

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



JOINT OFFICE: Viale delle Terme di Caracalla 00153 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

**CODEX COMMITTEE ON FOOD LABELLING
THIRTY-SEVENTH SESSION
CALGARY, CANADA, MAY 4 - 8, 2009**

**DISCUSSION PAPER ON ISSUES RELATED TO MANDATORY
NUTRITION LABELLING**

COMMENTS FROM:

**CANADA
COSTA RICA**

INTERNATIONAL ALLIANCE OF DIETARY/FOOD SUPPLEMENT ASSOCIATIONS (IADSA)

DISCUSSION PAPER ON ISSUES REALTED TO MANDATORY NUTRITION LABELLING

CANADA:

Canada requires mandatory nutrition labelling on most prepackaged foods. The Nutrition Facts table includes the mandatory declaration of the energy value and the content of 13 nutrients (fat, saturated fat, trans fat, cholesterol, sodium, carbohydrate, fibre, sugar, protein, vitamins A and C, calcium and iron). Energy and nutrients must be declared on a per serving basis. A number of exemptions are provided to minimize issues associated with the implementation of mandatory nutrition labelling.

At this time, Canada is not considering expansion of mandatory nutrition labelling to unpackaged foods in view of numerous practical considerations.

Although Canada would support a Codex proposal for mandatory nutrition labelling with a core list of nutrients to be declared, Canada recognizes that the associated costs and other difficulties may impact on its implementation in some countries. Moreover, where access and use of prepackaged foods is not widespread, national authorities may need to consider other ways to provide consumers with nutrition information about foods.

Canada agrees with the costs and obstacles to mandatory nutrition labelling outlined by the electronic working group and considers it essential that means be considered and introduced to mitigate these as much as possible. In this regard, the provision of exemptions would aid specific industry groups who may not have the capacity to comply with mandatory nutrition labelling requirements while allowing for the standardization of nutrition information where it is provided. For example, an exemption could be considered for food products which are produced locally for sale only in the country of origin.

The issues that require consideration prior to a decision being taken with regard to mandatory nutrition labelling are many. It will be essential that the discussion of the Physical Working Group is focussed to ensure progress in discussions. This is why Canada recommends that the Physical Working Group prior to the 37th Session of the CCFL limit its deliberations on the issue of mandatory nutrition labelling by focusing on two main tasks:

1. Confirming that the Discussion Paper is capturing the essence of the issues identified by member countries regarding:
 - a. costs and benefits associated with mandatory nutrition labelling, including the role of mandatory nutrition labelling in supporting public health initiatives;
 - b. practical issues including implementation, application, compliance and enforcement; and
 - c. implications for existing trading alliances and the facilitation of trade.
2. Identifying options for retaining a degree of flexibility required by individual countries to facilitate application of global provisions for mandatory nutrition labelling, including options regarding the foods that mandatory nutrition labelling may apply to.

COSTA RICA:

Costa Rica would like to thank the Working Group led by Australia for coordinating the development of the Discussion Paper regarding issues related to mandatory nutrition labelling and will like to express its comments regarding the conclusions advanced in the document:

Costa Rica considers that mandatory nutrition labelling could be a good alternative to mitigate the increase in non transmittable diseases in the population. However, it is necessary to reach consensus regarding the specific identification of those nutrients that have a direct effect on those diseases to standardize as much as possible the number of nutrients to be declared.

We are of the opinion that the proposals made by the Working Group should serve as a basis for further discussion. However, we consider convenient the possibility that countries may use these proposals to evaluate the effect they would have in the economy.

Also, regarding important issues that may be considered in more detail by the physical Working Group that will meet immediately prior to the 37th Session of the CCFL, Costa Rica would like to make the following comments:

- Costs and benefits associated with the introduction of mandatory nutrition labelling;

Costa Rica recognizes that a mandatory nutrition labelling declaration could, over the medium term, have benefits for the health of consumers. However, it considers necessary to analyze costs in detail and propose mechanisms for mitigating them, particularly for developing countries. For example, in Costa Rica about 98% of the enterprises are Small or Medium size Enterprises (SMEs) and, therefore, the costs of implementing a measure such as this proposal have a greater impact than in countries where the percentage of SMEs is lower.

- The role that mandatory nutrition labelling could potentially play in supporting public health initiatives;

Costa Rica considers that benefits for public health are closely linked to the education that consumers have to allow them to choose products; for this purpose, major campaigns are required on this issue. Furthermore, further discussions regarding this issue are required, as well as obtaining feedback from countries that have already applied mandatory nutrition labelling and have evaluated the impact of education campaigns in the direct reduction of non transmittable diseases.

- The foods (e.g. pre-packaged) that mandatory nutrition labelling may apply to;

Costa Rica supports the comments from other countries indicating that mandatory nutrition labelling should only apply to prepackaged foods. It also supports the exceptions listed under point 2 b) of the document, excluding the last item “packaged foods supplied by small businesses (to be defined)” as this could present implementation and verification problems in the marketplace.

- Options for retaining a degree of flexibility that allows individual countries to decide the most appropriate way to apply global provisions. On this basis, consideration be given to labelling scheme(s) that could serve as best-practice approaches for countries considering the adoption of mandatory nutrition labelling;

Costa Rica agrees that a degree of flexibility is needed regarding format issues, but not regarding core issues, in the nutritional information presentation. Lack of harmonization in core issues increases marketing costs given the need to modify the labels to meet the requirements of each export market.

- Practical issues related to implementation, application, compliance and enforcement such as resource and technical considerations, infrastructure and communication;

We believe that technical assistance mechanisms need to be encouraged and implemented for developing countries with the objective of strengthening laboratories, human resources and infrastructure, and to be able to increase market verification capacity for nutritional labelling in each country. Also, to provide support in the design and implementation of public communication strategies including: education campaigns directed to consumers, industry, the medical and academic communities, and state and local authorities.

- Implications for existing trading alliances, and as a possible facilitator to trade.

Costa Rica supports the establishment of measures to facilitate trade regarding nutritional labelling, as presently a company that exports its products to several countries requires, sometimes, using several labels due to the differences in labelling regulations between countries. Therefore, Costa Rica supports the initiative mentioned in the present document of preparing an International Manual of Food Nutritional Composition that is accepted by all governments.

INTERNATIONAL ALLIANCE OF DIETARY/FOOD SUPPLEMENT ASSOCIATIONS (IADSA):

The International Alliance of Dietary/Food Supplement Associations (IADSA) would like to provide the following comment on the Discussion Paper on Issues Related to Mandatory Nutrition Labelling (CX/FL 09/37/5) developed by the electronic working group led by Australia:

1. COSTS AND BENEFITS

(c) Costs to Industry (page 3)

For information, a recent survey in the United Kingdom has indicated that the average cost of changing a label (artwork, proofing and printing plate) is about US \$3,000 per product label. Cumulatively, this cost can be considerable for small and medium food supplement companies which can have a label inventory well in excess of 100 labels.

The cost of write-off of labels will be related to the transition times allowed for introduction of the new rules. Food supplements and many other food products, can have expiry dates and hence life in the market-place of up to three years. Thus, the shorter the transition period, the greater the potential for write-off of both product and label stock.

IADSA is concerned that the costs of analytical facilities and the costs of the analyses themselves, as well as the costs of training and maintaining skilled analysts, are substantial. The focus appears to be on analytical results, and IADSA supports the view that provision should be made to use

existing and/or new, official compositional databases and for calculations from the nutrient values of ingredients. Furthermore, on page 6, section 3(a), 6th bullet point on that page, IADSA suggests the use of ‘typical’ values rather than ‘average’ values. The latter terminology has statistical implications, e.g. mean \pm standard deviations etc, which further imply additional analytical work.

2. APPLICATION OF MANDATORY NUTRITION LABELLING

(b) Options for Exemptions (page 4)

Exemption from mandatory nutrition labelling should be considered for food supplements where the energy content is less than 50 kcal per day. Food supplement packages and labels tend to be small, with space at a premium, and the small amount of energy contributed is unlikely to have any significant impact on the dietary impact of the individual. (Note: The European Union currently exempts food supplements from the full requirements of nutrition labelling).

3. IMPLEMENTATION AND SUPPORT MECHANISMS

(a) Resources and Technical Considerations (page 5)

In addition to that an exemption from mandatory nutrition labelling should be considered for food supplements, a two-year transition period is not long in the context of phasing-in a label change. As mentioned above, a large number of processed foods can have a shelf-life in excess of two years. Provision would be required to allow product placed on the market before the end of the transition period to continue to be sold until the end of their shelf-life.

ATTACHMENT 1

PART B: AGGREGATED SUMMARY OF SUBMISSIONS (page 10)

In section ‘II. Costs’, paragraph 2.2 (c), IADSA is concerned with the word ‘possible’ which should be deleted as nutrition labelling is definitely a cost. On page 2, paragraph 10 states, “Cost has not been identified as a major issue by those countries that have implemented mandatory nutrition labelling”. In the UK, most retailers and manufacturers have provided nutrition labelling voluntarily for over 10 years, and hence implementation of a mandatory system may not impose additional costs. However, the costs of voluntary nutrition labelling were substantial and programmes of collecting the data, relabelling food etc. were accomplished over a period of time (largely retailer driven).