

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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AGENDA ITEM NO. 6(B)

CX/FL 10/38/12-ADD.2

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

**CODEX COMMITTEE ON FOOD LABELLING
THIRTY-EIGHTH SESSION
QUEBEC CITY, CANADA, MAY 3 - 7, 2010**

**LABELLING OF FOODS AND FOOD INGREDIENTS OBTAINED THROUGH
CERTAIN TECHNIQUES OF GENETIC MODIFICATION/GENETIC
ENGINEERING:
PROPOSED DRAFT RECOMMENDATIONS FOR THE LABELLING OF FOODS
AND FOOD INGREDIENT OBTAINED THROUGH CERTAIN TECHNIQUES OF
GENETIC MODIFICATION/GENETIC ENGINEERING
(CL 2009/15-FL, ALINORM 09/32/22 – APPENDIX VII)**

GOVERNMENT COMMENTS AT STEP 3

COMMENTS FROM:

**KENYA
MALI
CONSUMERS INTERNATIONAL (CI)**

LABELLING OF FOODS AND FOOD INGREDIENTS OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC MODIFICATION/GENETIC ENGINEERING: PROPOSED DRAFT RECOMMENDATIONS FOR THE LABELLING OF FOODS AND FOOD INGREDIENT OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC MODIFICATION/GENETIC ENGINEERING: (CL 2009/15-FL, ALINORM 09/32/22 – APPENDIX VII)

GOVERNMENT COMMENTS AT STEP 3

KENYA:

Specific comment.

We support chapeau 2 as amended by Brazil as mentioned below.

Justification:

It states the purpose of the document and accommodates different countries approaches.

Chapeau 2 as amended by Brazil:

“The purpose of this document is to recall and assemble in a single document some important elements of guidance from Codex texts which are relevant for the labelling of foods obtained by GM/GE techniques. It also recognizes that each country can adopt different approaches regarding labelling of foods obtained by GM/GE techniques and that food labelling is the primary means of communications between the seller on the one hand and the purchaser and consumer on the other.”

General comment

Codex has a dual mandate to not only protect the health of consumers but also to ensure fair practices in the food trade and thus a failure to label GM/GE foods could in itself be considered misleading.

There is need for labelling of GM/GE foods to allow consumer choice since GM/GE foods are sensitive issues for consumers in their respective countries and this work should continue since there is no rationale for discontinuation of GM/GE work.

The facts that these foods have undergone safety assessment consistent with relevant codex guidelines, just like conventional foods, organically produced foods, sugarless gums, reduced fat content foods, foods for special dietary use, fortified foods etc, they should be labelled.

We believe that the existing codex standards and related text cannot be used to label GM/GE foods and that is why the project document was justified over 20 years ago and was passed by executive committee and endorsed by the commission as new work item on its own.

The provisions in existing Codex texts cannot be applied to labelling statements related to GM/GE foods

Kenya has been working on its national specification standard on labelling GM/GE foods and the standard is almost being finalized. We have the capacity for testing and enforcement of GM/GE products.

[Chapeau 1:

~~“Food labelling is the primary means of communications between the seller on the one hand and the purchaser and consumer on the other. Labelling of a food is considered only after the food has undergone appropriate safety assessments to deem it safe for human consumption. For additional assurance on safe and appropriate use of food, food labelling can be employed to provide consumers with essential information. It is recognized that consumers’ expressed needs may vary in different regions of the world. These differences might lead to various levels of approaches regarding labelling of foods obtained by GM/GE modifications.~~

~~The purpose of this document is to recall and assemble in a single document some important elements of guidance from Codex texts, which are relevant for the labelling of foods obtained by GM/GE techniques.”]/~~

or

~~[Chapeau 2:~~

~~“The purpose of this document is to recall and assemble in a single document some important elements from Codex texts which are relevant for the labelling of foods obtained by GM/GE techniques.”]/or~~

~~[Chapeau 2 as amended by the USA:~~

~~“The purpose of this document is to recall and assemble in a single document some important elements from Codex LABELLING AND OTHER texts which are relevant for the labelling of foods obtained by GM/GE techniques AS THEY ARE FOR ALL FOODS. THIS DOCUMENT IS NOT INTENDED TO SUGGEST OR IMPLY THAT GM/GE FOODS ARE IN ANY WAY DIFFERENT FROM OTHER FOODS SIMPLY DUE TO THEIR METHOD OF PRODUCTION.”]/or~~

or

~~[Amendment to the first sentence of paragraph 1 as developed during the 37th Session of the CCFL as alternative to chapeau 1 and 2:~~

~~“1. The following Codex standards and related texts contain provisions applicable to the labelling of food products and may be applied to foods obtained by GM/GE techniques.~~

~~Any information or pictorial device may be displayed on labels of foods obtained from GM/GE techniques provided that these are not in conflict with Codex standards and guidelines.~~

~~This document is not intended to suggest or imply that food obtained from GM/GE techniques are in any way different or less safe from other foods simply due to their method of production~~

~~provided that they have undergone safety assessment according to the guidance of the Codex Alimentarius Commission.”]~~

MALI:

Mali supports the Chapeau 2 as amended by Brazil:

“The purpose of this document is to recall and assemble in a single document some important elements of guidance from Codex texts which are relevant for the labelling of foods obtained by GM/GE techniques. It also recognizes that each country can adopt different approaches regarding labelling of foods obtained by GM/GE techniques and that food labelling is the primary means of communications between the seller on the one hand and the purchaser and consumer on the other.”

CONSUMERS INTERNATIONAL (CI):

Consumers International (CI) appreciates the opportunity to comment on CL 2009/15-FL. CI welcomes the fact that CCFL has supported continued work on the important issue of labelling of foods derived from certain techniques of genetic modification/genetic engineering (GM/GE) and feel that the text elaborated by the Working Group in Ghana, which forms the basis for the *Proposed Draft Recommendations* put forward at Step 3, is a good starting document. GM/GE food is clearly different from conventional food, as can be seen from the fact that Codex has developed Guidelines for the safety assessments of such foods (e.g. CAC/GL 45-2003, CAC/GL 46-2003, and CAC/GL 68-2008). CI members overwhelmingly support mandatory labelling of GM/GE foods.

The latest draft proposed recommendations are basically sound as written, with the changes CI proposes below, and should be advanced in the step process. CI also feels that CCFL should issue some form of recommendations on the labeling of GE/GM foods to fulfill the mandate given to CCFL by the Commission in 1991: “to provide guidance on how the fact that a food derived from ‘modern biotechnologies’ can be made known to the consumers.”

Of the five proposed Chapeaus and/or the modification of the first sentence of paragraph 1 as developed during the 37th Session of CCFL as an alternative to chapeau 1 and 2, CI supports Chapeau 2 as amended by Brazil because it clearly and succinctly states the purpose of the document and that there can be various approaches to labeling among member countries: *“The purpose of this document is to recall and assemble in a single document some important elements of guidance from Codex texts which are relevant for the labelling of foods obtained by GM/GE techniques. It also recognizes that each country can adopt different approaches regarding labelling of foods obtained by GM/GE techniques and that food labelling is the primary means of communications between the seller on the one hand and the purchaser and consumer on the other.”*

Specific comments on text as annexed to report of the 36th Session of the CCFL

Para 3

In the first line insert the words “obtained from certain techniques of GM/GE” after “food” to clarify the meaning of the sentence (addition in **bold**):

“Labelling of a food **obtained from certain techniques of GM/GE** is considered only after the food has . . .”

Proposed additions to the text:

The ten paragraphs that mention existing Codex texts and their potential application to labelling of GM/GE foods do not make it clear that there is an existing Codex text that explicitly states that labelling of GM/GE foods can be used as a risk management measure to deal with the scientific uncertainty involved in the risk assessment of GE/GM foods. Consequently, after para 5 we suggest adding a new para, 5bis, which reads:

The Principles for the Risk Analysis of Foods Derived from Modern Biotechnology (CAC/GL 44-2003) clearly state that labeling can be used as a risk management measure to deal with scientific uncertainties associated with the risk assessment of GE/GM foods: “18. Risk managers should take into account the uncertainties in the risk assessment and implement appropriate measures to manage these uncertainties. 19. Risk management

measures may include, as appropriate, food labeling, conditions for market approval and post-market monitoring” (pars 18, 19 in CAC/GL 44-2003).

Finally, CI also supports Malaysia’s proposal for a new paragraph on religious/cultural concerns, which would read, **“In cases where GM/GE modifications involve dietary restrictions, related to religious concerns or cultural practices, the label should clearly indicate the GM/GE modifications involved.”**