GFORSS | GLOBAL FOOD REGULATORY SCIENCE SOCIETY

ANALYSIS OF AGENDA ITEMS IN PREPARATION FOR THE 48th SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING (CCFL48)

Prepared to Support the Participation Codex Communities of Practice Supported by GFoRSS*

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Disclaimer and Disclosure of Interest

It is important to note that the proposed analysis and associated conclusions and recommendations stem from the work of independent food regulatory experts. The analysis and associated recommendations or positions are presented as mere suggestions and should not be considered as a direction or final recommendation to the competent authority empowered to develop and endorse Codex positions.

***Disclosure of Interest:** Experts involved in the development of this analysis contribute to various food safety and nutrition regulatory capacity building initiatives funded by other Governments, aid agencies, industry and international organizations.*

OBJECTIVES

This document offers an analysis of agenda items to support participation in the **48th session of the Codex Committee on Food Labelling (CCFL 48)**, taking place in Quebec City, QC Canada, from **27 October to 1 November 2024**.

The document is intended for possible use by the Codex communities of practice promoted by the Global Food Regulatory Science Society (GFoRSS), as part of their contribution to enhancing awareness and supporting effective participation in international standard setting meetings (Codex meetings), by representatives from member countries and observers.

This document will offer an analysis of select key agenda items to support the development of positions at the national and regional level. This analysis is indicative in nature and does not represent an official position of the organization, its membership or its management.

The analysis provided in this document offers a factual review of key agenda items of CCFL48, pertaining to:

A. **Agenda Item 2: Matters Referred to the Committee by the Codex Alimentarius Commission and the Codex Executive Committee**
B. **Agenda Item 3: Matters of Interest from FAO and WHO**
C. **Agenda Item 4: Consideration of Labelling Provisions in Draft Codex Standards (endorsement)**
D. **Agenda Item 5.1: Proposed draft revision to the General Standard for the Labelling of Prepackaged Foods – Provisions relevant to Allergen Labelling**
E. **Agenda Item 5.2: Proposed draft revision to the General Standard for the Labelling of Prepackaged Foods – Proposed draft Guidance on Precautionary Allergen Labelling (PAL)**
F. **Agenda Item 6: Proposed Draft Guidelines on the Provision of Food Information for Prepackaged Foods offered via E-commerce**
G. **Agenda Item 7: Proposed draft Guidelines on the Use of Technology to Provide Food Information in Food Labelling**
H. **Agenda Item 8: Amendments to the General Standard for the Labelling of Pre-packaged Foods (CXS 1-1985): Provisions relevant to joint presentation and multipack formats**
I. **Agenda Item 9: Discussion Paper on the Labelling of Alcoholic Beverages**
J. **Agenda Item 11: Discussion Paper on Transfatty Acids**

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A. Agenda item 2: Matters Referred by the Codex Alimentarius Commission (CAC46) and the Codex Executive Committee (CCEXEC84,85 and 86)

Document Number: **CX/FL 24/48/2**

Status in Codex Process: N/A

Background

This item is a standing item for all Codex Committees. Items are referred for information or action.

Analysis

Items for Information of Interest

- **CAC46 adopted** the standards sent by CCFL47 at Step 5 as draft standards, namely:
  - The revision to the General Standard for the Labelling of Prepackaged foods (CXS1-1985) (GSLPF): provisions related to allergen labelling.
  - The Guidelines on the provision of food information for pre-packaged foods to be offered via e-commerce.
  - The Guidelines on the use of Technology to provide food information.

CAC46 also approved the proposal for new work made by CCFL47 on the amendment of the General Standard for Labelling of prepackaged foods (CXS1-1985) related to the labelling of prepackaged foods in joint presentation and multi-pack formats.

- **CCFH54** suggested to members to prepare a discussion paper to support the review of the recently adopted Code of Practice on allergen management, taking into account the suggestions made by CCFL47 to ensure consistency with CCFL47 recommendations (list of priority allergens and findings of the expert advice stemming from FAO/WHO).

Items for action

CCFL48 is called to consider the labelling provisions for **country of origin** and **country of harvest in** the Standard for dried floral parts – saffron considering the response from CCSCH7 – This matter will be reviewed as part of **Agenda Item 4 of CCFL48.**

Recommendation

N/A

To take note of these updates and their impacts on current and future work of the Codex Committee on Food Labelling (CCFL)

B. Agenda Item 3: Matters Arising from FAO and WHO

Document Number: CX/FL 24/48/3

Status in Codex Process: N/A

Background

This is a standing item related to activities of interest to the Committee.

Of note the following updates that may be of interest to the Codex food labelling community:

- *Ad hoc Joint FAO/WHO Expert Consultation on Risk Assessment of Food Allergens*
- *Joint FAO/WHO update of nutrient requirements for infants and young children from birth through 3 years of age*
- *Joint Statement on the Principles of a Healthy Diet*
- *FAO activities on Food Labelling*
- *Global Food Consumption Databases*

Recommendation

N/A

To take note of these updates and the relevant activities and programs with the corresponding impacts on the national activities.

C. Agenda Item 4: Consideration of Labelling Provisions in Draft Codex Standards (endorsement)

Document Number: **CX/FL 24/48/4**

Status in Codex Process: N/A

Background

This is also a standing item of the activities of CCFL, based on the Terms of Reference of the Committee.

CCFL48 is asked to consider labelling provisions in draft Codex standards – CCSCH, CCFO and CCLAC.

❖ CCSCH7

Background

The Standard for Dried Saffron forwarded by CCSCH6 for adoption at Step8 by CAC45, included a labelling provision that identified not only the mandatory declaration of the country of origin, but also the country of harvest:

> **Standard for Dried Saffron:**
>
> 8. LABELLING
>
> 8.3 Country of origin and country of harvest
>
> 8.3.1 Country of origin shall be declared
>
> 8.3.2 Country of harvest shall be declared

The same situation was raised for the Draft Standard on Dried or Dehydrated Roots, Rhizomes and Bulbs – Tumeric, where provision 8.3 is proposing to list "country of origin and country of harvest"

When asked for clarification by CCFL47 as to the distinction between both concepts, CCSCH referred to the definition adopted under CXS1-1985:

"When a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the **country of origin** for the purposes of labelling."

And indicated that based on the glossary of terms of CCSCH where harvest is defined, the country of harvest would be identified as : "**country in which the gathering of the crops takes place**".

CCSCH also indicated that "country of origin and country of harvest may be the same for many herbs and spices". It also indicated that for Saffron, "the quality of the product may vary considerably depending on the country where it has been cultivated".

This advocated for the need to provide such information to consumers.

Analysis

At CCFL47, there was no consensus on supporting the mandatory declaration of the Country of Harvest and how such a declaration would be useful to prevent fraud.

In accordance with Section 2 of the Procedural Manual, "any request for endorsement of **deviations from general standard provisions** – developed by experts in Commodity Committees –should be fully justified and supported by available scientific evidence and other relevant information.

CCSCH7 did not provide substantiated evidence as to the need for the distinction between "country of origin" and "country of harvest", indicating rather that they are often the same.

At CCFL47, several delegations including Brazil, Canada and the USA opposed the mandatory declaration of the "country of harvest" making the case for the difficulty to have this provision enforced and also the inconsistency with procedural matters.

Several producing countries indicated their attachment to the proposed deviation from CXS1-1985 and the need to have the "country of harvest" duly identified

Recommendation

A compromise may be warranted to move this item forward as it would not be useful to send this item back to CCSCH.

CCFL may endorse the standard without the provision on country of harvest (8.3.2), while keeping options open for CCSCH to offer additional data / substantiation as to how the deviation from the current practice (listing the country of origin as the mandatory provision) would be required, with the addition of the country of harvest.

❖ CCFO28 and CCLAC23

Background and Analysis

Two standards were forwarded by CCFO28 and CCLAC23 respectively for the endorsement of their relevant labelling provisions, prior to their possible consideration for adoption by CAC47.

The labeling provisions proposed in both standards are in line with the requirements of the Procedural Manual.

Recommendation

The labelling provisions included in the Standard for Fish oils with the amendment related to the Inclusion of Calanus Oil (as recommended by CCFO28); and the standard for Castilla lulo (nsranjilla) (as recommended by CCLAC23) fulfil the requirements and can be endorsed by CCFL48, prior to the consideration of adoption of the said standards by CAC47.

D. Agenda Item 5.1: Proposed draft revision to the General Standard for the Labelling of Prepackaged Foods – *Provisions relevant to Allergen Labelling*

Document Number: CX/FL 24/48/5- PART A

Status in Codex Process: 7

Background

Most of the provisions of the amended version of the General Standard for Labelling of Prepackaged Foods (GSLPF) related to allergens were supported by CCFL47 and were forwarded for adoption at Step 5 by CAC46, which was achieved.

Some issues remained for discussion in relation with:

- The Definition of 'food allergen', with the consideration of the way additives, processing aids ought to be declared,
- the exemption from declaration under certain conditions, based on the scientific advice being completed by the FAO/WHO Expert Consultation,
- the declaration of sulphite and the way the 10 ppm threshold applies, and
- the way the allergen declaration should appear on the label.

An Electronic Working Group (EWG) was re-established chaired by Australia and co-chaired by the US and UK to support the development of the remaining provisions

Analysis

Definition of "Food Allergen": Two definitions were proposed:

- "Food Allergen" means a food or ingredient including a food additive or processing aid, usually containing a protein or protein derivative, that can elicit IgE mediated or other specific immune mediated reactions in susceptible individuals

- "Food Allergen" means food (including ingredients, food additives and processing aids) that can elicit IgE-mediated or other specific immune mediated reactions in susceptible individuals, usually caused by a protein or protein derivative in the food.

Both definitions fulfil the requirements, with a clear mention of the protein nature of the food, being the cause of the allergic reaction, and the inclusion of other sources of allergen from additives and processing aids.

The second definition seems to be more explicit and precise.

Section 4.2.1.4- imposes the mandatory declaration of ingredients known to cause allergy (food allergen) or celiac disease. This section may benefit from the emphasis that the declaration is associated with the presence of these ingredients, as a result of the deliberate addition in a food.

Exemption from Declaration

A dedicated provision in the text (4.2.1.6) was added to identify situations where exemptions from declaration in the list of ingredients would be possible, referring to the section of the FAO/WHO Risk assessment of food allergens related to "Establishing exemptions from mandatory declaration for priority allergens".

It was agreed that no list of exemptions would be added to the text, rather to refer to the approach (decision tree) developed by the scientific advice.

Declaration of Sulphites

The proposed provision of declaration (in section 4.2.1.7) is based on a threshold of 10 ppm of sulfites, measured as "sulfur Dioxide" (identified in a footnote), as consumed.

This approach was advanced as being consistent with the way maximum levels of Sulfites are set in the GSFA.

This approach may be subject to discussion, as the standard applies to the labelling of ingredients present in a prepackaged food, where the identification of markers for such ingredients are generally based on levels identified as "sold".

Conditions of Declaration on the food label

The Provisions under 8.3.2 specify the declaration of the targeted ingredients either in a separate statement starting with "contains" or as part of the list of ingredients. These provisions call for the easier identification of these ingredients through a change of font or colour.

Where the ingredient declaration for a prepackaged food is subject to exemption, provision 8.3.3 still calls for the declaration of the targeted ingredients through a separate statement.

It would be important to note that the provisions related to the conditions of declaration may not have the same effectiveness globally, given that consumer understanding and use of food labels tends to be culturally conditioned.

It may be useful to simplify these provisions with the reference to general principles of making the information related to the targeted ingredients on food label, accessible and legible, and leave the way to achieve that to national / regional regulators.

Recommendation

While there may be additional discussions on the items in square brackets, the proposed amendments have advanced significantly with tangible proposals made by the EWG chairs that are documented to have achieved consensus.

It is therefore recommended that, after discussion, members and observers, strive to achieve consensus on the remaining provisions and support the adoption of the amendments at Step 8.

This would represent a major achievement for the protection of consumers worldwide and for ensuring the relevance of Codex texts and their updates in light of emerging (scientific) evidence.

E. Agenda Item 5.2: Proposed draft revision to the General Standard for the Labelling of Prepackaged Foods – Proposed draft Guidance on Precautionary Allergen Labelling (PAL)

Document Number: CX/FL 24/48/5 - Part B

Status in Codex Step Process: Step 4

Background

Work on Precautionary Allergen Labelling or PAL started under CCFL45, with the identification of the need to develop such guidance for consumers, as a result of the proliferation of PAL use on food labels and the lack of harmonized guidance in this regard.

The development of this guidance accompanies the work developed by CCFH on the code of practice to manage allergens in food production: Code of Practice on Allergen Management for Food Business Operators (CXC 80-2020).

It was agreed to develop a separate Annex to the GSLPF, to deal with "Guidelines on the use of Precautionary Allergen Labelling", with the need to benefit from the scientific advice availed by the expert consultation carried out by FAO/WHO at the request of CCFL and CCFH. Such expert consultation released 5 reports updating the latest knowledge on food allergen risk assessment.

Although progress was achieved in discussing the general direction to be taken by the projected guidelines, during CCFL47, the draft guidelines were returned to Step 2 and a EWG was re-established chaired by Australia and co-chaired by the US and the UK.

Analysis

- The proposed Principles for the decision to use PAL on food labels are sound and consistent with previous direction of other codex texts and in particular CXC80-2020, positioning PAL as an additional risk management (and communication to consumers) tool, when all other measures of allergen control have been applied and there is still a risk of exposure to **Unintended Allergen Presence (UAP**).
- The use of PAL is conditioned by the reliance on a risk assessment, which may be either qualitative and quantitative – such clarification (to ensure that the notion of risk assessment is understood not to necessarily convey the need to develop a quantitative risk assessment), may need to be added.
- Principle 4.1 – identifies the conditions of resorting to PAL as the result of this assessment and the inability to rule out the risks from UAP. However, this principle does not include the notion of "mandatory use" of PAL, when such finding is made, in a similar manner to Intended presence of allergens – It may therefore be suggested to add a sentence at the end of principle 4.1 to convey this notion: "PAL should be mandatory under these circumstances".
- The Guidance includes **proposed thresholds** for the priority allergens, as developed by the FAO/WHO expert consultation, based on the protection of 95% of food allergic consumers. These thresholds are recommended for use by those tasked to conduct the risk assessment. It may **be advised** to leave more discretion to "national / regional regulators" the develop/adopt such thresholds based on their acceptable level of protection.
- Guidance on the conduct of allergen risk assessment by industry may be required – such guidance could be developed by CCFH, using practices developed in Australia (VITAL Tool: Voluntary Incidental Trace Allergen Labelling) and in Canada (Allergen Management Guidelines for Food Manufacturers – Food Allergy Canada / ULaval)
- The proposed guidelines offer consistency with the Allergen-related provisions of the GSLPF, in relation with the use of a simple statement ("may contain") and the way PAL ought to be displayed on food labels

Recommendation

Although some divergence of opinion remains as to the way the PAL guideline should be finalized (on thresholds, on the way gluten and gluten related cereals should be handled), the guidelines have advanced with various provisions benefitting from a significant consensus. Considering the initial timelines set for the development of this text, when the new work was approved (by CCFL48) it would be advised to have this text advance at least to step 5 (if not Step 5/8 if more consensus is achieved, during the plenary discussions).

F. Agenda Item 6: Proposed Draft Guidelines on the Provision of Food Information for Prepackaged Foods offered via E-commerce

Document Number: CX/FL 24/48/6

Status in Codex Step Process: 7

Background

The proposed draft "**guidelines on the provision of food information for pre-packaged foods to be offered via e-commerce"** were adopted as a draft standard (at Step 5) at CAC46.

An EWG, chaired by the UK and co-chaired by Chile, Japan, India and China was established to further develop the text enclosed in square brackets.

Discussions remained on:

- Aspects such as "durability" intended to reflect the period expected between a delivery date and other aspects of date marking on the food
- The exemption of small units, to provide information when these foods are sold through e-commerce

Analysis

- Two options for a proposed wording are made by the EWG on durability, under Section 5.1. – stating that
  - Option A: "An indication of durability of prepackaged food is encouraged to be provided. For the purpose of this clause, "durability" means the period between the point of delivery and the best-before or use-by date in which the food retains its specific properties when properly stored.'

    Or
  - Option B: "It is encouraged that an indication of the minimum number of days the product will be delivered to the final consumer before the "use-by-Date" "Expiration date" Best Before Date
- A Virtual meeting was scheduled on 16 October and may have progressed in achieving consensus.

Recommendation

Consensus on the remaining clauses of the proposed text is within reach – and it may be anticipated that the proposed text be recommended for adoption at Step 8.

G. Agenda Item 7: Proposed draft Guidelines on the Use of Technology to Provide Food Information in Food Labelling

Document Number: CX/FL 24/48/7

Status in Codex Step Process: 7

Background

CCFL47 recommended the adoption of this text as a draft standard by CAC46.

A EWG chaired by Canada and co-chaired by India and New Zealand, was tasked to support the completion of the work and enable consensus on the areas bracketed.

Analysis

- There was general consensus amongst EWG members that:
  - If the information provided through "technology" **is considered to be part of the Mandatory Food Labeling Information**, it should be easily identifiable i.e. not cluttered with commercial and marketing information (Section 7.3)

- Mandatory information shown through "technology means" be made available for the duration needed:
  - Up to the Use by / Expiration date for products with such a date
  - For as long as the product is deemed to be safe and suitable for sale (for products with no Use by date but with Best Before date or with no date (Section 7.5)
  - A new Section was proposed (Section 7.12) to require that information provided through "technology" be accessible **free of charge** – aligning it with the "Guidelines on the Provision of Food Information for Pre-Packaged Foods Offered via e-commerce"

❖ Section 7.10 was adjusted to consider that accessibility of the information should encompass both the need for it to be **legible and audible.**

❖ Some other changes related to consumer understanding of the information – the similarity or the lack thereof – with other labeling provisions did not receive as much support and were not proposed in the final draft

Recommendation

Consensus on the remaining clauses of the proposed text is within reach – and it may be anticipated that the proposed text be recommended for adoption at Step 8.

H. Agenda Item 8: Amendments to the General Standard for the Labelling of Pre-packaged Foods (CXS 1-1985): Provisions relevant to joint presentation and multipack formats

Document Number: CX/FL 24/48/8

Status in Codex Step Process: Step 4

Background

This new work was suggested at CCFL44 (2017) as a result of a discussion paper on food labelling in joint presentation and multi-pack formats, introduced by Colombia. The Paper was discussed at CCFL45 (2019).

Discussions at CCFL46 highlighted the need to address issues related to possible information being hidden from consumers / missing from labels such **as date marking** and the list of ingredients, when food are presented in a multi-pack format.

A project document was submitted for the consideration of CAC46 to initiate new work on this issue, with the establishment of an EWG chaired by Colombia and co-chaired by Jamaica, tasked to develop a preliminary draft text for circulation and discussion at Step 4 at CCFL48.

Analysis

❖ This is the first time the committee will review this proposed text.

❖ The proposed text in the form of amendments to the General Standard on Labelling of Prepackaged Foods (GSLPF), which already includes in its scope the multi-pack format products.

❖ Areas introduced into the amendments include new definitions on multi-pack format and joint presentation

❖ Section 8 (Presentation of Mandatory Information) is the key are area of change.

❖ The proposed changes are in line with the objective pursued to ensure that hidden information from consumer as a result of the multi-pack format is lifted.

Recommendation

It is possible that the discussions planned during CCFL48 enable consensus on the wording of the proposed amendments to the GSLPF leading to the early adoption of this standard.

Agenda Item 9: Discussion Paper on the Labelling of Alcoholic Beverages

Document Number: CX/FL 24/48/9

Status in Codex Step Process: N/A

Background

CCFL47 (2023) has requested to keep this item on the agenda and for WHO to prepare a discussion paper for consideration of CCFL48. The paper addresses possible work that CCFL could carry out to support the implementation of the WHO Global Action Plan on Alcohol 2022-2030.

Mainly what is sought is the possibility to consider mandatory labelling requirements for alcoholic beverages, including health and nutrition-related information, restrictions, exemptions, possible links between alcohol and health outcomes.

Analysis

- The discussion emphasizes on the disparity of the way alcoholic beverages are managed across Codex members and how Codex could help bridge the gap.
- The paper makes recommendations about the development of mandatory labelling requirements tailored to alcoholic beverages and to determine the scope of work amongst areas related to :
  - Health-related information,
  - Nutrition-related information,
  - Restrictions on nutrition and health claims,
  - Exemptions and,
  - Possible links between alcohol and health outcomes.
- Another key recommendation pertains to Revising the standard definition of food and developing new standard definitions, namely: *Revision of the standard definition of "food" to* ***explicitly include alcoholic beverages;*** *Development of a standard definition of "drinks", including alcoholic beverages; Development of a standard definition of "non-alcoholic drinks"; Development of a standard definition of "alcoholic beverages".*
- It is noteworthy that no country volunteered to take the lead on this to date.

Recommendation - N/A

I. Agenda Item 11: Discussion Paper on Transfatty Acids

Document Number: CX/FL 24/48/11

Status in Codex Step Process: N/A

Background

CCFL46 agreed that Canada would prepare a discussion paper to outline possible new work for consideration by CCFL47. This discussion followed the decision by the Codex Committee on Nutrition and Foods for Special Dietary Use (CCNFSDU) to discontinue work on establishing conditions for "free of TFAs" claim. The CCFL Chair recommended that the discussion paper considers the outcomes of discussions at the Codex Committee on Fats and Oils (CCFO).

At CCFO28, the Committee agreed to submit for approval by the 47th Codex Alimentarius Commission (CAC47), a proposal for new work to revise three Codex standards on fats and oils to include a prohibition on partially hydrogenated oils (PHO) and/or limits on industrially produced trans fatty acids (iTFA). It was also agreed to establish an electronic working group (EWG) chaired by Canada and co-chaired by Saudi Arabia, to prepare proposed draft revisions to the three Codex standards.

Analysis

As the proposed work on TFA by the CCFO will affect the direction of a CCFL discussion paper related to labelling options to help reduce TFA intake, it is recommended that at this time, CCFL48 retain this topic and consider returning to it once the CCFO work on TFA is completed.

Recommendation

To confirm interest in this new work but agree to benefit from the progress made by CCFO prior to proceeding with this proposal.