

CODEX ALIMENTARIUS COMMISSION



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Organization

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON FOOD LABELLING

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DRAFT GUIDANCE FOR THE LABELLING OF NON-RETAIL CONTAINERS

(Proposed amendments in response to comments from CL 2021/45-FL)

(Prepared by India and the CCFL Canadian Secretariat)

NOTE:

Text in **red bold** and ~~strikeout~~ show previous proposed amendments as found in Annex 1 of CX/FL 21/46/5 Add.1

Text highlighted in **yellow** show new proposed amendments in response to comments from CL 2021/45-FL

DRAFT GUIDANCE FOR THE LABELLING OF NON-RETAIL CONTAINERS OF FOODS

Proposed change: (Title) Change "Guidance" to "General Standard"

New proposed text: "**GENERAL STANDARD** FOR THE LABELLING OF NON-RETAIL CONTAINERS OF FOODS"

Rationale: In response to many comments and in particular comments from the Secretariat "that while there was no clear guidance in Codex as to when a document should become a guideline or standard but that the present text had been drafted more in line with the practice used for standards so it could be called General Standard on the Labelling of Non Retail Containers. The Secretariat further noted that the naming of the text would entail no difference as to the significance and implications of a Codex standard or a Codex guideline".

Note: The outcome of this decision will result in subsequent changes to provisions for example "[these Guidelines] / [this Standard]".

1. PURPOSE

The purpose of [these Guidelines] / [this Standard] is to facilitate appropriate harmonized labelling of non- retail containers of food and to outline what information shall be presented on the label and what information, while not required on the label, must be provided **for** with a non-retail container by other means.

2. SCOPE

[These Guidelines] / [This Standard] [apply] /[applies] to the labelling of non-retail containers of food (excluding food additives and processing aids)^{1,2} not intended to be offered directly to the consumer¹ including the information provided in the accompanying physical documents or by other means, and the presentation thereof.

3. DEFINITION OF TERMS

For the purpose of [these Guidelines] / [this Standard], the relevant definitions in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) apply. In addition, the following terms have the meaning as defined below:

“Food Business” means an entity or undertaking, carrying out one or more activity(ies) related to any stage(s) of production , processing, packaging, storage and distribution (including trade) of food¹.

“Non-retail container” means any container¹ that is not intended to be offered for direct sale to the consumer¹. The food¹ in the non-retail containers is for further food business activities before being offered to the consumer¹.

Proposed change: (3) Editorial change from plural to singular

New proposed text: “**Non-retail container**” means any container¹ that is not intended to be offered for direct sale to the consumer¹. The food¹ in the non-retail **container** is for further food business activities before being offered to the consumer¹.”

Rationale: The intent of the text does not change; changing “container” to singular reflects the definition more clearly and is grammatically correct.

4. GENERAL PRINCIPLES

The following general principles apply to the labelling of non retail containers:

- 4.1 The general principles established in the *General Standard for the Labelling of Prepackaged Foods* (GSLPF **CXS 1-1985**) apply equally, as appropriate, to the labelling of non-retail containers of foods.
- 4.2 The labelling requirements for non-retail containers of foods should be differentiated clearly from the labelling requirements for prepackaged¹ foods.
- 4.3 ~~The n~~**N**on-retail containers should be clearly identifiable as such.
- 4.4 The non-retail status of a container shall be determined by the food business selling or distributing the container of food
- 4.5 The labelling requirements for non-retail containers should be established taking into account the information requirements and implementation capabilities of the ~~relevant stakeholders~~ (food businesses and competent authorities).
- 4.6 Subject to the requirements outlined in Section 5, the information requirements in respect of non-retail containers of food may be met through means other than on a label as allowed by the competent authority in the country in which it is sold.

¹ As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985)

² This Guideline/Standard is not intended to apply to the labelling of food additives and processing aids for which the *General Standard for the Labelling of Food Additives When Sold as Such* (CXS 107-1981) applies.

- 4.7 The label and information in the accompanying documents or information provided by other means shall be traceable to the food in the non-retail container and shall provide information to enable the labelling of food, intended for sale to the consumer.

Proposed change: (4.7) Editorial changes

New proposed text: "The information on the label and the information in the accompanying documents or provided by other means shall be traceable to the food in the non-retail container and shall provide information to enable the labelling of the food intended for sale to the consumer."

Rationale: The intent of the text does not change; revisions help clarify the text.

5. MANDATORY INFORMATION REQUIREMENTS ON **THE LABEL:**

The following information shall appear on the label of non-retail containers of food:

5.1 The name of the food

5.1.1 The name shall indicate the true nature of the food and normally be specific and not generic.

5.1.1.1 Where a name or names have been established for a food in a Codex standard, at least one of these names shall be used.

5.1.1.2 In other cases, the name prescribed by national legislation shall be used.

5.1.1.3 In the absence of any such established or prescribed name, either a common or usual name existing by common usage as an appropriate descriptive term which is not misleading or confusing to the food business or in the country in which the food is intended to be sold shall be used.

5.1.1.4 A "coined", "fanciful", "brand" name or "trade mark" may be used provided it accompanies one of the names provided in Subsections 5.1.1.1 to 5.1.1.3.

5.1.1.5 Where the non-retail container contains multiple types of food, the names of all the foods contained therein and/or a commonly understood descriptor that best explains the foods present together in the container shall be provided on the label, as allowed by the competent authority in the country in which the product is sold.

5.2 Lot identification

Each non-retail container shall be marked in code or in a manner to clearly identify the ~~producing~~ **production** factory and the lot.

Proposed change: (5.2) "production" to "producing" and add the "lot(s) of the food in the non-retail container."

New proposed text: "Each non-retail container shall be marked in code or in a manner to clearly identify the **producing** factory and the **lot(s) of the food in the non-retail container.**"

Rationale: The intent of the text does not change. To align better with the *General Standard for the Labelling of Prepackaged Foods* the text was reverted to use the term "producing factory". The additional text also makes clear that the lot identification refers to the food in the non-retail container.

5.3 **Date marking and storage instructions**³

Date marking and storage instructions **shall be provided** only when they are related to the safety and integrity of the product.

Proposed change: (5.3) change “only when they are related to” to “when required for the safety and integrity”

New proposed text: “Date marking and storage instructions shall be provided **when required for the safety or integrity of the product.**”

Rationale: The intent of the text does not change. The original wording could have the unintended effect of prohibiting the inclusion of date marking or storage instructions voluntarily. These changes allow the opportunity for date marking and storage information to be provided voluntarily on products where it is not needed for safety or integrity reasons.

5.4 **Identification of a non-retail container**

The non-retail containers of foods shall be clearly identifiable as such. If the container is not clearly identifiable as a non-retail container, the container shall:

- bear a statement to indicate that the food is not intended to be sold directly to **the** consumer²⁴ or to clearly identify it as a non-retail container. Some examples of such statements are:

- “NON-RETAIL CONTAINER”

“NON-RETAILCONTAINER - NOT FOR DIRECT SALE TO CONSUMER”

Or,

- carry any other mark that indicates that the container is not intended to be sold directly to a consumer

Proposed change: (5.4) Change “a” to “the”

New proposed text: “carry any other mark that indicates that the container is not intended to be sold directly to **the** consumer”

Rationale: The intent of the text does not change. The amendment is consistent with references to consumers elsewhere in the draft text.

5.5 **Name and address**

Name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

5.6 ~~Where a non-retail container contains multiple types of food, the information in respect of all the above provisions in Section 5 should be provided for all the foods contained therein.~~

6. **MANDATORY INFORMATION REQUIREMENTS BY MEANS OTHER THAN ON THE LABEL**

6.1 The information that shall be provided in the accompanying documents, or through other ~~appropriate~~ means, is the following:

- i. Information provided on the label as identified in Section 5;

³ Information to be provided as in the relevant section of the *General Standard for the Labelling of Prepackaged Foods* (CXs 1-1985)

- ii. ~~If not all on the label:~~ Information sufficient to enable the **safe** preparation and **the** labelling of pre-packaged foods from the food in the non-retail container⁴;
 - iii. Net contents of the non-retail container.
- 6.2 The information provided in the accompanying documents, or through other appropriate means, shall be effectively traceable to the food in non-retail container.
- 6.3 If all mandatory information is made available on the label, provisions of 6.1 and 6.2 need not apply.**

Proposed change: (6.1, 6.2, 6.3) Changes to parts of Section 6 to clarify which information is required; change “pre-packaged” to “prepackaged”.

New proposed text:

“6.1 The following information shall be provided in the accompanying documents or through other means:

- i. Information required under Section 5;
- ii. Information sufficient to enable the safe preparation and the requirements for labelling of prepackaged foods from the food in the non-retail container⁴;
- iii. Net contents of the non-retail container.

6.2 The information required under sub-section 6.1 shall be traceable to the food in the non-retail container.

6.3 If all information required under sub-section 6.1 is made available on the label, sub-sections 6.1 and 6.2 do not apply.”

Rationale: The intent of the text does not change. The amendments aim to make it more clear where the information required under section 5 must be shown: on the label, and that the information in sub-section

6.1 can be in accompanying documents or through other means, but if already on the label, it does not also have to be in accompanying documents. The word “prepackaged” without the hyphen aligns with the *General Standard for the Labelling of Prepackaged Foods*.

7. ~~[BULK TRANSPORT~~ **PROVISIONS FOR SPECIFIC TYPES OF NON-RETAIL** CONTAINERS

7.1 **Non-retail container used as food transportation unit**⁵]

In the case of **a non-retail container used as a food transportation unit**, bulk transport containers such as shipping containers, tankers, barges, drums, etc., that **is** are not amenable to possess a label, all the information stipulated in sections **s 5 and 6** shall be provided in the accompanying documents or through appropriate other means (e.g. electronically between food businesses) and shall be effectively traceable to the food in such containers.

⁴ CXS1-1985 and other relevant Codex labelling text

⁵ **“Food transportation unit” as defined in the *Code of Hygienic Practice for the Transport of Food in Bulk and Semi-Packed Food (CXC 47-2001)*. [For ease of CCTF-46 discussion, Definition from CXC 47-2001 reads: “Food transportation unit. Include food transport vehicles or contact receptacles (such as containers, boxes, bins, bulk**

Proposed change: (7.1) Change "stipulated in Sections 5 and 6" to "required under Section 5 and Sub-section 6.1"

New proposed text: "In the case of a non-retail container used as a food transportation unit that is not amenable to possess a label, all the information **required under Section 5 and Sub-section 6.1** shall be provided in the accompanying documents or through other means (e.g. electronically between food businesses) and shall be effectively traceable to the food in such containers."

Rationale: The intent of the text does not change. The revision provides greater accuracy to the section or sub-section referenced.

7.2 **Non-retail container containing multiple types of food**

~~5.6~~ Where a non-retail container contains multiple types of food, the **mandatory** information in respect of all the above provisions in **required by Section 5 on the label and section 6 through means other than on the label** ~~should~~ **shall** be provided for all the **types of** foods contained therein.

Proposed change: (7.2) Change "Section 6" to "Sub-section 6.1" and use brackets

New proposed text: "Where a non-retail container contains multiple types of food, the mandatory information required by Section 5 **(on the label)** and **Sub-section 6.1 (through means other than on the label)** shall be provided for all the types of foods contained therein."

Rationale: The intent of the text does not change. The revision provides greater accuracy to the sub-section referenced. 6.1, and the use of brackets provides clarity.

7.3 **8 [EXEMPTION Non-retail container providing visual access]**

In the case of **a** non-retail container, which provides **s** visual and legible access to **all** the information **required by section 5** on the label of pre-pack **ag**ed foods within the non-retail container, the information stipulated in section 5 is not required.

Proposed change: (7.3) Editorial, change "pre-packaged" to "prepackaged".

New proposed text: "In the case of a non-retail container, which provides visual and legible access to all the information required by section 5 on the label of **prepackaged** foods within the non-retail container, the information stipulated in section 5 is not required."

Rationale: The intent of the text does not change. The word "prepackaged" without the hyphen aligns with the *General Standard for the Labelling of Prepackaged Foods*.

8. ~~9~~. PRESENTATION OF INFORMATION

8.1 ~~9.1~~ General

8.1.1 ~~9.1.1~~ Labels on non-retail containers of foods shall be applied in such a manner that they will not become separated from the container.

8.1.2 ~~9.1.2~~ Information and the statements required to appear on the label by virtue of [these Guidelines] / [this Standard] or any other Codex Standards shall be clear, prominent, readily legible and applied in such a manner that any tampering with it will be evident.

8.1.3 ~~9.1.3~~ The mandatory information requirements on label (Section 5 **above**) shall appear in a prominent position on the non-retail and in the same field of vision **shall be readily accessible**

under normal handling and use of the container.

Proposed change: (8.1.3) Editorial changes; addition of missing word “container”

New proposed text: “The mandatory information **required on the label under Section 5** shall appear in a prominent position on the non-retail **container** and shall be readily accessible under normal handling and use of the container.

Rationale: The intent of the text does not change; revisions help clarify the text.

8.1.4 ~~9.1.4~~ Information that is provided by means other than the label shall be readily accessible, ~~discernible~~ **legible** and clearly displayed.

8.2 9.2 Language

8.2.1 ~~9.2.1~~ If the language in the original labelling is not acceptable to the competent authority or the food business in the country in which the product is sold, a translation of the information in the labelling should be provided in the required language in the form of re-labelling, supplementary label and/or in the accompanying documents or **by means** other **than on the label** ~~appropriate means~~ to meet the requirements of the country in which the product is sold. **If re-labelling or a supplementary label is used, it shall not obscure the original label.**

8.2.2 ~~9.2.2~~ The information provided through translation in the required language shall fully and accurately reflect that in the original labelling.

Proposed change: (8.2.1 and 8.2.2) Amend language to align better with the related provision in the *General Standard for the Labelling of Prepackaged Foods*.

New proposed text:

“8.2.1 If the language **on** the original **label** is not acceptable to the competent authority or the food business in the country in which the product is sold, **the mandatory information in the required language may be provided** in the form of re-labelling, **a** supplementary label and/or in the accompanying documents or by means other than on the label to meet the requirements of the country in which the product is sold.

8.2.2 The **mandatory** information provided in the required language shall fully and accurately reflect that in the original **label**.”

Rationale: This provision is related to language, and there was concern that the last sentence goes beyond the requirements of the *General Standard for the Labelling of Prepackaged Foods*. To address this concern, the provisions in 8.2.1 and 8.2.2 have been amended to align better with the related provisions in the *General Standard for the Labelling of Prepackaged Foods*.

Annex II

Proposed draft amendment to the Procedural Manual
Section II Elaboration of Codex Standards and Related Texts: Format for Codex Commodity
Standards: Section on labelling

Replace the following:

Where the scope of the Standard is not limited to pre-packaged goods, a provision for labelling of non-retail containers may be included:

In such cases the provision may specify that:

“Information on¹² shall be given either on the container or in accompanying documents, except that the name of product, lot identification, and the name and address of the manufacturer or packer shall appear on the container.¹³

However, lot identification, and the name and address of the manufacturer or packer may be replaced by an identification mark provided that such a mark is clearly identifiable with the accompanying documents.”

¹² Codex Committees should decide which provisions are to be included

¹³ Codex Committees may decide that further information is required on the container. In this regard, special attention should be given to the need for storage instructions to be included on the container.

With:

Where the scope of the Standard is not limited to pre-packaged foods, a provision for the labelling of non-retail containers may be included as follows:

“The labelling of non-retail containers should be in accordance with the Guidance (Standard/Guideline) on the Labelling of Non-Retail Containers.”

Proposed changes: (Procedural Manual) Change “pre-packaged” to “prepackaged”; add “of Foods”; and addition of text to provide flexibility to Commodity Committees

New proposed text: “Where the scope of the Standard is not limited to **prepackaged** foods, a provision for the labelling of non-retail containers may be included as follows:

The labelling of non-retail containers should be in accordance with the Guidance (Standard/Guideline) on the Labelling of Non-Retail Containers **of Foods**.

Codex Committees may decide that further information is required on the non-retail container that is not referred to in the (Standard/ Guideline) on the Labelling of Non-Retail Containers of Foods.”

Rationale: The word “prepackaged” without the hyphen aligns with the General Standard for the Labelling of Prepackaged Foods. The addition of “of Foods” completes the full title of the Non-Retail Containers guidance. The additional text reflects the original footnote 13 and retains the intent to provide flexibility to Codex Committees to decide if additional labelling requirements are needed for a specific food.