

codex alimentarius commission

**FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS**

**WORLD HEALTH
ORGANIZATION**

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX ALIMENTARIUS COMMISSION
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REPORT OF THE TENTH SESSION OF THE
CODEX COMMITTEE ON FOOD LABELLING
Ottawa, 26-30 May 1975

INTRODUCTION

1. The Tenth Session of the Codex Committee on Food Labelling, hosted by the Government of Canada, was held in Ottawa, Canada, May 26-30, 1975. The session was opened by Mr. D. Hudon, Deputy Minister of Agriculture Canada. Mr. H.W. Wagner, Director, Consumer Fraud Protection Branch, Department of Consumer and Corporate Affairs, Canada was in the chair. Representatives from 24 countries were present. Observers were present from 5 International Organizations (See Appendix I for the List of Participants).

ADOPTION OF THE AGENDA

2. The Committee unanimously adopted the Provisional Agenda without change.

MATTERS ARISING FROM REPORTS OF THE CODEX ALIMENTARIUS
COMMISSION AND OF CODEX COMMITTEES

3. It was agreed that any matters arising from the Tenth Session of the Codex Alimentarius Commission and of interest to the Committee would be dealt with under the relevant agenda items of this meeting. The Chairman pointed out that the Committee on Foods for Special Dietary Uses had begun work on a standard for the Labelling of Foods for Special Dietary Uses and had asked that governments comments be forwarded to Australia and the United Kingdom.

ENDORSEMENT OF LABELLING PROVISIONS IN VARIOUS CODEX COMMODITY
STANDARDS Cocoa Butter (ALINORM 76/10. APP. II)

4. The Committee noted that the standard applied exclusively to cocoa butter used as an ingredient in the manufacture of chocolate and chocolate products and thus the labelling provisions need not be endorsed by this Committee. Consequently, it was agreed not to discuss the labelling requirements.

Chocolate (ALINORM 76/10. App. III)

Designation of the Product

5. It was pointed out that the numbered references in the descriptive section and the composition table were, in part, incorrect. The Secretariat was requested to make the necessary modifications.

6. Concerning the name to be given to Milk Chocolate and to Milk Chocolate with High Milk Content, several delegations held the view that, for the consumer, there might be difficulties in distinguishing between the two products, as both were described as Milk Chocolate. According to the provisions in sub-section 7.3, countries in which different names were used to differentiate the products, might allow for no declaration of either cacao solids or total milk solids or both.

7. It was further thought that the present wording implied a deviation from the accepted procedure and it was agreed that, if the Commission were to adopt the standard at Step 8, the letter to governments requesting acceptance of the standard should state very clearly this ambiguity and that in their replies governments should indicate precisely what they required in terms of labelling to distinguish "Milk Chocolate" and "Milk Chocolate with High Milk Content" (7.1.5 and 7.1.6).

8. The wording in provision 7.3.1 was brought in line with para 107 of the Report of the Commodity Committee. To avoid any misunderstanding, it was agreed that in *the* description of the products under 7.1.5 and 7.1.6, a cross reference should be made to the provision in the Declaration of Minimum Cocoa and Mill: Solids Contents (7.3.1). The labelling provision as amended was endorsed.

Grape Juice Preserved Exclusively by Physical Means (ALINORM 76/14, App. II)

9. It was pointed out that in the list of food additives, carbon dioxide was listed as a food ingredient and also as a processing aid and that, in fact, it had two distinct uses: one, in storage where the air in the space above the juice was replaced by CO₂ and a small amount of the gas passed into the product; and the second, where the CO₂ was used to carbonate the product, in which case the concentration of CO₂ would exceed 2 g/kg.

10. Whereas traces of processing aids would normally not be declared on the label, the addition of CO₂ for carbonation purposes would be classed as food additive and should therefore be declared. It was agreed that the additional requirement in sub-section 7.7.2 should be clarified by the following wording: ". when the product contains more carbon dioxide than 2 g/kg, the term "carbonated" shall appear in close proximity to the name, and the terra "carbon dioxide" shall appear in the list of ingredients". The Committee endorsed the labelling provisions with the amended wording in 7.7.2.

11. The delegations of Ghana and Norway pointed out that in the description section of the standard there was no reference to carbonation of the grape juice and that in their opinion this should be included.

Concentrated Grape Juice Preserved Exclusively by Physical Means (ALINORM 76/14, App. III)

12. The Committee endorsed the labelling provisions of this standard and corrected the typing error in 7.8 "Degree of Concentration" in the English version of the standard which read "re-packaged" to read "prepackaged".

Sweetened Concentrated Labrusca Type Grape Juice Preserved Exclusively by Physical Means (ALINORM 76/14, App. IV)

13. The Committee endorsed the labelling provisions of this standard.

Pineapple Juice Preserved Exclusively by Physical Means (ALINORM 76/14, APP. V)

14. The Committee endorsed the labelling provisions of this standard. A general discussion followed on whether or not there should be a requirement that a code used for lot identification should be notified to a national central controlling authority.

Some delegations pointed out that the key to such a code should be available to an importing country to enable the manufacturer to be identified in cases where, for example, goods were sold under the name of the importer. Several delegations held the view that a code as an administrative device in tracing a particular lot sufficed.

15. The delegation of Sweden stated that the amount of sugar added should be declared in addition to the requirement already established in the draft standard that the presence of added sugar accompany the common name at levels above 15 g/kg.

Canned Corned Beef (ALINORM 76/16. APP. II)

16. One delegation proposed that the name of the food be "Canned Corned Beef". It was thought, however, that as the product would be sold canned, as indicated in the name of this standard, it was not necessary to state this specifically. It was also suggested by the U.K. that in the provision for the name of the food a negative delineation similar to the one appearing in the Scope Section should be included. The Committee considered the present wording in the scope to be clear, and did not regard it as necessary to give additional information in the labelling section, which it endorsed without amendments.

Luncheon Meat (ALINORM 76/16. APP. V)

17. It was pointed out that for certain products covered by the standard, erythrosine could be added to replace loss of colour. In similar circumstances, in standards for certain processed fruits and vegetables, a provision for the declaration of added colours in conjunction with the name, had been made in the labelling section. The Committee endorsed the labelling provisions without amendment. (See also paras 97- 98 of this Report).

Quick Frozen Fillets of Flat Fish (ALINORM 76/18, App. II)

18. The delegation of Sweden was of the opinion that this standard, as well as other standards for quick frozen foods, should contain a provision for storage instructions (see also paras 22-24 of this Report). The delegation of the Federal Republic of Germany proposed that a provision for date marking be included in all standards for fish and meat products. The Committee endorsed the labelling provisions without amendment.

Canned Crab Meat (ALINORM 76/18, App. IV)

19. The Committee endorsed the labelling provisions.

Canned Fruit Cocktail (ALINORM 76/20, App. II)

20. It was pointed out that in the provision for the list of ingredients, reference was made to the colouring and flavouring of cherries as being artificial. It appeared that in some countries, the word "artificial" related to any added colour and flavour, whereas in other countries this related to whether the substance used was natural or not.

21. Some delegations held the view that artificial colours and flavours should be named in the list of ingredients, bearing in mind that some persons could be allergic to these substances. It was pointed out, however, that such allergies were not limited to synthetic compounds. The Committee agreed to delete the words "or else where" with reference to the declaration of artificially coloured and/or artificially flavoured cherries outside of the list of ingredients. The labelling provisions were endorsed with this amendment.

Quick Frozen Spinach (ALINORM 76/25, App. II)

22. The Committee discussed in great detail the meaning of the word "keeping" in the provision which required that "information for keeping and cooking of the product shall be given *on retail packs*". Some delegations held the view that information for keeping should cover the period from production to cooking. Other delegations were of the opinion that, on retail packs, information for the keeping of the product by the consumer - that is, subsequent to sale by the retail outlet - sufficed.

23. It was pointed out that the provisions in the Draft Code of Practice for the Processing and Handling of Quick Frozen Foods (Step 8) had been attracted into the Proposed Draft Standard for Quick Frozen Cauliflower (Step 3) and directions for keeping were specified: "the packages of quick frozen food should bear clear indication as to the way to keep them from the time they are bought at the retailer to that of their use". This form of wording, it was suggested, could also be used in the present standard.

24. The Committee decided to endorse the labelling provisions as they stood, and to request the Commodity Committee to consider in detail whether the intent of the provision was to cover both the whole distribution chain and advice for the consumer or whether it was limited to the latter. The delegation of Sweden reserved its position as it wished the proposition to cover the whole cold chain.

Quick Frozen Peaches (ALINORM 76/25, App. III)

25. The delegation of the Federal Republic of Germany was of the opinion that the percentage of added sugar should be declared on the label. The Committee endorsed the labelling provision without amendment.

Quick Frozen Bilberries (ALINORM 76/25, App. IV)

26. The Committee endorsed the labelling provisions without amendment. The delegation of the Federal Republic of Germany reiterated its view with regard to the declaration of the percentage of added sugar.

GENERAL GUIDELINES ON CLAIMS FOR THE USE OF CODEX COMMODITY COMMITTEES IN EXAMINING LABELLING PROVISIONS IN CODEX STANDARDS

27. The Committee had before it documents CX/FL 75/Claims - First Draft Version B, October, 1973; CX/FL 75/Claims, First Draft Version B with Comments; and CX/FL 75/claims, Second Draft. In addition, comments from **Italy, the Netherlands and the United Kingdom, were distributed during the session.**

28. The Chairman reminded the Committee that at its 8th session it had decided that there should be developed General Guidelines on Claims for the Use of Codex Commodity Committees. (See ALINORM 74/22, paras 52-55). Because of lack of agreement on whether it would be possible to revise Section 2 of the General Standard for the Labelling of Prepackaged Foods to include the question of claims, it had been decided to develop general guidelines for claims which, subsequent to a round of government comments, had been revised.

29. At the outset of the discussion, several delegations expressed reservations about the advisability of attempting to define claims. One delegation stated that any claims which could be substantiated were acceptable.

30. While some delegations indicated that the guidelines should only contain provisions for the prohibition of claims, other delegations were of the opinion that a positive approach towards the acceptability of claims would be more useful.

31. The Committee discussed at great length who could be considered as the intended users of the document and decided that the guidelines for claims were not exclusively for the use of Commodity Committees but could also provide guidance to food manufacturers and enforcement agencies.

32. There was considerable concern on the part of several delegations that advertising in general would not be adequately covered by the guidelines as presented. It was pointed out that the enforcement of claims differed from that of false advertising in that one could result in the removal of goods and the other was punishable in a way which would not directly affect their sale. Some delegations and the observer of the IOCU pointed out that the restrictions in labelling for the product should logically, in the interest of the consumer, also result in similar restrictions in its advertising. It was decided that reference to advertising be removed for the present. The delegations of the Federal Republic of Germany, France, Sweden and Switzerland expressed reservations concerning this decision.

33. In this regard, the delegation of Australia referred to the modification of the terms of reference of this Committee to include the review of advertising material (para 153 of the Report of the 7th session of the Codex Alimentarius Commission), and the Committee decided to maintain the present text.

34. In the light of the discussions noted above, the Committee decided to change the title of the Working Paper to "General Guidelines on Claims";

Section 1 - General Definition

35. The delegation of the USA then proposed the following revised definition for the term "claim", which recognized the above discussion by placing the term "advertising" in square brackets:

"For the purpose of these guidelines, a claim is any representation on a label, in labelling [or in advertising] which states, suggests, or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition *or any other quality*".

36. After considerable discussion, the Committee agreed with the revised definition and decided that guidelines for claims were applicable to both mandatory and non-mandatory statements on standardized and unstandardized foods.

37. The delegation of the Federal Republic of Germany indicated a reservation concerning the new definition for "claim", and the delegation of Sweden indicated a reservation concerning the use of square brackets around the term "or in advertising".

Section 2 - Restrictions on Claims in General

38. Considerable discussion took place concerning the relevance of this section in the light of the prohibitions provided for in Section 5, which were considered to be sufficient. In particular, the Committee saw no reason to retain Section 2 for the reasons previously noted. The Committee ultimately agreed that Section 2 should be deleted in its entirety.

Section 3 - Definition of Certain Types of Claims

39. The Committee also discussed in great detail this section and agreed to a proposal put forward by the delegation of the Federal Republic of Germany. In essence, this proposal was to delete the definitions for medical claims (3.1), dietetic claims (3.2)

and nutrition claims (3.3) (CX/FL 75/Claims, Second Draft) **and formulate a new provision in the Section for "Prohibited Claim":**

"Claims as to the suitability of a food for use in the prevention, alleviation, treatment or cure of a disease, disorder, or physiological condition are prohibited in general. However, for certain foods represented for use [solely under medical supervision] in the dietary management of specific diseases and disorders, there may be permitted statements corresponding to medically substantiated claims.

The terminology for the appropriate statements for each specific type of special dietary food for medical use being standardized should be developed by the Codex Committee on Foods for Special Dietary Uses." **(new 3.3).**

Section 4 - Restrictions on Certain Types of Claims

40. In line with the acceptance of the proposal from the delegation of the Federal Republic of Germany for Section 3, the Committee agreed to delete the restrictive clauses for medical claims (4.1) and dietetic claims (4.2) and agreed that the text of sub-section 4.3 on restriction of nutrition claims should be reviewed and clarified by the Canadian Secretariat **(See (new) Section 2 - Secretariat)**'.

Section 5 - Prohibited Claims

41. The Committee agreed with the delegation of Ireland that the title for "Unsubstantiated Claims" (5.2) should be changed to "Claims which cannot be substantiated" **(new 3.2).**

42. Meaningless claims (5.4) were considered to be claims which were not informative as to any special nature of the food, and which included the use of comparatives and superlatives in this manner. The Committee agreed that a further qualifying phrase in the original text was not necessary and should be deleted **(new 3.4).**

43. After some discussion it was decided to maintain Prohibited Claim (5.5) with a minor change in the texts "claims as to good hygienic practice, wholesome, healthful and sound". As there was some difference of opinion over the wording and the provision as a whole, it was agreed to place the text in square brackets. **(new 3.5).**

44. Several delegations pointed out that in recent years the adjective "organic" **(5.8)** had been used to denote foods which allegedly had been produced without the use of chemical fertilizers, pesticides, etc. It was agreed that the use of the word "organic" should be prohibited in this context **(new 3.8).**

Section 6 - Permitted General Claims

45. It was noted that the words "natural" and "pure" had different meanings depending on the nature of the product, and it also depended upon the country in which the product was sold. The question was raised whether, for instance, in the production of meat, the use of anabolic agents would result in a product which could properly be called natural. As an example of common use of the term "natural" the description "cooked ham with natural juices" was given. "Pure beef", indicating that no pork was added, was also mentioned. It was also pointed out that vegetable products which had been subjected to a process of blanching were often called natural even though certain enzymes had been inactivated **(new 4.1 and 4.2).**

46. The delegation of the Federal Republic of Germany was of the opinion that the term "natural" should not be applied to products containing residues of food additives, pesticides and substances with pharmacological effects.

47. Although it was realized that the volume of home-made products, as defined, moving in international trade, was small, there had nevertheless been cases of deception. It was agreed that the use of the term "home-made" be restricted (**new 4.3**).

48. Concerning the use of the term "fresh", it was not considered necessary to include reference to a time limitation and this was therefore deleted. The delegation of Sweden reserved its position concerning the deletion and suggested the time limitation "up to one month" be retained as it stood in the draft (**new 4.4**).

Status of the Document

49. The Committee agreed to circulate the document for a further round of government comments. The revised document is contained in **Appendix II to this Report**.

NUTRITIONAL LABELLING OF FOODS

50. The Committee had before it document CX/FL 73/6, a position paper prepared on Nutritional Labelling for the 1973 session; CX/FL 75/3 plus Addendum I containing government comments, and the Danish Guidelines for Nutritional Labelling which were distributed during the session.

51. The delegation of Denmark stated that the guidelines developed in its country were optional in the sense that they were only a recommendation to the manufacturer concerning the way in which nutritional labelling should be presented. According to the guidelines, nutritional labelling should always include a basic declaration of the nutritional value per 100 g of the food for energy, protein, fat and carbohydrate which could then be supplemented by various other elements of nutritional information.

52. A number of delegations pointed out that the Food Labelling Committee should try to develop one uniform system for nutritional labelling. This should have to be non-mandatory in the sense that the manufacturer would be free to give nutritional information or not. If, however, such information were to be given, it should be done on a uniform basis.

53. Several delegations pointed out that in general the consumers were not yet sufficiently trained or motivated to take advantage of the kind of information- nutritional labelling supplied. The delegation of Ghana, supported by the delegation of Brazil, further pointed out that a statement in nutritional labelling of the protein present as obtained by chemical analysis was less informative than an expression of the biological availability. Biological availability was, however, difficult to assess. It was pointed out that an indication of a reasonable daily allowance varied from country to country.

54. The observer of the IOCU stated that it should be realized that the substantial costs which would be incurred in substantiating the nutritional information offered should be weighed against the benefits. It was considered that there was not yet enough information available to do this. If supplementation of any elements in a national diet were required, alternative means, such as providing them directly, should be investigated.

55. The observer of the IOCU also pointed out that complex processed foods should carry clear indication of the extent to which they met nutritional needs but that this should be kept under constant review so as to avoid misdirecting the consumer on the value of simpler foods.

56. Some delegations pointed out that while precise specifications might well hinder international trade, it would be advantageous for the Committee to make recommendations concerning nutritional labelling. These would serve as a reference

point for future harmonization. The Committee agreed with this viewpoint and decided to request governments to send to the Canadian Secretariat their regulations and guidelines and any ancillary information concerning nutritional labelling so that a background paper could be prepared for the next session of the Committee.

GUIDELINES FOR LABELLING PROVISIONS IN CODEX COMMODITY STANDARDS RELATIVE TO DATE MARKING

57. The Committee had before it documents CX/FL 75/DM, 2nd and 3rd Drafts, containing the guidelines with annotations; CX/FL 75/4, 2nd draft, containing government comments; and the comments of Australia, Denmark and the United Kingdom which were distributed during the session. The 3rd draft had been revised to take account of some government comments.

Title and Scope

58. The Committee agreed to alter the scope of the document to cover prepackaged food and amended the title to reflect this.

59. In view of earlier discussions on what constituted "storage" and "keeping" (see paras. 22-24 of this Report), the Committee agreed to make reference to both throughout the document.

Section 1 - Purpose of Date Marking

60. It was suggested that in certain foods the labelling should carry "a date relating to the condition of the food and storage instructions". The Committee took this into consideration and then revised the text to read "the purpose of date marking is to give the consumer a date which can be related to the acceptable quality of the food product, assuming the product is appropriately stored".

61. It was stated that date marking should not be related to health control and that the term, as used, was ambiguous. It was agreed that date marking should not be used to indicate safety in use of the food product and also that it should not be confused with control marks for lot identification. The provision was amended accordingly.

62. It was suggested that the Committee might first turn its attention to the date marking of perishable foods as this was an important area where it should be possible to achieve harmonization. The delegation of Sweden indicated that it could not accept the sentence "Date marking does not indicate safety in use of the food product". It was agreed to place the amended text in square brackets.

63. The observer of the IOCU stated that, in the eyes of the consumer, the purpose of date marking would be an indication of acceptability for use. Safety was all important, but was subject to other regulatory mechanisms - date marking could not provide a guarantee in this regard. The observer stated further that the value of uniform date marking to the consumer was to indicate how long a product could remain acceptable for use. The observer further stressed that the method of date marking on any one class of foods should be uniform.

Section 3 - Definition of Types of Date Marking

Date of Packaging

64. There was some concern that the present wording of the provision for date of packaging did not require unequivocally that the same date should appear on the immediate container and on the outer wrapper. The Committee agreed that the present wording provided sufficient safeguard in this respect.

Date of Manufacture and of Packaging

65. The delegation of Sweden drew attention to the fact that neither the "date of manufacture" nor the "date of packaging" indicated to the consumer the "acceptable quality" of the food product. Therefore, these two dates did not fulfill the purpose of date marking as defined and should be combined with information about the product's durability after the labelled dates. The Committee made no amendments.

Sell-By Date (Pull Date)

66. The text of the provision was edited to read: "The 'sell-by' date or 'pull' date is the last date of offer for retail sale after which there remains a reasonable storage period in the home." **(new 3.3).**

Date of Minimum Durability

67. Some delegations and the observer of IOCU pointed out that the description of date marking which was best understood by the consumer was "date of minimum durability". References to "durability date" and "freshness date" were therefore deleted. The text was amended editorially and now reads: "The date which signifies the end of the period under stated storage conditions, if any, during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond that date the food may still be perfectly satisfactory." **(new 3.4).**

Expiration Date

68. In order to avoid a possible unnecessary waste of food, which would occur when the definition for "expiration date" was too strict, and also to avoid the impression that the day after expiry the food would definitely not be fit for consumption, the existing wording was replaced by the following less restrictive text: "The date which signifies the end of the period under any stated storage conditions, if any, after which the product probably will not have the quality attributes normally expected by the consumer. The food must not be sold after this date because of the nature of the loss of the value of the specific qualities." (new 3.5).

69. The delegation of Sweden proposed an additional type of date marking which was not accepted by the Committee, namely, "Use by Date" ("Expiration Date", "Estimated Last Consumption Date") - the date which signifies the end of the estimated period, under stated storage conditions, during which the product will retain the value and the specific qualities for which tacit or express claims have been made. After that date, the food must not be sold in its package but should still remain satisfactory for a short period of time for consumption in the home. If the food, after testing, turns out to retain an acceptable quality after the 'use by date', it may be sold in an unpackaged state or be otherwise used after that date."

Section 5 - Instructions to Codex Commodity Committees

70. It was pointed out that a Codex Commodity Committee would not "be able to assess the durability of a product as this was the responsibility of the manufacturer, but that it would be able to assess the type of date marking required. Terminal date marking could, however, allow unscrupulous manufacturers to claim unjustifiably extended product life and would discourage good manufacturing practices.

71. To cover this eventuality, the following addition to the provision was proposed: "and the Committee may, if it thinks fit, lay down methods or parameters for the determination of such dates". It was pointed out that such a provision could be an

impediment to the use of new technology and would be to the detriment to both the producer and the consumer. The proposal was therefore not accepted.

72. The Committee agreed to combine the provisions in 5.1 and 5.2 into a new subsection which now reads: "Based on a study of the nature of the food, the Codex Commodity Committee shall decide whether date marking is necessary. If date marking is needed, the kind of date marking as described above shall be decided in accordance with Section 3 above".

73. After some discussion, it was agreed that the Commodity Committees possessed the necessary expertise to make a recommendation as to whether date marking was necessary and if so which type of date marking should be used. It resides, however, within the terms of reference of this Committee not to endorse labelling provisions when Commodity Committees had not included recommendations on date marking or to make recommendations for date marking which were considered inappropriate.

74. It was pointed out that, to assist Commodity Committees in making their decision, this Committee should specify what types of date marking were preferred. If Commodity Committees decided, however, that a different type of date marking should be adopted for a specific commodity, they should justify their choice to this Committee.

75. The delegation of Australia suggested that governments be requested to give their views on the possibility of categorizing foods for date marking purposes, e.g. highly perishable products, foods with a recognized limited storage life, frozen foods, foods stable fairly indefinitely under proper storage conditions and fully shelf-stable sterilized packs of food.

76. It was pointed out that the Committee had examined the guidelines but had not yet discussed how these should proceed within the Codex framework so that they would be available as soon as possible to advise Codex Commodity Committees on date marking requirements. The Committee was reminded of the decision taken by the Commission in 1972 (ALINORM 72/35, para 315) to request Commodity Committees to give consideration to the need for date marking in clear in relation to the products for which they were elaborating standards and the positive response received. The Committee agreed to request the Secretariat to distribute the report with the least possible delay, in order to obtain governments' comments in time for its next session in early 1976.

Conclusion

77. The Committee decided at this stage to accept the proposal of the delegation of Switzerland that this Committee should inform the Commission that subsequent to finalization of the guidelines, it would request the Commission to endorse the recommendation to Commodity Committees that date marking be incorporated into commodity standards where appropriate. The date marking to which Commodity Committees should give first consideration would be the date of minimum durability. If in the opinion of the Commodity Committee this date was not appropriate for the commodity in question, the date of manufacture should be the next option. If neither of these date markings were suitable, the Commodity Committee should choose from the other alternatives listed in the guidelines for date marking of prepackaged foods.

78. The delegation of the Federal Republic of Germany stated that a combination of dates should not be excluded, when appropriate. The delegation of Sweden reiterated its earlier remarks regarding the "date of manufacture" and the "date of packaging" in relation to the defined purpose of date marking (see para 65).

Status of the Document

79. The Committee agreed to circulate the document for a further round of government comments. The revised document is contained in Appendix III to this Report.

GENERAL GUIDELINES FOR THE LABELLING OF BULK CONTAINERS

80. The Committee had before it documents CX/FL 75/BC containing the guidelines with annotations and CX/FL 75/BC containing the guidelines with government comments.

81. Some delegations questioned the need to develop guidelines for bulk containers on the grounds that these were a matter for commercial practice. However, the Committee agreed upon the advisability of the development of a set of guidelines for labelling of bulk containers. There was general agreement that these guidelines should apply to governmental agencies as well as Codex Commodity Committees.

82. The Committee agreed to adopt the definitions for bulk containers provided in the written comments by the delegation of Australia with a slight revision:

"Bulk Containers are:

- (1) Immediate containers in which food or food material is transported principally for catering use or repacking into consumer size packs;
- (2) Immediate containers in which food or food material is transported principally for further industrial processing;
- (3) Outer containers for a quantity of pre-packaged foods; and
- (4) Freight containers being of permanent construction, designed for reuse and intended for land or sea handling and transport of large consignments without intermediate re-loading."

83. Several delegations questioned whether the proposed definitions for bulk containers would cover their use for food additives when sold as such. The Committee concluded that the definitions included food additives unless specific exclusions were to be written, but that consideration of the specific types of labelling required for such products would be held in abeyance until the subject had been discussed at the next meeting of the Codex Committee on Food Additives scheduled for June, 1975.

84. There was some discussion on the revised definition for bulk containers in which food or food material is transported principally for catering use or re-packing into consumer size packs. There was general agreement that such products should be labelled in accordance with the general standard for the labelling of pre-packaged foods. However, the delegate of Belgium indicated that in its country restaurateurs preferred to have compositional lists of ingredients of foods or an accompanying document containing similar information.

85. It was agreed that the information required on the containers covered by definition (2) was the name of the product, the net content, name and address of manufacturer, date of manufacture if necessary, and storage instructions. Because of controversy concerning listing ingredients on such containers it was decided to place the list of ingredients within square brackets.

86. The delegation of the Netherlands indicated that only the name of the product and lading marks would be necessary for both definitions (1) and (2). Several

delegations pointed out that foods intended for further industrial processing and being traded in containers were generally purchased by specification with little or no intermediate handling of the food.

87. Concerning the labelling of outer containers for a quantity of pre-packaged foods it was agreed to include the name of the product, net quantity, name and address of the manufacturer, storage and handling instructions, and if appropriate, the country of origin and date marking.

88. Several delegations questioned whether it was within the terms of reference of this Committee to deal with bulk containers defined under (4) above (see para 82). It was agreed to place the entire definition within square brackets pending advice from the legal council of FAO. The delegation of Sweden thought that handling instructions on the container should be provided in accompanying documentation.

89. Examining Section (3) dealing with presentation of mandatory information (CX/FL 75/BC), the Committee agreed to adopt the wording suggested by the Australian delegation in their written comments:

- "(a) The language used shall be a language acceptable to the country in which the food is intended for sale or for further processing as the case may be;
- (b) Statements should be clear, prominent and readily legible;
- (c) Statements shall not be obscured by designs or other written, printed or graphic matter and shall be in contrasting colour to the background."

90. The Committee agreed that old Sections 4 and 5 dealing with Exceptions (CX/FL 75/BC), were no longer necessary as they had been covered.

Status of the Document

91. The Committee agreed to circulate the document for a further round of government comments. The revised document is contained in Appendix IV to this Report.

LOCATION AND USE OF CLASS NAMES FOR FOOD ADDITIVES

92. The Committee had before it the above document CX/FL 75/8 which had been prepared by the Secretariat and which contained in addition to a review of the matter as it had been discussed over the years, a conclusion requesting the Committee to give consideration to the following points:

- (a) The purpose of the General Standard for the Labelling of Prepackaged Foods as regards the use of standardized nomenclature to describe classes of food additive vs. the use of equivalent class titles (e.g. colours, food colours, colouring matter, colouring agents, etc.);
- (b) The need to reduce, extend or modify sub-section 3.2(c)(ii) of the Recommended International General Standard for the Labelling of Prepackaged Foods;
- (c) The location of the declaration of certain types of food additives in view of increasing consumer interest within recent years.

93. The Committee noted that there were certain differences between the nomenclature used by the Committee and by the Committee on Food Additives in the List of Additives Evaluated for Their Safety-in-use in Food. It was pointed out that

harmonization of the two lists would have the advantage of facilitating the work of Commodity Committees. (For ready reference a list of the different group names applies to food additives is contained in Appendix V to this Report).

94. It was further pointed out that whereas for commodities covered by standards it would be possible to deviate from the restricted list of class titles as had been the case for example when this Committee endorsed the use of the term "alkalizing and neutralizing agents" for cocoa beans. This would not be possible for commodities for which no standards existed in countries which had accepted the General Standard for the Labelling of Prepackaged Foods.

95. The delegation of Switzerland proposed that since the Committee on Food Additives had endorsed for flavours three sub-classes - natural, nature - identical and artificial - these sub-classes should also be endorsed for labelling purposes. Furthermore, it proposed that the same concept should be applied to the class title colours. The Swiss proposition was supported by the delegation of Ghana and by the observer of the IOCU.

96. It was pointed out that the substances which appeared in the list of food additives of Recommended International Standards had been endorsed by the Codex Committee on Food Additives and they could, therefore, be considered to be safe and did not need further classification. The Committee agreed that no change to sub-section 3.2(c)(ii) of the General Labelling Standard was required, but that this matter should be brought to the attention of governments.

97. The Committee and the observer from IOCU were of the opinion that the selective naming of additives elsewhere than in the list of ingredients might place undue emphasis on such additives possibly misleading the consumer and prejudicing the increasing interest of the consumer in having a complete list of ingredients. The Committee agreed that all food additives should appear solely in the list of ingredients and in the light of the discussion agreed that there was no need to revise its earlier endorsement of labelling provisions in commodity standards. The delegates of Canada and the Federal Republic of Germany held the view that in the interest of the consumer there might be good reasons for providing essential information concerning specific ingredients including additives in another location on the labels, and reserved their position.

98. Concerning the location of the declaration of certain types of food additives e.g. in close proximity to the name of the product, the Committee agreed that it would be sufficient for class names for food additives to appear solely in the list of ingredients.

HARMONIZATION OF NON-TECHNICAL DETAIL ON A LINGUISTIC BASIS

99. Due to shortage of time, the Committee was not able to deal with this item on the agenda. It was agreed to accept an offer by the delegation of Norway to review the document (CX/FL 75/7) in collaboration with the Canadian secretariat in light of government comments; the revised document would be presented to the next full session of the Committee.

OTHER BUSINESS

100. The delegation of Norway brought to the Committee's attention that a country had introduced a regulation restricting the use of the name "sardines". This regulation it was said, was introduced in the light of a decision made in the Codex Committee on Fish and Fishery Products.

101. The delegation of Norway further pointed out that although there was no Recommended Codex Standard for Sardines as yet, a proposed Draft Standard for Sardines and Sardine Type Products contained provisions which were contrary to the introduced regulation. The delegation wished to bring to the attention of this Committee that the Codex Alimentarius had been referred to in connection with a labelling question in an incorrect way.

IDENTIFICATION OF PRODUCTS SOLD UNDER PRIVATE LABEL BRANDS

102. The delegation of the Netherlands stated that in accordance with what had been agreed at the 8th Session of the Committee (ALINORM 74/22, paras 87-88) it had prepared a paper on the above subject. The document had been lost in the mail, and therefore, could not be distributed as foreseen. The Committee agreed to consider the matter at its next session.

DATE AND PLACE OF NEXT SESSION

103. The Chairman proposed, subject to the time schedule of Codex Committee meetings, that the next session of the Codex Committee on Food Labelling should be a one or two-day meeting. It was proposed to hold this for the purpose of endorsing labelling provisions in Codex standards and to discuss the Revised Guidelines for Date Marking for Prepackaged Foods prior to the Commission meeting in Rome early 1976

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GENERAL GUIDELINES ON CLAIMS

1. General Definition

For the purpose of these guidelines, a claim is any representation on a label in labelling [or in advertising] which states, suggests, or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality.

2. Restrictions on Claims

2.1 Claims stating that any given good or food combination will provide an adequate source of all essential nutrients are prohibited. Further, claims inferring that a balanced diet of ordinary foods cannot supply adequate amounts of all nutrients are also prohibited. The implicit claims of nutritional labelling are permitted. These are subject to proof simply by analysis of the food and taking into consideration the biological availability of the claimed component.

2.2 It shall be prohibited without the permission of the national authorities to indicate that food has obtained an increased or special nutritive value by means of the addition of nutrients, such as vitamins, minerals, and amino acids. This permission should be given only if such addition is considered relevant from a nutritional point of view.

2.3 The terms "enriched" and "fortified" shall be used only to describe the addition of vitamins, mineral nutrients or amino acids to a food which normally would not contain the added nutrient.

3. Prohibited Claims

3.1 Misleading Claims

3.2 Claims which cannot be substantiated.

3.3 Claims as to the suitability of a food for use in the prevention, alleviation, treatment or cure of a disease, disorder, or physiological condition are prohibited in general. However, for certain foods represented for use [solely under medical supervision] in the dietary management of specific diseases and disorders, there may be permitted statements corresponding to medically substantiated claims.

The terminology for the appropriate statements for each specific type of special dietary food for medical use being standardized should be developed by the Codex Committee on Foods for Special Dietary Uses.

3.4 Meaningless claims which are not informative as to any special nature of the food, including comparatives and superlatives.

3.5 [Claims as to good hygienic practice, wholesome, healthful, sound.]

3.6 Claims which are [liable] to give rise to doubt about the safety of similar foods.

3.7 Claims which are [liable] to arouse or exploit fear in the consumers.

3.8 Claims that the nature or origin of a food is "organic" or "biological".

4. Restricted General Claims

4.1 Natural - The term "natural" may be used in conjunction with the name of the product on a label only in association with a product which is raw, unmixed, contains no

additives and has not been subjected to any preservation process other than chilling, freezing, or drying. Natural may also be used where this term is traditional and well understood or where provided in Commodity Standards.

4.2 Pure - The term "pure" may be used on a label only in association with a product which has no additions whether additives or nutrients, is substantially free of contaminants, anabolic agents, chemical fertilizers and pesticide residues, and which has not been subjected to a preservation process other than cooking, freezing, chilling or drying. "Pure" may also be used when the term is traditional and well understood.

4.3 Home Made - The term "home made" may be used on the label only in association with a product produced in a private household kitchen.

4.4 Fresh - The term "fresh" may be used to describe foods which have not begun to deteriorate in overall quality.

4.5 Religious or Ritual Preparation of a Food - May be claimed provided that the food conforms to the requirements of the appropriate religious or ritual authorities.

DRAFT GUIDELINES FOR DATE MASKING OF PREPACKAGED FOODS

1. Purpose of Date Marking

1.1 The purpose of date marking is to give the consumer a date which can be related to the acceptable quality of the food product, assuming the product is appropriately stored.

1.2 Date marking does not indicate safety in use of the food product. Neither should it be confused with control marks for lot identification.

2. Scope

2.1 These guidelines are intended for the use of Codex Commodity Committees in developing the labelling provisions regarding date marking for prepackaged food products.

2.2 Only date marking in clear, that is a clear unmistakable date which may be correctly interpreted by the consumer and which is designated according to one of the standard definitions given below, constitutes "date marking" in the sense in which it is used in these guidelines.

2.3 The marking of a date in code for lot identification or any other control purpose does not constitute "date marking" in the sense used in these guidelines. However, the use of an open date for control purposes, for example, for lot identification, is not excluded but it is to be recognized that such a date would not qualify as "date marking" unless there is a clear indication of the kind of "date marking" specifically defined below, and also that such "date marking" has been agreed by the Codex Committee concerned as being suitable for the product in question.

3. Definition of Types of Date Marking

3.1 Date of Manufacture - The date on which the food becomes the product as described.

3.2 Date of Packaging - The date on which the food is placed in the immediate container in which it will be ultimately sold.

3.3 Sell-by Date (Pull Date) -The "sell-by" date or "pull" date is the last date of offer for retail sale after which there remains a reasonable storage period in the home.

3.4 Date of Minimum Durability - The date which signifies the end of the period under stated storage conditions, if any, during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond that date the food may still be perfectly satisfactory.

3.5 Expiration Date (Estimated Last Consumption Date) (Use-By Date) - The date which signifies the end of the period under any stated storage conditions, if any, after which the product probably will not have the quality attributes normally expected by the consumer. The food must not be sold after this date because of the nature of the loss of the value of the specific qualities.

4. Storage and/or Keeping Instructions

Storage and/or keeping instructions should be part of the labelling requirements of all foodstuffs carrying date marking except for those capable of satisfying the conditions of that date at normal room temperature, light, humidity.

5. Instructions to Codex Commodity Committees

5.1 Based on a study of the nature of the food, the Codex Commodity Committee shall decide whether date marking is necessary. If date marking is needed, the kind of date marking as described above shall be decided in accordance with Section 3 above.

5.2 The kind of storage and/or keeping instructions which will form part of the labelling requirements in the standard shall be decided, provided that the product is not stable under normal room conditions.

DRAFT GENERAL GUIDELINES FOR THE LABELLING OF BULK CONTAINERS FOR THE USE OF GOVERNMENT AGENCIES AS WELL AS CODEX COMMODITY COMMITTEES

1. Definition

"Bulk containers" are:

- (1) Immediate containers in which food or food material is transported principally for catering use or repackaging into consumer size packs;
- (2) Immediate containers in which food or food material is transported principally for further industrial processing;
- (3) Outer containers for a quantity of prepackaged foods; and
- (4) Freight containers being of permanent construction, designed for re-use and intended for land or sea handling and transport of large consignments without intermediate re-loading.

2. Presentation of the mandatory information

- (a) The language used shall be a language acceptable to the country in which the food is intended for sale or for further processing as the case may be;
- (b) Statements should be clear, prominent and readily legible;
- (c) Statements shall not be obscured by designs or other written, printed or graphic matter and shall be in contrasting colour to the background.

3. Mandatory Information - Attached to the Container

INFORMATION		BULK CONTAINER (as defined in)			
		1.(1)	1.(2)	1.(3)	[1.(4)]
3.1	Name of the Food	X	X	X	
3.2	List of Ingredients	X	[X]		
3.3	Net Contents	X	X	X	
3.4	Name and address of the manufacturer, packer, distributor, importer, exporter or vendor	X	X	X	
3.5	Country of origin	[X]	[X]	[X]	
3.6	Date marking (optional)			X	
	Date of manufacture (optional)		X		
3.7	Storage and handling instructions		X	X	[X]
3.8	Lading mark necessary for identification of the goods corresponding to the Bill of Lading				[X]

APPENDIX V

GROUP NAMES APPLIED ON FOOD ADDITIVES

List in the General Standard on Food Labelling	Groups Recommended by the Codex Committee on Food Additives
	Acids, Bases and Salts
Anti-caking agents	Anti-caking agents
Anti-oxidants	Anti-oxidants and Anti-oxidant Synergists
Bleaching agents	Flour treatment agents*
	Carrier solvents
Colours	Colours
Emulsifiers	Emulsifiers
	Extraction solvents
Flavours	Flavours (Synthetic)
	Flavour Enhancers
Maturing agents	Enzyme preparations*
Preservatives	Preservatives
	Processing aids
Stabilizers	
Thickening agents (including modified starches)	Thickening agents
Vegetable gums	
	Non-Nutritive Sweeteners
	Miscellaneous

* Assumed to correspond partly or completely.