

## INTRODUCTION

1. The Codex Committee on Food Labelling (CCFL) held its Forty-sixth Session virtually from 27 September to 1 October 2021, at the kind invitation of the Government of Canada. The Session was chaired by Ms. Kathy Twardek, Senior Director of the Food Program Integration Division, Canadian Food Inspection Agency. The Session was attended by delegates from XX member countries and one member organisation and XX observer organisations. A list of participants is contained in Appendix I.

## OPENING OF THE SESSION

2. Dr. Harpreet Kochhar, Associate Deputy Minister of Health Canada opened the session, welcomed delegates and underscored the contribution of the Codex Committee on Food Labelling highlighting that international labelling standards and guidelines developed by CCFL empower consumers to make important and informed decisions about the food we eat. He further stressed that, even while facing numerous challenges, we have opportunities to build a more resilient world where everyone has access to safe, nutritious food. The Vice-Chairperson of the Codex Alimentarius Commission (CAC), Ms. Mariam Eid (Lebanon), on behalf of the Chairperson and Vice-Chairpersons of the Commission, and Mr. Tom Heilandt, Codex Secretary also addressed the session.

## Division of Competence

3. CCFL noted the division of competence between the European Union and its Member States, according to paragraph 5, Rule II of the Procedure of the Codex Alimentarius Commission.

## ADOPTION OF THE AGENDA (Agenda item 1)<sup>1</sup>

4. CCFL adopted the Agenda.

## MATTERS REFERRED TO THE COMMITTEE BY THE CAC AND OTHER CODEX SUBSIDIARY BODIES (Agenda item 2)<sup>2</sup>

5. CCFL noted some matters were for information only, while the following matters would be addressed under relevant agenda items:
  - labelling provisions from CCFNSDU and CCSCCH would be taken into account under Agenda Item 4; and
  - the request from CCFNSDU on nutrient profiles would be considered under Agenda Item 6.

### *Timeliness of working documents*

6. CCFL noted that the Codex Secretariat will continue working closely with the Chair of CCFL, chairs of EWGs and the host country secretariat on ways to improve work management of the Committee.

## MATTERS OF INTEREST FROM FAO AND WHO (Agenda item 3)<sup>3</sup>

7. The Representative of FAO drew the attention of the Committee to various activities of FAO as well as to the joint activities of FAO and WHO of interest to CCFL: (i) The Joint FAO/WHO scientific advice provided on the risk assessment of food allergens that will be discussed under agenda item 8; (ii) the FAO activities on food labelling, including capacity development activities to support small and medium size enterprises on food labelling implementation; and (iii) FAO's support, in its role as one of the UN Anchor Agencies of the UN Food Systems Summit, to a number of collaborative multi-sectoral and multi-stakeholder coalitions including on: 1) on Zero Hunger 2) on Healthy Diets from Sustainable Food Systems, 3) on Food is never Waste and 4) on School Meals.
8. In response to a question, the Representative of FAO provided further clarification regarding the timeline of the publications of scientific advice reports on the risk assessment of food allergens and noted that more detailed information would be provided under Agenda Item 8.
9. The Representative of WHO highlighted some key activities noted in the document CX/FL 21/46/3 which may be of relevance to the on-going work of the Committee. These included WHO's side event on *Menu of Action* held on 21 September 2021 at the occasion of UN Food System Summit 2021 launching policy briefs on actions to improve food environment, including nutrition labelling; the NUGAG's work on the development of the guideline on nutrition labelling policies including the contextual factors' review which was just published; accelerated actions to eliminate TFA and planned high-level launching of the 3<sup>rd</sup> annual progress report; and launching of the WHO Global Sodium Benchmarks for different food categories in May 2021. The Representative also informed the Committee of two additional activities. One was the joint UNICEF/WHO

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<sup>1</sup> CX/FL 19/45/1

<sup>2</sup> CX/FL 19/45/2

<sup>3</sup> CX/FL 21/46/3

health week (11 – 14 October 2021) which is organized as part of the side events leading up to the Nutrition for Growth (N4G) Summit to be hosted by the Government of Japan in December 2021 and will include the sessions on nutrition labelling, regulating marketing, reformulation of food products among other topics. The other was the reconvening of the Global Network of Institutions for Scientific Advice on Nutrition which was created with a view to strengthen the possible collaboration, harmonization of methods and sharing of information and experiences among institutions.

10. The Representative also provided an update on the process of developing the Global Alcohol Action Plan for 2022-2030 which was requested by WHO Executive Board in 2020. After very comprehensive and intense consultations with Member States and other stakeholders including intergovernmental organizations, civil society organizations, academia and other Non-state actors, the second draft action plan was currently being developed. The issues related to labelling of alcoholic beverages were addressed in the action plan which proposes Member States to ensure appropriate consumer protection measures through the development and implementation of labelling requirements for alcoholic beverages for consideration and endorsement by the World Health Assembly in May 2022.

#### **Conclusion**

11. CCFL noted the information provided from FAO and WHO, some of which were relevant to other agenda items including food allergen labelling.

#### **CONSIDERATION OF LABELLING PROVISIONS IN CODEX STANDARDS (ENDORSEMENT) (Agenda item 4)<sup>4</sup>**

12. CCFL considered the labelling provisions for endorsement, noted that the Codex Secretariat would address all editorial errors before publication of the standards, and that the provisions related to non-retail containers would be reviewed once the work on the guidance for labelling of non-retail containers was adopted by the Codex Alimentarius Commission, and made the following comments and decisions:

#### **FAO/WHO Coordinating Committee for Africa (CCAFRICA)**

13. CCFL46 endorsed the labelling provisions in the Regional Standard for Fermented Cooked Cassava-Based Products, the Regional Standard for Fresh Leaves of *Gnetum* spp. and the Draft Regional Standard for Dried Meat.

#### **FAO/WHO Coordinating Committee for North America and South West Pacific (CCNASWP)**

14. Regarding the Regional Standard for Kava Products for Use as a Beverage When Mixed with Water, a view was expressed that section 7.6 for optional labelling might confuse or mislead consumers since products bearing such a statement could be seen by consumers as having to some extent properties of helping to prevent, treat or cure diseases. Furthermore, such an optional labelling requirement could lead to both products with and without such labelling being on the market, which could cause further confusion to consumers.
15. The Chairperson reminded the Committee that the labelling provision in question was optional, that this was a regional standard, indicating that the product was mainly used and distributed regionally, and that the labelling sections were considered and agreed by CCNASWP which was the responsible body for the development of the regional standard.

#### **Conclusion**

16. CCFL endorsed the labelling provisions in the Draft Regional Standard for Fermented Noni Fruit Juice and the Regional Standard for Kava Products for Use as a Beverage When Mixed with Water.

#### **Codex Committee on Fresh Fruits and Vegetables (CCFFV)**

17. CCFL endorsed the labelling provisions in the Standard for Kiwifruit, the Standard for Garlic, the Standard for Ware Potatoes and the Standard for Yam.

#### **FAO/WHO Coordinating Committee for the Near East (CCNE)**

18. CCFL46 endorsed the labelling provisions in the Regional Standard for Mixed Zaatar.

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<sup>4</sup> CX/FL 21/46/4

**Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU)****Proposed draft revised Standard for Follow-up Formula (CXS 156 – 1987)****Section A: follow up formula for older infants***General*

19. In response to a proposal to postpone consideration of the labelling provisions until CCNFSDU had finalized the text and advanced it to Step 8 or at least at a stage that it is ready for adoption to prevent the need for reconsideration by CCFL, the Codex Secretariat clarified that the text in question had been finalized by CCNFSDU at its last session and was being held at Step 7 in order for other sections to be finalized so that the standard could be sent as a whole to CAC for adoption. The only provision for endorsement by CCFL was the provision 9.6.5 which had been finalized by consensus in CCNFSDU. She further pointed out that procedures had been followed and drew attention to the *Relations between commodity committees and general subject committees* which stated that sections on labelling (for example) shall be referred to the responsible general subject committee as the most suitable and earliest time in the procedure.

*Section 9.6.5*

20. Some observers, supported by a member, proposed that 9.6.5 (in both sections A and B of the Standard) should clearly indicate that the products should not resemble other products mentioned in the provision or should more explicitly prohibit cross-promotion in line with WHO guidelines, as it was critical to ensure there was no overlap or confusion between infant formula and follow-up formula for older infants and that they should be clearly separated and not seen as similar as their nutritional requirements were different.
21. Another observer proposed to amend this section by replacing “statements or images” with “pictures of containers” to avoid misinterpretation and to better clarify the intent of the provision.
22. CCFL did not agree with these proposals, noting that this section was a result of extensive discussion and compromise in CCNFSDU and 9.6.4 addressed the concerns expressed about avoiding confusion with other products for infants and young children, and supported the endorsement of 9.6.5.

**Conclusion**

23. CCFL endorsed the provision for 9.6.5.

**Section B: Drink/product for young children with added nutrients or drink for young children***Section 9.1.2*

24. It was noted that the option for the name “drink for young children” did not address products that could be in a powdered or concentrated liquid form requiring reconstitution into a drink before consumption, and that consideration should therefore be given to rename this product as “drink / product for young children” which would also provide consistency and clarity in the naming of the product, and that CCNFSDU could be requested to address this matter. A delegation reminded the Committee that this section was a result of discussion and consensus in CCNFSDU. Another proposal was made to include in the name “drink for young children” a reference to the fact that it could be in dried or concentrated form. It was clarified that such an addition might not be necessary if the term “product” were included in the name as it would address this point.
25. A proposal was made and supported by some observers, to delete “added nutrients” in the 1<sup>st</sup> name option as in their view it could be considered to be a claim, and that in their view this was not consistent with naming of other products in Codex which also had added nutrients yet was not reflected in the name.
26. CCFL did not agree to this proposal and noted the general support to endorse this provision noting that the text was based on consensus and compromise in CCNFSDU.

*Section 9.2.1*

27. A proposal was made to amend 9.2.1 to indicate that each additional added vitamin or mineral should always be individualized to provide better clarity to the text and to avoid the misunderstanding that vitamins and minerals should be declared together. It was clarified that this section already made provision for a complete list which meant that everything should be listed out on the label. In addition, it was noted that the labelling provisions should be implemented consistent with the *General Standard for Labelling of Prepackaged Foods*, which had provisions relevant to both name of the food and listing ingredients (Sections 4.1 and 4.2).

*Section 9.4.1*

28. In response to a request that expiry dates be required, the Chairperson clarified that section 9.4.1 referred to the entire date marking section of the *General Standard for the Labelling of Prepackaged Foods*.

### Section 9.6.5

29. CCFL supported the endorsement of the provision and did not agree to the proposals made (as expressed under Section A, paragraph 20). Argentina was of the view that section 9.6.5 was too broad and needed to be amended to improve clarity and provide more specificity and expressed their reservation.

### Conclusion

30. CCFL agreed to:
- i. endorse the labelling provisions; and
  - ii. request CCNFSDU to consider whether exclusion of the term “product” in the name “drink for young children” was an omission.

### Proposed draft Guideline for Ready-to-use Therapeutic Foods (RUTF)

31. CCFL supported endorsement of the labelling provisions.
32. Two observers supported by a member expressed concerns on the lack of a reference to the *Guidelines on Nutrition and Health Claims* (CX 23-1997) as in their view, it was necessary in order to prohibit any claims on RUTF as claims were often used as marketing tools and there was a need to safeguard these products from misuse and general use. They further stated that RUTF should not be for general retail sale but for use to treat SAM in children only and that this should also be indicated on the label.
33. The chairperson noted that section 12 already referenced *the General Standard for the Labelling of and Claims for Pre-packaged foods for Special Dietary Uses* (CXG 2-1985) and that it was possible that this reference sufficiently addressed the concerns.
34. The Codex Secretariat addressing the concerns about RUTF for general retail, clarified that CCNFSDU had on many occasions clarified that the guidelines were intended for the treatment of SAM in children and were not products intended for general retail sale but for use in very specific settings. She further noted that the proposal for inclusion of the reference to the *Guidelines on Nutrition and Health Claims* could be made in the CCNFSDU where the guidelines will be discussed at its upcoming session in order for CCNFSDU to consider the relevance and appropriateness of these Guidelines to RUTF.

### Conclusion

35. CCFL endorsed the labelling provisions and noted that consideration of the relevance of the *Guidelines on Nutrition and Health Claims* to RUTF could be addressed in CCNFSDU.

### Codex Committee on Processed Fruits and Vegetables (CCPFV)

#### General Standard for Dried Fruits

36. In response to an intervention that section 8.2.4 was a labelling requirement intended for the use of flavouring agents as food additives, and therefore consideration by CCFA was needed before the provision could be endorsed, the Codex Secretariat clarified that Section 8.2.4 referred to the use of ingredients as defined in Section 3.1.2 (optional ingredients) and was not linked to the use of food additives.

#### Annex C Raisins

37. CCFL agreed to a proposal to amend 4.2.1 by referencing the *General Guidelines on Claims* (CXG 1-1979) to ensure that the use of “natural” needed to also be in accordance with these Guidelines.
38. The Chairperson highlighted that since CCPFV had been adjourned *sine die*, and the recommendation for the amendment to the food labelling provisions would be forwarded to CAC for its consideration.

### Conclusion

39. CCFL46 endorsed:
- i) the labelling provisions in the Standard for Gochujang, Standard for Chili Sauce, the Standard for Mango Chutney and General Standard for Canned Mixed Fruits (and its annexes); and
  - ii) the food labelling provisions in the General Standard for Dried Fruits (and its annexes), with a recommendation to amend 4.2.1 (Annex C raisins) by including a reference to the *General Guidelines on Claims* (CXG 1-1979) which would be forwarded to CAC44.(Appendix II).

### Codex Committee on Spices and Culinary Herbs (CCSCH)

40. With regard to the decision by CCSCH5 on the separation of ‘country of origin’ as mandatory declaration and ‘country of harvest’ as optional declaration, the European Union and its member states restated their position that was already expressed at CCSCH5 that ‘country of harvest’ should be mandatory since it is more relevant

than country of origin. There was a general support in keeping 'country of origin' as a mandatory declaration and 'country of harvest' as an optional declaration as discussed and agreed at CCSC5. In particular, the Committee noted the following views that;

- i) The *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) defined country of origin while no definitions were provided for country of harvest, which justified the decision of CCSC5 on 'country of harvest' as an optional declaration.

### Conclusion

41. CCFL46 endorsed the labelling provisions in the Draft Standard for Dried Oregano, the Draft Standard for Dried Roots, Rhizomes and Bulbs – Dried or Dehydrated Ginger, the Draft Standard for Dried Floral Parts – Cloves, the Draft Standard for Dried Basil and the Proposed Draft Standard for Dried Seeds – Nutmeg.

### DRAFT GUIDANCE FOR THE LABELLING OF NON-RETAIL CONTAINERS (Agenda item 5)<sup>5</sup>

42. India, as previous Chair of the EWG, introduced the item and provided a brief history of the work. It was noted that due to the COVID-19 pandemic and to take advantage of the extra time available between sessions, India together with the CCFL Canadian Secretariat considered the comments received at Step 6 and prepared a revised draft for consideration (CX/FL 21/46/5 Add.1). Additional comments were sought on this draft in advance of CCFL46 resulting in further proposals found in CRD05. India drew attention of the Committee to the areas of major amendments, and provided recommendations.
43. CCFL agreed to the Chairperson's proposal to carry forward discussion based on CRD05.

### Discussion

44. CCFL agreed with most of the proposals in CRD05, made appropriate editorial changes, and clarified various sections as follows:

#### *Standard vs. Guideline*

45. CCFL noted the explanation provided by the Codex Secretary that there was no clear guidance on the difference between a standard and a guideline, and what it was called was a Codex internal classification. He stated that while standards are often more prescriptive than guidelines, this was not always the case. He further clarified that whether it was a standard or a guideline made no difference under WTO, as these were recommendations to national governments, and that it was the information within the text that was important. With regard to the draft guidance for the labelling of non-retail containers, the Codex Secretary stated that in his view, it was written based on the *General Standard for the Labelling of Prepackaged Foods* and was phrased as a standard.
46. CCFL agreed that the document title would be a General Standard.

#### *General Principles*

47. CCFL discussed the merits of the general principles and whether they needed to be "should" or "shall". CCFL agreed to keep all the principles and to amend the principles in order to all be "shall".

#### 5.3

48. CCFL discussed when date marking needed to be provided on non-retail containers. On a proposal to always require date marking, it was recalled that labelling requirements for non-retail containers should be differentiated from the requirements on prepackaged foods. CCFL agreed that date marking and storage instructions must be provided when required for the safety or integrity of the product. This allowed flexibility for date marking and storage information to be provided voluntarily on products where it was not needed for safety or integrity reasons.

#### 6

49. CCFL discussed the need to specify certain requirements such as allergens, and the list of ingredients on the label of the non-retail container. It was clarified that provision 6 (ii) required that all mandatory information listed in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985), including allergens and the list of ingredients, needed to be in the accompanying documents or other means. It was further noted that provision 6 (ii) was written with a view to be concise and complete, and covered all mandatory requirements for the labelling of prepackaged foods.
50. The Committee agreed to provision 6 (ii).

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<sup>5</sup> REP19/FL, Appendix II; CX/FL 21/46/5; CX/FL 21/46/5 Add.1; CX/FL 21/46/5 Add.2

### 7.1

51. A delegation noted that the term “bulk transport” had been replaced with “food transportation unit” with a reference to its definition in the *Code of Hygienic Practice for the Transport of Food in Bulk and Semi-Packed Food* (CXC 47-2001).
52. It was recalled that the term “food transportation unit” had previously been described as “bulk transport” and it was important to retain the original intent. It was clarified that the *Code of Hygienic Practice for the Transport of Food in Bulk and Semi-Packed Food* (CXC 47-2001) contained definitions for both “food transportation unit” and “bulk” and that the original intent remained since bulk transport is included under the definition of food transportation.
53. CCFL agreed to include a reference to the definition of “bulk” in the footnote to the title of 7.1.

### 8.2

54. For provision 8.2.1, the Committee agreed to amend the text to reflect the intent that if the language in the original label was not acceptable in the country in which the product is sold, the mandatory information in the required language should be provided, and that there were options on how it could be provided, such as through re-labelling or a supplementary label.
55. For provision 8.2.2, the Committee exchanged views on the need to clarify that the translated information on the supplementary label be in compliance with the national legislation in the country of sale. It was clarified that provision 8.2.1 covered the compliance of the mandatory requirements in the country of sale, and that provision 8.2.2 was about the need for accuracy of the translation of the mandatory information. The Committee agreed that additional text to 8.2.2 was not needed.

### **Conclusion**

56. CCFL noted that all issues had been addressed and that the standard was ready for final adoption.

### **Consequential Amendments to the Procedural Manual**

57. The Chairperson explained that the current Procedural Manual provided guidance for how Codex Commodity Standards captured non-retail containers in cases where the scope of the standard was not limited to prepackaged foods, and when the non-retail container standard is adopted by CAC the guidance in the Procedural Manual will be outdated. The Committee agreed that a consequential change was required in the Procedural Manual (Format for Codex Commodity Standards, section on labelling)
58. CCFL discussed the proposed consequential amendment and agreed that the revision would include a reference to the non-retail container standard and also include text allowing for additions or exemptions to requirements provided they are justified fully.

### **Conclusion**

59. CCFL agreed to:
  - i. Forward to CAC44:
    - a. the draft standard for adoption at Step 8 (Appendix III);
    - b. the consequential amendment to the Procedural Manual for adoption (Appendix III); and
  - ii. Recommend that CAC44 request Commodity Committees to review the labelling provisions for non-retail containers in light of the new standard for the labelling of non-retail containers.

### **PROPOSED DRAFT GUIDELINES ON FRONT-OF-PACK NUTRITION LABELLING (Agenda item 6)<sup>6</sup>**

60. New Zealand, as co-chair of the EWG, and chair of the virtual Working Group (VWG) which met prior to the Session, speaking also on behalf of Costa Rica introduced the item and highlighted the key issues and recommendations from the VWG as presented in CRD2. It was noted that there were two areas that required specific attention: consideration to explicitly state that FOPNL can be mandatory or voluntary; and a recommendation to delete section 3.2. Both these issues had not been conclusively discussed in the VWG.
61. CCFL considered the report of the EWG and its recommendations and agreed with most of the recommendations, and in addition to editorial corrections for clarity and consistency, made the following comments and decisions:

### **Scope**

62. CCFL noted the overall support for the scope.

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<sup>6</sup> CX/FL 21/46/6; CX/FL 21/46/6 Add.1

## 2.2

63. The Russian Federation expressed concerns with the list of exclusions in section 2.2 and their view that not only the commodities listed in 2.2 should be excluded from FOPNL, but also alcoholic beverages and single component foods such as oils, water, sugar, butter and cheese as well as dietary supplements, to avoid misleading the consumer.
64. It was clarified that the proposed exclusions listed in section 2.2 had received strong support in the VWG and allowed for additional exclusion decisions to be taken at the national level. This was consistent with the approach to keep the Guidelines high level and flexible to support all FOPNL systems. It was also clarified that exemptions for single component foods at the national level were covered by section 2.3.

## 2.3

65. One observer drew the attention of the Committee on the lack of specific Codex guidance for the concept of “small pack/small packaging”. New Zealand as chair of the WG pointed out that the addition of the cross-reference to section 3.1.2 of the *Guidelines on Nutrition Labelling* aimed to clarify that certain foods could also be exempted from FOPNL, for example, because of nutritional or dietary insignificance or small packaging.

### Conclusion

66. CCFL agreed with the scope and noted the reservation of the Russian Federation on 2.2 for the reasons expressed in paragraph 63.

### Definition

67. New Zealand as chair of the VWG explained the WG had not concluded whether to explicitly indicate that FOPNL can be mandatory or voluntary. Noting that the Guidelines were meant to be flexible in order to cater for FOPNL systems currently in place and that might be in place in the future, she proposed that CCFL consider inclusion of the statement “*FOPNL can be voluntary or mandatory*” in the definition.
68. She further noted that the VWG did not have sufficient time to consider a proposal to delete section 3.2 as this section was considered by some members to exclude some existing FOPNL systems that met the definition of nutrition and health claims.

### Voluntary / mandatory

69. CCFL had an exchange of views on this proposal and noted the following:
- Inclusion of the statement would cover the current status of FOPNL in their countries.
  - In order to address the potential conflict with section 5 of the *Guidelines on Nutrition Labelling* (CXG 2-1985) it should be stated that FOPNL could be mandatory or voluntary in line with national legislation.
  - That the concept of mandatory or voluntary should be captured in the principles rather than in the definition.
70. The Russian Federation considered that mandatory FOPNL would be in contradiction to section 5 of CXG 2-1985 which indicated that the *use supplementary nutrition information should be optional* and that the inclusion of the proposed statement in the definition of FOPNL would require also amendment to section 5 of CXG 2 - 1985.
71. The Chair of the WG reminded the Committee that the Guidelines were meant to be flexible to cater for FOPNL systems currently in place and in the future.
72. The Codex Secretariat clarified that section 5 of CXG 2 used “*should*” which provided flexibility for FOPNL to be either voluntary or mandatory, and the definition of FOPNL indicated that it was one form of supplementary nutrition information and therefore the inclusion of the proposed statement would not be contradictory to section 5 of CXG 2.
73. The Chair of the Committee further noted that the nature of the scheme would determine its voluntary or mandatory nature and that this would be a decision of competent authorities.
74. Responding to a suggestion to include the proposed statement in the principles sections rather than in the definition, the Chair of the WG explained that the recommendation to include this in the definition had received strong support by members. The Codex Secretariat further clarified that keeping the statement in the definition would also address any perceived conflict with section 5 of CXG 2.

### Conclusion

75. CCFL:
- agreed to amend that definition by the inclusion of the statement: *FOPNL can be voluntary or*

*mandatory in line with national legislation; and*

- noted the reservation of the Russian Federation to this decision for the reasons stated in paragraph 70.

### 3.2 This definition excludes nutrition and health claims

76. Those delegations supporting deletion of 3.2 noted that some current schemes/systems also corresponded to the definition of nutrition and health claims in the *Guidelines for Use of Nutrition and Health Claims* (CXG 23-1997) and that such systems should not be excluded from FOPNL. Section 3.2 can be read in a way that when it is a claim, it cannot be a FOPNL or that classification under FOPNL would mean it is not covered by the *Guidelines for Use of Health and Nutrition Claims*. It was stated that the definition in 3.1 was clear enough.
77. The Representative of WHO further pointed out that in her analysis of currently existing systems, all systems would apply one way or the other (as FOPNL or as nutrition and health claims) and the exclusion of systems would be against the principles and spirit to be flexible and inclusive in the guidelines.

#### Conclusion

78. CCFL agreed to delete section 3.2 from the Definition section of the draft guidelines and noted the reservation of the Russian Federation to this decision.

## Section 4 – Principles for the establishment of FOPNL systems

*Principle 2 – FOPNL should be applied to the food in a manner consistent with the corresponding nutrient declaration for that food*

79. CCFL did not agree to a proposal to amend this Principle to indicate that FOPNL should be consistent with the dietary needs of specific population groups. An observer noted that if baby foods and other foods for special dietary purposes not mentioned in the Scope are not excluded from FOPNL it could be used to inappropriately promote these foods. However it was clarified that this Principle was about consistency with the nutrient declaration, and dietary needs of specific population groups were addressed in principle 3 through alignment with dietary guidelines.

*Principle 3 - FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to the nutrients and/or the food groups of which are discouraged and/or encouraged by these documents*

80. CCFL did not agree with the proposals to amend the principle to indicate that overall nutrition profiles of the product should be taken into account and to delete reference to “*encouraged by..*” in the second sentence as FOPNL should only indicate risk nutrients.
81. It was clarified the principle already requires that FOPNL should align with evidence-based dietary guidance or in their absence nutrition policies which covers that nutrient profiles are taken into account. It was further clarified that the principles were flexible to cover all existing systems including systems that include nutrients to be encouraged.

*Principle 5 – FOPNL should be clearly visible on the {front of the} package / packaging at the point of purchase under normal conditions*

82. CCFL agreed to delete the text in square brackets as not necessary.

*Principles 9 - FOPNL should be accompanied by consumer education / information program to increase consumer understanding and use of FOPNL and Principle 10 – FOPNL should be monitored and evaluated to determine effectiveness and impact*

83. CCFL agreed to amend Principle 9 to indicate that consumer education or provision of information should be in line with government recommendations and this would address concerns of potential conflict of interest.
84. Questions were raised as to whether principles 9 and 10 were principles for the development of FOPNL or recommendations for implementation of FOPNL. It was clarified that all principles were recommendations and that while the 2 principles were more about implementation they could be retained as principles due to their importance for FOPNL. It was further noted that the principles adhered to the WHO Guiding Principles for FOPNL.

#### Conclusion

85. CCFL agreed to retain the principles as amended.



**Other issues / new principles**

*Concept of “non-discriminatory” (new principle – FOPNL being non-discriminatory to particular foods (including being objective and not exploiting fear in consumers and not being used to hinder trade)*

86. CCFL had extensive discussion on the concept of FOPNL being non-discriminatory and whether any additional text was needed in this regard.
87. At the VWG, the European Union and its Member States proposed to include a new principle that would read “*FOPNL should be objective and non-discriminatory*”. The intent of the principle was to ensure that the calculation rules that are behind schemes under development are objective and do not discriminate between foods on an unjustified basis but that the rules are justified, objective and based on solid scientific and nutritional grounds. It was their view that the new principle would be complementary to the already agreed principles in the Guidelines.
88. New Zealand, as chair of the WG, noted that in other Codex texts the term ‘non-discriminatory’ was not used neither defined and could lead to misinterpretation and confusion and that the concept of non-discrimination would be in conflict with Principle 6. She offered an alternative proposal to insert ‘objective’ in Principle 3.
89. Views were also expressed that:
- the principle around non-discrimination was inherent in the trade obligations that are already in Codex texts;
  - FOPNL was evidence-based and use nutrient profiles as an objective measure to discriminate between foods;
  - The concept of not exploiting fear in consumers was already covered by other Codex guidelines;
  - Principle 3 already allows for flexibility at the national or regional level as it allows for differences for foods that might be recommended as part of a healthy diet in a different country or region.
90. The Representative of WHO noted the concept of non-discrimination was technically inconsistent with the objectives and aims of FOPNL and did not support including this concept in the Guidelines.
91. Overall there was no consensus to add a new principle or to amend Principle 3 to capture that FOPNL should be objective and non-discriminatory. While there was some support on a compromise proposal to only include the concept of ‘objectivity’ to Principle 3, this was not considered sufficient by the supporters of including both concepts.

**Conclusion**

92. CCFL agreed to not include a new principle and to retain Principle 3 unchanged. The European Union and its Member States expressed their reservation on Principle 3 since it did not indicate that FOPNL should be objective and non-discriminatory.

**Location of the Guidelines**

93. CCFL agreed that the Guidelines would be an annex to the *Guidelines on Nutrition Labelling* and in view of this decision agreed to insert a footnote to section of the CXG 2-1985 to reference the new annex.

**Matter referred by CCNFSDU**

94. CCFL recalled the request from CCNFSDU to CCFL on the extent of the work concerning nutrient profiles in CCNFSDU could support the work on FOPNL and to what extent it would be taken into account (see Agenda Item 2).
95. CCFL noted that its work was not dependent on the possible work on nutrient profiles in CCNFSDU and that its discussions on FOPNL had been completed.

**Conclusion**

96. CCFL agreed to:
- i. Forward the proposed draft Guidelines to CAC44 for adoption at Step 5/8 and inclusion as an Annex to the *Guidelines on Nutrition Labelling* (CXG2-195) (Appendix IV);
  - ii. Forward the consequential amendment to Section 5 of the *Guidelines on Nutrition Labelling* to CAC44 for adoption (Appendix IV); and
  - iii. Inform CCNFSDU that the work on the Guidelines for front of pack nutrition labelling had been completed and was not dependent on work on nutrient profiles in CCNFSDU.

**PROPOSED DRAFT GUIDELINES ON INTERNET SALES / E-COMMERCE (Agenda item 7)<sup>7</sup>**

97. The United Kingdom, as chair of the EWG, speaking also on behalf of the co-chairs, Japan, Chile, India and Ghana presented this item, outlining the process followed by the EWG, its discussions and decisions. She highlighted the core areas agreed upon by the EWG, such as, the scope would only cover sales of prepackaged foods and not loose foods and cover provision of food information; and that terms and definitions were clarified. She further drew the attention of the Committee to the issues that needed further consideration, including the alternative wording for sections 4 and 5, and wording related to displaying a period of minimum durability.
98. She clarified that the text would be a supplementary text, envisioned to be an annex to the GSLPF, and not a separate guideline. In order to facilitate discussion at this session, she explained that CRD4 had been prepared taking into account comments submitted to CL2021/20/OCS-FL and that several corrections had been made, namely: including consistency of the use of terms and definitions throughout the text; inclusion of wording to clarify that exemption of small units outlined in section 6 of GSLPF shall not apply; and she confirmed that allergen and nutritional information was appropriately captured within the text.
99. CCFL agreed to consider CRD4 as the basis for discussion.

**Discussion***Title*

100. While there was general agreement that the proposed text would be supplementary to the GSLPF as an annex, one delegation did not agree with the proposed title as they were of the view it implied that the labelling requirements for e-commerce were mandatory, which was not preferable as the use of e-commerce could vary among countries and potential technological advancement could affect the way of labelling for e-commerce. This delegation therefore proposed that the title be reconsidered and that the text should provide for more flexibility.
101. In addition, another delegation stated that how this text was placed in an annex could affect the resulting discussion on referencing the *Guidelines on Nutrition Labelling* since these Guidelines were not referenced in the GSLPF, and thus consideration should be given to consistency between the placement of nutrition labelling requirements for e-commerce and physical sales of food.

*1. Scope*

102. Extensive discussion was held on the scope and different proposals were made to better clarify that food information shall be available on the product information e-page or at the point of e-commerce sale, and that the text did not apply to information that shall be available at the point of delivery as such information was already provided for in the GSLPF.
103. It was also clarified that mobile applications were within the scope of 'e-page'.
104. CCFL however did not take a firm decision on the exact wording but agreed with the overall concepts addressed in the scope.

*2. Definition of terms*

105. The main focus of discussion was on an appropriate definition for 'e-commerce'. A proposal was made to use the WTO definition for e-commerce as this definition was already in use and generally understood.
106. However, divergent views were expressed as follows:
- i) The WTO definition was wider than the current definition in the sense that it covered the 'production, distribution, marketing, sale or delivery of goods and services by electronic means' and use of this definition would help to future proof the text.
  - ii) The current proposed definition was specific enough to match the purpose of the text and thus should be retained without changes, rather than applying the definition of WTO which was too broad, ranging from production to distribution.
  - iii) In order to clarify that the definition set out in this text was aimed solely for the purpose of e-commerce, it was proposed that the definition section should include a chapeau as follows: "for the purpose of this text the following definitions shall apply". This would ensure that it is understood that the definition for e-commerce was specific for this text.
  - iv) In order to integrate the WTO definition of e-commerce into the current proposed definition, the term of "distribution, marketing" could be inserted before the sale or purchase.

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<sup>7</sup> CX/FL 21/46/7; CX/FL 21/46/7 Add.1

- v) The WTO definition focused more on transaction rather than e-commerce itself. Therefore, it was proposed to amend the WTO definition to read “the sale or purchase of prepackaged foods that is sold through electronic platform”, which underlined that this text was aimed at e-commerce.
  - vi) For the sake of future proofing, the definition of e-commerce should be deleted altogether, otherwise the current proposed definition should be used, with the deletion of “distribution” and “sold through electronic platform”.
  - vii) As an alternative to the proposed definition and the definition by WTO, a simplified definition should be applied as follows “*the sale or purchase of goods through electronic or virtual means*”.
  - viii) The WTO definition is too broad as it included “goods and services” and it should be clarified that for the purpose of this guidance the focus is on the marketing, sales and delivery of prepackaged foods
  - ix) It was questioned whether “marketing” was required as the intent of the guidance was on what information is needed on the e-page for sales and delivery.
  - x) It was noted that the term “e-commerce” was used with other words in the draft guidance and not on its own, thus specificity in the definition may not be needed.
107. CCFL did not take a decision on the definition.

### 3. General principles

108. CCFL agreed to amend the first paragraph for clarity as follows: ‘*The General Principles in Section 3 of the GSLPF apply.*’
109. Mixed views on the remaining text in this section were expressed as follows:
- i) For purposes of clarification, “at the point of delivery” should be replaced with “at the point of e-commerce sale delivery”, which would help consumers make an informed decision. Likewise, it was proposed adding “e-page” before product label.
  - ii) The proposed second sentence captured the intent of this text, and thus it should be retained without modifications.
  - iii) The proposed second sentence duplicated the scope. Hence, the sentence should be deleted.
  - iv) The intent of this text was that information on food products should be properly presented both on online platforms and at consumers’ end.
  - v) Referring to the view as provided in iv), this text was only aimed for information provided at the point of e-commerce and not also when the product was physically delivered to consumers.
  - vi) The last clause in the proposed second sentence “unless specified otherwise within the text” should be deleted as this was causing confusion around the intent of the principle.
110. One delegation made an observation that, should the second paragraph be applied as discussed, consideration should be given to whether the rest of the text, especially section 4, should be revised to indicate exception to the GSLPF, since the proposed second paragraph provided that labelling for e-commerce complied with GSLPF.
111. One observer expressed the view that reference to the International Code of Marketing of Breast-milk Substitutes and subsequent WHA resolutions should be included so that food products sold via e-commerce should also be covered by their requirements in order to safeguard consumers adequately from being misled by inappropriate labelling. The Chairperson explained that this was already covered through the reference to the GSLPF and other Codex texts.
112. The EWG Chair confirmed that the intent of the general principles was to ensure that foods sold by e-commerce would be labelled as required by the GSLPF when delivered to the consumer.
113. CCFL did not take a decision on the remaining text, but noted the views expressed and in addition noted that this section should be revisited in light of a further discussion and decision on the scope and that consistency should be ensured throughout the document.

### Section 4.1

114. While CCFL noted support from several delegations for the proposed text including addition of the reference to small units in the context of e-commerce, there were several views expressed as follows;
- i) The principle of not applying the exemption of small units to labelling requirements provided in GSLPF to e-commerce should be voluntary rather than mandatory, since it was normally retailers rather than manufacturers that provide information on e-commerce, and hence, this principle was not likely to be

feasible for small business operators.

- ii) With the respect of i), retailers should have information from manufacturers in accompanying documents, which could be provided to consumers on e-page. Thus there should be no exceptions to the reference to small units.
- iii) The text of section 4.1 should be reconsidered to be consistent with the GSLPF and other standards which had no mention of information requirements.
- iv) The definition of the term “associated labelling” should be provided to add clarity to the section 4.1.

#### *Section 4.2 and 4.3*

115. One delegation, supported by several other delegations, proposed deletion of sections 4.2 and 4.3 since these sections left the possibility of providing inaccurate information to consumers and could create gaps for some products that are not authorized by health authorities to be marketed and sold. As for this proposal for the deletion, an opposing view was expressed that section 4.2 should be retained as the current formulation of the section did not make it obligatory.
116. Another delegation requested clarification on the intent of section 4.2, specifically whether it was intended to cover one-time reformulation or potentially ongoing substitution of ingredients. She further noted that variations of ingredients can occur not only in the form of substitutions but also omission and addition of ingredients. Furthermore, there was a request for clarification on the term of “minor variations”.
117. A view was noted that listing possible ingredients set out in the latter half of 4.2 was not feasible and so it should be changed to make it clear that alternative ingredients may be declared.
118. A suggestion was made to add clarification to 4.2 by stating that declaration of two or more ingredients should be temporary and that ingredient lists should up to date at all times.

#### *Sections 4.4 and 4.5*

119. Although time constraints did not allow full discussion of these sections, the Committee noted the following views:
- i) Information on nutritional properties should be taken into account in the proposed text in section 4.4.
  - ii) “provided by food business operation” should be inserted after the nutritional information in section 4.4.
  - iii) Information on minimum durability was important and should be articulated in the text in section 4.5.

#### *Other sections*

120. As there were no key text revisions proposed in the remaining sections of the text, CCFL did not focus on these.

#### **Conclusion**

121. The Committee agreed:
- i. That the text was not yet ready to be advanced in the Step procedure; and
  - ii. To re-establish the EWG, chaired by UK, and co-chaired by Chile, Ghana, India and Japan, working in English and Spanish, to continue development of the supplementary text to the GSLPF, taking into account the written comments submitted to the session, and comments made at this session, for circulation for comments at Step 3 and consideration by CCFL47.
  - iii. The EWG report shall be made available to the Codex Secretariat at least three months in advance of CCFL47.

#### **FOOD ALLERGEN LABELLING: (Agenda Item 8)<sup>8</sup>**

##### **PROPOSED DRAFT REVISION TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS – PROVISIONS RELEVANT TO ALLERGEN LABELLING (Agenda Item 8.1)**

##### **PROPOSED DRAFT GUIDANCE ON PRECAUTIONARY ALLERGEN LABELLING (Agenda Item 8.2)**

122. Australia, as chair of the EWG, introduced the item, also on behalf of the co-chairs: the United Kingdom and the United States of America, and explained the work undertaken in the EWG and the progress made to date on the two parts of work: i) revisions to the GSLPF and (ii) development of guidance on precautionary allergen or advisory labelling (PAL). She further recalled that CCFL had requested scientific advice from FAO/WHO and that the EWG was not able to take into account the reports of the FAO/WHO as they were not yet

<sup>8</sup> CX/FL 21/46/8; CX/FL 21/46/8 Add.1; CX/FL 21/46/8 Add.2

available, but for the PAL took into account the FSANZ/UKFSA literature review of consumer response to allergen labelling.

123. She informed the Committee that the guidance on precautionary allergen labelling was not as advanced as the work on the revisions to the GSLPF and noting the replies to the CL 2021/21/OCS-FL and the CRDs submitted to the Committee that there was the general view to consider the reports of the expert advice when they become available and consumer evidence to progress the work. She proposed that CCFL consider the proposed texts and provide general advice on the overall approach, and the key parts addressed in the two proposed draft texts to aid further work in the EWG. She further proposed that work on the revisions to the GSLPF and the guidance on PAL be taken up together by the EWG, recognizing that work could progress at different stages in the Step process and that cooperation with CCFH was important to ensure consistency with the *Code of Practice on Food Allergen Management for Food Business Operators* (CXC 80-2020).
124. The Representative of FAO, speaking on behalf of the Secretariat for the Ad hoc Joint FAO/WHO Expert Consultation on Risk Assessment of Food Allergens provided an update of the expert consultations and the timelines for the finalisation of the summaries and reports of the 3 consultations. It was expected that all final reports would be available by or before October 2022 for consideration by the EWG.

#### **Proposed draft revision to the GSLPF – Provisions relevant to allergen labelling**

125. CCFL agreed to have a general discussion on the proposed draft revision proposals and to collect comments to help guide further discussion in the EWG, and did not take decisions on the recommendations/proposals by members and observers.

#### **General Discussion**

126. There was general agreement with the approach taken and that the good progress had been made, but that the list of foods to be declared needed further consideration once the report of the Ad hoc Joint FAO/WHO Expert Consultation on Risk Assessment of Food Allergens became available.

127. CCFL noted the following views expressed:

#### *Scope*

128. The scope should be extended to non prepackaged foods offered in catering establishments as well.

#### *Definitions*

129. It was necessary to ensure the technical correctness of the definitions, in particular the definitions for 'allergen' and 'food allergen' and that it was important for the definitions also to take into account that not only proteins were allergens, but that glycoproteins or carbohydrates, for example, could also elicit allergic responses in some individuals. A view was also made that consistency with definitions in the *Code of Practice for Allergen Management for Food Business Operators* (CXC 80–2020) should be ensured.

#### *List of ingredients 4.2.1.4*

- the full report of the Ad hoc Joint FAO/WHO Expert Consultation on Risk Assessment of Food Allergens was necessary to develop the list in 4.2.1.4
- lactose and sulphite should be excluded from the list as these caused food intolerances and not allergic reactions
- use of terminology that was objective rather than common names should be considered as food varied from region to region
- in 4.2.3 other means of making available information on allergens should be addressed when it was not possible to list the ingredients on small packages
- different options for listing ingredients that might cause allergic reactions should be considered
- support for the inclusion of sesame
- for those allergens not on the list, consideration should be given to develop a 'watch list' to help raise consumer awareness
- soybean should not be excluded
- cereals should be retained in the list, but to ensure that it is in line with the *Standard for foods for special dietary uses for persons intolerant to gluten* (CXS 118-1979), which states to include also spelt because usually spelt is not always known as a wheat cereal
- spelt is a hybrid source from wheat and should not be singled out

- it is important that labelling reflects immune mediated reactions as well as IGe mediated food allergies and coeliac disease.
- exemptions for highly processed or refined ingredients, such as oils, because of the level of processing means that allergens are removed and not of allergenic concern, should be considered
- consider the addition of a sub-section on processing aids.

#### *Presentation of mandatory information*

- 8.3.1.1 should be deleted or merged as the information was repetitive;
- the intent of 8.3.1.1 was understood and gave flexibility to national authorities.
- 8.3.2 should be consistent with 8.1.4 of the GSLPF.
- That there should not be another statement on in addition to the list of ingredients in 4.2.1.4 as this could cause confusion to consumers
- That alternative methods be explored for declaration of allergens on small packages as the information might not be legible for some consumers.
- Different options should be considered for the declaration of allergens, as many countries provided different options, such as listing in ingredients list or by allergy declarations.

#### **Proposed draft Guidelines on Precautionary Allergen Labelling**

130. CCFL noted that that the guidelines were still at an early stage of development and that the WHO/FAO Expert consultations on PAL was needed for the it's further development, and that written comments submitted to the Session should be taken into account by the EWG in the ongoing work on PAL.

#### **Conclusion**

131. CCFL agreed to:
- Re-establish the EWG chaired by Australia and co-chaired by the United Kingdom and the United States of America and working in English to:
    - to prepare the proposed draft revision to the GSLPF and the proposed draft guidelines taking into account the discussion in the Committee and all the written comments submitted and consideration by CCFL47;
    - Take into account the scientific advice from FAO/WHO and evidence based consumer understanding of allergen labelling and advisory statements.
  - To keep open the possibility of a PWG, chaired by Australia and co-chaired by the United Kingdom and the United States of America, to meet prior to the next session of CCFL, to consider written comments submitted and prepare revised proposals for consideration by CCFL47.
132. The EWG report shall be made available to the Codex Secretariat at least three months in advance of CCFL47.

#### **DISCUSSION PAPER ON INNOVATION – USE OF TECHNOLOGY IN FOOD LABELLING (Agenda Item 9)<sup>9</sup>**

133. Canada introduced the item and explained that the topic considered the potential use of technology in food labelling and explored when technology may be used in addition to, or as an alternative to, a physical label to provide food information. This differed from the work on e-commerce in that the product was physically present. She summarized the responses received from a CL issued and highlighted support for mandatory information to remain on the physical label of prepackaged foods and that the definition of "label" should continue to pertain to the physical product with rare exceptions such as for small packages; general principles of the GSLPF should apply and that adjustments would be needed to the GSLPF; the scope be limited to prepackaged foods intended for consumers as the draft general standard for labelling of non-retail container already addressed this in those foods; and that technology can and is being used for supplementary or voluntary information or to repeat information found on the food labels through means such as websites or QR codes.
134. In view of the responses to a recent CL, CL 2020/57-FL, Canada proposed that the new work would address the gap in the GSLPF to enable the general principles in the GSLPF to apply to food information provided through technology. The new work would also develop broad guidelines on the use of technology in food labelling in areas such as circumstances where the use of technology would be appropriate in food labelling; consistency between information on the label and provided through technology; and legibility, language, presentation of information and accessibility to consumers. Consequential amendments to other Codex texts,

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<sup>9</sup> CX/FL 21/46/9

as a result of this work would also be identified. She further noted the work on e-commerce would be taken into consideration in order to ensure consistency and to avoid duplication.

### **Discussion**

135. While not objecting to the new work, one delegation considered that the new work should facilitate the use of technology in food labelling but not be too restrictive for its use in the future. Another delegation noted that the new work was not a high priority for their country.
136. The Committee expressed unanimous support for starting new work on the use of technology in food labelling and considered the project document, noting the following clarifications:
- The scope of the new work would cover both voluntary and mandatory labelling and the need for consistency in the information provided on a label and through technology.
  - Regarding a concern on the need for strict privacy safeguards as a result of the use of technology especially as it related to infant foods, it was clarified that the new work was about the food information on the label and that privacy issues were beyond the scope of the Committee.
  - The development of supplementary text was intended to be separate guidelines. The Committee amended the 2 (b) under “main aspects to be covered” to clarify this.

### **Conclusion**

137. The Committee agreed to:
- i) Start new work on the use of technology in food labelling and to submit the project document (Appendix V) for approval by CAC44.
  - ii) Establish an EWG, chaired by Canada, working in English, to prepare proposed draft text for circulation for comments at Step 3 and consideration by CCFL47.
138. The EWG report shall be made available to the Codex Secretariat at least three months in advance of CCFL46.

### **LABELLING OF ALCOHOLIC BEVERAGES (DISCUSSION PAPER) (Agenda item 10)**

139. The Russian Federation outlined the work done so far for the labelling of alcoholic beverages, and indicated that responses to CL2019/86-FL showed that there was common ground on which to proceed with the work, but that there was a clear split of opinion on the question if alcohol labelling requires specific guidance or standards in Codex, but that challenges caused by the COVID-19 pandemic hindered the development of the discussion paper. Recognizing the support for future work in CCFL, they expressed willingness to continue developing the discussion paper and proposed that further information based, on the replies already received to CL2019/86-FL, should be requested through a CL to assist in this work.
140. The Representative of WHO stated that keeping this item on the agenda was beneficial for public health and that they were ready to contribute to the development of the discussion paper.
141. CCFL also noted the offer of EURO CARE to assist in the development of the discussion paper.

### **Conclusion**

142. CCFL46 agreed:
- i. The Russian Federation, European Union and India with assistance from WHO and EURO CARE would prepare a discussion paper for consideration by CCFL47; and
  - ii. A CL would to be issued to request information to assist in the development of the discussion paper. The Russian Federation would work with the Codex Secretariat to develop appropriate questions for the CL.

### **DISCUSSION PAPER ON THE LABELLING OF FOODS IN JOINT PRESENTATION AND MULTIPACK FORMATS (Agenda item 11)<sup>10</sup>**

143. Colombia introduced the item and recalled that CCFL44 agreed that Colombia would prepare a discussion paper on labelling of foods in joint presentation and multipack formats and that a CL be issued to collect information on the current practices, issues and any potential role for CCFL in this area. She highlighted that a general finding was the lack of a definition in the existing guidelines for these types of formats. She further recalled that at CCFL45, due to the late issue of the paper, consideration of the matter was postponed and that the Committee agreed that there should not be stand-alone guidance but to consider possible amendments to the GSLPF. She described what was considered prepackaged foods in joint presentation and multi-packaged foods, highlighting that the labelling information, such as date marking and list of ingredients,

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<sup>10</sup> CX/FL 21/46/11

of the individual foods in these packaging formats could be obscured to consumers.

### **Discussion**

144. The Committee held a general discussion on the subject and delegations provided the following views:
- This topic was important for food allergic consumers as in some areas of the world only the outer packaging required a list of ingredients, and not the individual foods in these packaging formats which could be distributed separately without allergen information being readily available.
  - This work was important as multi-packaged foods directed at children were seen as confusing.
  - The work could help address gaps in the GSLPF.
  - Careful consideration needed to be taken for any amendments made to the GSLPF as it may complicate its overall application and that the development of guidance may be a better approach.
  - No additional work was needed as the GSLPF already provided definitions of terms and requirements that apply to all prepackaged food, including in these packaging formats, and appropriate applications of the standard would address the concerns. It was suggested that further analysis would be useful to determine if there are gaps in the GSLPF or if clarification of interpretation of the requirements was needed which could be included in a future report of the Committee.
  - The GSLPF provided sufficient guidance and any work in this area should take into consideration other new work that may be of a higher priority for the Committee.
  - The work should be limited in scope to focus on specific areas in the GSLPF that needed clarification and guidance around interpretation.
  - Consideration could be given to how Section 7.2. of the draft general standard for the labelling of non-retail containers addressed a similar situation and could be considered to address these formats in the GSLPF.
  - If the new work was not taken up, the topic should be retained in the inventory of potential CCFL future work.

### **Conclusion**

145. CCFL agreed to:
- i) retain the topic on the labelling of prepackaged foods in joint presentation and prepackaged multi-packaged foods in the inventory of potential CCFL future work.
  - ii) request Colombia to prepare a discussion paper to identify gaps in the *General Standard for the Labelling of Prepackaged Foods* (CSX 1-1985) and/or identify where clarity and interpretation may be required.
  - iii) issue a CL requesting information to support the development of the discussion paper, and Colombia would work with the Codex Secretariat to develop appropriate questions for the CL.

### **FUTURE WORK AND DIRECTION OF CCFL (Agenda item 12)<sup>11</sup>**

146. The UK introduced the item and highlighted that the paper had been updated taking into account replies received to CL2020/08-FL and decisions of CCFL45. She highlighted the areas of potential work for CCFL as well as emerging issues for consideration by CCFL. It was recommended that CCFL consider the proposals for new work and it was noted that a project document had been submitted for new work on trans fatty acids and that CCFL also consider whether discussion papers on the topics identified in the inventory of work should be developed.
147. CCFL agreed to focus discussion on the proposal for new work on TFAs as presented in the project document, followed by discussion on possible other areas of work for which discussion papers could be developed.

### **Proposal for new work on trans fatty acids (TFAs)**

148. Canada introduced the proposal for new work and stressed the importance of limiting TFA intakes from all sources due to the health risks posed by TFAs, as recommended by WHO. The new work would entail amending existing Codex texts, namely the *Guidelines for Nutrition Labelling* (CXG 2-1985) and the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) to address (i) requiring the mandatory declaration of TFA on labels of prepackaged processed foods; and (ii) requiring the declaration of partially hydrogenated oil (PHO) and fully hydrogenated oil in ingredient lists of prepackaged processed foods and to

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<sup>11</sup> CX/FL 21/46/12



define these terms. She also recalled that WHO had called for the global elimination of industrially-produced trans fatty acids by 2023 and the proposed amendments would support this important work in WHO. She also recalled that this would address the request from CCNFSDU of CCFL to consider risk management options to address TFA (see Agenda Item 2).

### **Discussion**

149. The Representative of WHO expressed strong support for the proposed new work. She emphasized that industrially-produced TFA had no known health benefits and were clear risks to human health. She further noted that there were a number of countries taking various regulatory actions and policy measures for TFA elimination. In comparison to 2020, a triple number of countries had started to implement best practice policies as recommended by WHO, but these were mainly in high-income countries in the American and European Regions, but not in low- and middle-income countries. However, in 2021, the first two low- and middle-income countries had passed the best practice regulations. She also highlighted that there was increasing momentum to take actions in eliminating industrially produced TFA and it would be opportune moment for Codex work to support these countries' efforts and accelerated actions which are very much needed to achieve the global target of TFA elimination by 2023.
150. While there was general support for the proposal to amend the GSLPF to address PHO and fully hydrogenated oil in ingredient lists, there were divergent views on mandatory declaration of TFAs on labels of prepackaged processed foods as it could lead to negative impacts on foods containing naturally-occurring trans fatty acids and be a burden to the food industry. Views were expressed that a more appropriate risk management option in terms of public health and consumer health protection would be to establish legal limits (maximum levels) for industrially produced TFAs.
151. A delegation drew attention to the request of CCNFSDU to CCFO to consider possible risk management options to reduce TFA or eliminate PHO and that CCFL should await the decision of CCFO before proceeding with work on amendment of CXG 2-1985.
152. Some observers, while supporting amendment of CXG 2-1985, did not support the amendments to the GSLPF as they considered that consumers were not familiar nor did they understand the concepts and would not be able to make the link between hydrogenated and trans fatty acids and its health impacts. In their view, a labelling declaration would have greater impact and should address all trans fatty acids from all sources and would be an incentive for industry to reformulate products.
153. The CCFL Chair noted that there was no agreement to proceed with new work at this time; she proposed that a discussion paper should be developed taking into account also the outcomes of the discussion in CCFO, and that a circular letter could be issued to provide inputs into the development of the paper.

### *Conclusion*

154. CCFL agreed that Canada would prepare a discussion paper to outline possible new work for consideration by CCFL and that a CL should be issued to request information to inform the development of the paper.

### **Emerging issues**

#### ***Sustainability claims***

155. New Zealand offered to prepare a discussion paper to explore possible work on sustainability claims within the mandate of CCFL. She noted that with the conclusion of the UN Food Systems Summit there was greater focus on sustainability and that consumers globally were making purchases with a sustainability lens. She also proposed to also undertake a stocktake of current sustainability labelling being used globally to inform the discussion paper which would assist CCFL to decide whether or not there was value or need for new work in this area.
156. The European Union offered to support New Zealand in the preparation of the discussion paper.

### *Conclusion*

157. CCFL agreed that New Zealand and the European Union would prepare a discussion paper and that a CL would be issued to take stock of sustainability claims in countries to support preparation of the discussion paper.

#### **Food Labelling Exemptions in Emergencies**

158. The United States of America offered to prepare a discussion paper on food labelling exemptions in emergencies, as this was a timely topic and knowledge had been gained during the COVID pandemic on how to deal with supply chain shortages and making sure that foods got delivered.
159. While a delegation noted that addressing emergencies was a horizontal question that could involve possible work in other committees and should be addressed in a more horizontal way by Codex, it was suggested that

CCFL could start discussions on areas within its responsibility.

*Conclusion*

160. CCFL agreed that the United States of America would prepare a discussion paper to outline possible new work for consideration by CCFL and that a CL should be issued to request information to inform the development of the paper.

**Conclusion**

161. CCFL agreed:
- i. That the following discussion papers to explore the feasibility to undertake new work, would be developed for consideration by CCFL47:
    - a. TFA (Canada)
    - b. Sustainability claims (New Zealand and European Union)
    - c. Food Labelling Exemptions in Emergencies (United States of America)
  - ii. That CLs would be issued to request information to support the development of the discussion papers.
  - iii. Regarding the paper on the inventory of future work and emerging issues:
    - a. New Zealand would update the paper for CCFL47.
    - b. The Codex Secretariat would issue a CL requesting members and observers to provide information on items for inclusion in the paper.
    - c. The paper would be kept current at each session with a different delegation taking on responsibility each time.

**APPROACH AND CRITERIA FOR EVALUATION AND PRIORITIZATION OF WORK OF CCFL (Agenda item 13)<sup>12</sup>**

162. The CCFL Canadian Secretariat introduced the item and informed CCFL that a revised proposal had been prepared by the CCFL Canadian Secretariat taking into account the comments submitted in response to CL 2020/09/0CS-FL.
163. Due to time constraints, she proposed that the consideration of the revised approach and criteria for evaluation and prioritization of work of CCFL should be postponed to CCFL47 and that comments should be requested through a CL. The CCFL Secretariat would prepare a revised proposal for consideration by CCFL47 based on comments received through the CL and all written comments submitted to this Session.
164. CCFL46 agreed:
- i. to request comments on the proposed approach and criteria for evaluation and prioritization of work of CCFL (Appendix VI); and
  - ii. That the CCFL Canadian Secretariat would revise the approach and criteria taking into account comments in response to the CL and all written comments submitted to the session for consideration by CCFL47.

**OTHER BUSINESS (Agenda item 14)**

165. CCFL noted that there was no other business to discuss.

**DATE AND PLACE OF THE NEXT SESSION (Agenda item 15)**

166. CCFL46 was informed that its 47<sup>th</sup> Session was tentatively scheduled to take place in 18 month's-time, with the location to be confirmed. The final arrangements being subject to confirmation by the Host Country and the Codex Secretariat.

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<sup>12</sup> REP19/FL, Appendix V; CX/FL 21/46/13; CX/FL 21/46/13 Add.1