

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: codex@fao.org - www.codexalimentarius.org

Agenda Item 4, 7, 9, 11, 12, 13

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

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Comments from Thailand

Agenda Item 4

- Draft regional standard for dried meat (CCAFRICA)

Thailand does not have any objection to the endorsement of the labelling provision of this draft which is specified in Section 8.1. However, we note that the provision in Section 8.2 the packaging provision may be more related to the Codex Committee on Food Hygiene. Thus it may not be within the mandate of CCFL to endorse.

- Review of the standard for follow up formula: section A: follow-up formula for older infants

Thailand notes the change made by CCNFSDU in 9.2.2, 9.4.1 and 9.6.4. In consideration of details in 9.6.5, we find that the terms “shall not refer” may not be practical for the FBOs, especially regarding the numbers, text, statements or images. Taking into account the step process of this draft, we propose to prolong the endorsement of labelling provisions until this whole draft is adopted by CAC or at least at the stage that is ready for adoption by CAC to prevent any future change of the draft that affects the labelling provisions. This is to prevent the need of reconsideration of CCFL for the endorsement.

- Review of the standard for follow up formula: section B: drink/product for young children with added nutrients or drink for young children

Similar to Section A, Thailand is of the view that the terms “shall not refer”, mentioned in 9.6.5, may not be practical for the FBOs, especially when regarding the numbers, text, statements or images. In addition, taking into account the decision during the 43rd session of the CAC that all technical comments should be resubmitted at Step 6 for consideration by CCNFSDU42, therefore CCFL may wish to wait for the draft to be thoroughly considered before endorsement of labelling provisions to avoid repetitive work.

For the Proposed draft revised standard for follow-up formula (CXS 156-1987) section B: drink/product for young children with added nutrients or drink for young children, Section 9.3 particularly a) and b), Thailand found square brackets left in the draft and after checking with the related report of CCNFSDU (REP20/NFSDU), the brackets have been removed and only the words “as well as” were retained. Therefore, we would like to request the Secretariat to correct this typo.

Agenda Item 7

Name of the draft

Thailand proposes a small amendment to the name of this draft as follows: "Proposed draft guidance on the food information requirements for prepackaged foods to be offered via e-commerce". This is to emphasise the voluntary nature of this draft, compared to the CXS 1-1985 which uses the term "requirements" throughout the document.

Proposal to add an "introduction" section before scope

Thailand would like to propose a new addition of "introduction" before scope. Under this section, it should specify that this guidance only outlines the information of food that should be displayed via e-commerce platform. However, the requirements for labelling of food have to follow the requirements under CXS 1-1985.

Proposal to replace "shall" with "should" in all occasions

This is to highlight the voluntary nature of this draft guidance

Definition

Thailand proposes that the definition of this draft should be opened, not specific, and consistent with any other existing international definition, e.g. the OECD's definition, in order to facilitate the reference of Codex text with other international organizations. In addition, having the definition, not too specific to the scope of this draft, e.g., the use of goods and services instead of prepackaged food, would facilitate any future reference by other Codex texts that may not be specific to only prepackaged food.

Section 3 General Principles

Thailand agrees with the use of Section 3 of CXS 1-1985 as General Principles in the context of e-commerce. However, the second paragraph may not be necessary as it is rather repetitive to the detail in section 4.1 of the alternative text.

Section 4 information requirements for pre-packaged foods sold through e-commerce

Thailand, in principle, supports the proposed alternative text. However, we have a few comments as follows:

- for Section 4.1, we noted that it refers to the information requirements of CXS 1-1985 or other Codex text, nonetheless in those texts do not mention any "information" nor "information requirements". For consistency the text should, therefore, be reconsidered and possibly amended to "labelling" or "labelling requirements", as appropriate.

- for Section 4.2, we propose to delete this section as it may cause confusion or mislead consumers hence contradict to the General Principle of CXS 1-1985.

- for Section 4.3, we also propose to delete this section as it is difficult to ensure that consumer would check the information on the physical label before consumption. In the context of e-commerce, consumers may order food from anywhere in the world and the language on the physical label may not always be understandable by the consumers. Therefore, such statement may not be effective.

6. Optional food information requirements at the point of e-commerce sale

Thailand does not object this section. However, if our above comments regarding the use of the term "requirements" are agreed, the title of this section should be amended accordingly.

7. Presentation of mandatory information

Thailand does not object the proposed sections 7.1.1 and 7.2.1. For Section 7.1.2, we are of the view that it may not be necessary to mention in the context of e-commerce as the design of e-commerce platform can be varied as well as the equipment displaying the information. For example, display on mobile phone would be different from the display on tablet or PC. Therefore, it should be opened for the technology to display name and net content as appropriate to their platform and the display tools without restriction that this two information must always appear in the same field of vision.

cross-border e-commerce

Thailand is of the view that this draft should be limited to the information of food to be displayed via e-commerce platform, which is within the mandate of CCFL. The other aspects of e-commerce, e.g., the cross-border transfer of food products are not within the CCFL's mandates. If the member countries find that Codex should undertake those aspects of the e-commerce, they may develop a discussion paper and propose to the appropriate forum, like CCFICS, for further consideration.

Agenda Item 9

Thailand does not have any objection to this new work. We are of the view that the types of information and the conditions for such information to be presented using technology, as well as the practicability aspects of the provisions, are very important and needed to be carefully considered.

Agenda Item 11

Thailand does not object this new work. We are of the opinion that the scope and provisions of CXS 1-1985 are not clearly applicable to the foods in joint presentation and multipack formats hence there is an existing gap that should be fulfilled. Nonetheless, the revision of CXS 1-1985 needs to be carefully considered as it may complicate the overall application of the Standard as well as those referring to it. Therefore, we would like to propose that the project document opens for the possibility of developing an annex to CXS 1-1985.

Agenda Item 12

Thailand would like to express our appreciation to the UK and CCFL Canadian Secretariat in developing the inventory of future work. We find several topics are interesting and if taken up as new work, it would be useful to member countries in the future.

For the proposal of new work on trans fatty acids, we are of the view that the aspects to be covered by this work should be only the amendment to the CXS 1-1985 to add a requirement about partially hydrogenated and fully hydrogenated oils by their specific names declaration and to define these terms.

In the proposal for new work on trans fatty acid, Section 3 Main aspect to be covered, we propose to delete the first aspect on the amendment to CXG 2-1985 for the following reasons:

- there are two main types of TFAs, naturally occurred and industrialised. Therefore, the declaration of the TFAs may cause negative impact on products that contain the naturally occurred TFAs, like meat and milk, which are important sources of nutrients to human.
- to require declaration of TFAs in all food where nutrient declaration is required would involve the uptake of additional methods of analysis hence could be the burden to the relevant FBOs.
- the risk management approaches to limit the intake of TFAs are implemented differently in each country to suit their public health concern and the regulatory system. Therefore, the requirements regarding declaration of TFAs should be kept opened and flexible.

Agenda Item 13

Thailand does not object the proposed approach and criteria for evaluation and prioritization of work of CCFL. In order to observe whether this proposal is suitable or should be improved in certain ways, CCFL may use it against the list in the inventory table to see if the criteria can differentiate, classify and thus provide clear priority of the works. The result of this trial can clearly identify the areas to be improved and provide members to grasp the idea on implementing the criteria.