

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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ALINORM 78/22

CODEX ALIMENTARIUS COMMISSION
Twelfth Session, 1978

REPORT OF THE TWELFTH SESSION OF THE
CODEX COMMITTEE ON FOOD LABELLING
Ottawa, 16-20 May 1977

INTRODUCTION

1. The 12th Session of the Codex Committee on Food Labelling, hosted by the Government of Canada, was held in Ottawa, Canada, 16-20 May 1977. The Session was opened by Dr. G. Hiscocks, Food Policy Adviser, Department of Consumer and Corporate Affairs. Dr. D.M. Smith, Senior Scientist, International Health Services, Health and Welfare Canada and Mr. R.S. McGee, Director, Consumer Fraud Protection Branch, Consumer and Corporate Affairs Canada were co-chairmen.

2. Representatives from 29 countries and from FAO and WHO were present. Observers were present from six International Organizations (see Appendix I for List of Participants).

ADOPTION OF THE AGENDA

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

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

4. The Committee had before it CX/FL 77/2 dealing with matters of interest arising from the reports of the Codex Alimentarius Commission, of other Codex Committees and certain issues which had been referred to this Session by the Committee itself.

5. The Committee was informed that the Commission at its 11th Session had not accepted a proposal to adopt the guidelines on date marking before the guidelines had been completely finalized.

6. The Committee noted the wording of certain sections in the labelling provisions in the standards for chocolate and for foods for infants and children (CAC/RS 87-1976 and CAC/RS 72/74-1976, respectively) which had been adopted by the Commission at Step 8.

7. A brief note was given as regards further notifications by governments concerning the acceptance of the General Standard for the Labelling of Prepackaged Foods (CAC/RS 1-1969).

8. The Secretariat informed the Committee that the Codex Committee on Foods for Special Dietary Uses had at its 10th Session discussed a General Labelling Standard for Foods for Special Dietary Uses. Furthermore, the Codex Committee on Food Additives

would at its forthcoming Session consider the re-draft of a General Standard for the Labelling of Food Additives where sold as such.

9. In connection with the Standard for Infant Formula, the Committee on Foods for Special Dietary Uses had strongly expressed the opinion that provisions should be established to regulate adequately claims and advertisements as regards breast feeding vis-à-vis. infant formula. The Committee had stressed that preference should be given to breast feeding wherever possible.

10. The Commission had adopted a relevant provision (Section 10.10) in the Standard for Infant Formula at Step 9 (CAC/RS 72-1976). However, as it had been recognized that the above provision would only apply to the label, the Committee on Foods for Special Dietary Uses had requested this Committee to provide, if possible, guidance as to how to ensure that advertizing and promotional literature did not imply in any way that infant formula was better than human milk.

11. The Committee agreed to discuss the issue later during the Session when the Guidelines on Claims would be considered (see paragraphs 116 and 117).

LABELLING PROVISIONS RELATED TO THE CARRY-OVER PRINCIPLE

12. The Committee was informed that the Codex Committee on Food Additives had elaborated a "Principle relating to the carry-over of additives into foods" (ALINORM 76/12, Appendix IV) which had subsequently been adopted by the Codex Alimentarius Commission at its 11th Session.

13. The Commission, however, had noted that the "Carry-over Principle" made no provision concerning the declaration of the presence of carried over food additives in the final product, and had requested this Committee to decide whether labelling provisions were necessary.

14. The Committee examined the question in detail, in particular cases where carried-over additives might have a significant influence from the point of view of the consumer on the nature of the final product (e.g. flavours and colours). Having regard to this, the Committee agreed that any additive present in the final product as a result of carryover in accordance with the circumstances described in paragraph 4 of the Carry-over Principle must be declared.

DECLARATION OF DRAINED WEIGHT IN STANDARDS FOR PROCESSED FRUITS AND VEGETABLES

15. The Committee agreed that the Commodity Committees should abide by the requirements of Section 3.3(b) of the General Standard for the Labelling of Prepackaged Foods unless justification can be shown for deviating from these requirements. If agreement could not be reached between the Commodity Committee and the Labelling Committee, the final decision would be left to the Commission.

QUANTITATIVE DECLARATION OF CERTAIN INGREDIENTS

16. A number of delegations pointed out that the quantitative declaration of certain ingredients had both economic and nutritional ramifications.

17. The Secretariat reported that this subject had been discussed at two previous sessions, the 3rd and 4th. In particular, para 14 of the Report of the 3rd Session noted that the Committee had concluded at that time that as a general rule it should not be necessary to declare ingredients in amounts or percentages. However, the Committee had stated that in some instances such as those involving ingredients or mixtures of

ingredients of particular importance to the consumer for monetary or other reasons, it might be desirable to indicate the percentages of some or all of the ingredients, particularly if the absence of such a declaration would lead to fraud or deception.

18. The Committee agreed with a proposal from the delegation of the USA that Commodity Committees might consider a requirement for the quantitative declaration of a characterizing ingredient.

LABELLING PROVISIONS CONTAINING THE PHRASE "IN ACCORDANCE WITH THE LAW AND CUSTOM OF THE COUNTRY IN WHICH THE PRODUCT IS SOLD"

19. The Secretariat outlined the nature of this problem by stating that such a provision could lead to a situation where national nomenclature requirements would not be recorded as specified deviations at the time of acceptance.

20. Following some discussion the Committee agreed that the phrase in question must be used sparingly and be explained thoroughly. It was suggested that a footnote appear in standards where it is used to the effect that countries availing themselves of this provision must supply the required information at the time of acceptance (see also paras 39,68).

MEANING OF LOT AND LOT IDENTIFICATION

21. There was general agreement that the lot defined for purposes of recall should not be confused with the definition of a lot for sampling purposes.

22. The Committee felt that there was no value in defining "lot" for recall purposes and that Commodity Committees should use the text for lot identification previously endorsed by the Committee in a large number of Step 9 Standards.

COUNTRY OF ORIGIN

23. The delegation of Argentina expressed the desire that the labelling provisions in all Codex standards make mandatory the identification of the country of origin.

24. Other delegations pointed out that deception of the consumer was really the issue and that declaration of country of origin had more relevance when dealing with imported products.

25. The delegation of Switzerland reminded the Committee that Subsection 3.5 of the Labelling Standard represented a compromise at the time of its elaboration. As the General Principles of the Codex Alimentarius applied to all food, both domestic and imported, it was not considered desirable by some delegations to require a mandatory declaration of the country of origin on products of domestic manufacture since deception was unlikely.

GUIDELINES FOR DATE MARKING OF PREPACKAGED FOOD FOR THE USE OF CODEX COMMODITY COMMITTEES

26. The Committee considered Appendix II of ALINORM 76/22(a) in the light of government comments contained in document CX/FL 77/3 and its Addenda.

27. The Committee discussed Section 1 - Purpose of Date Marking - and agreed to amend the text as follows:

"The purpose of date marking is to give the consumers a date which will provide information about the expected quality of the product provided that it has been properly stored. This does not mean that date marking guarantees either the acceptability or the safety of the product."

28. Section 2 - Scope - was left unchanged.

29. Considerable discussion took place on Section 3 - Definition of Types of Date Marking. However, the Committee did not make any changes to the definitions of Date of Manufacture (3.1), Date of Packaging (3.2) and Sell-by-date (3.3). It was felt that the term Minimum Durability needed to be clarified by indicating how the date might be expressed on the label. It was agreed that the following examples "will keep at least until", "best before", would make clear the intention of the definition to Codex Commodity Committees and assist governments in using appropriate terms in a language other than the official ones of the Codex Alimentarius.

30. Concerning Section 3.5, the Committee agreed that it would be better to use as the principal term for this definition "use-by-date". A number of delegations stressed that the practice in their countries was to refer to an expiration date. Also considering the differences explained by delegations between expiration date and use-by-date, the Committee considered whether a separate section 3.6 might be included in the guidelines to define expiration date. In the view of the delegations of Sweden, Norway and France after this date the product should not be regarded as marketable if the date is expressed as expiration date. Several delegations stated that it might be necessary to have a combination of several dates on the label. The Committee decided not to establish a separate Section 3.6 and amended Section 3.5 as follows:

"3.5 Use-by-date (Recommended Last Consumption Date) (Expiration Date). The date which signifies the end of the estimated period under any stated storage conditions, after which the product probably will not have the quality attributes normally expected by the consumers. After this date, the food should not be regarded as marketable."

31. Section 4 - Storage Instructions - was left unchanged.

32. In discussing Section 5.1 the Committee considered that Codex Commodity Committees should give preference as far as practicable to the date of minimum durability as it provided the most useful information to the consumers. The delegation of Sweden wished to place on record that at present Swedish legislation required the declaration of use-by-date for date marking.

33. The Committee agreed to make no other specific recommendations as regards the other types of date marking, and emphasized that should a Codex Commodity Committee propose to omit any requirement concerning date marking this matter should be referred to the Codex Committee on Food Labelling with a justification supporting the omission.

34. The amended text of Section 5.1 reads as follows:

"Based on a study of the nature of the food, Codex Commodity Committees shall determine the type of date marking. First consideration should be given to the date of minimum durability. If, in the opinion of the Commodity Committees, this date is not appropriate for the commodity in question, the Commodity Committees should choose from the other alternatives listed in Section 3 above. Finally, they may decide that a date is not necessary and, if so, a justification should be submitted to the Codex Committee on Food Labelling, indicating the reason for the proposed omission."

35. The Committee considered Section 5.2 and discussed whether the storage instructions should apply only to prepackaged foods as defined in the General Standard for the Labelling of Prepackaged Foods (i.e. products intended for retail sale). A number of delegations considered that it could be important to have storage instructions made

available to assist not only the consumers but also persons handling the product through the distribution chain.

36. The Committee discussed how such information should be made available. It was agreed that storage instructions should be given also on the outer containers. Section 5.2 was amended to read as follows:

"5.2 If the product is not stable under normal room conditions, the kind of storage and/or keeping instructions which will form part of the labelling requirements in the standards shall be decided upon. To ensure the validity of the date marking, which in this case is dependent upon the handling of the product, additional instructions should also be provided for proper handling during distribution of the product (i.e. on the outer container)."

Status of the Guidelines

37. The Committee agreed to re-submit the amended guidelines to the Commission for adoption as a final text to be used by Codex Commodity Committees (see Appendix II to this Report).

ENDORSEMENT OF LABELLING PROVISIONS IN CODEX STANDARDS

Non-pulpy Blackcurrant Nectar at Step 8 (ALINORM 78/14, Appendix I)

38. The Committee endorsed the labelling provisions without amendment.

Edible Ices and Ice Mixes at Step 8 (ALINORM 78/11, Appendix II)

39. The Committee noted that occasionally it had been necessary to classify the various products by groups rather than common or usual names or appropriate designations. This situation was due to the widely differing meanings associated with the use of certain terms for "name of the food". The Committee agreed with the provision and relevant footnote and wanted to place on record with the Commission and Codex Commodity Committees that this exceptional provision should not be regarded as a precedent for similar provisions for other foods.

40. The Committee reviewed the designations of the ingredient groupings set out in Annex B and agreed that as these terms either already appeared in Codex Commodity Standards or would not be misleading to the consumer, they could be used. The general question as to whether Codex Commodity Committees could propose new class names for use in the list of ingredients was raised. The Committee noted that it was open to any Codex Committee to propose new class names for the Codex Committee on Food Labelling to evaluate for inclusion in the future, if adopted, in the General Standard for the Labelling of Prepackaged Foods.

41. The Codex Committee on Edible Ices had suggested that the Codex Committee on Food Labelling should decide whether or not date marking should be provided for in this standard and in what form when the Committee considered the general question of date marking of quick frozen foods. The Committee decided to examine this question at a later stage, when more experience had been gained of date marking of this type of product and when the views of other Codex Committees elaborating standards for quick frozen products would become available and the guidelines had been taken into account by the Committees concerned. The Committee endorsed the labelling provisions of the standard.

Gluten-free Foods at Step 6 (ALINORM 78/26, Appendix II)

42. The Committee endorsed the labelling provision with the exception of Section 5 - Claims - with minor amendments to Subsection 4.3.1 involving the transposition of Kilojoules and Calories to read "Kilojoules (Kj) and/or Calories (KCal)". As regards Section 5, see para 115.

Cocoa Powders (Cocoas) and Dry Cocoa-Sugar Mixtures at Step 8 (ALINORM 78/10, App. III)

43. The Committee endorsed the labelling provisions.

Cooked Cured Hams at Step 8 (ALINORM 78/16, Appendix II)

Cooked Cured Pork Shoulder at Step 8 (ALINORM 78/16, Appendix III)

Cooked Cured Chopped Meat at Step 8 (ALINORM 78/16, Appendix V)

44. The Committee noted that storage instructions had been included in the above standards and requested the Codex Committee on Processed Meat Products to review the need for date marking in the light of the guidelines. The Committee endorsed the labelling provisions of the three standards.

Quick Frozen Fillets of Hake at Step 7 (ALINORM 78/18, Appendix IV)

45. The delegation of Sweden expressed the view that storage and handling instructions should be provided for in the standard to cover the product in the distribution chain and in the hands of the consumers. This applied to all quick frozen foods.

46. The delegation of the USA drew attention to the Process Definition which requires the product to be kept under prescribed conditions up to the time of final sale. The Committee requested that standards for quick frozen fish should, as in the case of standards for other quick frozen foods, include storage instructions after sale to the consumer. The Committee endorsed the labelling provisions of this standard.

Canned Sardines and Sardine-type Products at Step 5 (ALINORM 78/18, Appendix II)

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

Quick Frozen Lobsters at Step 7 (ALINORM 78/18, Appendix V)

48. The Committee endorsed the labelling provisions of this standard and requested the Codex Committee on Fish and Fishery Products to consider the question of storage instructions in the light of the discussion on Subsection 5.2 of the Guidelines for Date Marking (see paras 35 and 36).

Quick Frozen Broccoli at Step 6 (ALINORM 78/25, Appendix VI)

Quick Frozen Leek at Step 8 (ALINORM 78/25, Appendix IV)

Quick Frozen Cauliflower at Step 6 (ALINORM 78/25, Appendix V)

Quick Frozen Blueberries at Step 8 (ALINORM 78/25, Appendix III)

49. The Committee made some editorial amendments to Subsection 6.1.2 of the standards for broccoli and leek as follows:

Quick Frozen Leek "

"6.1.2 The name of the food shall also include the style as appropriate: "whole", "cut", "rings", or "chopped" in accordance with Section 2.4.1 and when presented as white the word "white" in accordance with Section 2.4.3."

Quick Frozen Broccoli "

"6.1.2 The name of the food shall also include the style as appropriate: "spears", "florets", "cut spears", "chopped" as described in Section 2.4.1."

The delegation of the Federal Republic of Germany, supported by the delegations of France and Denmark, stated that a provision for the date of minimum durability should be included in the above four standards. The Secretariat was requested to ensure consistency in the provisions for labelling of bulk containers concerning lot identification in these standards with the provisions contained in other standards for quick frozen foods at Step 9. The Committee agreed to examine the question of storage instructions for bulk containers in connection with the General Guidelines for the Labelling of Bulk Containers (see paras 119-130). The Committee endorsed the labelling provisions of the above four standards.

Canned Tropical Fruit Salad at Step 8 (ALINORM 78/20, Appendix III)

50. The Committee endorsed the labelling provisions of the above standard.

Blackcurrant Juice at Step 5 (ALINORM 78/14, Appendix II)

Concentrated Blackcurrant Juice at Step 5 (ALINORM 78/14, Appendix III)

Pulpy Nectar of Certain Small Fruits at Step 5 (ALINORM 78/14, Appendix IV)

51. The Committee endorsed the labelling provisions of the above three standards.

Fructose at Step 6 (CL 1976/26, Appendix I)

52. The Committee agreed to a proposal of the delegation of the USA to provide for the term "Levulose" as an optional name of the food in Section 6.1. The Committee endorsed the labelling provisions as amended.

Low Fat Spreads at Step 6 (ALINORM 76/19, Appendix III)

53. The Committee noted that the Committee on Fats and Oils had still not reached agreement upon a name for the food. A number of points were suggested for the Codex Committee on Fats and Oils to consider. These were: declaration of fat content, declaration of percentage of polyunsaturated fatty acids, date marking, lot identification and exemptions from labelling requirements for small units. As regards the latter, it was pointed out that because of the value of the products, a list of ingredients would be of interest to the consumers even on small units.

54. The delegation of Japan reiterated a statement made at the 11th Session of the Commission that, in view of the special nature of the product, the labelling section of the standard should also be referred to the Codex Committee on Foods for Special Dietary Uses.

Low Erucic Acid Rapeseed Oil at Step 6 (ALINORM 76/19, Appendix XIII)

55. The Committee requested the Codex Committee on Fats and Oils to include the standard text on lot identification appearing in standards at Step 9 and endorsed the labelling provisions as amended.

Bouillons at Step 3 (ALINORM 76/19, Appendix V)

56. The Committee wished to draw to the attention of the Codex Committee on Soups and Broths that some amendments were required to the labelling provisions to bring them into conformity with labelling provisions endorsed for other foods of a similar nature.

57. Concerning the list of ingredients, the Committee amended Subsection 8.2 to attract Subsections 3.2(a)(ii) and 3.2(d) of the General Standard for the Labelling of Prepackaged Foods to those types of the product, where applicable.

58. The Committee noted that governments had been requested to submit their proposals concerning the exemption of small units from certain normal labelling requirements, and requested that the Commodity Committee make an appropriate revision of the standard to deal with this matter.

59. Governments were reminded of the need to submit their proposals to the Codex Committee on Soups and Broths.

60. The Committee requested the Commodity Committee to consider the need for date marking of these products in the light of the Guidelines.

61. The Committee agreed to consider the provision concerning bulk packs in conjunction with the discussion on General Guidelines for the Labelling of Bulk Container's (see paras 119-130).

62. The delegation of Japan expressed the view that Subsection 8.8 might not be suitable for use in their country.

63. Subject to the foregoing, the Committee temporarily endorsed the labelling provisions for bouillons.

Mineral Waters at Step 7 (CX/MIN 77/2)

64. The Committee was informed by the delegation of Switzerland, which hosts the Codex Committee on Natural Mineral Waters, that there would be substantial changes made to the text of the standard and therefore it would be premature to consider the labelling provisions as presently drafted.

65. The representative of WHO expressed satisfaction with the fact that the present standard contained no reference to properties favourable to health, and indeed actually prohibited all claims concerning medicinal, physiological, curative or other beneficial effects relating to the health of the consumer.

Flavoured Yogurts and Products Heat-Treated after Fermentation at Step 7 (CX 5/70-18th, Appendix III)

66. The Committee requested the Milk Committee to reconsider the provision on date marking in the light of the Guidelines which would also require the inclusion of storage instructions for the products. The Committee strongly expressed the view that one type of date marking only should be provided for.

67. Several delegations were of the opinion that in all cases a quantitative declaration of fat and sugar content should be made in conjunction with the name of the food. However, the Committee decided not to change the present wording of 5.1 at this time.

68. In connection with Subsection 5.1.2 which left matters to national legislation, the Committee expressed its concern at the number of instances where commodity Committees had introduced provisions of this nature and requested the Commission to examine this matter as a general issue.

69. Subject to the foregoing, the Committee endorsed the labelling provisions for this standard.

Cream for Direct Consumption at Step 7 (CX 5/70-18th, Appendix IV)

70. The Committee requested the Milk Committee to include a section on storage instructions consistent with the date of minimum durability in Subsection 5.6.

71. The delegation of Ireland informed the Committee that while, in general, the date of minimum durability was used for date marking of foods in their country, in the case of this product a well established and understood coding system based upon date of pasteurization or packaging was used.

72. The Committee endorsed the labelling provisions.

Edible Casein and Caseinates at Step 7 (CX 5/70-18th, Appendices V and VI)

73. The Committee endorsed the labelling provisions in these two standards, noting that the question of bulk labelling would be dealt with later during the Session (see para 130).

Standards for Processed Cheeses A-8(a), (b), (c) at Step 3 (CX 5/70-18th, Appendices II-A, B, C)

74. The Committee noted that the only section requiring endorsement was Subsection 6.2 - List of Ingredients. This Section was endorsed without amendment.

75. The Committee noted that no provisions were contained in these standards for date marking, storage instructions and lot identification. The Committee requested the Milk Committee to consider these matters and to make appropriate provisions in the standards.

76. The Committee discussed as a general matter in connection with milk products the desirability of declaring the fat content on an "as is" basis, as this would be more readily understood by the consumer, and requested the Milk Committee to express the fat content in this way in the labelling provisions of all standards for milk products.

Amendment to the Standard for Canned Peaches at Step 5 (ALINORM 78/20, Appendix II)

77. The Committee endorsed the revised labelling provisions.

Amendment to the Standard for Apricot, Peach and Pear. Nectars (ALINORM 78/14, App. VI)

78. The Committee endorsed the proposed amendment requiring the declaration of honey when added to the product.

Discussion of Paper on Nutritional Labelling (CX/FL 77/5)

79. The Canadian Secretariat introduced working paper CX/FL 77/5, noting that this document was an attempt to present a balanced view of both the challenges and problems associated with nutritional labelling.

80. The Chairman noted that nutritional labelling had differing connotations, dependent upon the nutritional status of the country or region in question.

81. Several delegations explained their approach to nutritional labelling. A number of delegations indicated a preference for a step by step approach to the problem. As a first step a system indicating energy values (Kilojoules and/or Calories) and main nutrients, i.e. proteins, carbohydrates and fats, would be appropriate on a non-mandatory basis.

82. Other delegations, however, expressed some concern about this narrow approach to nutritional labelling.
83. The representative of the I.O.C.U. reinforced this position. It was pointed out that there was lack of experience and basic information to plunge headlong into nutritional labelling on an international scale. Concern was also expressed by this representative about the undue emphasis in affluent countries on the use of nutritional labelling as a tool for people on calorie reduced diets. Furthermore, the opinion was expressed that this approach would impede the development of the necessary information base to devise a long term solution. Finally, it was urged that the Committee use a broad concept of nutritional labelling suitable to all countries.
84. Considerable discussion took place about alternative approaches to the development and implementation of guidelines on nutritional labelling.
85. The Committee agreed to a proposal put forward by the delegation of the USA to arrange through the Secretariat for the appointment of a group of experts to consider this particular subject.
86. It was felt that this group should review documents which have been prepared by the Secretariat, review national legislation which is available and thus elaborate a draft document for consideration by the Committee at a future session.
87. It was also noted that the composition of the proposed expert group should include experts from developing areas of the world.
88. The FAO and WHO representatives agreed to consider this proposal.
89. The delegation of Senegal suggested that the subject of nutritional labelling should be added to the agenda of the next meeting of the Coordinating Committee for Africa scheduled for September 1977. The Secretariat believed that this would be possible.
90. The delegation of Australia urged that the terms of reference, reporting structure and expected results of any expert group should be made clear and be brought to the attention of the Codex Alimentarius Commission.

GENERAL GUIDELINES ON CLAIMS

91. The Committee had before it document CX/FL 77/6-Claims, as well as comments from the United Kingdom, Sweden, Poland and Federal Republic of Germany which were distributed at the meeting.
92. The Chairman stressed that the Committee was dealing with the elaboration of guidelines rather than a standard. In addition, he pointed out the difficulties presented by differing languages and various national perceptions of the meaning of claims.
93. The delegations of Ireland and Senegal wished to underline that the guidelines under elaboration be directed to appropriate authorities as well as to Commodity Committees. The Committee noted an error in the title of document CX/FL 77/6 and confirmed that the title should be "General Guidelines on Claims".

Section 1 - General Definition

94. The Chairman noted at the outset that the terms of reference for the Codex Committee on Food Labelling included the authority to "study problems associated with the advertisement of food with particular reference to claims and misleading descriptions" (Procedural Manual, Fourth Edition, p. 75).

95. After some discussion the Committee agreed to a revision of the general definition as follows:

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

Section 2 - Restrictions on Claims

96. The Committee agreed with a proposal from the delegation of the USA to delete the words "or food combination" from Subsection 2.1.

97. The Committee agreed on the basis of a proposal of Switzerland to further amend Subsection 2.1 as set out in Appendix III.

98. The Committee discussed the proposals put forward by the delegations of the USA and Switzerland to amend Subsection 2.2 and amended this subsection as set out in Appendix III.

99. The Committee further agreed with a minor amendment proposed by the delegation of Australia to replace "national authorities" with "appropriate authorities".

100. The Chairman drew attention to certain difficulties in the interpretation of the terms "enriched" and "fortified" contained in Subsection 2.3 and deemed that this matter was covered by Subsection 4.1 of Appendix III. Following a full discussion of the problems associated with Subsection 2.3, the Committee agreed that it should be deleted.

Section 3 - Prohibited Claims

101. The delegation of the U.K. noted that any claim must comply with the General Principles of the General Standard for the Labelling of Prepackaged Foods, Section 2, with respect to any possibility of misleading the consumer. The Committee therefore agreed to the deletion of Subsection 3.1.

102. The Committee agreed with the suggestion of the delegation of Sweden that the relevant parts of Subsection 2.1 of the General Standard for the Labelling of Prepackaged Foods be included in the General Guidelines on Claims (new para 1.1 of Appendix III).

103. Subsection 3.2 was accepted without amendment.

104. It was noted that Subsection 3.3 was of particular interest to the Codex Committee on Foods for Special Dietary Uses. These guidelines are required by the Codex Committee on Foods for Special Dietary Uses so that they may finalize their document on the Labelling of Foods for Special Dietary Uses.

105. Considerable discussion ensued concerning the reference to "medical supervision" for dietetic foods.

106. The delegation of Gabon proposed the following amendment to Subsection 3.3:

"However, claims which are justified on medical grounds can be authorized for certain foodstuff which may be recognized as valid for the dietary management of specific diseases or disorders."

107. The Committee finally agreed to the text of Subsection 4.2 set out in Appendix III.

108. The delegations of Switzerland, the United Kingdom, the Federal Republic of Germany, Gabon, France, Belgium and Algeria reserved their positions with respect to

the inclusion of the words "in accordance with medical advice" in Subsection 3.3 (now 4.2). They did, however, indicate that they would have accepted the proposal of Gabon without reservation.

109. The delegation of Australia suggested that, when finalized, all guidelines dealing with claims (i.e. those under elaboration by the Codex Committees on Food Labelling and on Foods for Special Dietary Uses) be brought together into one complete document.

110. A number of delegations were of the opinion that meaningless claims were prohibited by the General Standard.

111. The delegation of the Federal Republic of Germany suggested that, as the relevant parts of Subsection 2.1 of the General Standard were reproduced in the introduction of the General Guidelines on Claims, the claims in Subsections 3.4, 3.5, 3.6, 3.7 and 3.8 should be retained as examples.

Section 4 - Restricted General Claims

112. There was general agreement that a definition of "natural" and "pure" was impossible because of differing perspectives and subjective interpretations associated with these terms.

113. After considerable discussion it was found that no agreement could be reached for the use of the terms "natural", "pure", "home-made" and "fresh" in view of differences in national practices. It would be assumed that these terms, where they are used, would be in accordance with national practice. The use of these terms should be consistent with the prohibitions found in Section 2 of the Guidelines in Appendix III. The amended text is set out in Subsection 4.3 of Appendix III.

114. Subsection 4.5 was accepted without amendments.

115. The Codex Secretariat, in response to a question from the delegation of Switzerland, indicated that the Codex Committee on Foods for Special Dietary Uses would review the Claims Section of the Proposed Draft Standard for "Gluten-free" Foods following the elaboration of the Draft General Standard for the Labelling of and Claims for Foods for Special Dietary Uses. The labelling standard from the Codex Committee on Foods for Special Dietary Uses would then come to this Committee for endorsement (see also para 42).

116. The delegation of Norway referred to the request of the Codex Committee on Foods for Special Dietary Uses concerning guidance as to how to ensure that advertizing and promotional literature did not imply in any way that infant formula was better than human milk (see paras 9,10 and 11). It was of the opinion that this subject was of such importance, especially to developing countries, that the Committee should consider examining it at its next meeting. In supporting this proposal the representative of IOCU proposed that separate guidelines be developed.

117. The Committee agreed that this matter was within the terms of reference of the Codex Committee on Foods for Special Dietary Uses and requested that that Committee consider the development of such guidelines. In the view of this Committee this would include advertizing.

Status of the Guidelines

118. The Committee agreed to submit the Guidelines on Claims as set out in Appendix III to the Commission for adoption as a final text.

DRAFT GENERAL GUIDELINES FOR THE LABELLING OF BULK CONTAINERS

119. The Committee had before it documents ALINORM 76/22, Appendix IV and CX/FL 77/7 containing government comments on the draft guidelines.

120. The French speaking delegations pointed out that the word "bulk" in English could be translated by both "en vrac" and "en gros" in French and proposed changing the title in the French text to read: *Projet de lignes directrices générales pour l'étiquetage des emballages en grande quantité.*

121. The views of the Committee were divided as to whether labelling guidelines were necessary for most bulk containers. Some delegations were of the opinion that it was generally a matter which should be left to the trade practices while others thought that requirements for the labelling of bulk containers were important and of essential value to the controlling authorities and to the consumer in certain circumstances.

122. The delegate of Australia drew attention to the fact that the matter had been thoroughly discussed at the 10th Session of this Committee and that at that time a decision had been reached by the Committee to proceed with the guidelines.

123. The Committee re-examined the definition of "Bulk Containers" and agreed to the following amendments to the text of Section 1 :

"Bulk containers are containers not intended for retail sale and include the following categories:

- (1) (unchanged)
- (2) (unchanged)
- (3) (unchanged)
- (4) Freight containers being of permanent construction, designed for re-use and intended for handling and transport of large consignments without intermediate reloading."

124. In connection with definition (1) the Committee noted that the reference "catering use" referred to foods intended for use in institutions such as hospitals, schools and catering establishments.

125. Concerning Section 3, the Committee discussed whether a provision should be included to permit the mandatory information to be given in accompanying documents as an alternative to being given in a label attached to the container. The Committee further discussed what should be the mandatory information required to be given in connection with the different types of containers defined in Section 1.

126. It was agreed that it would be desirable to submit the table in Section 3 to governments in the form of a questionnaire to elicit their views as to the mandatory information which should be given and the form in which it would accompany the containers, i.e. as a label or in documents. The table was amended to refer to date marking only in Subsection 3.6.

127. The Committee requested the Codex Secretariat to coordinate a small working group by correspondence to consider the replies of governments to the questionnaire and prepare a revised draft of the guidelines for this Committee.

128. It was further agreed to request governments to submit their opinion as to whether the text should be a guideline or a general standard. The delegations of the USA, Switzerland, U.K., Australia, Canada, Norway and France were appointed to participate in the working group.

129. The Committee further agreed that a new Section 4 should be added to the Guidelines to indicate to the Commodity Committees how to express the relevant labelling provisions for bulk containers in individual standards.

130. In the light of the foregoing decisions, the Committee endorsed the existing provisions for labelling bulk containers in the standards which had been before the Committee during the Session (see paras 39, 49, 51, 61) as these provisions were the same as provisions previously endorsed in the Step 9 standards. No recommendation for provisions on labelling of bulk containers were made as regards the standards for edible casein and caseinates pending the finalization of the guidelines (see para 73).

HARMONIZATION OF NON-TECHNICAL DETAILS ON A LINGUISTIC BASIS

131. The delegation of Norway indicated that it was prepared to re-submit this working paper with suitable examples to document the problems at the next session of the Committee.

OTHER BUSINESS

132. No other business was brought before the Committee.

DATE AND PLACE OF NEXT SESSION

133. The next session will probably be scheduled for Autumn 1978 or Spring 1979 in Ottawa. There will be no endorsement session immediately prior to the 12th Session of the Codex Alimentarius Commission scheduled for Spring 1978.

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GUIDELINES FOR DATE MARKING OF PREPACKAGED FOODS
FOR THE USE OF CODEX COMMODITY COMMITTEES

1. Purpose of Date Marking

1.1 The purpose of date marking is to give the consumer a date which will provide information about the expected quality of the product provided that it has been properly stored. This does not mean that date marking guarantees either the acceptability or the safety of the product.

2. Scope

2.1 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.

2.2 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.

For certain food products these two dates will be the same.

3.3 Sell-by Date - The "sell-by" 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 ("will keep at least until" "best before") - The date which signifies the end of the period under any stated storage conditions 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 Use-by-Date (Recommended Last Consumption Date) (Expiration Date) - The date which signifies the end of the estimated period under any stated storage conditions, after which the product probably will not have the quality attributes normally expected by the consumers. After this date, the food should not be regarded as marketable.

4. Storage Instructions

In addition to the date, any special conditions for the storage of the food should be indicated if the validity of the date depends thereon.

5. Instructions to Codex Commodity Committees

5.1 Based on a study of the nature of the food, Codex Commodity Committees shall determine the type of date marking. First consideration should be given to the date of minimum durability. If, in the opinion of the Commodity committees, this date is not appropriate for the commodity in question, the Commodity Committees should choose from the other alternatives listed in Section 3 above. Finally, they may decide that a date is not necessary, and if so, a justification should be submitted to the Codex Committee on Food Labelling, indicating the reason for the proposed omission.

5.2 If the product is not stable under normal room conditions, the kind of storage and/or keeping instructions which will form part of the labelling requirements in the standards shall be decided upon. To ensure the validity of the date marking, which in this case is dependent upon the handling of the product, additional instructions should also be provided for proper handling during distribution of the product (i.e. on the outer container).

GENERAL GUIDELINES ON CLAIMS

1. Purpose

1.1 These guidelines are intended to be an amplification of Section 2.1 (General Principles) of the General Standard for the Labelling of Prepackaged Foods, the relevant portions of which are as follows:

Food shall not be described or presented in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.

The guidelines are intended to provide examples of claims to which the above general principles apply.

1.2 General Definition

For the purpose of these guidelines, a claim is any representation 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. Claims which should be prohibited

2.1 Claims stating that any given food will provide an adequate source of all essential nutrients are prohibited except in the case of well defined products for which a Codex standard regulates the admissible claims or where appropriate authorities have accepted the product to be an adequate source of all essential nutrients.

Further, claims implying that a balanced diet of ordinary foods cannot supply adequate amounts of all nutrients are prohibited.

2.2 Claims which cannot be substantiated.

2.3 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 with, however, exceptions set out in sub-section 4.2 below.

2.4 Claims which could give rise to doubt about the safety of similar foods or which could arouse or exploit fear in the consumer.

3. Claims which may be misleading

3.1 Meaningless claims including comparatives and superlatives.

3.2 Claims as to good hygienic practice, such as wholesome, healthful, sound.

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

4. Claims whose use should be controlled

4.1 An indication that a food has obtained an increased or special nutritive value by means of the addition of nutrients, such as vitamins, minerals and amino acids may be given only if such an addition has been made on the basis of nutritional considerations. This kind of indication is subject to legislation of the appropriate authorities.

4.2 As indicated in 2.3 above 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 in the dietary

management of specific diseases or disorders, in accordance with medical advice, there may be permitted statements corresponding to medically substantiated claims. The Committee on Foods for Special Dietary Uses will develop specific guidelines for commodities under their jurisdiction following the general principles set forth herein.

4.3 The terms "natural", "pure", "fresh" and "home made", when they are used, have to be in accordance with the national practices in the country where the food is sold. The use of these terms should be consistent with the prohibitions set out in Section 2.

4.4 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.