

CODEX ALIMENTARIUS COMMISSION

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Food and Agriculture
Organization of the
United Nations



World Health
Organization

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REP23/FL

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Forty-Sixth Session

27 November – 23 December 2023

**REPORT OF THE FORTY-SEVENTH SESSION OF THE
CODEX COMMITTEE ON FOOD LABELLING**

Gatineau (Ottawa), Canada

15 – 19 May 2023

TABLE OF CONTENTS

Summary and Status of Work.....	page ii
List of Abbreviations.....	page iv
List of Conference Room Documents.....	page v
Report of the Forty-Seventh Session of the Codex Committee on Food Labelling	page 1
Paragraphs	
Introduction	1
Opening of the Session	2 - 4
Adoption of the Agenda (Agenda item 1)	5
Matters referred to the Committee (Agenda item 2)	6
Matters of interest from FAO and WHO (Agenda item 3)	7 - 9
Consideration of labelling provisions in draft Codex standards (endorsement) (Agenda item 4)	10 – 18
Codex Committee on Fresh Fruits and Vegetables (CCFFV).....	11 - 13
Codex Committee on Spices and Culinary Herbs (CCSCH).....	14 - 17
FAO/WHO Coordinating Committee for Asia (CCASIA).....	18
Allergen Labelling (Agenda item 5).....	19 - 61
Proposed Draft Revision to the General Standard for the Labelling of Pre-packaged Foods: Provisions relevant to allergen labelling (Agenda item 5.1)	19 – 54
Proposed Draft Annex to the General Standard for the Labelling of Pre-packaged Foods: Guidelines on the use of precautionary allergen labelling (Agenda item 5.2).....	55 - 61
Proposed Draft Guidelines on Food Information for Pre-packaged Foods to be Offered via E-commerce (Agenda item 6)	62 - 102
Proposed Draft Guidelines on the Use of technology to Provide Food Information (Agenda item 7)	103 - 136
Discussion paper on labelling of alcoholic beverages (Agenda item 8).....	137 - 143
Discussion paper on labelling of foods in joint presentation and multipack formats (Agenda item 9)	144 – 150
Discussion paper on food labelling exemptions in emergencies (Agenda item 10).....	151 – 160
Discussion paper on trans fatty acids (Agenda item 11).....	161 – 163
Discussion paper on sustainability labelling claims (Agenda item 12)	164 - 173
Future work and direction of CCFL (Agenda item 13)	174 – 179
Approach and criteria for evaluation and prioritization of work of CCFL (Agenda item 14).....	180 - 184
Other business (Agenda item 15)	185
Date and place of next session (Agenda item 16)	186
Appendices	
Appendix I - List of Participants	page 21
Appendix II – Proposed Draft Revision of the <i>General Standard for the Labelling of Pre-packaged Foods</i> (CXS 1-1985): provisions relevant to allergen labelling	page 30
Appendix III –Proposed Draft Guidelines on the Provision of Food Information for Pre-packaged Foods Offered via E-commerce.....	page 33
Appendix IV – Proposed Draft Guidelines on the Use of Technology to Provide Food Information in Food labelling.....	page 35
Appendix V – Project document: proposal for new work on Amendments to the <i>General Standard for the Labelling of Pre-packaged Foods</i> : labelling of pre-packaged foods in joint presentation and multipack formats	page 37

SUMMARY AND STATUS OF WORK

Responsible Party	Purpose	Text/Topic	Code	Step	Para.
Members CCEXEC84 CAC46	Adoption	Proposed draft revision to the <i>General Standard for the Labelling of Pre-packaged Foods</i> (CXS 1-1985): provisions relevant to allergen labelling	N10-2019	5	53 (i)
		Proposed draft Guidelines on the Provision of Food Information for Pre-packaged Foods to be Offered Via E-Commerce	N09-2019	5	101(i)
		Proposed draft Guidelines on the Use of Technology to Provide Food Information	N07-2021	5	135(i)
Members CCEXEC84 CAC46 / EWG (Colombia and Jamaica) Members CCFL48	Approval / drafting / comments / discussion	Amendments to the <i>General Standard for the Labelling of Pre-packaged Foods</i> : labelling of pre-packaged foods in joint presentation and multipack formats	CXS 1- 1985	1/2/3	149(i & ii)
CCFFV/CCASIA	Information	Endorsement decisions / recommendation	-		11 – 13 & 18
CCSCH	Information / reply	Endorsement decisions/ recommendations	-	-	14 & 17
CCFH	Information	Food allergen labelling	-	-	53(iv)
CCMAS	Request for advice / action	Food allergen labelling: analytical methods and sampling plans	-	-	61(iii)
EWG/PWG (Australia, UK, USA) Members CCFL48	Drafting / comments / discussion	Revision of the <i>General Standard for the Labelling of Pre-packaged Foods</i> : provisions relevant to allergen labelling	CXS 1- 1985	6/7	53 (ii - iii)
		Revision of the <i>General Standard for the Labelling of Pre-packaged Foods</i> : Guidelines on precautionary allergen labelling		2/3	61(ii)
EWG/PWG (UK, Chile, India, Japan, China) Members CCFL48	Drafting / comments / discussion	Guidelines on the Provision of Food Information for Pre-packaged Foods to be Offered via E-commerce		6/7	101 (ii - iii)
EWG/PWG (Canada, India, New Zealand) Members CCFL48	Drafting / comments / discussion	Guidelines on the Use of Technology to Provide Food Information		6/7	135 (ii – iii)
WHO CCFL48	Drafting / discussion	Labelling of alcoholic beverages (discussion paper)			143(iii)
USA CCFL48	Redrafting / discussion	Application of food labelling provisions in emergencies (discussion paper)			158
Canada CCFL48	Drafting / discussion	TFA (discussion paper)			163(ii)

Responsible Party	Purpose	Text/Topic	Code	Step	Para.
EWG/PWG (New Zealand, EU, USA, Costa Rica) CCFL48	Redrafting / discussion	Sustainability labelling claims: revision to the <i>General Guidelines on Claims</i> (CXG 1-1979) (discussion paper)			172(i, ii & iii)
Costa Rica CCFL48	Drafting / discussion	Definition for added sugars (discussion paper)			179(ii)
Italy CCFL48	Drafting / discussion	Future work and direction of CCFL (discussion paper - update)			179(iii) (a)
Canadian CCFL Secretariat Members CCFL48	Revision / comments / discussion	Criteria for the evaluation and prioritization of work of CCFL			184

LIST OF ABBREVIATIONS

CAC	Codex Alimentarius Commission
CCEXEC	Executive Committee of the Codex Alimentarius Commission
CCFH	Codex Committee on Food Hygiene
CCFL	Codex Committee on Food Labelling
CCFFV	Codex Committee on Fresh Fruits and Vegetables
CCMAS	Codex Committee on Methods of Analysis and Sampling
CCNFSDU	Codex Committee on Nutrition and Foods for Special Dietary Uses
CCSCH	Codex Committee on Spices and Culinary Herbs
CFS	Committee on World Food Security
CL	Circular Letter
COP	Code of Practice
CRD	Conference Room Document
CXC	Codex Code of Practice
CXG	Codex Guideline
CXS	Codex Standard
EU	European Union
EWG	Electronic Working Group
FAO	Food and Agriculture Organization of the United Nations
GSLPF	General Standard for the Labelling of Pre-packaged Foods (CXS 1-1985)
IgE	Immunoglobulin E
LOD	Limit of detection
LOQ	Limit of quantification
NCD	Non-communicable disease
NIV	Nutrient intake values
NUGAG	WHO Nutrition Guidance Expert Advisory Group
PAL	Precautionary allergen labelling
PWG	Physical Working Group
TFA	Trans-Fatty Acids
UAP	Unintended allergen presence
UK	United Kingdom
UN	United Nations
UNICEF	The United Nations Children's Fund
WG	Working Group
VWG	Virtual working group
WHO	World Health Organization
WTO	World Trade Organisation

LIST OF CONFERENCE ROOM DOCUMENTS (CRDS)

CRD No.	Agenda Item	Submitted by
1	Division of Competence	EU (Division of Competence between EU and its Member States)
2	5 (Report of the Virtual Working Group on allergen labelling)	WG on allergen labelling chairs
3	6 (Proposed draft Guidelines on the Provision of Food information for Pre-packaged Foods offered via e-commerce – revised draft)	EWG chairs
4	7 (Proposed draft Guidelines on the Use of Technology to Provide Food Information – revised draft)	EWG chairs
5	4 (Proposed Amendment to the Procedural Manual)	Codex Secretariat
6	5	Burundi, Ghana, Indonesia, Japan, Nigeria, Republic of Korea, South Africa, Uganda, United Republic of Tanzania
7	6	Burundi, Ghana, South Africa, Uganda, United Republic of Tanzania
8	7	Burundi, El Salvador, EU, Ghana, Nigeria, South Africa, Uganda, United Republic of Tanzania
9	9	Burundi, EU, South Africa, United Republic of Tanzania
10	4	Burundi, Thailand, South Africa, United Republic of Tanzania
11	10	Burundi, Ghana, Thailand, South Africa, United Republic of Tanzania
12	11	Burundi, Ghana, South Africa, United Republic of Tanzania
13	12	Burundi, Ghana, Nigeria, South Africa, Thailand, United Republic of Tanzania
14	13	Burundi, South Africa, United Republic of Tanzania
15	14	Burundi, South Africa, United Republic of Tanzania
16	12	OECD
17	12 (Discussion paper on sustainability labelling claims – revised)	New Zealand and EU
18	8	WHO
19	8	EUROCARE
20	5, 6, 7, 12	Guatemala
21	5, 6, 12	Malaysia
22	4, 5, 6, 7, 10, 12	India
23	5	IFT
24	2, 4, 5, 6, 7, 9, 10, 11	Dominican Republic
25	5, 6, 7	Senegal
26	5	China, AOECs, IUFoST

CRD No.	Agenda Item	Submitted by
27	5, 6, 7, 12, 13	Guyana
28	5, 6, 7, 9, 10, 12	Ecuador
29	5	Jamaica

INTRODUCTION

1. The Codex Committee on Food Labelling (CCFL) held its Forty-seventh Session in Ottawa, Canada from 15 – 19 May 2023, at the kind invitation of the Government of Canada. The Session was chaired by Ms Kathy Twardek, Director of the Food Safety and Consumer Protection Directorate, Canadian Food Inspection Agency (CFIA). The Session was attended by delegates from 49 member countries and one member organisation and 23 observer organisations. A list of participants is contained in Appendix I.

OPENING

2. Dr. Cara Tannenbaum, Chief Science Advisor at Health Canada, opened the session and underscored the role of CCFL in science communication through providing information to consumers about the true nature of the food as well as ensuring fair food trade. The ability of CCFL to adapt to changing circumstances as well as identify new areas such as e-commerce as part of market access; use of technology to provide food information was also stressed.
3. The Chairperson of the Codex Alimentarius Commission (CAC), Mr. Steve Wearne (United Kingdom), Dr Kang Zhou, FAO, Dr Rain Yamamoto, WHO and Mr Tom Heilandt, Codex Secretary also addressed the meeting.

Division of competence¹

4. CCFL47 noted the division of competence between the European Union (EU) and its member States, according to paragraph 5, Rule II, of the Rules of Procedure of the Codex Alimentarius Commission.

ADOPTION OF THE AGENDA (Agenda item 1)²

5. CCFL47 adopted the Provisional Agenda as the Agenda of the Session.

MATTERS REFERRED TO THE COMMITTEE BY THE CAC AND OTHER CODEX SUBSIDIARY BODIES (Agenda item 2)³

6. CCFL47:
 - i. noted that most matters were for information;
 - ii. encouraged members and observers to respond to the Circular Letters (CLs) requesting comments on the Guidance for Codex Chairpersons and Members on the Application of the Statements of Principle Concerning the Role of Science in the Codex Decision-Making Process and the Extent to which other factors are taken into account (SOP); and on New Food Production Systems (NFPS);
 - iii. encouraged members and observers, on the occasion of the 60th anniversary of Codex to plan and implement activities to build awareness of Codex; encourage high level political support for Codex; and to consider implementation of regional events to mark the 60th anniversary; and
 - iv. agreed to consider the request from CCEXEC on reduction of non-communicable diseases (NCD) risk factors such as sodium intake under Agenda Item 14 (Approach and criteria for evaluation and prioritization of work of CCFL).

MATTERS OF INTEREST FROM FAO AND WHO (Agenda Item 3)⁴

7. The Representative of FAO reported on:
 - Joint FAO/WHO scientific advice activities related to:
 - Food allergens: key conclusions and recommendations of the expert consultation; availability of the first two reports with three further reports under preparation.
 - Nutrient intake values (NIVs) for infants and young children from birth through three years of age and informed the Committee of the progress related to the NIVs of calcium, vitamin D and zinc.
 - Other joint activities with WHO such as the UN Decade of Action on Nutrition 2016-2025, the State of Food Security and Nutrition in the World 2022, and the Committee on World Food Security (CFS) Voluntary Guidelines on Food Systems and Nutrition.

¹ Division of competence between the European Union and its Member States (CRD1).

² CX/FL 23/47/1

³ CX/FL 23/47/2

⁴ CX/FL 23/47/3

- The FAO commissioned report to assess, categorize and rank the methods used to derive Dietary Intake Reference Values (DIRVs) for protein and 24 micronutrients for older infants (6-12 months) and young children (12-36 months) which had been provided to the related CCNFSDU electronic working group (EWG).
- A Joint IAEA/FAO meeting on the Way Forward for the Assessment of Protein Requirements and Protein Quality and for the Development of a Protein Digestibility and Quality Database (October 2022), the Global Food Consumption Databases, the new FAO methodology to develop and implement Food Systems-Based Dietary Guidelines, the launch of the School Food Global Hub in support of the Peer-to-Peer Initiative under the School Meals Coalition, and the joint FAO/UNICEF global capacity development initiative for education officials and curriculum developers.

8. The Representative of WHO highlighted WHO activities related to:

- Alcohol labelling, including the global alcohol action plan for 2022-2030 adopted by the World Health Assembly; the updated menu of policy options and cost-effective interventions against NCDs, which includes measures for reducing harmful use of alcohol; a progress report to be launched in June 2023; and a technical advisory group on alcohol labelling established in 2022 to advise on the potential impact of alcohol health warning labels.
- Global elimination of industrially produced *trans*-fatty acids (TFA) by 2023 - progress made so far by countries and the urgent need for further action; the WHO Validation Programme for TFA Elimination; and publication of the simplified laboratory protocol.
- The development of NUGAG guidelines on diet and health on:
 - Non-sugar sweeteners (just released); and
 - Total fat, saturated fatty acids and TFA, and carbohydrates, polyunsaturated fatty acids and low-sodium salt substitutes (forthcoming).
- The forthcoming NUGAG guidelines on policy actions on: nutrition labelling policies; food marketing; fiscal policies; and school food and nutrition policies.
- Past and ongoing work on nutrient profile models; sodium reduction; and the Nutrition for Growth Summit held in Tokyo in December 2021.
- Guidelines on complementary feeding of infants and children 6-23 months of age to be released shortly.
- Global congress on the Code of marketing of breast-milk substitutes that will be jointly held by WHO and UNICEF in June 2023.

Conclusion

9. CCFL47 noted the information provided from FAO and WHO, some of which were relevant to other agenda items including food allergen labelling.

CONSIDERATION OF LABELLING PROVISIONS IN DRAFT CODEX STANDARDS (ENDORSEMENT) (Agenda Item 4)⁵

10. CCFL47 considered the labelling provisions for endorsement, noted that CAC45 had already adopted various standards at Step 8 and 5/8 pending endorsement of the labelling provisions by CCFL. The Committee made the following decisions:

Codex Committee on Fresh Fruits and Vegetables (CCFFV)

11. A member requested clarification on:

- a. The relationship between the provisions “variety and/or commercial type” specified in Section 7.1.1 “Name of produce” for consumer packages, and Section 7.2.2 “Commercial specifications” for non-retail containers and used in all the CCFFV standards for endorsement.
- b. The use of term “wild” or “equivalent denomination”, where appropriate in Section 7.1.1 “Name of produce” in the standard for berry fruits. This term was not clearly defined, and was only used once for the common name of wild cranberry, and that the term “wild” could be considered as a claim, according to the definition specified in the *General Guidelines on Claims* (CXG 1-1979).

⁵ CX/FL 23/47/4.

12. Regarding relationship between the provisions in sections 7.1.1 and Section 7.2.2, the CCFL Chairperson recalled that the *Standard for the Labelling Non-Retail Containers of Food* (CXS 346-2021) was a relatively new standard that was applied by CCFFV for the first time. It was further clarified that Section 7.1.1 was directly related to *General Standard for Labelling of Prepackaged Foods* (CXS 1-1985), while Section 7.2.2 was related to CXS 346-2021, and that the language or terms used in the two standards may slightly differ since the two standards were applied in different situations i.e. either between business to consumer; or between business to business. It was stressed that the endorsement process should focus on ensuring that there was consistency between provisions of the commodity standards with those specified in the corresponding labelling standards i.e. CXS 1-1985 and CXS 346-2021.

Conclusion

13. CCFL47 agreed to endorse the labelling provisions in the Standard for Onions and Shallots; the draft Standard for Fresh Dates and the Standard for Berry Fruits; and to inform CCFFV of the concerns raised with regard to the potential use/application of the name "wild" as highlighted in paragraph 11 (b).

Codex Committee on Spices and Culinary Herbs (CCSCH)

14. CCFL47 endorsed the labelling provisions in the Standard for Dried or Dehydrated Garlic, Standard for Dried Chilli Peppers and Paprika; the Draft Standard for Dried Small Cardamom; and Draft Standard for Spices in the Form of Dried Fruits and Berries (Allspice, Juniper Berry, Star Anise).

Standard for Dried Floral Parts – Saffron

15. Regarding whether both the Country of origin (8.3.1) and country of harvest (8.3.2) should be declared mandatory in the Standard for Dried Floral Parts – Saffron, divergent opinions were voiced by members on this question:

- Those in support for the mandatory declaration of both the country of harvest and country origin explained this was premised on the fact that saffron is a unique spice which is a high value, low volume commodity; and due to the high value, it is often subjected to fraud and adulteration. To protect the interest of the consumer regarding the true origin and authenticity, both provisions (country of origin/country of harvest) were made mandatory by CCSCH.
- Those in support for declaring only the country of origin mandatory with country of harvest voluntary noted that the labelling provisions should not differ from those detailed in CXS 1-1985 and mandatory declaration of country of harvest could lead the introduction of trade barriers or incentivize misrepresentation. It was further stated that mandatory inscription on the label of the country of harvest would not prevent fraud and that the rationale provided for mandatory labelling for country of harvest was not sufficient. It was proposed that the provision should be referred back to CCSCH to provide more clear understanding of why saffron needed to be dealt with as a special case outside the requirements of CXS 1-1985 and as previously advised by CCFL. It was noted that the declaration of country of harvest needed to be truthful, whether a voluntary or mandatory requirement, and thus does not address food fraud.

16. The Committee discussed the need for clarity on the processing of saffron and whether the processing in a second country changes the nature and so the country of origin changes, and if the nature of the product did not change the country of origin would also not change. More clarity would be helpful on the difference between country of origin and country of harvest for saffron. It was also noted that CXS 1-1985 requires declaration of the country of origin if its omission would mislead or deceive the consumer.

Conclusion

17. CCFL47 agreed to:
- i. endorse all the labelling provisions in the Standard for Dried Floral Parts – Saffron except the country of origin (8.3.1) and the country of harvest (8.3.2); and
 - ii. refer the above two provisions to CCSCH for reconsideration, and to request CCSCH to clarify the distinction between country of origin and country of harvest; provide the rationale why the provision for the country harvest should be mandatory and how such a declaration would be beneficial for fraud prevention.

FAO/WHO Coordinating Committee for Asia (CCASIA)

18. CCFL47 endorsed the labelling provisions in the proposed draft Regional Standard for Soybean Products Fermented with *Bacillus* species; and the proposed draft Regional Standard for Cooked Rice Wrapped in Plant Leaves.

PROPOSED DRAFT REVISION TO THE GENERAL STANDARD FOR THE LABELLING PRE-PACKAGED FOODS – PROVISIONS RELEVANT TO ALLERGEN LABELLING (Agenda item 5)⁶

19. Australia, chair of the EWG, speaking also on behalf of the co-chairs, the United Kingdom and the United States of America, introduced the report of the EWG and the working group (VWG) that met virtually prior the Session and summarized the key points of discussion in the WGs. The WG chair informed CCFL that the working groups had taken into account the scientific advice provided by FAO/WHO (i.e. Part 1: Review and Validation of Codex Alimentarius Priority Allergen Lists Through Risk Assessment and the summary and conclusions⁷ from Part 4: Review and Establish Exemptions for Food Allergens⁸). She noted that the final report, Part 4, would be published later in 2023 and that a literature review by the International Social Science Liaison Group had been considered by the EWG.
20. The chair of the WG informed CCFL that the:
- VWG had agreed to retain some changes in square brackets for further consideration in plenary and that some sections had limited or no discussion and required further consideration by plenary.
 - VWG Report had been published as CRD2 and proposed that CCFL consider:
 - the revised draft revision to the *General Standard for the Labelling of Pre-packaged Foods* (CXS 1-1985) (GSLPF); and
 - whether to provide advice to CCFH to ensure consistency with the *Code of Practice on Allergen Management for Food Business Operators* (CXC 80–2020).

Discussion⁹

21. CCFL47 considered the proposals of the VWG (CRD2) and in addition to agreement on some of the proposals, made amendments and made comments or decisions as follows:

Definitions

Food allergy and coeliac disease

22. CCFL47 agreed with the definitions for food allergy and coeliac disease.
23. CCFL47 did not agree to a proposal to amend the definition of coeliac disease as the proposed definition was consistent with the definition from the FAO/WHO Expert Consultation.

Food allergen

24. CCFL47 did not agree to include a definition for “allergen” but considered a definition for “food allergen” instead and agreed to include a definition for “food allergen” and discussed whether it was more appropriate to refer to ‘food and ingredients’ or ‘food and substances’ to cover not only food and ingredients, but also other substances such as food additives (e.g. sulphites) and processing aids.
25. Proposals were made to refer to ‘substances’ as used in the definition by the FAO/WHO Expert Consultation noting that ‘substances’ would include both ingredients and food additives as per the definition for food additive in the Procedural Manual. However, CCFL was also reminded that the definition for ‘ingredient’ in the GSLPF also included food additives and therefore reference to ‘ingredients’ would be sufficient. Proposals were also made to include processing aids in the definition.
26. To a proposal to use the definition from the *Code of Practice for Food Allergen Management for Food Business Operators* (CXC 80-2020) (COP) for consistency, the Codex Secretariat explained that the proposed definition under discussion was based on that used by the FAO/WHO Expert Consultation and was therefore more up to date than the one used in the COP and CCFH could be informed of the decision and advised to update the definition in the COP to ensure consistency.

Conclusion

27. CCFL agreed to the following definition and to keep ‘substance or processing aid’ in square brackets as follows for further consideration:

⁶ CX/FL 23/47/5 (Part A); CX/FL 23/47/5-Add.1 (comments of Argentina, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, European Union, Guatemala, Honduras, Indonesia, Japan, Kenya, New Zealand, Panama, Paraguay, Peru, Saudi Arabia, South Africa, Thailand, Uganda, United Kingdom, Uruguay, USA, ALAIAB, AOECS, EFA, FIVS, FIA, FoodDrinkEurope, ICBA, ICGA, ICGMA, ICUMSA, IDF/FIL, ICA/IOCCC and ISDI)

⁷ <https://www.fao.org/publications/card/en/c/CB9070EN>

⁸ <https://www.fao.org/3/cc3825en/cc3825en.pdf>

⁹ Section numbers are according to the section numbers in Appendix II to this report

“Food allergen” means a food or ingredient [or substance or processing aid] used in food, usually a protein or protein derivative that can elicit IgE-mediated or other specific immune-mediated reactions in susceptible individuals.”

4.2.1.3

28. One observer proposed to reconsider the provision that “where a compound ingredient constitutes less than 5% of the food, the ingredients need not be declared” which would mean that foods or ingredients not belonging to the listed allergens, but to which a large community could react would not be declared and therefore allergic consumers would not be able to identify these ingredients if this rule is maintained. The observer drew the attention of CCFL to the FAO/WHO Expert Consultation which raised issues of new emerging allergens like peas and lentils.
29. The CCFL chairperson reminded the Committee that amendments to parts of the GSLPF not falling within the mandate of this work, i.e. food allergen labelling, would constitute new work. She clarified that this section has been adjusted for the priority allergens in section 4.2.1.4, as well as those in section 4.2.1.5.

Conclusion

30. CCFL47 agreed to the text as proposed by the VWG.

4.2.1.4

31. The FAO representative explained the process of how the food allergen list was established by the FAO/WHO Expert Consultation. The experts reviewed as many foods as possible known to cause allergenic reactions, including some very rare ones. Based on the available scientific data, the experts narrowed down the list as showed in Table 17 at page 58 in the FAO/WHO Part 1 report¹⁰. Based on prevalence, potency and severity data, the experts performed a sensitivity analysis and investigated prevalence. The experts ranked the food allergens and found the most appropriate point to categorize the food allergens. Both the priority food allergen list and the secondary list were established by this process.
32. CCFL47 noted general support for this section and the comment that to implement 4.2.1.4 effectively, it was important to have detection methods of analysis readily available for both the competent authority and food businesses.
33. Proposals were made to move sesame seeds to the list in 4.2.1.5 for the following reasons:
- allergic reactions from consumers with sesame allergies is rarely report in Asia and thus not considered significant in their countries;
 - severity assessment of sesame needs more data relating to frequencies of anaphylaxis prior to include sesame as a priority food allergen;
 - with the recognition that sesame could still be addressed as a priority allergen in the risk assessment process a concern was raised on the risk management aspects as sesame had never been listed as an allergen ingredient to be declared before, and this change to a mandatory declaration would have an impact on food business operators, especially small business operators with a cost burden arising from changing their labels.
34. A member, supported by an observer did not support the exclusion of soybean from the list in 4.2.1.4:
- as the global prevalence of soybean allergy was similar or higher than the prevalence of other allergens included in the priority list;
 - the prevalence of soybean allergy was also higher in infants, especially among those that are allergic to milk;
 - the severity of soybean allergy in infants would not be limited to anaphylactic reactions as other adverse effects such as gastrointestinal effects could hinder their weight gain and development.
 - soybean was known to trigger non-IgE mediated food allergies. These conditions could cause significant adverse health effects, particularly in infants and young children;
 - soybean also had a higher potency than other allergens in the priority list, such as shrimp, other crustaceans, amongst others;
 - soybeans were already recognized as an allergen by Codex and most national authorities, and therefore food business operators were familiar with implementing risk management controls for these

¹⁰ <https://www.fao.org/publications/card/en/c/CB9070EN>

allergens and consumers with soy allergy were used to checking for the declaration of soy presence in food products.

- Soybeans and soybean-derived ingredients are widely used in food products leading to significant exposure to soy protein in many populations and increasing the risk of accidental consumption by individuals with soy allergies.

35. The Representative of WHO explained that the expert consultation suggested that sesame should be included in the global priority list based upon the three criteria (prevalence, potency and severity) and noted the fatality data of sesame. He also explained that the expert consultation suggested that soybean should be removed from the global priority list because of low prevalence, low potency and low proportion of anaphylaxis, but due to the widespread use, they recommended that it may be kept on a list for regional consideration.
36. The FAO representative explained the details of the risk assessment and data used during the expert consultation for sesame and soybean. By the sensitivity analysis and a semi-quantitative risk assessment, the sesame is always high with the score which falls into the priority list and soybean is low to fall out of the priority list. The expert panel collected as much global data as possible to develop the priority list and also established their threshold during the second expert consultation. He also highlighted that the quantitative risk assessment to establish the threshold has a grouping process and that the threshold of sesame was grouped with the other food allergens. The adding or deleting of any food allergen from the priority list would have an impact on their thresholds, and make the outcome inconsistent. Furthermore, the coming reports on precautionary labelling (PAL) and exemption were also based on the threshold. It was not only adding or removing the food allergen from the priority list, but also about the threshold, PAL and exemptions.
37. Taking into account the explanation of the FAO and WHO Representatives, CCFL47 retained the list of priority allergens unchanged, and noted that as agreed by the VWG, the scientific names for specific tree nuts would be included at a later stage as the text was further developed.
38. CCFL47 did not agree with a proposal to change the specified name for “crustacean” to more specific names, i.e. shrimp or crab and noted that the footnote to this list already provided for the ingredient declaration to specify the true nature of the food and to be specific and not generic.

Conclusion

39. CCFL agreed to with section 4.2.1.4 as proposed by the VWG.
- #### 4.2.1.5
40. CCFL generally agreed with the section as proposed by the VWG and the note x as revised by the WG chair. One observer expressed the view that inclusion of section 4.2.1.5 may result in inconsistencies in labelling approaches in global trade.
41. One member, supported by an observer, expressed the view that oats should not be in either list 4.2.1.4 or 4.2.1.5 because the risk they pose to consumers was based on risk management and not risk assessment considerations. Detailed global evidence on the extent to which oats were contaminated with gluten containing grains and how significant the health impacts of such contamination was to people with coeliac disease, was currently lacking. They proposed a separate allergen declaration provision similar to sulphites that stipulates oats should always be declared, unless a national authority has confidence within its jurisdiction that risk management practice employed sufficient cross-contact control with other grains.
42. The WG chair explained that the reason for including oats in the list was because the FAO/WHO Expert Consultation concluded that oats should not be in the priority list (section 4.2.1.4), but should be kept in the list in 4.2.1.5, allowing regional or national specific consideration. There was also the view that cross-contact was unintentional and could be addressed through PAL. She further stated that keeping oats in the list afforded the opportunity for consideration from a risk management perspective for countries or regions to continue to allow oats to be declared.
43. Views were expressed that the work on PAL had not progressed far enough to determine if oats could be addressed through PAL and that oats should therefore remain on the list to ensure that oats are declared on a label. The ongoing work could consider whether to address oats through PAL or through another section in the GSLFP.

Conclusion

44. Noting the clarification, CCFL47 agreed to retain oats in the list. Retaining it in the list would flag that it needs to be further considered and consideration could be given to a separate section in work going forward.

4.2.1.6

45. CCFL agreed to retain this section on exemptions in square brackets pending the availability of the full FAO/WHO Expert Consultation Report Part 4

4.2.1.7

46. CCFL agreed that it was necessary to clarify what the concentration of sulphite applied to.. CCFL could not reach consensus on how to express this and agreed to the following text, some parts in square brackets for further consideration:

When sulphite is present in a [ready-to-eat] food [or products as reconstituted according to the instructions of the manufacturer], at a total concentration of 10 mg/kg or above, it shall always be declared using the specified name 'sulphite'.

47. One delegation also proposed the addition of a footnote to clarify, in line with GSLPF, that sulphites should be measured as residue of sulphur dioxide (SO₂).

4.2.3

48. One member requested clarification with respect to the distinction between specified name and specific name in section 4.2.3 (class names) and its potential impact on other provisions.

4.2.4

49. A comment was made that the exemptions framework from Report 4 of the FAO/WHO Expert Consultation, might apply to section 4.2.4 (processing aids and carry-over of food additives). The CCFL chairperson acknowledged that CCFL could need to take Report 4 into consideration for this provision.

8 Presentation of mandatory information

8.3.2

50. CCFL47 noted proposals for flexibility in how mandatory information should be presented as there were already certain practices in countries that were preferred by their consumers and used by industry. CCFL considered different proposals that reflected that the presentation could be through the ingredient list or through a separate statement or through both. Regarding a separate statement, one member expressed the view that rather than appearing directly under the ingredients list CCFL could consider that a separate statement should be placed adjacent to the ingredient list without any intervening material.

Conclusion

51. CCFL47 agreed to keep the proposals in square brackets for further consideration.
52. Noting that considerable progress had been made, and only a few issues remained for further consideration, CCFL47 agreed that the text was ready to advance in the Step procedure.

General Conclusion

53. CCFL47 agreed to:
- i. Forward the proposed draft revision to the *General Standard for the Labelling of Pre-packaged Foods*: provisions relevant to allergen labelling to CAC46 for adoption at Step 5 (Appendix II);
 - ii. Re-establish the EWG, chaired by Australia, the United Kingdom and United States of America, working in English only, to further develop the revision taking into account the discussions at this session for, for circulation at Step 6 and for consideration by CCFL48.
 - iii. Keep open the possibility of a physical or virtual working group (PWG) prior to the next session.
 - iv. Inform CCFH of the progress of the work and in particular to draw their attention to the definition for food allergens and the lists of allergens in 4.2.1.4 and 4.2.1.5.
54. The EWG report shall be made available to the Codex Secretariat at least three months in advance of CCFL48.

PROPOSED DRAFT ANNEX TO THE GENERAL STANDARD FOR THE LABELLING OF PRE-PACKAGED FOODS: GUIDELINES ON THE USE OF PRECAUTIONARY ALLERGEN LABELLING (Agenda item 5.2)¹¹

55. Australia, as EWG Chair, highlighted the progress of the work on the guidelines on the use of PAL; and further pointed out the guidance needed from CCFL:
- on the possible location of the guidelines;

¹¹ CX/FL 23/47/5, Appendix III

- whether advice should be sought from the Codex Committee on Methods of Analysis and Sampling (CCMAS) on the standardized analytical and sampling methods; and
- whether any advice should be provided to CCFH to ensure consistence with the *Code of Practice on Allergen Management for Food Business Operators* (CXC 80-2020).

56. The CCFL Chairperson noted that the FAO/WHO Expert Consultations Report Part 3 on PAL had not yet been published and proposed that the Committee should consider the draft Guidelines, make general comments to facilitate further drafting, and provide answers to the questions posed by the EWG.

57. CCFL noted the general support for the work on PAL to progress toward completion and noted the following general comments and answers to the respective questions.

Proposed location

58. There was general agreement that the guidelines should be annexed to the GSLPF as this would ensure consistency with the Standard and avoid divergences that could potentially arise from different interpretation of the guidelines. It would also facilitate adoption of PAL by countries.

Analytical methods and sampling

59. There was support for CCFL to seek advice on standardized analytical methods and sampling from CCMAS as this would ensure that reliable and standardized methods were used for allergen risk assessment in food.

60. General comments

- The guidance on the use of precautionary statements should be consistent with and mirror the provisions of allergen labelling in the GSLPF, which trigger a mandatory labelling provision, when there is a risk for unintended allergens in the food. In this regard paragraph 5.2 of the draft guidelines should refer generally to section 8.3 instead of section 8.3.1 of the GSLPF.
- Whether the Guidelines would take into consideration consumers with coeliac disease and how the Guidelines would interact with the labelling of gluten-free foods based as defined in the *Standard for Foods for Special Dietary Use for Persons Intolerant to Gluten* (CXS118-1979) should be considered.
- The quantitative risk assessment (Principle 4.2) should not be the only decisive factor when determining the use of PAL and it should also be considered to apply a qualitative risk assessment; consideration should also be given to whether the recommended Reference Dose (RfD) would correspond to the allergen itself or the possible presence of the total allergens in the final food or in their simultaneous consumption with other foods in a similar situation.
- The use of the current RfD should be further considered as concerns were expressed that the RfD were set at an ED05 and whether this would give enough protection to especially vulnerable consumers that might still react at levels below the proposed RfD.
- In section 4.3.1, the RfD Table, a reference (footnote) to the FAO/WHO Expert Consultation Report Part 2¹² should be included. It was noted that consideration could be given to RfD being re-evaluated by national authorities taking into account the assessment criteria of the FAO/WHO Expert Consultation.
- The proposed principles do not provide clear guidance on how action levels should be calculated, particularly in terms of determining the amount of food that should be used, considering the diversity of dietary habits among populations. The use of action levels to guide the declaration of PAL could potentially create additional trade barriers, as an allergen present in a particular food could have two or more different action levels depending on the amount of food used as a reference in each country or by different food business operators.
- Further guidance should be considered on how governments and food companies can conduct quantitative risk assessment or risk interpretation, to ensure coherent and consistent approaches between countries.
- There should be cross committee engagement especially with the Codex Committee on Food Hygiene (CCFH) to understand how these principles would be applied under the Good Hygiene Practices (GHP) by food business operators since this was where the principles for risk assessment were going to be implemented rather than in the food labelling sections.

¹² <https://www.fao.org/documents/card/en/c/cc2946en>

Conclusion

61. CCFL47 agreed to:
- i. Return the proposed draft Annex to the GSLPF – Guidelines on the use of precautionary allergen labelling to Step 2, for further drafting;
 - ii. Re-establish an EWG Chaired by the Australia and co-chaired by the United Kingdom and the United States of America, working in English, to continue drafting the guidelines taking into account the discussions above and comments submitted at the session for circulation for comments at Step 3 and consideration by CCFL48. The EWG report shall be made available at least 3 months in advance of CCFL48.
 - iii. Request CCMAS to recommend suitable analytical methods and guidance on their validation and applications including sampling plans for determining allergenic protein in foods, in particular:
 - o The methods should detect and quantify unintended allergen presence (UAP) in foods from cross contact with detection and quantification limits (LOD and LOQ) suitable to determine if UAP is above or below the action levels established by the FAO/WHO Expert Consultation for priority allergens for intakes of foods from 10 g to 1000 g.
 - o The analytic methods and sampling plans are needed to enable food business operators to do risk assessment to determine if UAP can be controlled below the specified action level for each allergenic food. (*Risk Assessment of Food Allergens Part 2: Review and Establish Threshold Levels in Foods for the Priority Allergens*)¹³. Priority allergens and the finalized action levels are listed in table 11 of the above report at the following link: <https://www.fao.org/documents/card/en/c/cc2946en>.
 - o CCMAS should take into account the recommendations of the FAO/WHO Expert Consultation regarding requirements for analytical methodologies.
 - o CCMAS should also recommend suitable analytical methods to be determined if amounts of allergenic food proteins have been removed sufficiently by processing to exempt foods from allergen declaration at action levels above divided by 30¹⁴.

PROPOSED DRAFT GUIDANCE ON THE PROVISION OF FOOD INFORMATION FOR PREPACKAGED FOODS TO BE OFFERED VIA E-COMMERCE: AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (SUPPLEMENTARY TEXT) (Agenda item 6)¹⁵

62. The United Kingdom, chair of the EWG, speaking also on behalf of the co-chairs, Japan, India and Ghana, introduced the report of the EWG and summarized the key points of discussion in the EWG.
63. The EWG chair explained that a revised version of the guidelines had been prepared based on the comments submitted in reply to CL 2023/06/OCS-FL which covered:
- editorial amendments made for consistency;
 - a recommended definition for ‘e-commerce’;
 - inclusion of a definition for ‘minimum durability’ and reference to this provision in Section 5 in square brackets;
 - removal of “any national legislation” from section 5.1; and
 - removal of “small unit exemption” from Section 5.
64. The EWG chair proposed that CCFL consider the revised version in CRD3 and to focus on whether the guidelines should be a stand-alone document or an annex to the GSLPF; the definition for ‘e-commerce’ adapted from the WTO definition; and on the alternative approaches to section 5.3 related to durability indication and small unit exemption with the aim of advancing the guidelines in the Step procedure.

Discussion

65. CCFL first discussed whether the text should be a stand-alone document or an annex to the GSLPF.

¹³ <https://www.fao.org/documents/card/en/c/cc2946en>

¹⁴ <https://www.fao.org/3/cc3825en/cc3825en.pdf>

¹⁵ CX/FL 23/47/6; CX/FL 23/47/6-Add.1 (comments of Argentina, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Ecuador, Egypt, European Union, Guatemala, Guyana, Honduras, India, Japan, Kenya, Morocco, New Zealand, Panama, Paraguay, Peru, Saudi Arabia, South Africa, Thailand, Uganda, USA, ALAIAB, EFA, FIVS, FIA, FoodDrinkEurope, ICBA, ICGA, ICGMA, ICUMSA, IDF/FIL, ICA/IOCCC and ISDI)

66. While there was support for the guidelines to be a stand-alone document because according to the views of some delegations the contents went beyond the scope of the GSLPF, there was also support for it to be an annex to the GSLPF in line with the decision of CCFL46 and because the two texts were interlinked.
67. The Codex Secretariat explained that even if the text were a stand-alone document, with the new layout and format for Codex standards and the new Codex website, the guideline could be published with a link to other related documents, such as the GSLPF, and noting that the guidelines might go beyond the scope of the GSLPF, proposed that the document be developed as a stand-alone document.

Conclusion

68. CCFL47 agreed to develop the guideline as a stand-alone document and will be published with a link to other relevant Codex documents (see para. 67).
69. CCFL47 agreed to consider CRD3 as the basis for discussion and agreed with most of the recommendations, and in addition to editorial corrections, made the following comments and decision:

Scope

70. CCFL47 agreed to amend the scope to clarify that the food information is the information that should be displayed on the product information e-page.

Definitions

“At the point of delivery” and “Product information e-page”

71. CCFL47 agreed with the proposed definition.
- ##### *“e-commerce”*
72. CCFL47 held a lengthy discussion on the definition for ‘e-commerce’ with proposals made in favour of the proposed amended WTO definition, with or without further amendment; or to retain the original WTO definition. There was also an alternative definition.
73. It was noted that the definition used by the WTO e-commerce work programme applied “exclusively for the purposes of the work programme, and without prejudice to its outcome.” It was not negotiated and not agreed to as a formal definition with trade implications.
74. Those in support of the proposed amended WTO definition (*“e-commerce” means the distribution, marketing, sale or delivery of goods and services by electronic means by methods specifically designed for the purpose of receiving or placing of order*), noted that this definition was more appropriate, specific and suited for the Guidelines, while the original WTO definition (*The production, distribution, marketing, sale or delivery of goods and services by electronic means*) was too broad and generic and went beyond the scope of the Guidelines.
75. Those in support of the original WTO definition were of the opinion that this definition was widely used and understood and was broad enough to cover any future developments with regard to e-commerce of foodstuffs and should be used for consistency.
76. Regarding both the proposed amended WTO definition and the original WTO definition, it was commented that the appropriateness of keeping all the activities listed, in particular distribution and delivery, should be considered as they might not be applicable to the Guidelines. Questions were also raised to the meaning of goods and services and whether it would be more appropriate to refer to foodstuffs instead.
77. The Codex Secretary, noted that either of the definitions was workable, but that a broader definition might be better suited to cover any future developments in e-commerce of foods.
78. A delegation noted that whether the definition was broad or more specific was less important because the context to the term (e-commerce) was given by the rest of the document and would sufficiently qualify it.

Conclusion

79. In view of the above clarifications, CCFL47 agreed with the original WTO definition and amended it to clarify that it related to foods as follows:

“The production, distribution, marketing, sale or delivery of goods and services by electronic means as applicable to foods.”

Minimum durability

80. CCFL47 agreed to retain this definition in square brackets until the related text in section 5.3 was finalised.

Food information

81. CCFL47 did not agree with a proposal to amend this definition to describe “food information” more explicitly.

82. Those not in support of amending the definition pointed out that the proposed amendments would change how the definition was used throughout the document and that consistency should be maintained with the definition also in the proposed draft Guidelines on the use of technology to provide food information (Agenda item 7).

Conclusion

83. CCFL47 agreed with the proposed definition, with slight reordering of the text to better clarify that the food information was the subject of a Codex text about a pre-packaged food.

Prior to e-commerce sale

84. CCFL47 agreed to amend the definition to indicate that it means before consumers commit to ordering and purchasing the food for purposes of clarity, i.e. that the consumer should have all the information of the food prior to placing the order.

Section 4: General Principles

85. CCFL47 agreed with the general principles.

Section 5: Food information principles

5.3

Period of durability

86. CCFL47 discussed whether to include an option for a competent authority to require information on the remaining time within the food's durability to protect consumers and inform their purchase decision.
87. Those delegations in favour of retaining such a provision, noted that such information would provide consumers with information on the expected durability of the food; can help avoid food waste; and that CCFL had set a precedent by making date marking a requirement of the GSLPF.
88. A proposal was made to include the following wording on durability: "An indication of the durability of pre-packaged food is encouraged to be provided."
89. Proposals were made to replace 'durability' with the date marking terms from the GSLPF and some concerns were expressed with leaving the requirement up to competent authorities to decide as this could lead to inconsistent approaches. Other views were expressed that leaving it to competent authorities provided flexibility for this requirement.
90. Those delegations not supporting keeping this provision, noted that such a requirement would provide challenges or difficulties to provide the information with accuracy at this point in the transaction, be a regulatory burden and could lead to food waste.
91. An alternative proposal was made as follows: "*a competent authority may require that additional information about the pre-packaged food be stated on the product information e-page and may specify at which point in the e-commerce sale that information shall be shown*" to replace both the requirements for period of durability and for exemptions for small units, however, this was not agreed to and removed.

Conclusion

92. CCFL47 agreed to retain the text in square brackets for further consideration, and to transfer it to section 5.1 so that all references to date marking are provided in one place..

Exemption for small units

93. CCFL47 discussed the proposal to remove the exemption for some labelling information on small units on e-commerce pages.
94. Those not in support of extending the labelling exemption for small packages to the e-commerce page, expressed the view that:
- unlike for pre-packaged foods in small units, there was no space limitation to provide information about a pre-packaged product in the e-commerce space;
 - if an exemption is provided without justification, sellers would use the exemption and not try to provide information;
 - information would be available to the seller and thus would not be a burden to small suppliers.
95. Those not in favour of extending the labelling exemption for small packages to the e-commerce page, while not questioning that there was no space limitation, expressed the view that:
- the requirement would place a burden on small business operators due to the complexity of the supply chain, and this might prevent them to offer products through this particular portal;

- small suppliers were not necessarily the producers / manufacturers of the products, thus they might not have access to information on the products other than on the label.

96. As an alternative, a proposal was made to add a provision that would encourage food business operators to provide additional information which is otherwise exempted for small packages. There was however no agreement on this proposal.

Conclusion

97. CCFL47 agreed to keep the exemption for small units and the proposal mentioned above (paragraph. 97) in square brackets for further consideration.

New Principle 5.4

98. CCFL47 added a new principle indicating that the information on the pre-packaged foods offered for sale in e-commerce shall be provided without any costs for the consumer, but to keep it in square brackets for further consideration.

99. CCFL47 noted that considerable progress had been made and that the text was ready to advance in the Step procedure, while the texts in square brackets could be further considered through an EWG.

Section 6: Optional food information prior to the point of e-commerce sale and Section 7: Presentation of mandatory food information

100. CCFL47 agreed with these sections.

General Conclusion

101. CCFL47 agreed to:

- Forward the Proposed Draft Guidelines on the Provision of Food Information for Prepackaged Foods to be Offered via E-Commerce to CAC46 for adoption at Step 5 (Appendix III);
- Re-establish the EWG, chaired by the UK and co-chaired by Chile, Japan, India and China, working in English and Spanish, to further develop the Guidelines focussing on the text in square brackets, taking into account the discussions at this session, for circulation for comments at Step 6 and consideration by CCFL48.
- to keep open the possibility of a physical or virtual working group (PWG), chaired by the UK and co-chaired by Japan, India, Chile and China, to meet prior to the next session of CCFL, to prepare revised proposals for consideration by CCFL48.

102. The EWG report shall be made available to the Codex Secretariat at least three months in advance of CCFL48.

PROPOSED DRAFT GUIDELINES ON THE USE OF TECHNOLOGY TO PROVIDE FOOD INFORMATION (Agenda item 7)¹⁶

103. Canada as chair of the EWG introduced the key points of discussion in the EWG:

- There had been general agreement on how the general principles of the GSLPF were handled in the proposed draft.
- The term “purchaser” was removed and the term “consumer” with a footnote to the GSLPF was retained which clarified that the text did not apply to non-retail containers which were dealt with in the *General for the Labelling of Non-Retail Containers of Foods* (CXS 346-2021).
- It was clarified that even though the definition of the term “consumer” in the GSLPF did not explicitly include food bought for catering purposes, this was understood to be implied to both consumers and purchasers for catering use.
- The scope of the proposed draft should be the same as the GSLPF.
- Text of the GSLPF should not be repeated but referenced.
- There was general agreement on the principles that would apply to both mandatory and voluntary information.
- The text should be stand-alone guidelines rather than an amendment to the GSLPF.

¹⁶ CX/FL 23/47/7; CX/FL 23/47/7-Add.1 (comments of Argentina, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Ecuador, Egypt, the European Union, Guatemala, Honduras, Indonesia, Japan, Kenya, Morocco, New Zealand, Panama, Paraguay, Peru, Saudi Arabia, South Africa, Thailand, Uganda, United Kingdom, USA, Zambia, EFA, FIVS, FoodDrinkEurope, ICA, ICGA, ICGMA, IDF/FIL and ISDI)

104. The EWG chair explained that based on the comments submitted in reply to CL 2023/08/OCS-FL (compiled in CX/FL 23/47/7-Add.1) a revised version of the guidelines had been prepared (CRD4).
105. The CCFL Chairperson proposed to work through the text based on a clean document showing the changes including renumbering proposed in CRD4 which was agreed.

Discussion

106. CCFL47 agreed with most proposals and in addition to editorial changes, made the following decisions:

Position of the text/ title

107. It was agreed that the text should be a stand-alone document.
108. The words “in Food Labelling” were added to the end of the title for clarity.

Purpose (section 1)

109. It was proposed to add a footnote to consumer to state that the text also applies to purchasers e.g. of food donations who might also be interested in additional information about the food. It was clarified that these would normally be non-retail containers which were dealt with in the specific standard.
110. It was agreed to only refer to consumers with a footnote referring to the definition of the term in GSLPF.

Scope (section 2)

111. It was agreed to move the definition of technology to the section “Definitions”. A member noted that a detailed description of the term might be needed.

Use (new section – numbering to be adapted)

112. Following a question whether the guidelines would also have nutrition information in their scope as well as several other interventions requesting a reference to relevant Codex texts to be included, it was agreed to include a new section “Use” as follows:

113. “This guideline should be read in conjunction with Codex texts related to labelling of prepackaged foods, including but not limited to the GSLPF.”

Definitions (section 3)

114. The definition of “food information” was clarified to read: “Food information” means the information that is the subject of a Codex text about a prepackaged food, for consistency with a definition in the Proposed Draft Guidelines on the Provision of Food Information for Prepackaged Foods to be Offered via E-Commerce (see paragraph 81).

115. The definition of technology moved from section 2 was included: “Technology” refers to any electronic or digital means, including but not limited to websites, online platforms and mobile applications.

Considerations for deciding if mandatory food labelling information could instead be provided to consumers using technology (section 4)

116. 4.1 (b): The word “equal” was amended to “adequate” as equality was difficult to achieve.
117. CCFL did not agree to a proposal to refer to “vulnerable populations” as the term was not widely used nor defined in Codex.
118. 4.1 (c): It was agreed to add an additional requirement at the end “and that there is evidence of similar consumer understanding of the technology”.
119. 4.2: It was clarified that the name of the food and food information concerning health and safety should not be provided exclusively using technology. The examples following “food information concerning health and safety” were removed as this could be confusing and should be up for regulators to discuss. One member indicated that mandatory information on the food should not solely be provided using technology.
120. 4.3: It was agreed to use the general term “date marking” rather than “best before date”.
121. 4.4: It was agreed to delete the section as there was a separate discussion paper on emergency situations under Agenda Item 10.

Use of technology to provide consumers access to mandatory food information that is not accessible on the label (Section 5)

122. The section was maintained unchanged.

95. *Principles that are applicable when food information is provided to consumers using technology (Section 6)*

123. *Chapeau*: It was clarified that the section also applied to mandatory information.
124. 6.1/6.2: This section remained unchanged.
125. An observer suggested to refer to the *Code of Ethics for International Trade in Food including Concessional and Food Aid Transactions* (CXC 20-1979) especially as a safeguard on the marketing of foods for infants and young children.
126. *New Principle*: It was proposed to include a new principle clarifying that food information should be presented separately from commercial information as follows: "Food information described or presented using technology shall be presented in one place, separately from other commercial information intended for sale or marketing purposes."
127. The new text was maintained in square brackets as there might be other ways to address the issue of separating food information and marketing e.g. by adding text to 6.4.
128. It was proposed that the concept that no user data should be collected or tracked could be included in this new principle, but it was clarified that this could be better achieved in 6.5 which already dealt with similar issues.
129. 6.3: This section remained unchanged.
130. 6.4: To increase flexibility it was agreed to make this principle applicable only in case of mandatory information.
131. As "shelf life" may be difficult to determine and introduces a new term, more flexibility was provided by adding "[at least and not less than best before date or expiry date]".
132. It was further proposed to prevent mixing of food information and advertising (understood as defined in the *Guidelines on Nutrition and Health Claims* (CXG 23-1997) by adding the sentence: "[The link shall not include advertising pertaining to the food]".
133. 6.5: It was proposed to strengthen the aspect of data protection of consumers in this principle by adding the words "[and comply with the data protection policies of the parent organizations]". Two delegations proposed to either add the word "any" before the word "information" to strengthen protection to consumers accessing information.
134. *Sections 6.6 - 6.10*: There was general support on these sections and that the text would be further discussed in the EWG.

Conclusion

135. CCFL47 agreed to:
 - i. Forward the proposed draft Guidelines to CAC46 for adoption at Step 5 (Appendix IV);
 - ii. Re-establish the EWG, chaired by Canada and co-chaired by India and New Zealand, working in English only, to further develop the Guidelines with a special focus on the text in square brackets, while noting that the whole document remains open, taking into account the discussions at this session, for circulation for comments at Step 6 and consideration by CCFL48; and
 - iii. to keep open the possibility of a physical or virtual working group (PWG), chaired by Canada and co-chaired by India, and New Zealand, to meet prior to the next session of CCFL, to prepare revised proposals for consideration by CCFL48.
136. The EWG report shall be made available to the Codex Secretariat at least three months in advance of CCFL48.

DISCUSSION PAPER ON THE LABELLING OF ALCOHOLIC BEVERAGES (Agenda Item 8)

137. CCFL47 noted that this item had been discussed previously and comments were requested through a CL, but no discussion paper was prepared for this session.
138. The CCFL Chairperson noted that while some CRDs on the topic had been submitted, the expected discussion paper on labelling of alcoholic beverages (see REP21/FL, para 147) had not been prepared and CCFL should determine if this item should remain on the CCFL Agenda.
139. There were no offers from members to take the lead on potential new work.
140. The Representative of WHO highlighted that alcoholic beverage labelling increases awareness of health risks and product composition and that it is also the primary source of information for consumers at the point of purchase and consumption. She further noted that alcohol remains outside the scope of obligations in international conventions to control psychoactive substances, and alcoholic beverages are also typically exempted from many requirements of national legislation governing food labelling, thereby creating a considerable regulatory divergence among countries. She recalled that Member States unanimously adopted the WHO Action plan 2022-2030, which calls for countries to reduce the harmful use of alcohol through

alcoholic beverage labelling. Following discussions at CCFL44, CCFL45 and CCFL46, she noted that the Committee had agreed to prepare a discussion paper for consideration by CCFL47 which had been prevented by the COVID-19 pandemic. She recommended that this matter be maintained on the CCFL agenda and proposed, in the absence of a Codex member to lead the work, that a CL could be issued and then WHO could prepare a discussion paper to be presented at CCFL48.

141. Several members and observers supported the WHO proposal, however, there was still no member who offered to take up potential new work. Other delegations did not support this proposal and questioned whether this was in line with Codex procedure as there was no proposal from members. One member stated that since this item had been on the agenda for several sessions with no discussion paper presented, it would be best to remove it from the CCFL agenda and have it follow the normal prioritization process like other new work proposals.
142. The Codex Secretary clarified that according to the Codex procedures, the Directors General of FAO and WHO could place items on the agenda of Codex meetings and then Codex members could discuss and decide how to take the matters forward. He confirmed that the existing Codex labelling texts applied also to alcoholic beverages, however they did not seem to be widely applied by Codex members. He suggested to include a question in the CL regarding this matter in addition to questions as to what actions Codex could take.

Conclusion

143. CCFL47 agreed to:
- i. Retain the item on labelling of alcoholic beverages on its Agenda.
 - ii. Request the Secretariat to issue a CL on possible future actions by Codex on this matter.
 - iii. Request WHO to prepare a discussion paper based on the outcome of the CL.

DISCUSSION PAPER ON THE LABELLING OF FOODS IN JOINT PRESENTATION AND MULTIPACK FORMATS (Agenda Item 9)¹⁷

144. Colombia recalled that CCFL46 had agreed that Colombia would prepare an updated discussion paper identifying gaps in the GSLPF with regards to joint presentation and multipack formats and identify where clarity and interpretation might be required. A CL had been issued to collect information to support the development of the paper. She highlighted examples of multipack formats and the need for a single label for all foods in the package to prevent confusion for the consumer. As there was a growing trend in the sale of foods in this format, she noted the need to review and amend the GSLPF to ensure that these formats were required to meet the same labelling requirements as individual units. She provided an overview of the responses received to the CL and identified possible provisions in the GSLPF that might require amendments.

Discussion

145. There was support expressed for starting the new work.
146. One delegation said that though they understood that some members needed clarification they had not themselves identified any issues with applying the GSLPF to multi-packs.
147. While not objecting to the new work, one delegation suggested consideration of the *General Standard for the labelling of non-retail containers* (CXS 346-2020) to address the matter.
148. The Committee supported the revised project document.

Conclusion

149. The Committee agreed to:
- i) Start new work on the labelling of prepackaged foods in joint presentation and multipack formats and to submit the project document (Appendix V) for approval by CAC46; and
 - ii) Establish an EWG, chaired by Colombia and co-chaired by Jamaica, working in English and Spanish, to prepare a proposed draft text for circulation for comments at Step 3 and consideration by CCFL48.
150. The EWG report would be made available to the Codex Secretariat three months in advance of CCFL48.

DISCUSSION PAPER ON FOOD LABELLING EXEMPTIONS IN EMERGENCIES (Agenda Item 10)¹⁸

151. The United States of America introduced the discussion paper and recalled that CCFL46 had discussed the possibility of future work to assist countries in establishing flexibilities in food labelling requirements when

¹⁷ CX/FL 23/47/9

¹⁸ CX/FL 23/47/10

necessary to assure supply chain resilience during national or global emergencies, such as the COVID-19 pandemic. They stated that the discussion paper summarized responses from Codex members to CL 2022/09-FL and proposes elements for CCFL consideration to guide discussions on potential work regarding labelling exemptions in emergencies and whether such flexibilities could best be provided through amendments to the *GSLPF* or through a separate guideline document. The replies showed that some countries or regions had considered and implemented a variety of temporary labelling flexibilities to address supply chain challenges caused by the COVID-19 pandemic which supported the need for a common and structured framework to ensure consumer protection and fair trade practices.

Discussion

152. There were varied opinions among members and observers.

153. Those supporting the proposal stated that:

- Guidance could support preparedness of competent authorities.
- It was a good moment to reflect on experiences and while some guidance might be useful, it should not be overly prescriptive or detailed.
- It would be good for the industry to provide flexibility with ingredient substitution during an emergency as difficulties with supply of some raw materials might entail a change in manufacturing process or recipe at short-notice and the label might not be correct.
- It was also noted that this guidance could help prevent abuse of the use of such flexibilities.

154. Those not supporting the proposal at this moment stated that:

- It was understood that there was an interest in a preliminary exchange on this topic, as all authorities had been confronted with these issues; to share experiences.
- It had been possible to handle this on a case-by-case basis and it might be difficult to give guidance for different types of emergencies.
- The implications of the guidance were not clear and there could possibly be abuse with respect to flexibilities.
- It needed to be better understood what was considered an emergency as this could open the door to all kinds of exemptions and one should be very cautious about proceeding with this work.

155. One delegation commented that in their view, it was not necessary to have guidance but if something was developed it should be an amendment to the *GSLPF* and not a stand-alone guidance.

156. Several proposals or comments were made to have more discussions on the topic before starting new work to develop a better understanding of the issues involved:

- There are a number of different emergencies e.g. pandemic and wars that had affected food trade and needed different considerations.
- The best way to proceed would be to collect more information and examples.
- The situation might differ between importing and exporting countries and importing countries might have more issues.
- There is a need to understand better what we are getting into i.e. need to know beforehand what are all of the flexibilities.
- A broad exchange might also be interesting for other Codex committees (e.g. CCFICS), and it would be interesting to have the view of other committees.
- There could be a meeting/ workshop in the margins of the CAC.
- The title of the work could be “Application of food labeling provisions in emergencies”
- Definitions of emergencies and flexibilities should be included.
- Domestic flexibilities should be included.
- Situations like the financial crisis in 2008 could be considered as an emergency
- We might need to establish work priorities depending on what other work the committee will take on.

157. The United States of America stated that while the discussion paper already included a number of examples, they were prepared to lead an exploratory working group to further clarify the intended work especially within the main aspects to be covered the criteria when the emergency threshold was reached and how many definitions were needed.

Conclusion

158. CCFL47 agreed to establish an EWG, chaired by the United States of America, working in English only, to develop an updated discussion paper and a project document on developing guidelines on “Application of food labelling provision in emergencies”, taking into account the discussions at this session, especially with respect to the scope and the need for definitions for “emergency” and “flexibility” for consideration by CCFL48.
159. Consideration could be given to issuing a CL to inform the work of the EWG.
160. The EWG report shall be made available to the Codex Secretariat at least three months in advance of CCFL48.

DISCUSSION PAPER ON TRANS FATTY ACIDS (Agenda Item 11)¹⁹

161. Canada introduced the Item and gave a brief background noting that CCFL46 agreed that Canada would prepare a discussion paper to outline possible new work for consideration by CCFL, and that a CL should be issued to request information that would inform the development of the paper. The CL was issued, however due to the need to take into account the discussions at the Codex Committee for Fats and Oils (CCFO), it was decided to wait for the outcome of the discussions at the next session of CCFO. As a consequence, preparation and presentation of the discussion was postponed to CCFL48.
162. In response to a request by a member for an update on work undertaken by WHO on the subject, the Representative of WHO responded that the Guideline on Saturated Fatty Acids and *Trans*-Fatty Acids would be launched in June 2023. The systematic review that formed the basis for the guideline was already available online. The Representative thanked Canada for their leadership in TFA-related work across different Codex committees. WHO is committed to supporting the work on TFA as it pursues the global goal to eliminate industrially produced TFA by 2023.

Conclusion

163. CCFL47:
- i. Agreed to defer discussions on trans fatty acids to its next session, pending the outcome of the discussions in CCFO;
 - ii. Reaffirmed that Canada would prepare a discussion paper outlining possible new work on trans fatty acids for consideration by CCFL48. The discussion paper would take into account the outcome of the CL, the WHO Guideline on Saturated Fatty Acids and *Trans*-Fatty Acids and the outcome of the discussion of CCFO28.
 - iii. The discussion paper should be made available to the Codex Secretariat at least three months in advance of CCFL48.

DISCUSSION PAPER ON SUSTAINABILITY LABELLING CLAIMS (Agenda item 12)²⁰

164. New Zealand introduced the discussion paper which had been prepared with the assistance from the European Union. She highlighted that sustainability was a global issue and there is increasing consumer interest about sustainability of products, including food products. She further stated that tackling this issue requires a multi-sectoral approach with a range of organizations to collaborate and take ownership, and that CCFL clearly had a role to play as there was a growing number of sustainability claims on food labels many of which might not fulfil the requirements of the General Guidelines on Claims (CXG 1-1979) thus there was a risk that consumers could be misled. She drew the Committee’s attention to CRD17, an updated work proposal based on written comments received, noting that any guidance provided by CCFL on this subject would be high level and would not include technical criteria for substantiation of sustainability-related labelling on food.

Discussion

165. While there was agreement that sustainability was an important topic for Codex, views differed on whether this was the right moment to start new Codex work on sustainability related labelling claims or if further reflection

¹⁹ CX/FL 23/47/11

²⁰ CX/FL 23/47/12; CX/FL 23/47/12 Add.1 (comments of Australia, Brazil, Canada, Colombia, Costa Rica, Cuba, Ecuador, Egypt, European Union, Grenada, Guatemala, Honduras, Indonesia, Japan, Kenya, Morocco, New Zealand, Norway, Panama, Paraguay, Peru, Saudi Arabia, Singapore, South Africa, United Kingdom, Uruguay, USA, Zambia, EFAD, ENCA, FIVS, Food Industry Asia, FoodDrinkEurope, ICBA, ICGMA, ICUMSA, IDF/FIL, IBFAN, IFIF, IFU and WPHNA)

was needed to better define what was to be achieved.

166. Delegations in favour of a recommendation to start new work at this session stated:

- The new work was timely as some countries were already considering developing regulations in this area.
- The UN food systems summit stock taking exercise would take place in July and many members were part of the healthy diets and sustainable food systems coalition for which such work would be a strong signal.
- More and more consumers were considering sustainability in their purchasing decisions and needed guidance that was clear and not misleading.
- An increasing number of sustainability related claims were on the market.
- Sustainability labelling was fully in line with the Codex mandate allowing and would allow consumers to make informed choices.
- High-level guidance could prevent a plethora of unsubstantiated claims especially with regards to social responsibility.
- The *General Guidelines on Claims* (CXG 1-1979) are not sufficient specifically for substantiation of sustainability claims.
- Currently these labels were often integrated in the marketing strategy, and it was not always clear to consumers what was needed and there was a large number of non-comparable claims. A framework for sustainability labelling was needed.

167. Delegations not in favour of starting new work at this session and in need for further reflection and clarification stated:

- Current guidance on claims was comprehensive enough to deal with sustainability-related claims as with any other claims.
- It was not clear what differentiated sustainability claims from other claims with respect to the need for specific guidance. Should work be considered, it should focus on updating and strengthening CXG 1-1979 with a view to cover all types of claims including sustainability-related claims.
- Sustainability was a complex topic that goes beyond the mandate of Codex, and it was important to carefully scope any work appropriately within the role of CCFL;
- Other international organizations were already working in this area and there was concern that Codex might duplicate work of others.
- The outcome of the work on a blueprint for the future of Codex should be awaited before embarking on sustainability related work.
- Labelling was just the final aspect of this topic and the important area was measuring sustainability in order to come to comparable systems. A better overview of the impact of different systems was needed before committing to new work. The consequences of what such work could be when implemented should be considered.
- Sustainability claims were based on diverse criteria which creates challenges such as how to prevent greenwashing and consumer confusion through the halo-effect.
- As sustainability was a complex topic, before embarking on work, information on the comparability of claims would be needed on what this work would include and consideration of implications on trade.
- Sustainability labelling was very promotional and might benefit mainly the processed food industry. Codex should encourage warnings rather than claims.
- There were many opportunities in exploring this topic in which there has not been much work but there was also the risk of not being able to establish high-level principles.

168. The Codex Secretary explained that the way the work was presented in the project document especially because of the intention to give high-level guidance, it falls within the Codex mandate and specifically within the mandate of CCFL. He also drew attention to the definition of a claim in the *General Guidelines on Claims* (CXG 1-1979) which was very general and thus covered sustainability claims.

169. The Codex Secretary also addressed a point raised on whether to await work on the blueprint of Codex within CCEXEC, stating that work on the blueprint did not have the intention to stall innovative work in Committees and that Codex Committees should continue working within their mandate and the priorities set by members.
170. New Zealand, co-author of the discussion paper, highlighted that the work would complement the ongoing work being undertaken by other international agencies and that it would be important to examine what such agencies were doing in this area with a view to avoid duplication of efforts as well as proliferation of claims; and that the final guidance could either be a stand-alone guidance document or an updated/revised CXG 1-1979.
171. There was support for work to revise the discussion paper and project document.

Conclusion

172. CCFL47 agreed to:
- i. Establish an EWG chaired by New Zealand and co-chaired by the European Union, the United States of America, and Costa Rica, working in English and Spanish, to revise the discussion paper and project document with a focus on:
 - a. Stocktaking work being undertaken by other international organizations on sustainability-related labelling claims on food;
 - b. Identifying areas where CCFL could provide guidance on sustainability-related labelling claims on food;
 - c. Taking into account a) and b) identify possible revisions to the *General Guidelines on Claims* (CXG 1-1979) for claims in general, and sustainability-related labelling claims on food.
 - ii. Request the EWG to take into account the discussion in the Committee and all the written comments submitted for consideration by CCFL47.
 - iii. To keep open the possibility of a physical or virtual working group (PWG), chaired by New Zealand and co-chaired by the European Union, the United States of America, and Costa Rica, to meet prior to the next session of CCFL, to prepare revised proposals for consideration by CCFL48.
173. The discussion paper and project document should be made available to the Codex Secretariat at least three months in advance of CCFL48.

FUTURE WORK AND DIRECTION OF CCFL (Agenda item 13)²¹

174. New Zealand introduced the item and highlighted that the paper had been updated taking into account replies received to CL 2022/70-FL; and further noted that the paper presented: areas of potential work for CCFL; emerging issues of relevance to CCFL; proposals regarding work areas previously considered by CCFL and an inventory of potential CCFL future work. It was noted that no new potential work items for CCFL were raised.
175. One delegation indicated that it was important to keep alcohol labelling on the future work list.
176. One observer drew the attention of the Committee on a possible new approach proposed by Mexico in their written comments on a further definition for “small units/small packages”.
177. Costa Rica offered to prepare a discussion paper on the definition for added sugars.
178. CCFL noted that:
- a. The views of CCNFSDU would need to be sought on the subject if CCFL considers new work in the future; and
 - b. CCMAS might need to be consulted in future to identify methods of analysis that can be used to distinguish between added sugars and total sugars.

Conclusion

179. CCFL47:
- i. Noted the recommendations in paper and that some of topics raised were already included on the Agenda for the session;
 - ii. Agreed that Costa Rica would prepare a discussion paper on the definition for added sugars and that:

²¹ CX/FL 23/47/13

- a. The discussion paper would take into account the need for including sugar on the nutrient declaration list; and
 - b. A CL would be issued to request for information to support the development of the discussion paper.
- iii. Reaffirmed the decision to keep up-to-date the paper on the inventory of future work and emerging issues and further agreed that:
- a. Italy would update the paper for CCFL48;
 - b. The Codex Secretariat would issue a CL requesting members and observers to provide information on items for inclusion in the paper; and
 - c. The updated paper would be submitted at least 3 months before the next session of CCFL.

APPROACH AND CRITERIA FOR EVALUATION AND PRIORITIZATION OF WORK OF CCFL (Agenda Item 14)²²

180. The Chairperson summarized the recommendations from the paper which proposed that the prioritization process would only be applied on an as needed basis as presented in Annex I of the paper and that if the need arose, the process would be applied by an ad hoc working group. There was general support for the recommendations.
181. One member sought clarification on what would trigger the need for the ad hoc WG. While it was clarified that a decision on its use would be based on the amount of work on the Committee's agenda, this would need to be taken into consideration as part of the approach.
182. Another member sought clarity on the modality of the ad hoc working group (including meeting mode; language to be used), noting that broad participation would be needed, while another member stressed that both positive and negative impacts of proposals should be taken into account when considering prioritization.
183. CCFL also recalled the request from CCEXEC83 (see para 6 (iv) above) and agreed that this aspect together with the modality of the ad hoc working group would be further considered in the revision of the approach and criteria.

Conclusion

184. CCFL47 agreed:
- i. The CCFL Canadian Secretariat would revise the approach and criteria taking into account comments provided at this session, including the request of CCEXEC to consider the request of WHO to consider the reduction of sodium intake when prioritizing and undertaking work.
 - ii. The Codex Secretariat would issue a CL requesting comments on the revised document for consideration by CCFL48.

OTHER BUSINESS (Agenda item 15)

185. CCFL47 noted that there was no other business to discuss.

DATE AND PLACE OF THE NEXT SESSION (Agenda item 16)

186. CCFL47 was informed that its 48th Session was tentatively scheduled to take place in 18 month's-time, with the location to be confirmed. The final arrangements being subject to confirmation by the Host Country and the Codex Secretariat.

²² CL 2022/73/OCS-FL; CX/FL 23/47/4

APPENDIX I

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**PROPOSED DRAFT REVISION OF THE GENERAL STANDARD FOR THE LABELLING OF PRE-PACKAGED FOODS (CXS 1-1985): PROVISIONS RELEVANT TO ALLERGEN LABELLING
(FOR ADOPTION AT STEP 5)**

2. DEFINITION OF TERMS

“Food allergy” means a reproducible adverse health effect arising from an immunoglobulin class E (IgE) antibody or non-IgE antibody immune-mediated response following oral exposure to a food.”

“Food allergen” means a food or ingredient [or substance or processing aid] used in food, usually a protein or protein derivative that can elicit IgE-mediated or other specific immune-mediated reactions in susceptible individuals.

“Coeliac disease” means a chronic immune-mediated intestinal disease in genetically predisposed individuals induced by exposure to dietary gluten proteins that come from wheat, rye, barley and triticale (a cross between wheat and rye).

4. MANDATORY LABELLING OF PRE-PACKAGED FOODS

4.2 List of ingredients

4.2.1.3 Where an ingredient is itself the product of two or more ingredients, such a compound ingredient may be declared, as such, in the list of ingredients, provided that it is immediately accompanied by a list, in brackets, of its ingredients in descending order of proportion (m/m). Where a compound ingredient (for which a name has been established in a Codex standard or in national legislation) constitutes less than 5% of the food, the ingredients need not be declared, except for the foods and ingredients listed in section 4.2.1.4, 4.2.1.7 and where applicable section 4.2.1.5 and food additives which serve a technological function in the finished product.

4.2.1.4 The following foods and ingredients are known to trigger food allergy or coeliac disease and shall always be declared using the specified name in addition to or as part of the ingredient name¹:

FOODS AND INGREDIENTS	SPECIFIED NAME
Cereals containing gluten ² :	
– wheat and other <i>Triticum</i> species	‘wheat’
– rye and other <i>Secale</i> species	‘rye’
– barley and other <i>Hordeum</i> species	‘barley’
and products thereof	
Crustacea and products thereof	‘crustacea’
Eggs and products thereof	‘egg’
Fish and products thereof	‘fish’
Peanuts and products thereof	‘peanut’
Milk and products thereof	‘milk’
Sesame and products thereof	‘sesame’
Specific tree nuts	
– Almond	‘almond’
– Cashew	‘cashew’
– Hazelnut	‘hazelnut’
– Pecan	‘pecan’
– pistachio	‘pistachio’
– walnut	‘walnut’
and products thereof	

4.2.1.5 In addition to the foods and ingredients listed in section 4.2.1.4, the declaration of any other foods and

¹ In accordance with Section 4.1.1 of the *General Standard for the Labelling of Pre-packaged Foods* (CXS 1-1985), the ingredient declaration should specify the true nature of the food and be specific and not generic.

² Includes spelt, Khorasan, and other specific cereals containing gluten that are species or hybridized strains under the genus names of *Triticum*, *Secale* and *Hordeum*. Specified names are to be used according to the associated genus. Hybridized strains are to use specified names in conjunction from all of the parent genera (e.g. ‘wheat’ and ‘rye’ for triticale).

ingredients, including those listed below may also be required³ using a specified name in addition to or as part of the ingredient name⁴. This shall be based on available risk assessment data for the respective population(s)⁵ taking into account risk management considerations.

FOODS AND INGREDIENTS	SPECIFIED NAME
Buckwheat and products thereof	'buckwheat'
Celery and products thereof	'celery'
Oats and other <i>Avena</i> species (and their hybridized strains) and products thereof ⁶	'oats'
Lupin and products thereof	'lupin'
Mustard and products thereof	'mustard'
Soybean and products thereof	'soy'
Specific tree nuts	'Brazil nut'
– Brazil nut	'macadamia'
– macadamia	'pine nut'
– pine nut	
and products thereof	

[4.2.1.6 Subject to evaluation using established criteria⁷, national authorities may exempt ingredients derived from foods listed in section 4.2.1.4, and where applicable section 4.2.1.5, from being declared.]

4.2.1.7 When sulphite is present in a [ready-to-eat] food [or products as reconstituted according to the instructions of the manufacturer], at a total concentration of 10 mg/kg or above, it shall always be declared using the specified name 'sulphite'.

RENUMBER existing sections 4.2.1.5 and 4.2.1.6 to 4.2.1.8 and 4.2.1.9 respectively

4.2.2 The presence in any food or food ingredients obtained through biotechnology of an allergen transferred from any of the foods and ingredients listed in sections 4.2.1.4 and where applicable 4.2.1.5 shall be declared.

When it is not possible to provide adequate information on the presence of these allergens through labelling, the food containing the allergen should not be marketed.

4.2.3 Except for those foods and ingredients listed in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5, a specific name shall be used for ingredients in the list of ingredients in accordance with the provisions set out in Section 4.1 (Name of the Food) except that:

4.2.3.1 Unless a general class name would be more informative, the following class names may be used. In all cases, the food and ingredients listed in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5 shall be declared using the specified names listed in those sections.

4.2.4 Processing Aids and Carry-Over of Food Additives

4.2.4.2 A food additive carried over into foods at a level less than that required to achieve a technological function, and processing aids, are exempted from declaration in the list of ingredients. The exemption does

³ These foods and ingredients are not included in 4.2.1.4 but have been recommended to be considered for risk management at the regional or national level (see FAO and WHO Risk assessment of food allergens: Part 1: Review and validation of Codex Alimentarius priority allergen list through risk assessment <https://doi.org/10.4060/cb9070en>).

⁴ In accordance with Section 4.1.1 of the *General Standard for the Labelling of Pre-packaged Foods* (CXS 1- 1985), the ingredient declaration should specify the true nature of the food and be specific and not generic.

⁵ The assessment of risk in the respective population(s) to be based on the evidence criteria of prevalence, potency and severity of immune mediated adverse reactions to the food or ingredient as established by FAO and WHO Risk assessment of food allergens: Part 1: Review and validation of Codex Alimentarius priority allergen list through risk assessment. <https://doi.org/10.4060/cb9070en>.

⁶ Oats can be tolerated by most but not all people who are intolerant to gluten. Therefore, the allowance of oats that are not contaminated with wheat, rye or barley in foods covered by this standard may be determined at the national level."

⁷ FAO and WHO (2022). Risk assessment of food allergens: Part 1: Review and validation of Codex Alimentarius priority allergen list through risk assessment. p15-20. <https://doi.org/10.4060/cb9070en>.

not apply to food additives and processing aids that contain the foods and ingredients listed in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5.

6. EXEMPTIONS FROM MANDATORY LABELLING REQUIREMENTS

With the exception of spices and herbs, small units, where the largest surface area is less than 10 cm², may be exempted from the requirements of paragraphs 4.2 and 4.6 to 4.8. This exemption does not apply to the declaration of foods and ingredients listed in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5.

8. PRESENTATION OF MANDATORY INFORMATION

8.3 Declaration of certain foods and ingredients

8.3.1 The foods and ingredients listed in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5 shall be declared so as to contrast distinctly from the surrounding text, [whenever possible], such as through the use of font type, style or colour.

[8.3.2 When the foods and ingredients in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5 are declared in the list of ingredients, they may also be declared in a separate statement, which shall be placed directly under the list of ingredients.

Bis. Foods and ingredients in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5 shall be declared in the list of ingredients or in a separate statement which shall be [placed directly under] the list of ingredients or in both. The most appropriate manner to declare these foods and ingredients shall be decided by national competent authorities.

Ter. The foods and ingredients listed in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5 shall be declared so as to contrast distinctly from the surrounding text (such as through the use of font type, style or colour) and/or be declared in a separate statement commence with the word 'contains' (or equivalent word) directly under the list of ingredients.]

8.3.2.1 The statement shall commence with the word 'Contains' (or equivalent word) and must declare all the foods and ingredients which are declared in the list of ingredients as applicable in accordance with section 8.3.1.]

8.3.3 Where a food is exempt from declaring a list of ingredients, the foods and ingredients listed in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5 shall be declared, such as in a statement made in accordance with section 8.3.2.1.

8.3.4 For single ingredient foods, section 8.3.3 does not apply where foods and ingredients listed in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5 are declared as part of, or in conjunction with, the name of the food.

APPENDIX III

**PROPOSED DRAFT GUIDELINES ON THE PROVISION OF FOOD INFORMATION FOR
PRE-PACKAGED FOODS OFFERED VIA E-COMMERCE****(FOR ADOPTION AT STEP 5)****1. PURPOSE**

1.1 The purpose of these guidelines is to ensure consumers buying pre-packaged foods via e-commerce have the information needed to make informed choices, similar to the information they would find on the physical label of the food. [It also aims to provide additional provisions that should be used specifically when food is offered for sale via e-commerce, as outlined in Section 5, to address the specific complexities of product information e-pages.]

2. SCOPE

2.1 These guidelines apply to the food information required, or provided voluntarily, that is displayed on the product information e-page for pre-packaged foods offered for sale via e-commerce, and to certain aspects relating to the presentation thereof.

2.2 They do not apply to information that is required on the label of pre-packaged foods at the point of delivery as set out in the *General Standard for Labelling of Pre-packaged Foods* (CXS 1-1985).

3. DEFINITIONS

The following terms shall be used in conjunction with Section 2 of the *General Standard for Labelling of Pre-packaged Foods* (CXS 1-1985) for the purposes of applying this text.

“At the point of delivery” means the moment when consumers receive pre-packaged food.

“e-commerce” The production, distribution, marketing, sale or delivery of goods and services by electronic means as applicable to foods.”

“Food information” means the information that is the subject of a Codex text about a pre-packaged food.

“Minimum durability” means the period (e.g. in hours, days, months etc.) between the point of delivery or agreed date for collection in-store and the best before or use-by date, as applicable.]

“Prior to the point of e-commerce sale” means provided before consumers commit to ordering and purchasing the food.

“Product information e-page” means the virtual space on any consumer-facing transactional electronic platform, which is intended to facilitate informed e-commerce sale.

4. GENERAL PRINCIPLES

The general principles in Section 3 of the *General Standard for the Labelling of Pre-Packaged Foods* (CXS 1-1985) are applicable to food information shown on the product information e-page of the pre-packaged food that is being offered for sale.

5. FOOD INFORMATION PRINCIPLES

5.1 The food information required to be provided on the label of a pre-packaged food or in associated labelling, shall be provided on the product information e-page of the pre-packaged food prior to the point of e-commerce sale, except to the extent otherwise expressly provided in these guidelines, or any other Codex text.

This includes the following food information indicated in/by:

- Section 4 and Section 5 of the *General Standard for the Labelling of Pre-Packaged Foods* (CXS 1-1985) except information required by 4.6 and 4.7.1; [An indication of the [minimum durability]/[expiry date/best before date/best quality before date/use-by date/expiration date] of the pre-packaged food is encouraged to be provided.]
- Section 3 of the *Guidelines on Nutrition Labelling* (CXG 2-1985);
- Any other relevant Codex text.

5.2 A statement shall appear on the product information e-page prior to the point of e-commerce sale to direct the consumer to check the food information on the physical label before consumption.

[5.3 A competent authority may require that the labelling exemption of small units outlined in Section 6 of the *General Standard for Labelling of Pre-packaged Foods* (CXS 1-1985) should apply in an e-commerce context within their national boundaries.]

[Food business operators are encouraged to provide additional information which is otherwise exempted for small packages]

[5.4 The information on the pre-packaged foods offered for sale in ecommerce shall be provided without any costs for the consumer.]

6. OPTIONAL FOOD INFORMATION PRIOR TO THE POINT OF E-COMMERCE SALE

Section 7 of the *General Standard for Labelling of Pre-packaged Foods* (CXS 1-1985) is applicable to food information shown to consumers on the product information e-page for the pre-packaged food that is being offered for sale.

7. PRESENTATION OF MANDATORY FOOD INFORMATION

7.1 Food information required by these guidelines shall be clear, prominent and readily legible by the consumer under normal settings and conditions of use for a product information e-page.

7.2 The language or languages on a product information e-page shall be suitable to the consumer in the country in which the food is marketed and to which it may be delivered.

APPENDIX IV

**PROPOSED DRAFT GUIDELINES ON THE USE OF TECHNOLOGY TO PROVIDE FOOD INFORMATION
IN FOOD LABELLING
(FOR ADOPTION AT STEP 5)**

1. PURPOSE

Provide guidance on the use of technology to provide information to consumers¹ about pre-packaged foods¹.

2. SCOPE

These guidelines apply to food information that is accessed by consumers using technology via a reference on a pre-packaged food's label¹ or labelling¹.

3. USE

These guidelines should be read in conjunction with Codex texts related to labelling of pre-packaged foods, including but not limited to *General Standard for the Labelling of Pre-packaged Foods* (CXS 1-1985).

4. DEFINITIONS

For the purpose of these guidelines:

“Food information” means the information that is the subject of a Codex text about a pre-packaged food.

“Technology” refers to any electronic or digital means, including but not limited to websites, online platforms and mobile applications.

5. CONSIDERATIONS FOR DECIDING IF MANDATORY FOOD LABELLING INFORMATION COULD INSTEAD BE PROVIDED TO CONSUMERS USING TECHNOLOGY

5.1 The food information should be readily accessible to consumers during normal and customary circumstances of purchase and use, which means:

- (a) there should be sufficient technological infrastructure to support providing food information using that technology within the geographic area or country where the food is sold, such as in regards to prevalence and reliability of service,
- (b) the general population, or a sub-set of the population for whom the food information is intended, should have widespread and adequate access to the technology in that geographic area or country, and have adopted its use, and
- (c) it is reasonable for the consumer to use the technology to access the food information during the normal and customary circumstances of purchase and use and that there is evidence of similar consumer understanding of the technology.

5.2 Name of the food and food information concerning health and safety should not be provided exclusively using technology.

5.3 Food information that relates to an individual physical product (e.g. lot code, date marking) should not be provided only using technology if doing so would compromise the ability to relate the information to that individual product.

6. USE OF TECHNOLOGY TO PROVIDE CONSUMERS ACCESS TO MANDATORY FOOD INFORMATION THAT IS NOT ACCESSIBLE ON THE LABEL

6.1 In cases where food labelling information is not accessible to consumers, due to conditions of sale or to exemptions from having to be provided on the label or labelling, consideration should be given to the use of technology to provide consumers with access to that information.

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

7. PRINCIPLES THAT ARE APPLICABLE WHEN FOOD INFORMATION IS PROVIDED TO CONSUMERS USING TECHNOLOGY

Food information that is accessed by consumers using technology via a reference on the pre-packaged food's label or labelling should be based on the following principles, whether the food information is required on a mandatory basis or provided voluntarily:

- 7.1 The general principles in Section 3 of the *General Standard for the Labelling of Pre-packaged Foods* (CXS 1-1985) are applicable to food information that is described or presented using technology.
- 7.2 Food information described or presented using technology shall not conflict with information provided on the label or labelling of the pre-packaged food, including when shown in different languages.
- [7.3 Food information described or presented using technology shall be presented in one place, separately from other commercial information intended for sale or marketing purposes.]
- 7.4 Where food information is provided using technology, the food information shall be shown in accordance with applicable Codex texts.
- 7.5 Where mandatory food information is provided using technology, the reference on the label or labelling should link directly to this information and the food information should be available for the duration of the food's shelf life [at least and not less than best before date or expiry date]. [The link shall not include advertising² pertaining to the food.]
- 7.6 Food information described or presented using technology should be readily accessible to consumers [and comply with the data protection policies of parent organizations] without having to provide or disclose information that is used to identify an individual.
- 7.7 [When the label or labelling of a pre-packaged food references food information to be accessed using technology, sufficient information shall be displayed on the technology platform to enable consumers to ascertain that the food information pertains to that pre-packaged food.
- 7.8 If the purpose of the reference on the label or labelling of the pre-packaged food is not self-explanatory to consumers, it should be accompanied by an explanation of how to use it or the type of food information that will be found when used (e.g. "scan here for more information on ingredients").
- 7.9 The reference and any explanatory statement shown on the label or labelling that links to food information to be accessed using technology should adhere to sections 8.1.2 and 8.1.3 of the *General Standard for the Labelling of Pre-packaged Foods* 9 (CXS 1-1985).
- 7.10 Food information described or presented using technology shall be clear, prominent and readily legible to the consumer under normal settings and conditions of use of the technological platform.
- 7.11 The language or languages of food information described or presented using technology shall be suitable to the consumer in the country in which the food is marketed.]

² As defined in the *Guidelines for Use of Nutrition and Health Claims* (CXG 23-1997)

**PROJECT DOCUMENT
(FOR APPROVAL)**

1. PURPOSE AND SCOPE OF THE NEW WORK

The purpose of having a standard that harmonizes the labelling of pre-packaged foods in multipack formats (secondary container that includes units of the same or different products, where each unit is individually labelled) and of foods in joint presentation (contains units of different products where they are labelled jointly and the intention of its trade/sale is to present the consumer with a single label that lists the foods that compose it, which are complementary to each other or mixed for consumption), it is to provide the consumer with the information of each of the products that are being acquired, to avoid subjective interpretations and to facilitate communication between the food manufacturer and the consumer.

In addition to the above, there are no international guidelines nor work carried out regarding the labelling of foods presented jointly or in multipack formats, in general, there is no difficulty in their implementation.

The new work aims to amend the *General Standard for the Labelling of Pre-packaged Foods* (CXS 1-1985) to address the labelling of pre-packaged foods in multipack formats.

2. RELEVANCE AND TIMELINESS

Currently there is a growing trend in the marketing of food in multipack formats and in joint presentation, while the current rules for food labelling are oriented to the requirements for individual units.

It is worth highlighting the lack of harmonization of the definitions of multipack formats and joint presentation, as part of the current problems with the labelling of these forms of food marketing. As well, also the difficulties that arise when part of the labelling information of the individual presentations is covered by the secondary packaging, making it difficult to review the general and/or nutritional labelling and limiting, for the buyer and the consumer, the possibilities of making informed decisions.

3. MAIN ASPECTS TO BE COVERED

- i. The proposed work includes the consideration of amendment of the *General Standard for the Labelling of Pre-packaged Foods* (CXS 1-1985) (GSLPF) in at least the following aspect:
 - Definitions of terms, to formulate and study the relevance of including the definitions of joint presentation and multipack formats.
- ii. Consider updating the GSLPF to clarify aspects related to pre-packaged foods in joint and/or multipack presentations that would allow any future revision of the GSLPF to apply equally to pre-packaged foods in joint presentations and/or multipack formats.

4. ASSESSMENT AGAINST THE CRITERIA FOR THE ESTABLISHMENT OF NEW WORK PRIORITIES

General Criterion

Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries.

The marketing of pre-packaged foods in joint presentation and/or multipack formats is a growing trend in food marketing that poses challenges around consumer protection, such as access to the information declared on the label of each of the pre-packaged foods.

Likewise, this work is aimed at standardizing the labelling requirements of pre-packaged foods in joint presentation and/or multipack formats, guaranteeing fair practices in the food trade.

Criteria Applicable to General Issues:

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

Currently there are no known international guidelines or work carried out regarding the labelling of foods marketed in joint presentation and/or in multipack formats. The new proposed work will provide a standard for the labelling of pre-packaged foods marketed in the referred presentations, which will favour international trade.

- b) **Scope of work and establishment of priorities between the different sections of the work**

It is proposed that the amendment of the Standard and related texts (as appropriate) focus on its applicability to foods marketed in joint presentation and/or multipack formats in order to amend the *General Standard for the Labelling of Pre-packaged Foods*.

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

Currently there are no known international guidelines or work carried out regarding the labelling of foods marketed in joint presentation and/or multipack formats.

The labelling of food in multipack formats is regulated. In the case of Canada, there is recent legislation corresponding to the new Safe Food Canadian Regulations (SFCR) effective since January 2019.

d) Amenability of the subject of the proposal to standardization

The absence of regulations and harmonization of the relevant information that must be visible to the food consumer in multipack formats and in joint presentations, is limiting the possibilities of the buyer and the consumer to make informed decisions. An example of this is that information as relevant as that of the general and nutritional labelling is covered by the secondary packaging, preventing its review, as well as the limited identification of the main display panel (central panel) when several units are labelled in multipack formats. The purpose of the new work is to amend the *General Standard for the Labelling of Pre-packaged Foods* and define specific requirements for the labelling of foods marketed in joint presentation and/or in multipack formats.

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

Currently there is a growing trend in the marketing of food in multipack formats and in joint presentations. This is a regular and significant practice in countries like Chile, Guatemala, India, and Mexico. The European Union states that this type of format is common at special times such as Christmas and Easter.

The current standards for food labelling are geared towards the requirements for individual units.

Regarding containers covered by wrapping, health legislation generally refers to the application of the label to the container in a way that allows an easy reading of the information through it, or the declaration of the information on the wrapper, which implies in the first instance, that the general and nutritional labelling information presents difficulties in its visibility and/or is not always available and/or is not sufficient and clear enough for the consumer.

5. RELEVANCE TO THE STRATEGIC OBJECTIVES OF CODEX

The proposed work is in line with the Commission's mandate for the development of international standards, guidelines, and other recommendations for protecting the health of consumers and ensuring fair practices in food trade. The proposed work will contribute to advancing the Codex Strategic Goals 1 and 3.

Strategic Goal 1. Address current, emerging, and critical issues in a timely manner.

The proposed new work addresses a growing trend in the food trade for which labelling requirements are not covered in the *General Standard for the Labelling of Pre-packaged Foods*.

Strategic Goal 3. Increase impact through recognition and use of Codex standards.

The definition of a standard in Codex regarding the labelling requirements of pre-packaged foods in joint presentation or in multipack formats will favour the recognition and implementation of Codex standards since there are no known guidelines or works on the subject and it is currently a common food marketing practice in various countries.

6. RELATIONSHIP BETWEEN THE PROPOSAL AND OTHER EXISTING CODEX DOCUMENTS

The proposal is to review and then amend the *General Standard for the Labelling of Pre-packaged Foods*, and subsequently assess the need to amend further Codex documents. Updating the GSLPF to also cover pre-packaged foods in joint presentations and/or multipack formats would allow any future revision of the GSLPF to apply equally to pre-packaged foods in joint presentations and/or multipack formats instead of requiring a separate standalone guideline.

The relevant labelling provisions for the marketing of pre-packaged foods in joint presentation or multipack formats, in the *General Standard for the Labelling of Pre-packaged Foods* are horizontally applicable across all pre-packaged foods marketed in the referred presentations.

7. NEED AND AVAILABILITY OF SCIENTIFIC ADVICE

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

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

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

9. PROPOSED TIMETABLE

Subject to approval by the Codex Alimentarius Commission in 2023.

The development of the proposed work will be submitted for consideration by the CCFL in 2023 and is expected to take three sessions of the CCFL or less, depending on the relevant inputs and the agreement of the Members. Final adoption by the Codex Alimentarius Commission is scheduled for 2028.