

**REPORT OF THE UNITED STATES DELEGATE
ON THE 48th SESSION OF THE
CODEX COMMITTEE ON FOOD LABELLING**

October 27 – November 1, 2024
Québec City, Canada

BACKGROUND/SUMMARY

The 48th Session of the Codex Committee on Food Labelling (CCFL) was held in Québec City, Canada from 27 October - 1 November 2024. The Session was chaired by Dr. Parthi Muthukumarasamy, Executive Director, International Programs Directorate, Canadian Food Inspection Agency (CFIA). The Session was attended by delegates from 44 Member countries, one Member Organization and 26 Observer Organizations. The United States was represented by the Delegate, Dr. Douglas Balentine of the U.S. Food and Drug Administration, Center for Food Safety and Applied Nutrition; Alternate Delegate, Mr. Bryce Carson of the U.S. Department of Agriculture, Food Safety and Inspection Service; five government advisors; and seven non-government advisors.

CCFL48 was a productive session and completed work on guidance to provide food information for pre-packaged foods to be offered via e-commerce, guidance for using technology to provide food information in food labelling, and the revisions to the *General standard for the labelling of pre-packaged foods* (CXS 1-1985): provisions relevant to allergen labelling. All of these were recommended for final adoption by the 47th Session of the Codex Alimentarius Commission (CAC47, 2024), consistent with U.S. positions and comments.

This report summarizes significant agenda items and issues discussed at CCFL48. The full official report of the session along with all documents considered at the meeting are available on the Codex website at: <https://www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CCFL&session=48>

HIGHLIGHTS

Texts for adoption at CAC47 (2024)

The Committee sent the following guidelines to CAC47 (2024) for adoption at Step 8 (final adoption):

- Guidelines on the provision of food information for pre-packaged foods to be offered via e-commerce
- Guidelines on the use of technology to provide food information in food labelling

The Committee sent the following standard revision to CAC47 (2024) for adoption at Step 8 (final adoption):

- Revision to the *General standard for the labelling of pre-packaged foods* (CXS 1-1985; GSLPF): Provisions relevant to allergen labelling

The Committee sent the following annex to the GSLPF to CAC47 (2024) for adoption at Step 5 (interim adoption):

- Guidelines on the use of precautionary allergen labelling

New work

The Committee agreed to forward the following new work proposal to CAC47 (2024) for approval:

- Application of food labelling provisions in emergencies

NEXT SESSION OF CCFL

The 49th Session of CCFL (CCFL49) is tentatively scheduled to take place in 18 months-time, with the location to be confirmed. The final arrangements being subject to confirmation by the Host Country and the Codex Secretariat.

MEETING SUMMARY

CONSIDERATION OF LABELLING PROVISIONS IN DRAFT CODEX STANDARDS (ENDORSEMENT)

To Be Presented for Adoption at Next CAC? Yes
Have the United States' Objectives Been Met? Yes
Is it anticipated that this item will or should be raised at the CAC? Yes

U.S. Objective: The U.S. objective was to endorse the labelling provisions put forth by the Codex Committee on Fats and Oils (CCFO), the Coordinating Committee for Latin America and the Caribbean (CCLAC), and the labelling provisions in the draft Standard for dried or dehydrated roots, rhizomes and bulbs – turmeric from the Codex Committee on Spices and Culinary Herbs (CCSCH). Regarding the CCSCH Standard for dried floral parts – dried saffron, the U.S. objective was to endorse the country of origin labelling provision and to object to endorsing the country of harvest provision that was forwarded.

Discussion in relation to the U.S. objective: With respect to the labelling provision Section 8.3.2 country of harvest, differing views were expressed, and no consensus could be reached to endorse country of harvest as mandatory. Greece, Italy, India, the European Union, Madagascar, and Norway supported mandatory country of harvest labelling noting the country of origin may be different than the country of harvest, and the product is of high economic value and is a target for food fraud. The United States, Canada, Ghana, Jamaica, Brazil, Costa Rica, and Kenya did not support country of harvest as mandatory as it would be inconsistent with the GSLPF and international trade requirements.

Outcome/Conclusion: CCFL48 considered the labelling provisions in four standards: the amendment to the labelling provisions in the revised/amended *Standard for fish oils* (CXS 329-2017) (submitted by CCFO), the labelling provisions in the draft Regional Standard for Castilla lulo (naranjilla) (submitted by CCLAC), the labelling provisions in the draft Standard for dried or dehydrated roots, rhizomes and bulbs – turmeric (submitted by CCSCH), and the labelling provisions in the Standard for dried floral parts – dried saffron (submitted by CCSCH). The first three items were endorsed by CCFL48.

Regarding the draft Standard for dried floral parts – dried saffron, CCFL48 considered 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 – dried saffron, based on the replies from CCSCH7. CCFL48 unanimously supported the endorsement of the labelling provision Section 8.3.1 Country of origin as mandatory. CCFL48 could not reach consensus to endorse Section 8.3.2 of the Standard for dried floral parts – dried saffron, and thus referred the matter to CCEXEC87 and CAC47 for consideration.

Other Comments: To prevent further delays in publishing the standard, the United States could agree to including Section 8.3.2 country of harvest as optional, consistent with previously adopted Codex standards. Although some members supported this, members in favor of referring the matter to CCEXEC and CAC did not agree to this option and consensus could not be reached.

DRAFT REVISIONS TO THE GSLPF: PROVISIONS RELEVANT TO ALLERGEN LABELLING (PART A)

To Be Presented for Adoption at Next CAC? Yes
Have the United States' Objectives Been Met? Yes
Is it anticipated that this item will or should be raised at the CAC? No

U.S. Objective: The U.S. objective was to have a productive technical discussion and make minor adjustments to the guidelines where needed to advance the text to final adoption.

Outcome/Conclusion: The committee considered and agreed to some of the proposals of the Virtual Working Group (VWG) and made edits for purposes of clarity. Specifically, the committee clarified that the provisions apply to intentional allergen presence and agreed to a footnote with additional guidance when labelling for gluten-containing grains to provide accurate information to people with celiac disease. The committee did not take up a proposal from Japan to modify the specified names "fish" and "crustacea" to include the common names of the fish or crustacean (*i.e.* salmon or shrimp), as the specified name enabled harmonization, common names were already captured in the ingredient declaration, and the specified name was based on the scientific advice that the committee received. CCFL48 recommended that the revisions to the GSLPF provisions relevant to allergen labelling be forwarded for adoption at Step 8 to CAC.

Other comments: The Committee agreed to inform the Codex Committee on Food Hygiene (CCFH) of the new definitions and new priority list of allergens, so that the *Code of Practice on Food Allergen Management for Food Business Operators* (CX5 80-2020) could be updated accordingly.

DRAFT GUIDELINES ON THE USE OF PRECAUTIONARY ALLERGEN LABELLING (PART B)

To Be Presented for Adoption at Next CAC? Yes
Have the United States' Objectives Been Met? Yes
Is it anticipated that this item will or should be raised at the CAC? No

U.S. Objective: The U.S. objective was to have a productive technical discussion and make significant progress on the text to advance the guidelines to Step 5. Additionally, the U.S. objective was to support the ED05 as the threshold for determining the application of precautionary allergen labelling (PAL).

Discussion in relation to the U.S. objective: There were differing views on the availability of analytical methods. The Chair noted the referral to the Codex Committee on Methods of Analysis and Sampling (CCMAS) which has undertaken work to provide guidance to CCFL regarding appropriate methods. The United States shared that the allergen methods EWG in CCMAS is chaired by the United States and the United Kingdom, and updated CCFL48 on the progress of that work. Brazil expressed that methods are also needed to address both reference doses and action levels, since these could differ depending on the country/region and to reflect the impact on small food business operators (FBOs). The Chair proposed that it may be helpful for the FAO/WHO expert committee to develop guidance on qualitative risk assessment; FAO confirmed this. The United States supported the Chair's recommendation as well as Australia's further recommendation to inform CCFH of the request to FAO/WHO for additional qualitative risk assessment work, which will impact CCFH updating the Code of Practice.

CCFL48 discussed the reference doses and members' views that they should be based on the ED05 or ED01 or other levels of protection. FAO explained on how the expert body arrived at ED05 versus ED01 and expressed that the more conservative ED01 created challenges for measuring and validating against this level and could result in overuse of PAL, rendering it less effective. Brazil expressed their view that the decision to use a certain level should be left to national authorities, and that reference doses should not be in the document as they may need to be revised over time or changed for sensitive populations. Australia, as chair of the EWG, clarified that reference values in guideline can be adapted as action levels at the regional/national level based on risk assessment from FAO/WHO report and noted that harmonization is needed in this area around the reference doses for the guidance to be most helpful to consumers. The United States supported this intervention and recommended harmonizing around the ED05.

The Chair added placeholder on concentration or reference dose for cereals containing gluten above 4.3.2. Section 5 regarding the presentation of PAL had general support for the concept and intent of the section and agreement that it could be finalized in the EWG and at CCFL49.

Outcome/Conclusion: The committee considered the proposed guidelines and agreed to the purpose, scope, and definitions. Concerns were raised about the general principles, primarily around the exclusive use of quantitative risk assessment and when to use PAL. After clarifying each general principle and to what it applied (allergen management, risk assessment, and action levels), CCFL48 agreed to the general principles 4.1 and 4.2, leaving 4.3 in square brackets to further deliberate on if PAL should be applied only when the unintended food allergen presence cannot be mitigated at or below the action level.

CCFL48 forwarded the draft guidelines to CAC47 for interim adoption at Step 5 and agreed to make several requests concurrently: FAO/WHO guidance for qualitative risk assessment, scientific advice on concentrations for cereals containing gluten or gluten, and FAO/WHO capacity building on PAL and risk assessment. CCFL48 also agreed to inform CCMAS of the progress and encourage CCMAS to provide advice on suitable analytical methods before CCFL49, and to inform CCFH of the progress and the request made of FAO/WHO for guidance on qualitative risk assessment. The Committee agreed to re-establish the EWG, with Australia and UK continuing to co-chair, and the United States taking on the role of chair.

Other comments: There were some concerns raised about the burden to smaller FBOs to conduct risk assessments and lack of guidance on qualitative risk assessments. To address this concern, the Chair proposed further requesting FAO/WHO to conduct capacity building activities on PAL. The United States expressed support for capacity building for qualitative risk assessment stating that it could be a pilot of the qualitative guidance that the expert committee develops to ensure it meets members' needs. Multiple countries expressed interest in capacity building -- Nigeria, Jordan, Barbados, Ghana, Switzerland, Japan, Tanzania, Malaysia, Haiti, and others.

PROVISIONS RELEVANT TO JOINT PRESENTATION AND MULTIPACK FORMATS

To Be Presented for Adoption at Next CAC? No
Have the United States' Objectives Been Met? Yes
Is it anticipated that this item will or should be raised at the CAC? No

U.S. objective: The United States objective was to simplify and streamline the work as much as possible.

Outcome/Conclusion: There was a brief discussion about the text. In an updated conference room document (CRD), the EWG chair proposed simplified revised text in response to comments received from the circulated letter. One change was a revision of the definition of "container" in the GSLPF. The European Union was in favor of the new approach with modifications. New Zealand, the United States, India, Canada, and others preferred separate definitions for "multi-pack" and "joint presentation." However, no agreement could be reached on the language of these definitions.

The draft amendments were returned to Step 2/3 for further consideration by the EWG. An EWG was re-established, chaired by Colombia and co-chaired by Canada, India and Jamaica, working in English and Spanish, to continue drafting the guidelines taking into account the discussions and written comments submitted at the session.

Other Comments: Colombia, chair of the EWG, was not present to lead discussion of the work. There was substantial discussion on whether new definitions of multipack and joint presentation containers were needed, the definition of "container" should be amended, or if it was necessary to define or revise the terms at all.

GUIDELINES ON THE PROVISION OF FOOD INFORMATION FOR PRE-PACKAGED FOODS TO BE OFFERED VIA E-COMMERCE

To Be Presented for Adoption at Next CAC? Yes
Have the United States' Objectives Been Met? Yes
Is it anticipated that this item will or should be raised at the CAC? No

U.S. Objective: The U.S. objective was to have a robust discussion on the outstanding sections, especially to secure flexibility in relation to date marking and information on small packs and advance the text to Step 8.

Outcome/Conclusion: The United Kingdom as Chair of the EWG introduced the work. The committee went through the draft guidelines section by section, with a special focus on the identified outstanding issues. Agreement was reached on the language in relation to date marking, notably to include this under section 6 which is optional information to be provided in e-commerce. CCFL48 agreed to forward the guidelines on the provision of food information for pre-packaged foods to be offered via e-commerce to CAC47 for adoption at Step 8.

GUIDELINES ON THE USE OF TECHNOLOGY TO PROVIDE FOOD INFORMATION IN FOOD LABELLING

To Be Presented for Adoption at Next CAC? Yes
Have the United States' Objectives Been Met? Yes
Is it anticipated that this item will or should be raised at the CAC? No

U.S. Objective: The U.S. objective was to support advancement of this work, pending consensus on issues of date marking, costs for information access, and other areas for resolution.

Outcome/Conclusion: During this agenda item, there was significant discussion regarding whether the name of the food and health and safety information should not be provided exclusively through technology. There was also discussion around the meaning of "health" in section 5.2, with many members preferring it but other members expressing concerns that it was too broad and would encompass all food information. The committee ultimately agreed with changing "health" to "nutrition" to narrow the information that would be captured. The committee additionally agreed that other mandatory information as determined by the competent authority is also recommended to be provided on the physical label and not exclusively through technology.

CCFL48 agreed to text revisions to ensure that products with a long shelf life retained date marking information, that there is inclusivity of diverse abilities to consume information, including audible information, and that there be no charge required to access information. CCFL48 agreed to forward the guidelines on the use of technology to provide food information in food labelling to CAC47 for adoption at Step 8.

SUSTAINABILITY LABELLING CLAIMS

To Be Presented for Adoption at Next CAC? No
Have the United States' Objectives Been Met? Yes
Is it anticipated that this item will or should be raised at the CAC? No

U.S. Objective: The U.S. objective was not to support initiation of new work on sustainability labelling claims noting concerns with the scope and purpose.

Discussion in relation to the U.S. objective: There was significant discussion of this issue. The United States, Brazil (with support of Argentina, Chile, Paraguay and Uruguay), Japan, and Ghana, opposed the proposed work. New Zealand provided an updated project document to clarify that the scope of the proposed work would not include: 1) separate guidance outside of the *General Guidelines on Claims* (CXG 1-1979); 2) amending sections 1-3 of the *General Guidelines on Claims*; 3) establishing principles specific to environmental claims, 4) developing technical criteria for environmental claims; and 5) claims that are not about the food, such as the packaging or sustainability goals of the company producing the food. After reviewing the proposed changes, the United States reiterated its opposition to the proposal and noted that the proposal retained reference to "meaningful" environmental claims, which the United States expressed is not within CCFL's expertise or competency to determine. Brazil, Japan, Chile, and Ghana joined the United States in expressing their continued concerns with the proposal.

Outcome/Conclusion: Consensus was not achieved on this proposal and new work on this topic was not taken up by the Committee. Consistent with CCFL's procedures when new work is not forwarded,

the proposal was returned to the inventory of potential future work. The Chair noted that even if work were to proceed, achieving consensus in the future would be very difficult.

LABELLING OF ALCOHOLIC BEVERAGES

To Be Presented for Adoption at Next CAC? No
Have the United States' Objectives Been Met? Yes
Is it anticipated that this item will or should be raised at the CAC? No

U.S. Objective: The U.S. objective was not to support the initiation of new work on the labelling of alcoholic beverages as CCFL already provides comprehensive labelling guidance that is applicable to alcoholic beverages which are considered "food" in Codex.

Discussion in relation to the U.S. objective: The World Health Organization (WHO) presented the results of their questionnaire around specific provisions for alcoholic beverage labelling. Several countries (Brazil, India, Nigeria, Ghana, Barbados and others) indicated general support for the WHO discussion paper and the initiation of new work. The United States, Japan, Honduras, and the European Union were generally aligned in noting that CCFL already provides guidance that is applicable to alcoholic beverages and did not support the initiation of new work. The United States emphasized that as labeling guidance is comprehensive in the GSLPF, undertaking new work would be an inappropriate use of limited resources and that the WHO can work with members to implement appropriate labeling regulations according to their national needs.

The European Union, while noting that existing labeling provisions applied to alcoholic beverages, also suggested that targeted work on nutrition and health claims guidance could potentially be warranted to restrict certain health claims for alcohol specifically. Brazil recommended narrowing the discussion to revising Codex labeling text specifically to clarify alcoholic beverage labeling, including nutrition and health claims and reviewing the GSLPF for potential amendments. India supported this alternative approach as well.

Outcome/Conclusion: The Chair asked if there was a member would like to lead new work – there was no member that volunteered. The Chair noted that, without a project document, it is not possible to recommend new work, and that no member volunteered to lead the proposed work. The Chair concluded that the topic would remain part of the potential future work inventory and noted that members were still able to submit a project document for CCFL consideration, if desired, emphasizing the importance of considering CCFL48's discussion in addressing any proposal's scope. The Chair was clear that if this topic is taken up again, it would not be a stand-alone agenda item, but rather under the agenda item for the inventory for new work in accordance with CCFL's new work procedures.

Other Comments: Norway suggested, with support from Brazil, that a side event be held at CCFL49 on alcohol labelling. The Chair noted that this could be considered and those interested should work with the Codex Secretariat.

SUGAR LABELLING- DEFINITION OF "ADDED SUGARS"

To Be Presented for Adoption at Next CAC? No

Have the United States' Objectives Been Met? No

Is it anticipated that this item will or should be raised at the CAC? No

U.S. Objective: The U.S. objective was to support the proposal provided the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) would be consulted.

Discussion in relation to the U.S. objective: Costa Rica introduced the proposal and clarified that the proposal would seek to address only the development of a definition for "added sugars" in the *Guidelines for the Use of Nutrition and Health Claims* (CXG 23-1997). The United States supported the proposal, noting that clarity would be needed in the development of a new definition in relation to existing Codex texts, as well as the need to coordinate with CCNFSDU. The European Union stated that any new work should address any sugars on which scientific data on health effects exist, and expressed that it should include "free sugars," but did not support new work. France noted the lack of an internationally validated method for determining "added sugars" or "free sugars" as well as the need to scope any new work for on the type of sugars included. France stated that total sugars are more important. Brazil presented the Coordinating Committee for Latin America and the Caribbean's (CCLAC) regional position in support of the new work and highlighted the connection with trade facilitation, particularly in Latin America, where front-of-package labelling schemes are more common.

The United States requested Codex Secretariat advice on whether CCNFSDU should be consulted for development of the definition, and whether CCFL could then focus on the labelling aspects. New Zealand supported the proposal. One Observer stated that natural sugars, such as those in fruits and vegetables, should not be included in any new definition of "added sugars." Australia stated they could support the proposed work but highlighted the need to be very clear about the scope. The WHO intervened to express concerns about the need to avoid misleading consumers as part of any new work. The Chair clarified that a definition would be needed before any validated methods could be sought from CCMAS, if appropriate. The Philippines, Nigeria, Norway, Madagascar also supported future work.

There was increasing uncertainty in the discussion on the scope and the use of the proposed definition. The United States, Australia, and Brazil were aligned in expressing the need for more clarity on which definition would be set and for what purpose before proceeding.

Outcome/Conclusion: No consensus could be reached after several attempts to refine the scope and intent of the new work proposal. The Chair proposed to discontinue discussion at this time and to keep the topic on the inventory list for potential future work.

FUTURE WORK AND EMERGING ISSUES - REVISION TO THE GUIDELINES FOR THE USE OF NUTRITION AND HEALTH CLAIMS (CXG 23-1997) TO INCLUDE “HIGH-IN” CLAIMS

To Be Presented for Adoption at Next CAC? No
Have the United States’ Objectives Been Met? Yes
Is it anticipated that this item will or should be raised at the CAC? No

U.S. Objective: The United States objective was to have a discussion on this topic in CCFL as new work on “high-in” claims could be useful in Codex given the lack of harmonization in global regulations and trade barriers.

Outcome/Conclusion: Canada introduced the proposal to establish harmonized criteria for the definition of “High in” claims for nutrients of public health concern, particularly fats, sugars, and sodium, which would be related to the revision of *Guidelines for the use of nutrition and health claims* (CXG 23-1997). The European Union, Brazil, Chile, and Thailand opposed the proposal as the scope and impacts were unclear, expressing concerns with consumer perception of “high-in” with positive attributes, and that competent authorities could develop conditions for these declarations at the national level. The WHO intervened to highlight their existing work on nutrient profiles. The Committee agreed to return this item to the inventory table under the agenda item on future work and direction for CCFL as there was no support from members.

Other Comments: The 43rd session of CCNFSDU (CCNFSDU43, 2023) decided work on nutrient profiles was not necessary given WHO work on nutrient profiles.

APPLICATION OF FOOD LABELLING PROVISIONS IN EMERGENCIES

To Be Presented for Adoption at Next CAC? Yes
Have the United States’ Objectives Been Met? Yes
Is it anticipated that this item will or should be raised at the CAC? Yes

United States Objective: The U.S. objective was for the new work proposal to be agreed and forwarded to CAC47 for approval.

Discussion in Relation to the U.S. Objective: The United States introduced the proposal, noting that the goal of the proposed work was to develop high-level guidance to assist countries in considering food labeling measures in emergencies when appropriate. Food supply chains may be disrupted due to war, pandemic, climate change, and other emergency situations. The United States provided an overview of the EWG that was established at CCFL47: that it held two consultations and demonstrated general agreement that proposed text should be considered at a high, not technical, level. The United States, in response to members’ interest at CCFL47 and in the EWG, included sample text in an updated discussion paper and project document, emphasizing that the sample text was for illustrative purposes and not to be addressed specifically by CCFL48.

The European Union, Canada, Brazil, the Philippines, Japan, Jamaica, Trinidad and Tobago, and Honduras delivered interventions in support of the proposal. Jamaica emphasized that any flexibilities should not result in sub-standard food being “dumped” in certain countries, and any text should help prevent such scenarios. The European Union sought clarification that the proposal was not intended to permit unilateral implementation of labelling flexibilities on products for export without agreement from the importing country.

The Chair noted these two points from the European Union and Jamaica. The United States affirmed that such unilateral action was not envisioned in the proposal and agreed to limit the scope of the proposal to foods offered for sale domestically and exported if the country that imports the foods accepts such conditions. The United States also agreed that any text should help mitigate sub-standard food being offered for sale in importing countries and protect vulnerable populations.

An Observer organization expressed several concerns with the proposal, such as the need for safeguarding vulnerable populations and adherence with Codex principles. The Chair indicated these concerns could be further addressed in an EWG, where relevant.

Outcome/Conclusion: The Chair identified consensus on the proposal at CCFL48 and agreement to forward the project document to CAC47 for approval as new work. CCFL48 re-established an EWG, led by the United States, working in English, to prepare a draft text for circulation for comments at Step 3 and consideration by CCFL49. It was also agreed to inform CCFICS of the work as well.