017; (3) the development of a number of FAO publications on food labelling to build the capacity in member countries to implement food labelling policies and programmes; (4) a survey carried out by FAO food safety and quality unit in order to determine the current status of food date marking legislation and food waste related issues in Codex member countries; (5) FAO’s work on providing up-to-date food composition data, through the International Network of Food Data Systems (INFOODS).
11. The Representative of WHO highlighted some of the activities relevant to the on-going work of the Committee. In particular, she called attention to the four World Health Assembly resolutions and decisions adopted in 2016 – 2017, i.e. on the UN Decade of Action on Nutrition (2016 – 2025); WHO Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children; updated best buys and other recommended interventions to address NCDs which include actions to reduce unhealthy diets (Appendix 3); and the implementation plan to guide actions to end childhood obesity. The Representative also highlighted WHO’s other specific work which related to nutrition labelling, including: the technical meeting on nutrition labelling; launching of the NUGAG Subgroup on Policy Actions which will be developing policy guidelines related to nutrition labelling among several other priority policy actions (i.e. fiscal policies, trade and investment policies); the 2nd Global Nutrition Policy Review which included detailed analysis of country implementation on nutrition labelling; and development and implementation of nutrient profile models in five of six WHO regions.
12. The Representative of WHO also introduced the discussion paper on alcoholic beverage labelling and highlighted the unique potential of labelling to provide accurate information to consumers to protect their health at the points of sale and consumption, including information on alcohol content, caloric value, ingredients and health risks associated with alcohol consumption. He stated that according to WHO estimates, around two billion people used alcoholic beverages during the past 12 months, and around three million deaths annually are attributed to alcohol consumption. Therefore, it was timely for Codex to initiate the process of developing, in a phased manner, guidance on alcoholic beverage labelling.

Conclusion

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

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

14. The Committee endorsed the labelling provisions in: regional standards for laver products (CCASIA), yacon (CCLAC), unrefined shea butter (CCAFRICA) and doogh (CCNE); standards for cumin, dried thyme and black, white and green pepper (CCSCH); fish oils (CCFO); dairy permeate powders (CCMMP); and annexes for certain quick frozen vegetables of the Standard for Quick Frozen Vegetables (CXS 320-2015) (CCPFV) and made the following amendments and comments:

Annex on French Fried Potatoes

15. The Committee amended the Spanish version of the annex to address other common names by which

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

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

sweet potato is known in Spanish-speaking countries.

Standards for spices and culinary herbs

16. The Committee:

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

Regional Standard for Doogh

17. The Committee noted that there was no internationally agreed definition for the term “probiotics” and that ideally this term should not be used in Codex standards.
18. The Committee however recognized that this standard had been thoroughly discussed in CCNE and adopted by CAC40 and that removal of the term from the labelling section would impact on other sections of the standards which would then require further consideration by CCNE. On this basis, the Committee endorsed the labelling provisions as presented in the standard.
19. The Committee further noted that the standard applied regionally for a product named doogh provided it complies with the provisions of the standard. As such, the product could not be identified under other names such as “ayran” or other product names covered by the *Standard for Fermented Milks* (CXS 243-2003).

Other considerations – labelling of non-retail containers

20. The Committee:

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

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

21. The Committee recalled that the only outstanding issue that needed further consideration was the criteria for exemptions from date marking and agreed to focus its discussions on this section of the document. The Committee had discussions, both in plenary and through an in-session working group led by Canada, and made the following comments and/or decisions:

4.7 (vii)

22. The Committee noted that the wording of the chapeau implied that foods meant to be consumed before a certain date to ensure their safety could also be covered under the exemption. There was therefore a need to amend this section to avoid such ambiguity and to ensure that foods were not exempted from a date mark if food safety would be compromised.
23. The Russian Federation expressed the view that no foods should be exempted from any date marking, as there is no unlimited storage time, and all foods deteriorate over time.

Conclusion

24. The Committee amended this section to clarify that exemptions would not apply if food safety is compromised, and to provide flexibility to Competent Authorities to apply the criteria depending on their needs. This would

⁷ CX/FL 17/44/5; CRD5 (New Zealand); CRD6 (El Salvador, EU, Philippines, Thailand, AU); CRD10 (Indonesia); CRD11 (Dominican Republic); CRD13 (Russian Federation); CRD14 (Paraguay); CRD15 (Senegal); CRD23 (South Africa)

address concerns expressed that the exemptions might apply to foods for which such exemptions were not intended.

25. The Russian Federation expressed their reservation to this decision for the reasons stated in paragraph xxx.

Criterion 1.1 and 1.2

26. The Committee considered the proposal of CCFH to combine the two criteria and noted the following views:

- to refer to the “nature of the food”, leaving the criteria broader or to refer to “preserving nature” of the food as more appropriate;
- that examples should not be included as these were subjective; and if included they should be limited to the condition of the food or types of preservation (i.e. water activity, acidity and osmotic pressure);
- inclusion of examples would facilitate interpretation by competent authorities and businesses;
- to include a reference to “intended storage conditions” as not all storage conditions are stated;
- that storage conditions should always be stated on the label.

Conclusion

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

Criteria 2, 3, 4

28. The Committee noted the views that:

- No additional criteria were needed in view of the decision on criterion 1 and therefore 2, 3 and 4 could be deleted.
- In relation to criterion 2:
 - the responsibility should not be on the consumer as some deterioration was not always evident to the consumer; it was not always possible to determine the state of the food because of the packaging;
 - this criterion was about food quality and not food safety as such consumers should be able to assess clearly evident deterioration;
 - the intent of the criterion was for non-processed fresh produce.
- in relation to criterion 4:
 - the intent of the criterion was for products such as bakers’ or pastry-cooks’ wares;
 - this criterion was not needed as foods with a short shelf life are not traded internationally;
 - retain the criterion as Codex texts provided guidance to governments also for foods produced and consumed locally.

Conclusion

29. The Committee agreed to:

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

List of examples

30. The Committee noted the views that:

- the list of examples was illustrative and the current list was sufficient;
- some foods should not be exempted such as chewing gum; certain alcohols; and any other foods to which additives, flavours or sugars were added, as they lose their quality/sensorial characteristics over time.

- a footnote should be added to indicate that the list was illustrative and that it was up to competent authorities to decide on the foods to be exempted from date marking,
- reference to competent authorities was not necessary as they have the discretion whether to apply Codex texts / provisions.

Conclusion

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

All other sections

32. The Committee:
- confirmed the decisions of CCFL43 with respect to definitions and other texts;
 - made corrections to the numbering in section 4.7 and editorial corrections to section 4.7(iv);
 - noted that there was a need to include several synonyms for terminology in the Spanish version of the text to reflect current usage practice, e.g. “*fecha de caducidad / fecha de vencimiento*”;
 - noted that there might be a need to standardise abbreviations for dating marking in the future.

Conclusion

33. The Committee agreed to forward the proposed draft revision to CAC41 for adoption at Step 8 (Appendix II).

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

34. India, as Chair of the EWG, introduced the item and summarized the work process in the EWG, highlighted the key points of discussion, conclusions and recommendations of the EWG. The Delegation indicated that for this session it was key to decide whether this guidance should be a stand-alone document or should be inserted in the General Standard for the Labelling of Pre-packaged Foods (CXS 1-1985) in order to further proceed with work on the guidance.
35. The Committee focused its discussion on the best placement for the guidance and noted the following views:
36. A delegation was of the view that this document should be incorporated into the GSLPF as a single document would improve consistency in the text and minimize the need for cross-referencing another document, remove confusion in definitions, improve distinctions between retail containers and non-retail containers, reduce redundancies, and could better assist commodity committees in developing labelling requirements by only referencing a single document. Incorporating a text on non-retail labelling into the GSLPF would require minor amendments to the title and scope of the GSLPF and could be done in a manner that would not open any other parts of the general standard.
37. Delegations in favour of having the guidance as a stand-alone document noted that the GSLPF and the proposed guidance addressed two different sets of labelling requirements (i.e. retail and non-retail containers respectively); and these two documents were aimed at different stakeholders (i.e. consumers and trade operators respectively). The insertion of the guidance in the GSLPF would imply additional work on adjusting the scope and other relevant sections to accommodate provisions for non-retail containers that might delay work in the finalization of the guidance and produce a more complex document difficult to use as compared with the current GSLPF.
38. A view was expressed that some of the proposed provisions in the guidance added unnecessary burden to national governments and the industry because much of the required information was already included in the electronic or paper documents accompanying the shipment. The Committee should focus on provisions that were supplementary to those already available or required at export / import control stages and should not duplicate the provisions in the GSLPF for retail containers.
39. An observer indicated that CCFL should refrain, where possible, from referring to competent authorities in order

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

to produce an internationally harmonized guidance document.

Conclusion

40. The Committee agreed:

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

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

41. Costa Rica, as Chair of the EWG, introduced the item and recalled that the mandate of the EWG focused on three broad aspects i.e. stock-taking on the existing systems of Front-of-Pack Nutrition Labelling (FOPL); the need for development of principles for FOPL; and preparation of a discussion paper on FOPL, in case there was a demonstrated need.

42. Costa Rica further outlined the outcome for each of the three areas and highlighted the recommendation of the EWG to start new work to develop harmonised guidelines on FOPL.

43. The Chair of the Committee drew the attention of CCFL to the workshop to raise awareness around FOPL held in the margins of the session and noted that the large number that attended the event had demonstrated that there was a lot of interest on the subject. She invited comments on the discussion paper to determine whether there was support for starting new work.

44. The Committee expressed broad support for developing guidance on use of simplified nutrition information on the front of pack and noted the following aspects:

- Currently there are no international guidelines on best practices for FOPL and a multiplicity of FOPL systems can lead to technical barriers to trade. New work on FOPL systems would provide clear and transparent scientific guidance to governments wishing to implement this type of labelling; and would help in harmonization of FOPL systems and thus facilitate international trade.
- The new work should include a definition for FOPL and fundamental principles for monitoring and assessing the effectiveness of such systems.
- The FOPL systems should be: scientifically substantiated; voluntary; and apply exclusively to processed foods and possibly with a number of exceptions.
- FOPL should provide consumers with accurate and transparent nutrition information, and in a format that helps them to easily understand the essential nutrition information to make informed decisions.
- There was limited published evidence on FOPL and some countries were in the process of publishing such information. However there was increasing evidence that FOPL schemes had positively impacted consumer behavioural change, and industry had also positively changed their food formulations;
- Complementary consumer awareness, communication, education and monitoring and evaluation strategies were essential factors in assuring the success of any FOPL system.

Project document for new work

45. Given the support for starting new work, the Committee considered the revised project document, clarified the scope; identified the main aspects to be covered; and agreed that the placement of the document would be decided at a later stage. The Committee further agreed that main aspects to be covered should be broad and flexible enough to allow further discussion to take place in the EWG. The Committee also noted that WHO evidence

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

reviews on nutrition labelling as well as any relevant Codex texts, including the *Guidelines on Nutrition Labelling* (CXG 2-1985), would be considered in the development of the guidance.

Conclusion

46. The Committee agreed to:

- start new work to develop draft guidelines on FOPL systems, and to submit the project document (Appendix III) for approval to CAC41.
- establish an EWG, chaired by Costa Rica and co-chaired by New Zealand, working in English and Spanish, and subject to approval of the new work by CAC41, with the following terms of reference:
 - undertake a review of the *Guidelines on Nutrition Labelling* (CXG 2-1985) and any other relevant Codex guidelines;
 - based on the four (4) key aspects, identified under section 3 (“Main Aspects to be Covered”) of the project document, prepare proposed draft guidelines for circulation for comments and for consideration at CCFL45;

make recommendations on the placement of the guidelines.

General Guidelines to Establish Nutritional Profiles

47. Costa Rica drew the attention of the Committee to potential new work to develop general guidelines to establish nutrient profiles. The potential new work would supplement the work on FOPL and could be undertaken by CCNFSDU.

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

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

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

Conclusion

50. The Committee agreed that:

- the information provided in the discussion paper was useful;
- there was no need to start new work at this stage; and
- this matter could be addressed as part of the discussion on future work (Agenda Item 9).

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

51. Canada introduced the item and noted that the discussion paper covered previous, current and potential work of the Committee. The Delegation proposed that the Committee give consideration to the items presented, in particular to the potential work.

52. The Committee considered the items identified as potential work and noted general support for work and in particular for the following: internet sales/e-commerce; allergen labelling; innovation – use of technology in food labelling; alcohol labelling and guidance; criteria for the definition of “high in” nutritional descriptors for fats, sugars and sodium; and labelling of foods in multipack format.

53. While there was support for work on these items, some concerns were raised on the proposed work on alcohol labelling, viz. that some of the points raised in the WHO discussion paper were outside the mandate of CCFL, (e.g. warnings on labels). These issues should be dealt with by national governments and should not be the subject of any future work. There was already considerable work being undertaken in other international fora such as OIV, and Codex work was therefore not necessary at this time; and a comprehensive review of national legislation was needed.

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

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

54. Countries from the African region highlighted the need for work on alcohol labelling due to increased availability and consumption of alcoholic beverages in their countries. The existing labelling regimes in such countries did not provide sufficient information, such as alcohol content; and that in some instances alcohol was being offered in quantities as little as 100 ml without any labelling.
55. The Committee noted that any work to be undertaken should be within the purview of CCFL and that information on the existing state of play would be needed to further develop any new work.

Conclusion

56. The Committee agreed to the following discussion papers would be prepared on:
- Internet sales/e-commerce by UK with assistance of Chile, India, Japan, Ghana;
 - Allergen labelling by Australia with assistance of UK and USA;
 - Innovation – use of technology in food labelling by Canada;
 - Alcohol labelling by the Russian Federation with assistance of EU, Ghana, India and Senegal;
 - Criteria for the definition of “high in” nutritional descriptors for fats, sugars and sodium by Canada and India; and
 - Labelling of foods in multipack format (including joint presentation) by Colombia.
57. The Committee further agreed that information would be sought through a Circular Letter on current practices, issues and any potential role or potential further role (in the case of alcohol labelling and allergen labelling) for CCFL in the areas identified above.
58. The Chairperson clarified the possible new work identified did not preclude submission of other proposals for new work should the need arise.

Future work paper and prioritisation process

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

Conclusion

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

OTHER BUSINESS (Agenda Item 10)

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

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

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

¹² REP16/FL, para. 71

