



## Delegate's Report, 43rd Session, Codex Committee on Food Labelling

May 9-13, 2016  
Ottawa, Canada

The 43<sup>rd</sup> Session of the [Codex Committee on Food Labelling](#) (CCFL) was held in Ottawa, Canada, May 9-13, 2016. The Session was chaired by Lyzette Lamondin, Canadian Food Inspection Agency. The U.S. Delegation was headed by Felicia Billingslea of the U.S. Food and Drug Administration, with support provided by Jeff Canavan (alternate U.S. Delegate) of the U.S. Department of Agriculture Food Safety and Inspection Service, seven additional government advisors, and three non-government advisors.

### Summary/Highlights

Overall, the meeting was successful, progressing work on date marking, initiating consideration of front of pack (FOP) nutrition labeling practices and new work on labeling of non-retail containers, and declining to undertake new work related to use of the term "Halal." CCFL also recommended that work on organic aquaculture be discontinued or referred to another Codex subsidiary body.

Key actions of the Committee are described below under the appropriate agenda items.

- Matters referred:
  - Work management: The Committee was asked to consider developing an approach for managing their work, similar to the one used by the Codex Committee on Food Hygiene, but the Committee decided there was no need to develop an approach for managing the work of CCFL as the existing workload did not require such a work plan.
  - Recommendation by Codex Committee on Food Additives (CCFA) to revise Section 4.2.3.4 of the *General Standard for the Labelling of Prepackaged Foods* (GSLPF): the Committee did not agree to the recommendation but would, at a future date, examine the impact of the proposed changes
- Consideration of labelling provisions in draft standards: CCFL reviewed and endorsed labelling provisions for the following Codex commodity standards:
  - Regional Standard for Non-Fermented Soybean Products: endorsed with deletion of reference to "genetically modified" and replacement with "derived from modern biotechnology" to be consistent with Codex text.
  - Draft Standard for Cumin
  - Draft Standard for Dried Thyme: endorsed with removal of "dried" from the name [Note: At the subsequent Codex Alimentarius Commission (CAC), the United States indicated that the name of the standard should be in accordance with the customary nomenclature system for fruits and vegetables, to avoid any confusion with fresh thyme.]
  - Draft Standard for Aubergines
  - Draft Revision of the *General Standard for Food Additives when Sold as Such*
    - The Committee decided not to take up the suggestion by the Codex Committee on Food Additives (CCFA) to revise Section 4.2.3.4 of the *General Standard for the Labelling of Prepackaged Foods* regarding the use of the term "flavor" and/or "flavouring," but rather consider CCFA's recommendation to revise the section at a future date.
- With respect to the Codex *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods*, the Committee reviewed the draft guidelines for organic aquaculture. Due to lack of consensus on a number of technical issues and other general principles, the Committee proposed that the Commission either: (1) identify a different subsidiary body to continue the work; or (2) discontinue work. (Note: At the 2016 CAC meeting, it was agreed to consider this matter at the 2018 CAC and that this issue would not be on the agenda of the next CCFL.)
- Regarding the date marking work, the Committee discussed text and amendments to the *General Standard for the Labelling of Prepackaged Food*. The Committee made significant progress on the document and recommended the text to the Commission at Step 5 with the note to further consider the principles for exemptions for date marking at the next session of the CCFL, which is scheduled for October 2017.
- The Committee also decided to take up new work related to the labeling of non-retail containers and agreed to establish an electronic working group (eWG) chaired by India and co-chaired by the United States (with the possibility of a physical working group (pWG) to be held immediately before the next session of CCFL) to prepare a revised proposal on the basis of comments submitted.
- The Committee declined to take up new work to revise the *General Guidelines for the Use of the Term "Halal."* However, the Committee did agree that Iran and Turkey would prepare a discussion paper on issues surrounding consumer preference claims, e.g., organic, halal and kosher. Additionally, the Committee recognized that

there are issues around Halal that extend beyond the mandate of CCFL and may need further discussion by the Executive Committee and the Commission.

- There was strong support in the Committee to consider front of package (FOP) nutrition labeling and an eWG chaired by Costa Rica and co-chaired by New Zealand was established to prepare a discussion paper for the next session of the CCFL. The eWG will take stock of current FOP labeling in different countries, and consider the need for development of global principles.
- A full report of the meeting, REP16/FL, can be found on the website of the Codex Alimentarius Commission: [www.codexalimentarius.net](http://www.codexalimentarius.net). The following is a brief summary of the Committee's substantive discussion on the various agenda items.

#### **Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (Agenda Item 4): Organic Aquaculture**

The Committee considered the proposed draft text for revision of the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods* to include organic aquaculture at Step 3. This work item was proposed by the European Union (EU) in 2010 and has remained at Step 3 since the 39<sup>th</sup> session of the CCFL (2011).

A pWG on organic aquaculture, chaired by the EU, was held prior to the session. The pWG resulted in many revisions to the text; however, consensus was not reached on a number of key issues.

At the session, the Committee considered whether it was possible to reach consensus, since a number of controversial issues were still outstanding. The Committee considered whether outcome oriented principles, rather than prescriptive provisions, were possible in order to achieve consensus. However, there was concern expressed by some delegations that a certain level of detail was needed and, therefore, the Committee could not reach consensus. It was also noted by the Chair that due to the limited participation in the discussion by the CCFL delegates, the expertise on organic aquaculture did not appear to reside in CCFL and thus the issue may be better suited to another committee.

Thus, the Committee noted that it may not be the appropriate forum to discuss the technical provisions and proposed that the Commission either: (1) identify a different subsidiary body to continue the work, or (2) discontinue work.

#### **Proposed Draft Revision to the General Standard for the Labelling of Prepackaged Foods: Date Marking (Agenda Item 5)**

A new work proposal on date marking was accepted at the 41<sup>st</sup> session of CCFL (2013) with the following terms of reference:

- Prepare draft proposals to revise, as required, text relevant to date marking in the *General Standard for the Labelling of Pre-packaged Food (GSLPF)*,
- Consider the need for additional guidance for date marking, and
- Develop a draft revised standard to incorporate the proposed date marking modifications.

The 42<sup>nd</sup> Session of CCFL (2014) made significant progress in reaching agreement in several key areas, including a decision to retain two date marks, one quality-based date mark for use on the majority of prepackaged foods, and another safety-based date mark for certain limited foods that naturally contain pathogenic bacteria. In addition the Committee agreed to: (1) retain the definitions for "date of manufacture" and "date of packaging" with additional clarification that the dates are not an indication of the durability of the product; and (2) eliminate the definition for "sell by date."

The Chairperson recognized the tremendous progress and agreement made on these key issues and proposed that the Committee focus its discussion on three remaining outstanding issues, i.e., (1) whether a product can bear more than one date; (2) the list of foods exempt from date marking; and (3) whether exemptions from date marking should be permitted for small packages.

Several delegations noted there had been agreement to follow the approach for two date marks at the last session, however, they reiterated their concerns that there should be only one date mark that encompasses quality and safety and that the issue is appropriate for reconsideration as the document is only at Step 3. A compromise was reached, that the United States supported, to amend the definition for "use by" to include a reference to quality (i.e., "use by date means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons") and limit the terms to "Use By" or "Expiration Date."



In regard to the quality-based date, the Committee agreed to amend the definition to remove the reference to "Date of Minimum Durability" and limit the terms to a "Best Before Date" or "Best Quality Before Date" for consistency in application on labeling. The definition was also amended to clarify that the date applies to unopened products (i.e., the *"Best Before Date" and "Best Quality Before Date" means the date which signifies the end of the period, under any stated storage conditions, during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption"*).

The Committee next discussed the formatting of the date mark including whether the date should include the year for products with a shelf life of not more than three months and whether the sequence (e.g., "yyyy/dd/mm" or "dd/mm/yyyy") should be identified on the label when the date is expressed in only uncoded numbers or where the year is expressed in only two digits. The Committee agreed to allow flexibility for the inclusion of the year by indicating that it would be up to competent authorities to determine whether the date mark also required the year in those cases where it could mislead the consumer.

A particular area of focus was exemptions. The United States supported maintaining the current list of exemptions but recognized that the current guidelines do not provide any criteria for how foods may be added to the list. The Committee supported this approach and decided that the current list of exemptions (with three exceptions) would be retained and the criteria for adding new exemptions to the illustrative list would remain in square brackets for discussion at Step 5 at the next session of CCFL. The exceptions agreed on by the Committee include replacing: (1) "potatoes" with "tubers," (2) "food grade salt" with "non-iodized food grade salt," and (3) "solid sugars" with "non-fortified solid sugars." The United States supported replacing potatoes with tubers and did not object to replacing food grade salt with non-iodized food grade salt or solid sugars with non-fortified solid sugars as it was of concern to some countries (e.g., while fortification of sugar is not permitted in the United States, it is fortified in other countries with nutrients such as Vitamin A which can deteriorate during storage). The Committee agreed that a "date of manufacture" or "date of packaging" is not required for foods exempt from date marking but that it *may* be provided. The Committee also agreed to allow the use of more than one date mark on a container, since there was general agreement that in some instances more than one date could be useful for consumers. Finally, the Committee agreed that any special storage conditions for the storage of the food should be declared on the label where required to support the integrity of the food and, where a date mark is used, the validity of the date depends thereon.

The Committee concluded that the draft revisions were ready to progress to Step 5 as the only outstanding issue was the draft criteria for exemptions from date marking.

### **Discussion Paper on Labeling of Non-retail Containers (Agenda Item 6)**

The Committee considered a discussion paper on labeling of non-retail containers prepared by India to outline potential issues and consider new work. The discussion paper was initially prepared for the last session but, due to time constraints, was not discussed. India had initially suggested an entire new standard for labeling of non-retail containers. However, after informal input from other delegations (including the United States) on the margins of the meeting, India revised the project document and suggested instead a revision of the current GSLPF to include guidance on labeling non-retail containers.

The Committee accepted a new work proposal on guidance for labeling of non-retail containers to focus on general guidelines and where such guidance would best fit in Codex text (either as a stand-alone document or otherwise). The Committee did not presume that the new work would necessarily be a revision of the GSLPF. The Committee clarified that the current definition for labeling in CODEX STAN 1-1985 was broad enough to allow various practices other than providing information solely on the label. The United States supported this new work.

The Committee established an eWG chaired by India and co-chaired by the United States to develop proposed draft guidance for the labeling of non-retail containers for comments at Step 3 at the next session of the CCFL.

The Committee also agreed to consider convening a physical working group at the next session to prepare a revised proposal on the basis of the comments submitted and prepare text addressing the labeling of non-retail containers for consideration at the next session of the CCFL. The Committee would inform commodity committees of the new work.

### **Discussion Paper on Issues Related to Internet Sales of Food (Agenda Item 7)**

Removed from agenda because no paper was provided.



### **Proposal to revise the General Guidelines for the Use of the Term “Halal” (Agenda Item 8)**

Egypt presented a discussion paper explaining their view that there was a need for a limited revision to Halal guidance – namely to include new definitions and restructure the document. A number of delegations expressed the opinion that such work was unnecessary, stating that the current Guidelines are sufficient. Many delegations pointed to work being developed in OIC/SMIIC (Organization of Islamic Cooperation/The Standards and Metrology Institute for Islamic Countries) that has expertise in developing Halal guidelines and that Codex does not have competency to interpret religious rules.

The Committee did note that Halal is a claim related to consumer preference. The Committee decided not to take up the new work proposal to revise the General Guidelines on the Use of the Term “Halal” but did agree that Iran and Turkey would prepare a discussion paper on issues surrounding consumer preference claims within the context of CCFL’s mandate for consideration at the next session. The United States was supportive of the decision of the Committee.

Additionally, the Committee recognized that there are issues around Halal that extend beyond the mandate of CCFL and may need further discussion by the CAC and/or the Executive Committee..

### **Other Business and Future Work (Agenda Item 9)**

#### **Front of pack nutritional labeling**

Costa Rica introduced a discussion paper on front of pack nutrition labeling. (The International Association of Consumer Food Organizations also submitted a discussion paper on front of pack labeling, and both were considered together.) Costa Rica noted that the purpose of the work was to assist consumers to make more informed dietary decisions. The Committee expressed support and the United States supported the approach in the Costa Rica paper. The World Health Organization and Codex Secretariats noted that those countries that have already begun to work on or implement front of pack labeling would still be able to do so.

The Committee agreed to establish an eWG chaired by Costa Rica and co-chaired by New Zealand to:

- Take stock of current front of pack labeling existing in different countries
- Consider the need to develop global principles regarding front of pack labeling
- Prepare a discussion paper, taking into account work done by the WHO, for consideration at the next session.

#### **Date and Place of the Next Session of CCFL**

The 44<sup>th</sup> Session will be held in approximately 18 months (tentatively, in October), with final arrangements subject to confirmation by the Canadian and Codex Secretariats.