



U.S. Delegate's Report, 38th Session, Codex Committee on Food Labelling

The 38th Session of the Codex Committee on Food Labelling (CCFL) was held in Quebec City, Quebec, Canada from May 3-7, 2010. The Session was chaired by Mr. Paul Mayers, Associate Vice-President, Programs, Policy and Programs Branch, Canadian Food Inspection Agency. It was attended by 251 delegates representing 61 member countries, one member organization, and 25 international organizations. The United States (U.S.) Delegation was headed by Dr. Barbara Schneeman of the U.S. Food and Drug Administration, with support provided by Dr. Heejong Latimer (alternate U.S. Delegate) of the USDA Food Safety and Inspection Service, 10 government advisors, and 4 non-government advisors.

The U.S. is particularly pleased that the Committee made significant progress at this Session on new work related to the implementation of the WHO Global Strategy on Diet, Physical Activity and Health (Global Strategy).

Specifically, the Committee:

- With respect to the items related to the Global Strategy, (1) agreed to forward the expanded list of nutrients that are always declared on a voluntary or mandatory basis (expanded to include saturated fat and total sugars with a footnote reference to trans fatty acids) to Step 5, and to re-establish the electronic working group (eWG) to further consider sodium/salt declaration; (2) finalized the discussion paper on issues related to mandatory nutrition labelling and recommended its use to FAO when developing capacity building tools related to nutrition labelling; (3) agreed to forward the text on principles and criteria for the legibility of nutrient declaration to Step 5/8 for adoption by the Commission; and (4) agreed to new work (including establishing an eWG) on the development of claims related to the ingredients sugars and salt and to consider claims for *trans* fatty acids. The U.S. will be a member of both eWGs mentioned above.
- After significant discussion, including an intra-session working group facilitated by the Chairperson, decided to continue work on the labelling of foods derived from modern biotechnology including the use of an intersession facilitated work session. Agreed to retain the Proposed Draft Recommendations at Step 3 and, additionally, to return the draft amended Definitions to Step 6 for further discussion at the next CCFL Session.
- With respect to the Codex *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods*:
 - Retained at Step 7 the Draft Amendment to Annex I (inclusion of ethylene for other products) and established a working group for comments on the justification of these uses against the criteria in Section 5.1 of the *Guidelines*;
 - Established a more structured approach to the review of the *Guidelines* to be implemented through an eWG (initially chaired by the U.S.). The eWG would: 1) consider proposals for inclusion of new substances in Annex II (initially reviewing substances recently submitted, i.e., spinosad, potassium carbonate and copper octanoate, as well as other uses of ethylene subject to Annex II) and provide recommendations to the Committee; and, 2) as needed, consider revisions to the *Guidelines* as a whole and make recommendations to the Committee;
 - Deleted section 8 of the *Guidelines* relating to the ongoing review process as it would now be handled through the structured approach noted above and the normal Codex procedures for new work;
 - Agreed the European Union (EU) would prepare a revised discussion paper on exchange of information between competent authorities when suspecting fraud concerning organic products, taking into account comments received from a Circular Letter; and
 - Agreed to initiate new work on organic aquaculture. The EU will prepare the proposed revisions on aquaculture animal and seaweed production for consideration at the next session.
- Endorsed the labelling provisions of various Codex Standards.
- With respect to aligning the labelling texts with the revised Codex Class Names of technological functions, agreed to delete the term "acids" and add "bleaching agent," "carbonating agent," and "sequestrant" to the list of class titles in section 4.2.3.3 of the General Standard for the Labelling of Prepackaged Foods.

A full report of the meeting, ALINORM 10/33/22, can be found on the website of the Codex Alimentarius Commission: www.codexalimentarius.net. The following is a brief summary of the Committee's substantive discussion on the various agenda items.

Implementation of the WHO Global Strategy on Diet, Physical Activity and Health (Agenda Items 4a, 4b, 4c, and 4d)

On agenda item 4 a, concerning the list of nutrients that are always declared on a voluntary or mandatory basis, the U.S. noted that the list of nutrients considered by the Committee was only those nutrients related to the Global Strategy and, therefore, was not a complete list of nutrients of public health significance. For example, nutrients of concern in under-nourished populations were not considered within the scope of this work. In this respect, the U.S.

indicated that CCFL may consider recommending that countries review, based on appropriate criteria, the need for including additional nutrients for mandatory declaration at the national level, including nutrients of importance for both under- and over-nutrition. The U.S. also supported revising section 3.2.1 of the Codex *Guidelines on Nutrition Labelling* to expand the list of nutrients that are always declared where nutrient declaration is applied to include energy value, protein, available carbohydrate, fat, saturated fat, trans fatty acids, sodium, total sugars, dietary fiber, and cholesterol. However, recognizing that flexibility is needed to take into account the public health significance of a nutrient and practical issues associated with the declaration of the nutrient at the national level, the U.S. also supported maintaining the flexibility provided in existing section 3.2.1.4 of the Codex *Guidelines on Nutrition Labelling*.

There was support within the Committee at its last session to include saturated fat and total sugars in the list of nutrients in section 3.2.1.2. At the present session, the Committee further considered sodium/salt, added sugars, dietary fiber, and trans fatty acids. On sodium/salt, the U.S. supported by other delegations noted that the appropriate term to declare the content of this nutrient in nutrition labelling is "sodium" and that the term "salt" should be used to declare the ingredient salt in ingredient labelling. After much discussion of divergent views as to whether the appropriate term for nutrient declaration is "sodium" or "salt", the Committee decided to re-establish the eWG to consider different approaches to declare sodium/salt in food labelling to assist in the implementation of the Global Strategy and in consumer choice of foods lower in sodium/salt and to make recommendations to the 39th session of CCFL. With respect to *trans* fatty acids, the Committee agreed to not include it in the list of nutrients in section 3.2.1.2, but to provide a footnote to that section to indicate that in countries where the level of intake is a public health concern, consideration should be given to its declaration in nutrition labelling. With respect to dietary fiber, the Committee acknowledged the importance of dietary fiber but noted that it was not identified in the Global Strategy and that it could be considered at the national level under the provision in section 3.2.1.4. The Committee agreed not to include dietary fiber in the list in 3.2.1.2. The Committee also agreed not to include added sugars in the list of nutrients in 3.2.1.2. Given the significant progress made at this Session and the agreement reached on all nutrients except sodium/salt, the Committee agreed to forward the revised section 3.2 to Step 5.

On agenda item 4b regarding the discussion paper on issues related to mandatory nutrition labelling, the U.S. supported by several delegations noted the usefulness of the paper in that it highlighted a number of practical issues that should be considered in the implementations of nutrition labelling systems. The U.S. has consistently supported mandatory nutrition labelling of foods and elaborated on its experience with a mandatory labelling system. The Committee considered a revised discussion paper that was prepared by the Delegation of Australia and finalized the paper for its inclusion as an Appendix to the CCFL report. The Committee also agreed to recommend the use of the paper to FAO when developing capacity building tools related to nutrition labelling.

On agenda item 4c, with respect to criteria and principles for presentation of nutrient declaration, the U.S., as the chair of the eWG, reported the conclusions of the eWG and presented the redrafted text that was prepared by the eWG. The Plenary discussion focused on the redrafted principles and criteria and the Committee reached agreement on the text, including the application of certain provisions of Section 8 of the Codex *General Standard for the Labelling of Prepackaged Foods* (GSLPF) to nutrition labelling and the presentation elements related to format, order of nutrients, font, contrast between text and background, and numerical presentation. The Committee agreed to forward the principles and criteria text to Step 5/8 for adoption by the Commission and agreed to insert the text as a new section 4 in the *Guidelines on Nutrition Labelling*.

On agenda item 4d regarding labelling provisions dealing with the food ingredients identified in the Global Strategy, the Committee considered the discussion paper that was prepared by the eWG co-chaired by Canada and Norway. The Committee considered several suggested actions presented by the eWG. There was no consensus within the Committee to initiate new work on items such as enhanced guidelines on health claims and claims related to dietary guidelines or healthy diets; use of standardized symbols to represent the ingredients identified in the Global Strategy; or developing common definitions for ingredients identified in the Global Strategy. Specifically on the item related to standardized symbols, the U.S. noted that it was premature to consider the symbols concept at the international level at this time given that countries are still exploring this issue within their national context and that the WHO is currently undertaking work in the area of nutrient profiling as part of its effort to strengthen scientific advice on nutrition and it would be prudent for CCFL should hold off on this work until WHO has considered this issue to provide scientific advice so that CCFL is informed of WHO's guidance on nutrient profiling.

There was general support within Committee to initiate new work on content claims and comparative claims and associated conditions for the non-addition of sugars or salt. The Committee also decided, as a result of discussion of matters referred by the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU), to consider within this work the development of claims related to content of trans fatty acids. The Committee agreed to request new work from the Commission in this area and to establish an eWG led by Canada to consider this issue further. The U.S. supports work in this area and will participate in the eWG.



Discussion Paper on Modified Standardized Common Names (Agenda Item 9)

The Delegation of Canada introduced the subject and noted previous discussions on this agenda item. The Committee recalled that it had considered this matter previously and that it had agreed that other Codex Committees, including the commodity committees, would be invited to provide advice in particular concerning the relevance and implications of CCFL work on this issue to their work. The Committee had also previously agreed that this issue would be deferred until its 39th session to allow sufficient time for other committees to provide their input and that consideration would be given to an eWG at the 38th session.

The U.S. supported work on this item noting its direct relevance to the implementation of the Global Strategy and that the development of horizontal guidelines would facilitate product reformulation and appropriate naming of nutritionally modified standardized foods. It was decided that further detailed discussion of this agenda item would be deferred until the 39th Session to allow for input from other relevant committees.

Proposal for new work on a definition for nutrient reference values (NRVs)

During the discussions at its last session, CCNFSDU noted that it would be desirable to establish a definition for NRV and since the establishment of such a definition is the responsibility of CCFL, CCNFSDU requested that CCFL establish a definition for NRV and recommended specific text that defines NRV.

The Committee considered the request from CCNFSDU and agreed to initiate new work on a definition for NRV. Subject to approval by the Commission, the Committee agreed to seek country comments on CCNFSDU's proposed definition through a circular letter.

Labelling of Foods and Food Ingredients Obtained through Certain Techniques of Genetic Modification/Genetic Engineering. Draft Amendment to the General Standard for the Labelling of Prepackaged Food: Definitions (at Step 7) (Agenda Item 6a); and Proposed Draft Recommendations for the Labelling of Foods and Food Ingredients Obtained through Certain Techniques of Genetic Modification/Genetic Engineering (at Step 3) (Agenda Item 6b)

The Committee considered both the labelling guidelines text as circulated for comment following the last (2009) Session of CCFL and currently at Step 3, and the definitions text, currently held at Step 7.

6a. Discussion on the Definitions

As with the proposed labelling guidelines, there were mixed views expressed on whether to continue work on the definitions. Some delegations proposed discontinuing work since the definitions were linked to the earlier CCFL paper on biotech labelling on which work had been discontinued. Other delegations proposed continuing work, noting that biotechnology was referenced in the Codex *General Standard for the Labelling of Prepackaged Food*. Japan, as it had done in the 2009 Session, brought forward a proposal to define "food and food ingredients obtained through biotechnology" for consistency with the terms used in Section 4.2.2 of the General Standard and to amend the definition for GE/GM organisms. Certain delegations proposed that a chapeau (introductory) statement be developed that would indicate that the definitions were for the purpose of section 4.2.2 while other delegations proposed that Section 4.2.2 be footnoted to reference the *Codex Principles for Risk Analysis of Foods Derived from Modern Biotechnology*. However, given that Section 4.2.2 related to allergens and was thus directly related to food safety (as pointed out by several delegations), some delegations indicated that such a footnote would call undue attention to the safety of foods derived from biotechnology, noting that it was generally accepted that such foods were safe.

The Committee could not reach consensus on the definitions and agreed to continue work on them, returning the definitions to Step 6 for country comment and discussion at the next Session of CCFL.

6b. Discussion on the labelling guidelines text

The Committee held a general discussion on the labelling guidelines text. As in prior discussions, divergent views were expressed on the need for guidance. Many delegations and several observers expressed the hope that progress could be made on the subject, particularly noting the success achieved in the Codex Committee on Methods of Analysis and Sampling on reaching consensus on analytical methods used for the detection of specific DNA sequences and specific proteins. Other delegations, including the United States, indicated that the work should be discontinued as there was little prospect of reaching consensus after almost two decades of discussion on the subject and that Codex should devote its valuable time to more pressing issues of public health importance such as the implementation of the Global Strategy.

While recognizing the wide divergence of views on this work, the Chairperson noted that the sense of the Committee



was that there was no consensus to discontinue work. The Committee proceeded to consider the proposed draft recommendations relating to labelling of foods and food ingredients obtained through modern biotechnology.

The focus of the Committee's discussion was on the chapeau statements to the guidelines text. Many delegations supported a proposal put forward by Brazil while other delegations indicated a preference for a chapeau originally proposed by the U.S. Differences of views were focused on two sentences—one in the Brazilian proposal recognizing that each country can adopt different approaches to the labelling of biotech foods, and another in the U.S. proposal stating that the document was not intended to suggest or imply that GM/GE foods are in any way different from other foods simply due to their method of production.

Discussion within the plenary session as well as a facilitated intersession working group produced two alternate chapeau statements:

- Chapeau version 1: The purpose of this document is to recall and assemble in a single document some important elements of guidance from Codex texts, which are relevant for the labelling of foods derived from modern biotechnology. It also recognizes that each country can adopt different approaches regarding labelling of foods derived from modern biotechnology. This document is not intended to suggest or imply that GM/GE foods are necessarily different from other foods simply due to their method of production.
- Chapeau version 2: Acknowledging that different approaches regarding labelling of foods derived from modern biotechnology are available, the purpose of this document is only to recall and assemble in a single document some important elements of guidance from existing Codex texts, which are relevant for the labelling of foods derived from modern biotechnology. This document is not intended to suggest or imply that GM/GE foods are necessarily different from other foods simply due to their method of production. The Committee could not reach consensus on the chapeau statements and agreed to circulate them both for country comments.

There was no discussion on the remainder of the document.

In order to progress the work on this subject, the Committee also agreed to a facilitated work session held in Brussels, to be chaired by Ghana and facilitated by the Chairperson.

The labelling guidelines text was held at Step 3 for country comment and further discussion at the next Session of CCFL.

Guidelines for the Production, Processing, Labelling, and Marketing of Organically Produced Foods (Agenda Items 5a and 5b)

5a. Inclusion of ethylene for other products

While some delegations supported extending the use of ethylene to include ripening of tropical fruits, others expressed the view that ethylene could also be used for other purposes including de-greening of citrus fruit, a sprouting inhibitor for onions and potatoes, and inducing flowering in pineapples. Some delegations also expressed the view that the justification against the criteria of section 5.1 of the *Guidelines* provided by New Zealand should extend to all tropical fruits and others noted that the text in question was in paragraph 82, in Annex 1, and as such the criteria in section 5.1 should not even apply. Other delegations including the EU and the U.S., while not opposed to extending the use of ethylene to ripening other tropical fruits, were of the view that it would not be appropriate to apply the justification developed by New Zealand to all tropical fruit as this could set a precedent and negatively affect the credibility of the *Guidelines*. The Committee agreed to establish an eWG, chaired by Ghana, to develop a justification regarding the use of ethylene for the ripening of fruit for consideration at the 39th Session of the CCFL. The Committee agreed that justification against the criteria in section 5.1 would also be required regarding the use of ethylene for de-greening of citrus fruit, for inducing flowering in pineapples, and for sprout inhibition in potatoes and onions. The Committee agreed to hold other possible uses of ethylene at Step 7 for consideration at the next Session of the Committee

5b. Discussion paper on a structured approach to the review of the *Guidelines*

The 37th (2009) Session of CCFL requested the U.S. to prepare a Discussion Paper on approaches to providing a more structured review of the *Guidelines*. The U.S. informed the Committee that during informal discussions, several members pointed out difficulties with the approach outlined in the Discussion Paper, particularly with respect to the 4-year timeline proposed for periodic review and highlighted the Secretariat's desire to delete section 8 of the *Guidelines* which was essential to the U.S. original proposal. The Committee therefore considered a revised proposal prepared by the U.S. and the EU. The proposed review process would utilize a 2-year cycle, to consider proposals for inclusion of new substances in Annex II as well as for revisions to other sections of the *Guidelines*.



The Committee agreed to establish an eWG, initially chaired by the U.S., to review substances recently submitted: spinosad, potassium carbonate and copper octanoate as well as other uses of ethylene subject to Annex II. It was also agreed that the output of the eWG would be reviewed at the 39th Session of the CCFL to evaluate the effectiveness of the structured review process, for the purpose of endorsing it as a regular procedure for the review of proposals related to the *Guidelines*. The Committee also agreed to delete Section 8 and related text of the *Guidelines* in view of the decision taken to establish the more structured review process.

Discussion paper on exchange of information between competent authorities when suspecting fraud concerning organic products (Agenda Item 10)

The EU proposed an improved mechanism for the exchange of information between competent authorities when suspecting fraud concerning organic products. The EU proposed that CCFL should (1) recommend that FAO set up and maintain a list of all Competent Authorities as referred to in section 6.2 of the *Guidelines*; (2) amend the text of the *Guidelines* to add reference to all relevant Codex Committee on Food Import and Export Certification Systems (CCFICS) texts; and (3) add new guidance to the *Guidelines* on the exchange of information between competent authorities. FAO informed the Committee that a list of competent authorities could be posted on its website. With respect to the other recommendations, some delegations expressed the view that such work should more appropriately be dealt with by CCFICS and that the *Guidelines on Exchange of Information Between Countries on Rejections of Imported Food* were broad enough to accommodate exchange of information between governments on fraud concerning organic products.

Following some discussion, the Committee agreed that the EU would prepare, taking into account comments in response to a Circular Letter, a revised discussion paper on exchange of information between competent authorities when suspecting fraud concerning organic products for consideration at the next session of the CCFL.

Proposals for new work on organic aquaculture (Agenda Item 12 b)

The Committee considered the EU's proposal to undertake new work to elaborate provisions on organic aquaculture animal and seaweed production for inclusion in the *Codex Guidelines for Production, Processing, Labelling and Marketing of Organically Produced Foods*. The EU delegate explained that the purpose is to include aquaculture animals and the collection and farming of seaweeds in the scope of CAC/GL32 on organically produced foods. For aquaculture animals, this would mainly cover origin of the stock, husbandry practices and breeding, feed, disease prevention, and veterinary treatment. For seaweed, it would mainly cover water quality conditions as regards environment and health, sustainable practices, stock maintenance, and use of inputs.

The Committee considered the project document prepared by the EU and agreed to initiate new work on organic aquaculture.

Consideration of Labelling Provisions in Draft Codex Standards (Agenda Item 3)

The Committee endorsed the labelling provisions in the:

- Draft Standard for Bitter Cassava;
- Draft Standard for Apples;
- Draft Standard for Sturgeon Caviar;
- Draft Amendment to the Standard for Fermented Milks;
- Proposed Draft Guidelines on substances used as processing aids;
- Proposed Draft Annex on Leafy Vegetables Including Leafy Herbs to the Code of Hygienic Practice for Fresh Fruits and Vegetables; and
- Proposed Draft Code of Hygienic Practice for Pathogenic *Vibrio* Species in Seafood.

Alignment of the General Standard for the Labelling of Prepackaged Foods (Codex STAN 1-1985) with the Codex International Numbering System in CAC/GL 36-1989) (Agenda Item 7)

The Committee recognized that the 31st Session of the Commission had adopted a revision of the Codex Class Names and International Numbering System including a revised list of technological functions, which was now different from the technological functions listed in the GSLPF and, therefore, considered the need for the alignment of the two texts. The U.S. supported the alignment of class titles in the food labelling text with that of the food additives text.

It was agreed to delete functional class "acids" and add functional classes "bleaching agent," "carbonating agent,"



and "sequestrant" to the list of class titles in section 4.2.3.3 of the General Standard. It was also agreed that the term "class titles" would be replaced with "functional classes" and reference to the international numbering system in CAC/GL 36-1989 would be made to the paragraph in section 4.2.3.3. The Committee also agreed that there was no further need to improve the understandability of the terms listed in 4.2.3.3.

Proposed new work on the use of the term "Natural"

The Committee considered a proposal to develop guidance on the use of the term "natural." The Committee, noting that Section 5 of the *General Guidelines on Claims* (CAC/GL 1-1979) provided guidance on this issue and that this matter had previously been discussed in CCFL, did not agree to take up the new work.

Discussion Paper on the Need to Amend the General Standard for the Labelling of Prepackaged Foods in Line with OIML Recommendations regarding the Declaration of the Quantity of Product in Prepackages (Agenda Item 8)

The Committee noted the recommendation of the International Organization of Legal Metrology (OIML) that it was premature for OIML to submit a revised discussion paper and agreed to its proposal to postpone the discussion to the next Session of CCFL.

Date and Place of the Next Session of CCFL

The 39th Session will be held from May 9-13, 2011, in Quebec City, Canada.

Footnotes

¹Section 3.2.1.4 of the *Codex Guidelines on Nutrition Labelling* reads: "The amount of any other nutrient considered to be relevant for maintaining a good nutritional status, as required by national legislation or national dietary guidelines."