



Report of the United States Delegate to the 42nd Session of the Codex Committee on Food Labelling

October 21-24, 2014
Rome, Italy

The 42nd Session of the Codex Committee on Food Labelling (CCFL) was held in Rome, Italy from October 21-24, 2014. The Session was chaired by Paul Mayers, Vice-President, Programs, Policy and Programs Branch, Canadian Food Inspection Agency. The United States (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 USDA Food Safety and Inspection Service, 5 additional government advisors, and 3 non-government advisors.

Highlights

The Committee discussed a number of substantive issues of significant interest to the United States, but did not complete consideration of its agenda. Notably, the Committee

- Reviewed and endorsed labelling provisions for the following Codex commodity standards:
 - Standard for Fresh and Quick Frozen Raw Scallop Products, Standard for Passion Fruit, Standard for Durian, Standard for Okra, Draft Standard for Certain Canned Fruits, Draft Standard for Quick Frozen Vegetables, amendments to the Draft Standard for Pickled Fruits and Vegetables, Draft Standard for Ginseng Products.
- Reviewed draft guidelines for organic aquaculture and returned the text at Step 3, noting that considerable work was still needed to improve the text. A physical working group, chaired by the European Union (EU), will be held immediately prior to the next session to consider additional comments.
- Discussed text and amendments related to date-marking provisions in the *General Standard for the Labelling of Prepackaged Food*. The Committee noted that the revision was not ready to advance in the step process due to extensive changes made and other unresolved issues, and thus will remain for further consideration at the next session.
- Did not discuss proposals related to proposed work on halal foods, labeling of non-retail food containers and Internet sales of food, due to time constraints. A number of participants expressed dismay at the Committee's failure to complete its agenda.

A full report of the meeting, REPI4/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.

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.

The discussion resulted in many revisions to the text; however, consensus was not reached on a number of key issues. These issues included definitions, production practices for algae and aquatic plants, the use of exogenous releasing hormones for brood stock, the use of closed recirculation systems, and provisions for non-organic feed.

Due to time constraints, no discussion took place on the allowance of particular materials for use in organic aquaculture production.

The Committee agreed to return the text to Step 3 for circulation to all members and observers. In addition, a physical working group, chaired by the EU, will be held immediately prior to the next session to consider comments and resolve outstanding issues.

Prior to the next session of the CCFL, the USDA Agricultural Marketing Service expects to publish a proposed rule to establish standards for organic aquaculture production. The United States does not currently have standards for organic aquaculture.



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

The Committee accepted a new work proposal on date marking to review and revise as required current definitions, guidance on the use of date of minimum durability, and storage instructions; and to develop a draft revised standard to incorporate the proposed date marking modifications. An electronic working group (eWG) chaired by New Zealand and co-chaired by Australia was established at the 41st 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.

A physical working group was held before the 42nd session of CCFL to consider comments and develop a proposed draft for consideration at Step 3.

There was significant support in the eWG and in plenary to retain certain quality-based dates and for the development of a safety-based “use-by” date. Several delegations advocated establishment of a single date for health and safety reasons while many other delegations preferred to differentiate safety and quality dates. Latin American delegations led by Brazil made it clear that their national level legislation prohibits the use of “best by” quality based dates due to poor consumer understanding and lack of scientific basis to distinguish between quality and safety. They proposed a single “use by” date representing safety and quality including consumer action to discard food after the date as it could pose a health concern. Latin American delegations also supported mandatory declaration of a “date of packaging” or “date of manufacture” declared in tandem with a “use-by” date so that countries may determine shelf life. The Committee did not take up Brazil’s proposal to introduce a “shelf life” date. Many delegations argued that such a date was nearly identical to the “sell by” date which the Committee had agreed to delete due to its increased contribution to food waste.

The Committee agreed to define a “use by,” “use or consume by,” or “expiration date,” meaning the date (under any stated storage conditions), after which the product should not be sold or consumed due to safety reasons. New Zealand, as the Chair of the working group, provided important context on the intent of a safety based date, explaining the food was not a safety risk, but *could become* a safety risk after the stated date due to microbiological elements present in the food. Any reference to “health” or “nutritional” was not included in the definition as the Committee noted that nutritional adequacy (e.g., foods used for sole source nutrition) would be covered by the term safety. The U.S. did not object to this proposal as it differentiated a safety-based use-by-date from one that is quality based. However, the U.S. did raise concerns about the proposed use of a “use by” date in the context of food safety without Codex first establishing the science-based criteria for the development of such a date for prepackaged food. In response, the Committee noted that it would be necessary to determine how a safety-based date may be used and that advice might be needed from relevant committees, such as the Committee on Food Hygiene and the Committee on Nutrition and Foods for Special Dietary Uses, on criteria for the determination of a safety-based date. Therefore, a footnote will be inserted in the proposed draft text that states consideration should be given to other Codex texts while such criteria became available. The U.S. accepted this approach to address its concerns.

In regard to format, the Committee agreed that: (1) all three elements, i.e., day, month, and year, should be declared on products with a durability of not more than three months; (2) the year could be declared in 2 or 4 digits; (3) the month can be declared in letters, characters, or numbers; and (4) if only numbers are used to declare the date or where the year is expressed as only two digits, the sequence of the day, month, and year must be given by appropriate abbreviations accompanying the date (e.g., DD/MM/YYYY). The U.S. was in agreement with this guideline as it would provide flexibility, consistency and decrease consumer confusion. 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. Some countries voiced concern this could result in the widespread use of multiple dates for the determination of shelf life.

The Committee concluded that the draft revisions were not ready to progress in the Step process due to extensive changes and some unresolved issues that require further discussion, such as whether changes need to be made to the list of exemptions and whether criteria for such exemptions need to be developed. Consequently, the date marking revisions will remain at Step 3 and will be distributed for comment prior to the 43rd session of CCFL in 2016. (The U.S. supports retention of the list of exemptions without modification, and believes that exempted foods should not be required to display a “date or manufacturing” or “date of packaging.”)

Labeling of Non-retail Containers (Agenda Item 6)

Issues Related to Internet Sales of Food (Agenda Item 7)



Other Business and Future Work (Agenda Item 8): Proposal to revise the General Guidelines for the Use of the Term “Halal”

Due to time constraints, the above three items were not discussed and will be taken up at the next CCFL session.

Date and Place of the Next Session of CCFL

The 43rd Session will be held in approximately 18 months, subject to with final arrangements as agreed between Canada as host country and the Codex Secretariat.