



Delegate's Report, 40th Session, Codex Committee on Food Labelling

The 40th Session of the [Codex Committee on Food Labelling](#) (CCFL) was held in Ottawa, Ontario, Canada from May 15-18, 2012. The Session was chaired by Mr. Paul Mayers, Canadian Food Inspection Agency and attended by 220 delegates representing 63 member countries, one member organization, and 20 international organizations. The U.S. Delegation was headed by Dr. Barbara Schneeman of the U.S. Food and Drug Administration and Mr. Jeff Canavan (alternate U.S. Delegate) of the USDA Food Safety and Inspection Service. The U.S. delegation comprised of 6 government advisors and 3 non-government advisors.

The United States is particularly pleased with the Committee's significant progress with their work on WHO Global Strategy on Diet, Physical Activity and Health (Global Strategy) and work on organics.

- With respect to the items accomplished relating to the Global Strategy, the Committee:
 - Developed text in the *Guidelines for Use of Nutrition and Health Claims* for a new definition of "non-addition claims;" developed conditions for a claim for non-addition of sugars, added additional language for comparative claims in paragraphs 6.3 and 6.4 of the *Guidelines*, agreed on the placement for text regarding free of salt and light claims, and advanced the amended and new text to Steps 5/8 for adoption by the Codex Alimentarius Commission;
 - Developed text in the *Guidelines for Use of Nutrition and Health Claims* for non-addition claims for sodium salts and advanced the new text to Step 5 for adoption by the Commission;
 - Agreed to advance a proposed definition of nutrient reference values (NRVs) for inclusion in the *Guidelines for Nutrition Labelling* to Step 8 for adoption by the Commission; and
 - Agreed to include provisions for mandatory nutrient declaration for prepackaged foods in the *Guidelines on Nutrition Labelling* and advanced the text to Steps 5/8 for adoption by the Commission.
 - With respect to the Codex *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods*, the Committee:
 - Advanced proposed amendments to Steps 5/8, based on the past year's electronic working group considerations, to include spinosad, copper octanoate, potassium hydrogen carbonate and certain uses of ethylene as new substances for inclusion in the *Guidelines*.
 - Established an electronic working group, co-chaired by the United States and Cameroon, to further consider additional information for the use of ethylene for sprout inhibition of potatoes and onions.
 - Established an electronic working group, to be followed by a physical working group, both chaired by the European Union, to further consider amendments to the guidelines to include organic aquaculture.
 - Continued a structured approach where an electronic working group would review substances that can be included in the *Guidelines on substances permitted for the production of organic foods*.
 - Reviewed and endorsed labelling provisions for the following Codex commodity standards: regional standard for harissa and regional standard for halwa tehenia.
 - Requested the opinion of the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) on several issues: whether the condition for 10% of the NRV for comparative claims for micronutrients is still consistent with current evidence-based guidance on micronutrients, the need for establishing conditions for claims for "free" of trans fatty acids, and whether to request that Codex Committee on Methods and Analyses (CCMAS) review AOCS method for trans fatty acids.
 - Agreed that New Zealand would prepare a discussion paper that will outline potential issues with current Codex Guidelines regarding date marking and considering the possibility of new work.
 - Agreed that International Food Policy Institute (IFPRI) could prepare a discussion paper, regarding crop biofortification for the Committee's consideration.
- A full report of the meeting, REP12/FL, 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, and 4c)

On agenda item 4a regarding the discussion paper on additional conditions for nutrient content claims and comparative claims that was prepared by the electronic working group (eWG), in which the U.S. participated and chaired by Canada, the Committee considered amendments to the *Guidelines for the Use of Nutrition and Health Claims*. At this Session, the Committee agreed to develop non-additions claims for sugars and salt, amended section 6.3 to clarify that sodium would be captured in the claims where there is a change of at least 25 percent, review



paragraphs 6.3 and 6.4, to develop claims and conditions for use related to trans fatty acids, and make recommendations to the 40th Session.

Definition for non-addition claims

The Committee further modified the following definition in section 2.1.3. developed by the eWG on non-addition claims and advanced it to the Commission at Step 5/8:

"Non-addition claim means any claim that an ingredient has not been added to a food, either directly or indirectly. The ingredient is one whose presence or addition is permitted in the food and which consumers would normally expect to find in the food."

Although the United States did not believe a definition of non-addition claims was needed, the United States found the revisions proposed by the Committee to be acceptable and did not object to advancement of this text.

Non-addition of sugars

The Committee agreed with the text proposed found in section 7.1 and advanced this text to Step 5/8 for endorsement by the Commission. The United States supported including new text on the claim for non-addition of sugars in section 7.1 as well as the additional conditions for non-addition claims in section 7.3.

Non-addition of salt

The Committee considered two options proposed by the eWG: Option 1 referring to sodium salts and Option 2 referring to salt (sodium chloride). Although there was discussion questioning the usefulness of Option 1 because it could restrict and discourage reformulation of products, the Committee ultimately agreed to Option 1 for sodium salts because it was more consistent with the Global Strategy recommendation to reduce sodium from all sources, not just from sodium chloride. To address the issues raised by some Committee members, the Committee agreed to include a footnote which stated that national authorities could be permitted the addition of sodium salts other than sodium chloride for technological purposes.

With the change in the title to include "sodium salts" (the eWG proposed the header "non-addition of salt"), the United States agreed to the advancement of the proposed new section 7.2., but also questions the claim's usefulness. From this claim, only products without the addition of any sodium salt could bear the claim and the inability to use sodium salts with functional attributes (e.g., sodium bicarbonate) could pose as barrier to reformulation in many food categories. Although the Committee agreed to include a footnote to address this concern, additional conditions included in the footnote may be problematic.

The United States noted that this is essentially a non-addition of sodium claim (as the conditions are written) and that guidance for such nutrient claims already exist in section 8.6 of the *Guidelines for Use of Nutrition and Health Claims*. The United States further stated that a claim for the non-addition of salt (the ingredient) could be supported with the use of disclaimers or additional conditions rather than preventing the use of all sources of sodium.

The Committee forwarded the new text and the new section 7.2 to the Commission at Step 5 only.

Placement of claim for "free of salt"

The proposed free of salt claim was agreed upon at the 39th CCFL and at the 40th CCFL the Committee agreed to its placement in new section 5.2.

The United States supported placement of text regarding "free of salt" claims in new section 5.2.

Comparative claims

The eWG suggested splitting section 6.3 into two parts to make the conditions clearer for increased and decreased content comparative claims. There was general agreement that sodium should be included in the nutrients requiring a reduction of 25 percent, which was made explicit in the revised section 6.3. The Committee also decided to amend the Section 6.3 to add "including sodium" in the text for a reduction of 25 percent and forwarded this section to the Commission at Steps 5/8.



The Committee also agreed to request advice from Codex Committee on Nutrition and Special Dietary Uses, (CCNFSDU) as to whether the condition for 10 percent of the NRV for comparative claims for micronutrients is still consistent with current evidence-based guidance on micronutrients.

The United States supported these amendments to Section 6.3.

Claim for saturated fatty acids

The eWG proposed the following text in Section 6.4 to avoid claims on "reduced in saturated fats" for foods in which trans fatty acids have been increased:

"In addition to the conditions set out in Section 6.3, the content of trans fatty acids should not increase for foods carrying a comparison claim for decreased saturated fatty acids content."

The Committee forwarded the text to the Commission at Steps 5/8 with a reservation from the delegation of Malaysia.

Claim for "light"

The eWG proposed deleting the reference to "reduced" criteria for "light claims" because the terms are not synonymous and do not have the same criteria. The Committee forwarded the following text to the Commission at Steps 5/8:

The use of the word 'light' or a synonymous claim should follow the criteria listed in Section 6.3 of the Guidelines and include an indication of the characteristics that make the food 'light.' See Section 6.5

The United States supported amending new section 6.5 to remove the reference to "reduced" criteria.

Claim for free of trans fatty acids

The Committee noted that the eWG generally supported establishing a "free" claim for trans fatty acids and decided not to consider claims for low in trans fatty acids. Due to the diversity of view expressed, the Committee agreed to seek consultation from CCNFSDU on the need to develop conditions for free of trans fatty acid claims. The United States notes that CCNFSDU previously concluded that there was no support to initiate work in this area and noted that the table of conditions for nutrient contents under section 8 of the Nutrition and Health Claims includes a footnote on consideration of trans fatty acids for saturated fat and cholesterol claims (that they should be taken into account where applicable). (ALINORM 07/30/26, paragraphs 151 to 154).

On agenda item 4b regarding the draft definition for nutrient reference values (NRVs) for inclusion in the *Guidelines for Nutrition Labelling*, the Committee decided to leave the definition unchanged as adopted by the 34th CAC at Step 5. The Committee did make one editorial amendment to include a footnote to the definition referencing the General Principles for Establishing Nutrient Reference Values. This definition of NRVs (in new section 2.4) was forwarded to the Commission at Step 8 for adoption.

The United States supported the definition for NRVs as well the footnote referencing the principles for establishing NRVs.

On agenda item 4c regarding the discussion paper prepared by Australia on issues related to mandatory nutrition labelling, the eWG noted general support for mandatory nutrient declaration for all prepackaged foods. The Committee agreed to include text in the *Guidelines on Nutrition Labelling* that nutrient declaration is mandatory for all prepackaged foods and language regarding certain exemptions and national circumstances. The Committee agreed that the discussion document should be part of the FAO website which would be referenced in the Codex website. The amended sections 3.1.1 and 3.1.2 were forwarded to the Commission at Steps 5/8.

The United States expressed strong support for mandatory nutrition labelling of prepackaged foods and supported the proposed text in 3.1.1 and 3.1.2 but had some concern (as did a few other delegations) with the order of 3.1.1 and 3.1.2. To address this concern, the Committee agreed to the following clarification: "A nutrient declaration is mandatory for all prepackaged foods for which a nutrition or health claim is made even if those foods have been exempted under Section 3.1.2."



The United States had concerns with the term "national circumstances" because it is not well-defined. The United States noted that the term specifically relates to a country's capacity and should not be a catch-all for exemptions.

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

5(a). Inclusion of ethylene for other products (at Step 7)

At its last session, the Committee had established a eWG to consider any specific proposals for the use of ethylene for ripening of fruit. The U.S. delegation, as chair of the working group, indicated that no proposals to include other fruits had been submitted. The Committee agreed to delete the text in square brackets (i.e., "other products to be determined") and to advance the text to Step 8, noting that members could at any time propose extensions to the list according to the structured review process. The Committee agreed to consider additional uses of ethylene for the ripening of fruit in the future, if a proposal was submitted according to the structured review process for evaluation against the criteria in section 5.1 of the guidelines.

5(b). Other uses of ethylene (at Step 3)

Use of ethylene as a sprouting inhibitor for onions and potatoes

Use of ethylene as a flowering agent for pineapples and for degreening of citrus for the purpose of fruit fly prevention

Ethylene for sprout inhibition for potatoes and onions

At the last session, the eWG had reported that no consensus was reached on whether ethylene should be added to Annex 2, Table 2 for sprout inhibition for potatoes and onions. The Committee had agreed to further work on this issue, and the European Union will generate additional data to support the use for review by the electronic working group using the structured work approach.

At this session, the United States as chair of the eWG, indicated that consensus had not been reached on the appropriate restrictions for inclusion in Annex 2, Table 2. Two options were proposed by the working group, and both options were supported by several delegations. Other delegations opposed inclusion of ethylene in Annex 2, Table 2 for sprout inhibition. After some discussion, the Committee agreed to establish a eWG to be co-chaired by the United States and Cameroon with the terms of reference to continue considering the use of ethylene for sprout inhibition in onions and potatoes.

Ethylene for degreening of citrus for fruit fly prevention and flowering agent in pineapple.

At the last session, the eWG recommended addition of ethylene to Annex 2, Table 2 under "Other," with the restriction "for degreening of citrus for fruit fly prevention and as a flowering agent for pineapples." One delegation reiterated their concerns that the proposal should be further considered due to new findings on the risks of ethylene. The Committee agreed to recommend that these listings be placed in Annex 2, Table 2, under "Other." The Committee also agreed to forward the proposed draft amendment to Steps 5/8 for adoption by the 35th session of the Commission.

The United States supported the inclusion of ethylene for degreening of citrus for fruit fly prevention and as a flowering agent for pineapples into Annex 2, Table 2. The United States agreed to co-chair with Cameroon the eWG which was tasked to consider the use of ethylene for sprout inhibition in onions and potatoes.

5(c). Inclusion of spinosad, copper octanoate and potassium bicarbonate (at Step 3)

At the last session of the CCFL, the United States, as chair of the eWG, presented its recommendations for the inclusion of spinosad, copper octanoate, potassium bicarbonate, and other uses of ethylene in Annex 2, Table 2 of the guidelines.

At this session, the Committee made further refinements to Table 2 and agreed to include of spinosad to Annex 2, Table 2 under "Plant," with the restriction that "Spinosad should only be used where measures are taken to minimize the risk to non-target species and to minimize the risk of development of resistance" and amended the name of "potassium bicarbonate" to "potassium hydrogen carbonate" for consistency with the General Standard for Food Additives (CODEX STAN 192-1995).

The majority of delegations supported the addition of these substances to Annex 2, Table 2. The Members of the Committee, including the United States, agreed to forward the proposed draft amendment to Steps 5/8 for adoption by the 35th Session of the Commission.



5(d). Organic aquaculture (at Step 3)

The European Union presented a revised proposal for organic aquaculture. Many delegations, including the United States, expressed that further work was needed. The United States noted that there were areas which needed further elaboration, such as the allowance of closed recirculation systems, origin of stock, conversion period, and use of parasiticides.

The Committee agreed to establish a eWG, followed by a physical working group, to take place immediately prior to the next session of the Committee, both chaired by the European Union. The Committee agreed to return the proposed draft to Step 2 for redrafting by the electronic working group, for circulation for comments at Step 3, and for consideration by the physical working group at the next session.

5(e). Structured approach and template

At the last session, the Committee had agreed to re-establish the eWG, which would be chaired by the United States, to consider the structured work approach for evaluation of materials to be added to Annex 2 of the Guidelines.

A proposal to implement a "periodic review" of substances in Annex 2 Table 2 similar to that for pesticide MRLs was not accepted by the Committee because the categories in the Guidelines were fundamentally different from that for pesticide residues. The Committee noted that at any time, a member could submit a proposal for reconsideration of substances in Annex 2 according to the review procedures.

The Committee considered proposed amended text to distinguish the criteria for assessment from the criteria for prioritization and agreed to revised text. The Committee agreed to attach the revised template to the report as Appendix VIII.

The United States strongly supports the implementation of a structured approach for evaluation of materials to be added to Annex 2 or the *Guidelines*. This approach, which uses a two year review cycle, is outlined in Appendix VIII.

Modified Standardized Common Names for the Purpose of Nutritional Modification (Agenda Item 6)

The Committee considered a discussion paper on modified standardized common names for the purpose of nutritional modification but decided not to take up any further work due to lack of consensus among Committee members. It was further noted that the inventory contained in the paper would be available on the Codex website.

The United States expressed strong interest in continuing this work, noting that many of the modifications described in the inventory did not address how to improve the nutritional content of food and therefore was not supportive of the Global Strategy. The United States noted that the inventory could be further developed to include principles on how to modify products to improve the nutritional content of the food while maintaining the quality of the standard.

Other business (Agenda Item 7)

- The Committee agreed that New Zealand would prepare a discussion paper outlining potential issues with current Codex Guidelines regarding date marking and considering the possibility of new work at the next session. The United States noted that work should be limited to marketability of products and quality attributes consistent with current Codex guidelines.
- The Committee agreed that IFPRI could prepare a discussion paper on labelling of food derived from crops biofortified by natural selection.

Date and Place of the Next Session of CCFL

The 41st Session will be held from May 13-17, 2013, in Prince Edward Island, Canada.