



## Report of the United States Delegate To The 41st Session of the Codex Committee on Food Labelling

May 14 - 17, 2013

Charlottetown, Prince Edward Island, Canada

The 41<sup>st</sup> Session of the Codex Committee on Food Labelling (CCFL) was held in Charlottetown, Prince Edward Island, Canada from May 14-17, 2013. The CCFL was chaired by Paul Mayers, Associate Vice-President for the Programs, Policy and Programs Branch, Canadian Food Inspection Agency, Canada. Representing the United States (U.S.) Delegation were Felicia Billingslea of the U.S. Food and Drug Administration as Head of the U.S. Delegation, and Jeff Canavan of the USDA Food Safety and Inspection Service as Alternate Delegate.

The 41<sup>st</sup> Session of CCFL accomplished the following:

- Regarding the agenda item related to the WHO Global Strategy on Diet, Physical Activity and Health (Global Strategy), the Committee developed and finalized text in the *Guidelines for Use of Nutrition and Health Claims* for non-addition claims for sodium salts (section 7.2) and advanced the new text to Step 8 for adoption by the Commission;
- Regarding the text of section 6.3 for comparative claims in the *Guidelines on Nutrition Labelling*, the Committee created two separate sections for 6.3.1 (for macronutrients) and 6.3.2 (for micronutrients) for further clarity. The Committee forwarded text to the Commission for adoption as an editorial amendment.
- The Committee requested the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) to establish conditions for “free” of trans-fatty acids claims.
- With respect to the *Codex Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods*, the Committee:
  - Advanced to Step 5/8 the draft document for the inclusion of ethylene as a sprouting inhibitor for potatoes and onions for adoption by the Commission;
  - Reviewed the draft guidelines for organic aquaculture and returned the text at Step 3 for circulation to all members and observers for discussion at Step 4 at the 42<sup>nd</sup> Session.
- Reviewed and endorsed labelling provisions for the following Codex commodity standards:
  - Regional Standard for Chanterelles, Standard for Live Abalone and for Raw Fresh Chilled or Frozen Abalone for Direct Consumption or for Further Processing, Standard for Avocado, Standard for Pomegranate,

- Standard for Table Olives, Regional Standard for Tempe, Regional Standard for Date Paste, Standard for Smoked Fish,
  - Standard for Smoked Fish, Smoke-Flavoured Fish and Smoke-Dried Fish
  - Standard for Raw, Fresh and Quick Frozen Scallop Products
  - Draft Guidelines on Formulated Complementary Foods of Older Infants and Young Children
- Reviewed but did not endorse the Regional Standard for Non-fermented Soybean Products from the Coordinating Committee for Asia (CCASIA):
  - Recommended replacing text that requires labeling to declare the use of genetically modified soybean with a general reference to Codex Guidance on the Labelling of Foods Derived from Modern Biotechnology in section 8.2.
  - Recommended the deletion of section 8.3.
  - Recommended that CCASIA consider revising section 2.2 (which is referred to in section 8.4) on the appropriate name for the product after a discussion about the term “soybean milk.”
- Agreed no guidance is currently needed for a draft regional standard on halal.
- Accepted a new work proposal on date marking to review and revise where appropriate, definitions and guidance on the use of date of minimum durability and storage instructions; and to develop a draft standard to incorporate the proposed date marking modifications. The Committee agreed to establish an electronic working group (eWG) to be chaired by New Zealand and co-chaired by Australia and scheduled a physical working group to be held immediately prior to the next session of CCFL.
- Regarding the new work proposal on Labeling of Food Derived from Crops Biofortified by Natural Selection, the Committee decided that existing guidance sufficiently addresses such foods, but requested that the CCNFSDU evaluate a definition for biofortification before CCFL can consider the labeling of such foods.
- Agreed that the Delegation of India would prepare a discussion paper on the labeling of non-retail containers that would identify gaps in Codex texts.
- Agreed that the Delegation of Algeria could prepare a discussion paper addressing the issues of remote sales of food (internet, etc.) for consideration at the next session.

A full report of the meeting, REP13/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.

### **Implementation of the WHO Global Strategy on Diet, Physical Activity and Health**

#### **Non-Addition of Sodium Salts**



The Committee proposed some editorial changes to the draft revision to the *Guidelines on Nutrition and Health Claims* at Step 6 (CX/FL 13/41/4). Among the changes made, salted fish and fish sauce were added to the list in (b). In the footnote, “national authorities” was revised to “competent authorities.” With these changes, the Committee forwarded the draft amendment to the Commission at Step 8.

### **Comparative Claims**

The Committee agreed with the CCNFSDU that the text in section 6.3 for comparative claims to distinguish conditions for macronutrient and micronutrients for further clarity. The United States supported these edits.

### **Claim for “Free” of Trans Fatty Acids**

At its previous session, the CCNFSDU had requested CCFL to decide whether to establish a *trans* fatty acid (TFA) claim prior to considering conditions for this claim. The Committee was divided on whether to establish such a claim, and some delegations expressed interest in waiting until new methods for analyzing TFAs were established before undertaking this work. The Committee agreed to request that CCNFSDU establish conditions for this type of claim for “free” of TFAs. The United States had no objection to this decision.

### **Proposed Draft Regional Standard for Non-Fermented Soybean Products**

CCFL did not endorse the labeling provisions of the Codex regional standard of Non-Fermented Soybean Products from CCASIA. Alternative text was proposed to refer to the Codex Guidance on the Labelling of Foods Derived from Modern Biotechnology instead to replace the current section 8.2 which provided for labeling of the use of genetically modified soybeans. CCFL recommended that CCASIA consider this suggested revision as well as reconsider the use of the term “soybean milk,” which some delegations felt inaccurately associated soybean milk with dairy products.

The United States strongly opposed the original section 8.2 since the labelling provision is based solely on its method of production (processed-based labelling) as opposed to labelling based on material fact which relates such changes to the food’s intended use, composition, or nutrient content. The United States considers labeling based on material fact more appropriate and applicable to all foods, including foods derive from biotechnology.

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



## **Use of Ethylene as Sprouting Inhibitor for Onions and Potatoes (Agenda Item 5(a))**

At the last session, on agenda item 5 (a), the Committee had not reached consensus on whether ethylene should be added to Annex 2, Table 2 for use for sprout inhibition for potatoes and onions.

The delegation of the United States and Cameroon, as co-chairpersons of the eWG, introduced the report which considered the use of ethylene and provided three options for its use as sprouting inhibitor for onions and potatoes.

The majority of delegations supported the use of ethylene under Option A, with use allowed under the following conditions:

*Need recognized by the certification body or authority for sprout inhibition of stored potatoes and onions where varieties that have long dormancy characteristics are not available, or these varieties are not suited to local growing conditions.*

*Must be used in a manner that minimizes exposure to operators and workers.*

The delegation of Norway objected to the inclusion of ethylene due to a data gap identified in the European Food Safety Authority (EFSA) risk assessment and the delegations of Australia and New Zealand objected to the inclusion of text regarding exposure to operators and workers, reasoning that it would inappropriately set a precedent of involving occupational health in Codex. However, the majority of the Committee agreed to advance the draft amendment to Step 5/8 for adoption by the 36th Session of the Commission.

The United States is neutral on the inclusion of ethylene for organic potatoes and onions. This particular use of ethylene has not been previously considered for inclusion in the U.S. organic regulations, although other uses of ethylene are permitted for ripening of tropical fruit and degreening of citrus.

## **Organic Aquaculture (Agenda Item 5(b))**

The delegation of the European Union as Chairperson, introduced the report of the eWG and the physical working group on organic aquaculture.

The discussion resulted in many revisions to the text. Consensus was not reached on certain key issues, including the language describing maximum stocking densities, the use of exogenous releasing hormones for brood stock, and the allowance of closed recirculation systems. Limited discussion also 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 and discussion at the 42nd Session at Step 4.

### **Discussion Paper on Issues Related to Date Marking (Agenda Item 6)**

The Committee considered a discussion paper on date marking prepared by the Delegation of New Zealand to outline potential issues and consider new work. 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. The United States noted that date marking is not considered to be an appropriate indicator for food safety due to the different conditions of handling and storage for products after their production.

The Committee agreed to establish an eWG chaired by New Zealand and co-chaired by Australia and a physical working group to be held immediately before the next session of CCFL to consider comments submitted at Step 3. The terms of reference include:

- 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 United States supports work on date marking to address gaps identified by CCFL to enhance understanding of the purpose and consistent application of date marking. The United States supports retaining existing Codex guidance and definitions on date marking and addressing any remaining gaps in Codex text on date marking.

However, the United States delegation voiced concern at the plenary session that current date marking should not be construed as indicators of food safety since date marking best serves to indicate if a food is no longer marketable and cannot be used a primary source of information on food safety. The United States also supports referring this work to Codex Committee on Food Hygiene (CCFH), where appropriate.

### **Other Business (Agenda Item 7)**

Regarding the discussion paper on Labeling of Food Derived from Crops Biofortified by Natural Selection (prepared by IFPRI), the Committee generally agreed that existing Codex guidelines provide adequate guidance for claims for products with higher micronutrient content and did not see a need to support new work in this area. The Committee recommended that the Codex Committee on Nutrition and Foods for Special Dietary Uses (CNFSDU) could consider establishing a definition for biofortification which



would help the Committee consider the labeling of such foods. The United States agreed with the Committee's decision and also noted that, if fortification significantly changes the nature of the product and its organoleptic parameters from the established norms, then the appropriate Codex commodity committees would be responsible for developing new standards for these fortified products.

Regarding the discussion paper on the labeling of non-retail containers (prepared by the Delegation of India), the Committee expressed a diversity of opinions. The United States noted that any existing relevant Codex text should be considered before undertaking new work in this area. The Committee agreed that India would prepare a discussion paper on the labelling of non-retail containers that would identify gap in Codex texts.

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

The 42<sup>nd</sup> Session will be held in approximately 18 months, the final arrangements being subject to confirmation by the Canadian and Codex Secretariats.