

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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Agenda Item 6

CX/FL 19/45/6 Add.2  
ORIGINAL LANGUAGE ONLY

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

Forty-fifth Session  
Ottawa, Ontario, Canada  
13 - 17 May 2019

### PROPOSED DRAFT GUIDELINES ON FRONT-OF-PACK NUTRITION LABELLING

(Replies to CL 2019/14-FL)

Comments of European Union, Ghana, India, Kenya, Malaysia, Nigeria, Republic of Korea and ICGA

#### EUROPEAN UNION

*Mixed Competence  
European Union Vote*

The European Union and its Member States (EUMS) would like to thank Costa Rica and New Zealand for the preparation of the document 'CX/FL 19/45/6 – Report of the Electronic Working Group' and its attached Proposed Draft Guidelines on Front-of-Pack Nutrition Labelling.

#### 1. **Recommendation a) of Document CX/FL 19/45/6**

The EUMS generally support the draft Guidelines on front-of-pack nutrition labelling (FOPNL) but would like to provide the comments below.

Comment Type	Category	Proposed change	Comment
General comment (Draft guidelines)	Substantive	N/A	<p>The EUMS generally welcome the revised version of the draft Guidelines, in particular the fact that some principles have been specified further (e.g. reference to consumer research).</p> <p>The EUMS are of the opinion that the draft Guidelines could be revised further with the view to have a set of clearly formulated general principles and to avoid overlap and duplication between the different sections.</p> <p>Finally, in order to be in line with the scope of the guidelines as outlined in point 3 of Appendix III attached to the report of the 44<sup>th</sup> session of the Codex Committee on Food Labelling (<i>Project document for new work on the development of guidance on use of simplified nutrition information on the front of pack</i>), the EUMS would like to recall that the 'other aspects to consider' should relate to the development of FOPNL systems and not their implementation, as also confirmed by the title of Section 5 ('Other aspects to consider in the development of FOPNL systems'). Considering the modifications proposed by the EUMS to the general principles and considering that some considerations of Section 5 are redundant with provisions included in the other sections, the EUMS further suggest removing section 5.</p>

#### 1. PURPOSE:

Provide general guidance to assist in the development of front-of-pack nutrition labelling, as a tool to facilitate the consumer's choice of food consistent with the national health and nutrition policy of the country of implementation.

Comment Type	Category	Proposed change	Comment
Specific comment (section 1)	Substantive	..., as a tool to <u>increase consumers' understanding of the nutritional value of their food and facilitate the consumer's choice of food a healthier dietary choice</u> consistent with the national health and nutrition policy of the country <u>or region</u> of implementation.	The EUMS are of the opinion that the text should refer to the primary role of FOPNL as described in the Codex Guidelines on Nutrition Labelling (CAC/GL 2-1985), <i>i.e.</i> increase consumers' understanding of the nutritional value of their food.  The EUMS suggest to reformulate the sentence and to include reference to the facilitation of a healthier dietary choice.

## 2. SCOPE:

2.1 These guidelines apply to front-of-pack nutrition labelling (FOPNL) to be used on pre-packaged foods<sup>1</sup> that include a nutrient declaration.<sup>2</sup>

Comment Type	Category	Proposed change	Comment
Specific comment (paragraph 2.1)	Substantive	... (FOPNL) <u>intended</u> to be used on pre-packaged foods that include a nutrient declaration.	With a view to clarify the text, the EUMS suggest adding " <i>intended to be used</i> ".
Specific comment (footnote 2)	Substantive	As defined in the <i>Guidelines on Nutrition Labelling (CXG 2-1985)</i> . <u>Guidelines CXG 2-1985 allow for the exemption of some foods from the mandatory nutrient declaration (e.g. on the basis of nutritional or dietary insignificance or small packaging). Such foods exempted from the mandatory nutrient declaration can therefore not use FOPNL, except if the nutrient declaration is provided on a voluntary basis.</u>	The EUMS suggest specifying in this footnote the case of foods exempted from the mandatory nutrient declaration. This addition to footnote 2 would make the currently confusing paragraph 2.3. and footnote 3 regarding 'exemptions' redundant.

2.2 Alcoholic beverages and certain foods for special dietary uses **[including infant formula, foods for infants and young children, sports foods or drinks]**, foods for special medical purposes are excluded<sup>3</sup>.

Comment Type	Category	Proposed change	Comment
Specific comment (paragraph 2.2)	Substantive	<del>Alcoholic beverages and certain foods for special dietary uses</del> <b>[including infant formula, foods for infants and young children, sports foods or drinks]</b> , <del>foods for special medical purposes are</del> <u>Certain foods may be excluded from using FOPNL<sup>3</sup></u>	The EUMS agree that countries may wish to exclude specific types of food from using FOPNL. However, the EUMS are of the opinion that the guidelines should not recommend exclusions since a potential list of exclusions will, amongst others, depend on existing specific legislation in place. For example, specific rules apply already at Codex level to foods for special dietary uses and many countries have specific legislation in place for these foods. The EUMS are of the opinion that the guidelines on FOPNL should not repeat what is already defined at Codex level and should leave it to the governments to decide about the foods/drinks that may be excluded from using FOPNL.

<sup>1</sup> As defined in the *General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)*.

<sup>2</sup> As defined in the *Guidelines on Nutrition Labelling (CXG 2-1985)*.

<sup>3</sup> Exclusions are foods that must not have FOPNL. Exemptions are where the food does not have to have FOPNL, but if it does, it does not affect its application.

			The editorial addition 'from using FOPNL' would clarify the meaning of the text.
Specific comment (footnote 3 – sentence 1)	Substantive	Exclusions are foods that <del>must not have</del> <u>are not allowed to use</u> FOPNL.	For reasons of clarity, the EUMS suggest to replace 'must not have' by 'are not allowed to use'. Also, the current "must" could imply that FOPNL should be obligatory, which is not the case.

2.3 Additionally, certain prepackaged foods may be exempted<sup>3</sup> from FOPNL such as<sup>4</sup>:

- foods with low nutritional significance in terms of both its composition and the quantities consumed: e.g. herbs, spices, plain tea and plain coffee to which no other ingredients have been added.
- foods in small units<sup>5</sup>;

Comment Type	Category	Proposed change	Comment
Specific comment (paragraph 2.3)	Substantive	<del>Additionally, certain prepackaged foods may be exempted<sup>3</sup> from FOPNL such as<sup>4</sup></del> <ul style="list-style-type: none"> <li>• <del>Foods with low nutritional significance in terms of both its composition and the quantities consumed: e.g. herbs, spices, plain tea and plain coffee to which no other ingredients have been added</del></li> <li>• <del>Foods in small units<sup>5</sup></del></li> </ul>	The EUMS would like to underline that this paragraph is a repetition of paragraph 2.1. stating that FOPNL is intended to be used on foods that include a nutrient declaration. As allowed in the Codex Guidelines on Nutrition Labelling, in the EUMS (and in many other countries) the two recommended examples, foods with low nutritional significance and foods in small units, are exempted from the mandatory nutrition declaration and can thus not, in line with paragraph 2.1. of the proposed guidelines, use FOPNL.  Instead, the EUMS suggests clarifying the case of foods exempted from the mandatory nutrient declaration in footnote 2.
Specific comment (footnote 3 – sentence 2)	Substantive	<del>Exemptions are where the food does not have to have FOPNL, but if it does, it does not affect its application.</del>	The EUMS refer to its proposed modifications to footnote 2.  Also, the word 'exemptions' would imply that FOPNL should be obligatory, which is not the case. In addition, it could be confusing to have the same footnote relating to different paragraphs (2.2. and 2.3)

*These guidelines can also be used as a guide in the case where simplified nutrition information is displayed near the food (e.g. shelf-tags or food service), for unpackaged foods or for foods sold via online (e.g. information available at point of purchase on websites)*

Comment Type	Category	Proposed change	Comment
No comment	/	/	/

### 3. DEFINITION OF FRONT-OF-PACK NUTRITION LABELLING (FOPNL)

For the purposes of these guidelines:

3.1. *Front-of-pack nutrition labelling (FOPNL)* is any system that presents simplified nutrition information on

<sup>4</sup> This list is indicative.

<sup>5</sup> Section 6 of the *General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)* refers to 'small units' as where the surface area is less than 10cm<sup>2</sup>

the front-of-pack<sup>6</sup> of pre-packaged foods.<sup>7</sup> It can include symbols/graphics, text or a combination thereof, that provide information on the overall nutritional value of the food and/ or on the nutrients to be included in FOPNL as described in these guidelines.

Comment Type	Category	Proposed change	Comment
Specific comment (paragraph 3.1)	Substantive	<del>3.1. Front-of-pack nutrition labelling (FOPNL) is any system that presents simplified nutrition information on the front-of-pack<sup>6</sup> of pre-packaged foods<sup>7</sup>. It can include symbols/graphics, text or a combination thereof, that provide information on the overall nutritional value of the food and/ or on the nutrients to be included in FOPNL as described in these guidelines.</del>	It is not clear to which part of the guidelines the text " <i>nutrients to be included in FOPNL as described in these guidelines</i> " is referring. In case it would be referring to paragraph 4.7. of the current draft guidelines, the EUMS would like to underline that the meaning of this paragraph is not clear.

3.2. This definition excludes:

- i. Nutrition claims;
- ii. Health claims;
- iii. Allergenic labelling; and
- iv. The quantitative declaration of ingredients.

Comment Type	Category	Proposed change	Comment
Specific comment (paragraph 3.2)	Substantive	<del>3.2. This definition excludes:</del> <del>i. Nutrition claims;</del> <del>ii. Health claims;</del> <del>iii. Allergenic labelling; and</del> <del>iv. The quantitative declaration of ingredients.</del> <u>isolated graphics or isolated textual indications on individual nutrients or the energy value, such as warnings "high in calories", "high in sugar", "high in salt/sodium", "high in saturated fat".</u>	The EUMS consider that individual warnings such as "high in sugar", "high in salt/sodium", "high in saturated fat" do not reflect the objective of FOPNL (as described in the Section 5 of the Codex Guidelines on Nutrition Labelling (CAC/GL 2-1985), i.e. " <i>to increase the consumer's understanding of the nutritional value of their food and to assist in interpreting the nutrient declaration</i> ") and therefore, should not be considered as FOPNL. Indeed, they do not allow the consumer to understand the complete nutritional status of the product but only draw the consumer's attention to (a) single nutrient(s) in high quantity.

#### 4. GENERAL PRINCIPLES

An FOPNL should be based on the following general principles in addition to the general principles in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985):

- 4.1. Only one FOPNL system should be recommended in each country or region. However, in case of coexisting a FOPNL system with other systems, these should not be contradictory to each other.

Comment	Category	Proposed change	Comment

<sup>6</sup> *Front-of-pack* means the total area of the surface (or surfaces) that is displayed or visible under customary conditions of sale or use.

<sup>7</sup> As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985).

Type			
Specific comment (paragraph 4.1)	Editorial	<p>Only one FOPNL system should be recommended <u>by</u> in each country <u>national</u> or regional <u>governments</u>.</p> <p>However, <u>should additional FOP schemes be developed</u> in case of <del>coexisting a FOPNL system with other systems, these</del> <u>they can co-exist with the one recommended by the authorities if they are complementary and do</u> <del>should not be contradictory to</del> each other.</p>	With a view to clarifying the meaning of the text, the EUMS suggest referring to recommendations 'by governments' and also reformulating the second sentence with a view to improving its understanding.

- 4.2. FOPNL should present information in a way that is easy to understand by **[a wide variety of]** consumers in the country of implementation. The format of the FOPNL should be informed by scientifically valid consumer research.

Comment Type	Category	Proposed change	Comment
Specific comment (paragraph 4.2)	Substantive	<p>FOPNL should present information in a way that is easy to understand by <del>fa</del> <b>wide variety of</b> consumers in the country of implementation <u>and should not mislead the consumer</u>.</p> <p>The format of the FOPNL should be <del>informed by</del> <u>supported by</u> scientifically valid <u>(local or global)</u> consumer research <u>including scientifically valid evidence of understanding</u>.</p>	<p>The EUMS agree that the FOP scheme should be easy to understand by a wide variety of consumers, which would include consumers with a low education level. The EUMS suggest including the principle that FOPNL should not mislead the consumer.</p> <p>The EUMS agree on the need to inform the development of the scheme by consumer research, which can be local or global research depending on a country's resources, as also described in point 75 of the report of the Electronic Working Group CX/FL 19/45/6. The EUMS refer also to their comments under 5.1. of the draft guidelines.</p> <p>The EUMS further refer to their comments under 5.3. regarding '<i>consumer research in the target population</i>' and '<i>consumer understanding and use should be monitored at baseline</i>' and suggest specifying these elements in principle 4.2. by adding 'including scientifically valid evidence of understanding.'</p>

- 4.3. FOPNL should only be provided in addition to, and not in place of, the nutrient declaration.

Comment Type	Category	Proposed change	Comment
Specific comment (paragraph 4.3)	Substantive	FOPNL should only be provided in addition to, and not in place of, the nutrient declaration.	The EUMS are of the opinion that this point is a repetition of point 2.1. of the draft guidelines and could therefore be deleted. However, in case it is considered that this point should be kept for reasons of clarity, the EUMS would not be against.

- 4.4. FOPNL should be accompanied by a consumer awareness and education/ information program to increase consumer understanding and use.

Comment Type	Category	Proposed change	Comment
No comment	/	/	/

- 4.5. FOPNL should be clearly visible on the package at the point of purchase under normal conditions of sale and use **[without the need to pick up the food package]**.

Comment Type	Category	Proposed change	Comment
Specific comment (paragraph 4.5)	Substantive	FOPNL should be clearly visible on the <u>front of the</u> package at the point of purchase under normal conditions of sale and use <del>[without the need to pick up the food package]</del> .	Considering that food manufacturers are not responsible for how a product is displayed in store, the EUMS suggest deleting the second part of the sentence.

4.6. FOPNL should align with evidence-based national **[dietary guidance / health and nutrition policies]**.

Comment Type	Category	Proposed change	Comment
Specific comment	Substantive	FOPNL should align with evidence-based national <b>[dietary guidance or in its absence with health and nutrition policies]</b>	The EUMS agree with the proposed principle but suggest specifying that where dietary guidance exists, it should constitute the basis.

4.7. FOPNL should be underpinned by objective measures of **[nutrients of global importance]** as supported by sound scientific valid evidence.

Comment Type	Category	Proposed change	Comment
Specific comment	Substantive	FOPNL should be <del>underpinned by objective measures of [nutrients of global importance] as supported by sound scientific valid evidence</del> <u>and non-discriminatory</u> .	<p>The EUMS reiterate that this principle needs further clarification since its meaning is not clear; it is not clear what is meant with 'objective measures' or with 'nutrients of global importance' (the EUMS understand from report CX/FL 19/45/6 that this refers to nutrients of (global and/or local) public health concern but this cannot be understood from the current formulation) and what would be the main message of this principle.</p> <p>The EUMS therefore suggest reformulating the principle and to include the principle, also referred to in Regulation (EU) 1169/2011 on the provision of food information to consumers, that FOPNL should be objective and non-discriminatory (e.g. designed in an objective way and not discriminate, for example, against imported products).</p>

4.8. FOPNL should allow consumers to make comparisons **[within categories and/or between categories]**.

Comment Type	Category	Proposed change	Comment
Specific comment	Substantive	FOPNL should <u>help</u> allow consumers to make comparisons <b>[within categories and/or between categories]</b> .	Since the specific type of FOPNL will determine whether product comparisons are possible within and/or between food categories, the EUMS suggests keeping both possibilities in the text.

- 4.9. FOPNL should be **[government lead but]** developed in collaboration with all interested parties including **[government]**, private sector, consumers, academia, public health associations among others.

Comment Type	Category	Proposed change	Comment
Specific comment	Substantive	FOPNL should be <b>[preferably be government lead but]</b> and should <del>→</del> in all cases (including industry/stakeholder lead) <del>→</del> be developed in collaboration with all interested parties including <b>[government]</b> , private sector, consumers, academia, public health associations among others.	In the EU, Regulation (EU) 1169/2011 on the provision of food information to consumers allows Member States to recommend or food business operators to use additional forms of expression and presentation of the mandatory nutrition declaration on the front of pack, provided that criteria set out in the legislation are met. One of these criteria comprises the requirement that the system's development should be the result of consultation with a wide range of stakeholder groups. Therefore, the EUMS suggests reformulating the principle that FOPNL should <i>preferably</i> government led and should - in all cases (including industry/stakeholder lead) - be developed in collaboration with all interested parties.

- 4.10. Should be monitored and evaluated to determine effectiveness/impact.

Comment Type	Category	Proposed change	Comment
No comment	/	/	/

- 4.11. Should be implemented in a way that encourages use on food labels.

Comment Type	Category	Proposed change	Comment
No comment	/	/	The EUMS notes that the current wording includes issues encouraging the use of voluntary FOP labels on food, such as designing labels in such as was as to encourage uptake by industry, including SMEs (e.g. free of charge, no certification, score calculators made available, etc).  The development of guidance documents, with the involvement of key stakeholders, could also be considered as an element to encourage the use of FOP labels and could be given here as an example. The EUMS refers in this context to its comments under point 5.2.

- 4.12. Should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food such that it represents the nature of the food **[as consumed / as sold with minimal exceptions]**.

Comment Type	Category	Proposed change	Comment
Specific comment	Technical	Should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food such that it represents the nature of the food <del>[as consumed / as sold or, where appropriate, as</del>	The EUMS suggests to mention first 'as sold' (general case), before 'as consumed' (where appropriate).  In the EU, according to Article 31(3) (subparagraph 2) of Regulation (EU) No 1169/2011, the nutrition declaration is required for the food as sold, but, instead and where appropriate (e.g. example of dehydrated powdered soup), it can relate to the food as

		<u>consumed</u> with <del>minimal exceptions</del>	prepared for consumption, provided sufficiently detailed preparation instructions are given.
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## 5. OTHER ASPECTS TO CONSIDER IN THE DEVELOPMENT OF FOPNL SYSTEMS

While the purpose, scope and principles for FOPNL aim to provide a high level of global consistency in approach to FOPNL, there remains a need for flexibility in order to tailor a FOPNL system to the needs of the specific population/s in the country or region of implementation.

Therefore, there are a number of other aspects to consider in the development and implementation of a FOPNL system. Many of these may be decided at national level to meet specific requirements of consumers in individual countries. Many of the considerations for national authorities relate to the implementation of the scope and global principles at the national level.

Some considerations for national authorities could include the following:

Comment Type	Category	Proposed change	Comment
General comment (Section 5)	Substantive	Deletion of Section 5	<p>First of all, in order to be in line with the scope of the guidelines as outlined in point 3 of Appendix III attached to the report of the 44<sup>th</sup> session of the Codex Committee on Food Labelling (<i>Project document for new work on the development of guidance on use of simplified nutrition information on the front of pack</i>), the EUMS would like to recall that the 'other aspects to consider' should only relate to the development of FOPNL systems and not their implementation.</p> <p>Secondly, the EUMS suggest, where relevant, to add elements related to the development of schemes which are currently foreseen under 'Additional aspects to consider' directly in the principles themselves. A set of clearly formulated general principles will allow CODEX to address the need for harmonisation at global level. In addition, the EUMS would like to underline that a general principle could easily refer to possibilities to be considered at local level (e.g. "format of the scheme to be informed by (local or global) research") and that such inclusion is not contradictory to the fact that it remains a general principle.</p> <p>Third, the EUMS consider that some of the considerations are redundant with provisions included in the previous sections (e.g. foods not intended to have FOPNL, where the label should be displayed, governance to develop the scheme) and can thus be confusing.</p> <p>For the reasons mentioned above and considering the modifications proposed to the principles themselves, the EUMS therefore suggest removing section 5.</p> <p>The EUMS further refer to detailed comments on each of the paragraphs under Section 5 explaining the cases where the considerations are redundant with previous sections or can be directly added in the general principles.</p>

### 5.1. Selection/Development of the FOPNL System

- The system must meet the global principles for a FOPNL, but the exact form of the system should be informed by local research.

Comment Type	Category	Proposed change	Comment



Specific comment	Substantive	<del>The system must meet the global principles for a FOPNL, but the exact form of the system should be informed by local research.</del>	In the current version of draft guidelines, the principle that the format must be informed by scientifically valid consumer research has been included in the general principle 4.2. The EUMS suggest specifying in general principle 4.2. that this research can be local or global research (depending on a country's resources) as also described in point 75 of the report of the Electronic Working Group CX/FL 19/45/6.
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- To consider whether the FOPNL should provide a summary indication of the nutritional quality of the whole food or information on separate nutrients.

Comment Type	Category	Proposed change	Comment
Specific comment	Substantive	<del>To consider whether the FOPNL should provide a summary indication of the nutritional quality of the whole food or information on separate nutrients.</del>	The EUMS consider that this is already covered by general principle 4.2. stating that the information must be easy to understand in the country of implementation and that the format must be informed by consumer research.

## 5.2. Implementation of the FOPNL System

- Consideration whether there are additional foods that are not be intended to have FOPNL such as:
  - Foods with minimal nutritional value
  - Foods where a nutrient declaration is not needed
  - Foods in small packages or with other packaging limitations

Comment Type	Category	Proposed change	Comment
Specific comment	Substantive	<del>Consideration whether there are additional foods that are not be intended to have FOPNL such as: <ul style="list-style-type: none"> <li>Foods with minimal nutritional value</li> <li>Foods where a nutrient declaration is not needed</li> <li>Foods in small packages or with other packaging limitations</li> </ul> </del>	The text is redundant with point 2.1 ( <i>FOPNL to be used on pre-packaged foods that include a nutrient declaration</i> ) and with the reformulated footnote 2 as suggested by the EUMS.

- Consideration may also be given at national level to potential application of a FOPNL system more broadly than pre-packaged foods. Competent authorities may also wish to consider whether FOPNL be extended to include:
  - Unpackaged foods
  - Food sold via online sales (e.g. information available at point of purchase on websites)
  - Point of purchase information not on the label (e.g. shelf signposting)
  - Food sold or otherwise provided in food service institutions such as schools or hospitals

Comment Type	Category	Proposed change	Comment
Specific comment		<del>Consideration may also be given at national level to potential application of a FOPNL system more broadly than pre-packaged foods. Competent authorities may also wish</del>	The EUMS are of the opinion that this issue is already dealt with under section 2 'Scope' (" <i>These guidelines can also be used as a guide in the case where simplified nutrition</i> ")

		<p>to consider whether FOPNL be extended to include:</p> <ul style="list-style-type: none"> <li><del>○ Unpackaged foods</del></li> <li><del>○ Food sold via online sales (e.g. information available at point of purchase on websites)</del></li> <li><del>○ Point of purchase information not on the label (e.g. shelf signposting)</del></li> <li>○ Food sold or otherwise provided in food service institutions such as schools or hospitals</li> </ul>	<p><i>information is displayed near the food (e.g. shelf-tags or food service), for unpackaged foods or for foods sold via online (e.g. information available at point of purchase on websites”)</i></p>
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- Consideration of the need for supporting guidance documents such as style guides, calculators etc.

Comment Type	Category	Proposed change	Comment
Specific comment	Substantive	<p><del>Consideration of the need for supporting guidance documents such as style guides, calculators etc.</del></p>	<p>The EUMS refer to the general comment under Section 5 that ‘Other aspects to consider’ should relate to the development of FOPNL systems and not their implementation.</p> <p>This issue could be linked to principle 4.11 since the development of guidance documents could be given as an example of how to encourage the use of FOP labels.</p>

- Consideration will need to be given as to how to maximise uptake including whether the FOPNL should be voluntary or mandatory, including consideration of trade impacts particularly for mandatory implementation.

Comment Type	Category	Proposed change	Comment
Specific comment	Substantive	<p><del>Consideration will need to be given as to how to maximise uptake including whether the FOPNL should be voluntary or mandatory, including consideration of trade impacts particularly for mandatory implementation.</del></p>	<p>The EUMS refer to the general comment under Section 5 that ‘Other aspects to consider’ should relate to the development of FOPNL systems and not their implementation.</p>

- Key stakeholders to be involved in the developing guidance documents (important to have end users involved in the development of the guidance).

Comment Type	Category	Proposed change	Comment
Specific comment	Editorial	<p><del>Key stakeholders to be involved in the developing guidance documents (important to have end users involved in the development of the guidance).</del></p>	<p>The EUMS refer to the general comment under Section 5 that ‘Other aspects to consider’ should relate to the development of FOPNL systems and not their implementation.</p> <p>The issue could be linked to principle 4.11 since the development of guidance documents (with the involvement of key stakeholders) could be given as an example of how to encourage the use of FOP labels.</p>

- What governance and oversight will be required to develop and implement the system.

Comment Type	Category	Proposed change	Comment

Specific comment	Substantive	<del>What governance and oversight will be required to develop and implement the system.</del>	The EUMS consider that the governance aspect linked to the development of a scheme is already covered by principle 4.9.  As regards implementation, the EUMS refer to their general comment under section 5 that 'Other aspects to consider' should relate to the development of FOPNL systems and not their implementation.
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- How will compliance with the system be managed particularly if voluntary.

Comment Type	Category	Proposed change	Comment
Specific comment	Substantive	<del>How will compliance with the system be managed particularly if voluntary.</del>	The EUMS refer to the general comment under Section 5 that 'Other aspects to consider' should relate to the development of FOPNL systems and not their implementation.

**5.3. Presentation of the Information**

- Consumer research in the target population should underpin decisions regarding the best for of presentation of information in the FOPNL.

Comment Type	Category	Proposed change	Comment
Specific comment	Substantive	<del>Consumer research in the target population should underpin decisions regarding the best form of presentation of information in the FOPNL.</del>	The EUMS consider that this consideration is a repetition of the general principle 4.2. stating that the format should be informed by scientifically valid ( <i>local or global – see suggestion EUMS</i> ) consumer research. The EUMS further refer to the suggestion under principle 4.2. to clarify this principle further by adding ' <i>including scientifically valid evidence of understanding</i> '.

- Consumer understanding and use of the FOPNL used should be monitored at baseline and after implementation.

Comment Type	Category	Proposed change	Comment
Specific comment	Substantive	<del>Consumer understanding and use of the FOPNL used should be monitored at baseline and after implementation.</del>	As regards the monitoring of consumer understanding and use before implementation, the EUMS refer to the suggestions regarding principle 4.2.  As regards implementation, the EUMS refer to the general comment under section 5 that 'Other aspects to consider' should relate to the development of FOPNL systems and not their implementation.

- Consider if there are occasions when the top or other surface may be the appropriate place for the FOPNL. For example, when it is displayed in a horizontal freezer or in a container in which the consumer looks down.

Comment Type	Category	Proposed change	Comment
Specific comment	Substantive	<del>Consider if there are occasions when the top or other surface may be the appropriate place for the FOPNL. For example, when it is displayed in a horizontal freezer or in a container in which the consumer looks down.</del>	The EUMS are of the opinion that this consideration is redundant with point 3.1 including footnote 6 ( <i>i.e., 'visible under customary conditions of sale or use</i> ).

**5.4. Education Programmes**

- Consumer research on the target/intended population should inform development of a consumer education programme
  - What is the best media to use?
  - What will make the message most likely to be seen and taken on board?
  - What do consumers need to know to use the FOPNL successfully?

Comment Type	Category	Proposed change	Comment
Specific comment (paragraph 5.4)	Substantive	<p><del>Consumer research on the target/intended population should inform development of a consumer education programme</del></p> <ul style="list-style-type: none"> <li><del>○ What is the best media to use?</del></li> <li><del>○ What will make the message most likely to be seen and taken on board?</del></li> <li>○ What do consumers need to know to use the FOPNL successfully?</li> </ul>	<p>The EUMS refer in this context to principle 4.4. providing that FOPNL should be accompanied by a consumer education program.</p> <p>For other aspects linked to implementation, the EUMS refer to its general comment under section 5 that 'Other aspects to consider' should relate to the development of FOPNL systems and not their implementation.</p>

**5.5. Monitoring and Evaluation of the FOPL system**

- Type of monitoring and evaluation possible to be undertaken.
- What baseline data is needed to measure impact of the FOPNL?
- Consideration should be given to monitoring:
  - Uptake of the label by industry
  - Consumer use of and understanding of the FOPNL
  - Composition of the food supply
  - Impact on nutrient intake of consumers
- How to balance continuous improvement without constant change.

Comment Type	Category	Proposed change	Comment
Specific comment (paragraph 5.5)	Substantive	<p><del>5.5. Monitoring and Evaluation of the FOPL system</del></p> <ul style="list-style-type: none"> <li><del>• Type of monitoring and evaluation possible to be undertaken.</del></li> <li><del>• What baseline data is needed to measure impact of the FOPNL?</del></li> <li><del>• Consideration should be given to monitoring:</del> <ul style="list-style-type: none"> <li><del>○ Uptake of the label by industry</del></li> <li><del>○ Consumer use of and understanding of the FOPNL</del></li> </ul> </li> </ul>	<p>Monitoring of consumer use and understanding before scheme implementation is addressed in the EUMS's comments related to principle 4.2.</p> <p>As regards aspects linked to implementation, the EUMS refers to its general comment under section 5 that 'Other aspects to consider' should relate to the development of FOPNL systems and not their implementation.</p>

		<ul style="list-style-type: none"> <li>○ Composition of the food supply</li> <li>○ Impact on nutrient intake of consumers</li> <li>• How to balance continuous improvement without constant change.</li> </ul>	
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## 2. **Recommendation b) of Document CX/FL 19/45/6**

The EUMS consider that the existing *Guidelines on Nutrition Labelling* (CAC/GL 2-1985) provide already, although limited, guidance on the provision of ‘Supplementary nutrition information’ in Section 5. The EUMS therefore suggest including the Guidelines on FOPNL, once finalised, within Section 5 (or as an Annex) of the existing *Guidelines on Nutrition Labelling* (CAC/GL 2-1985). The EUMS recommend reviewing the current introductory wording of Section 5 of the *Guidelines on Nutrition Labelling* (CAC/GL 2-1985) in order to ensure alignment with the Guidelines on FOPNL.

## 3. **Recommendation c) of Document CX/FL 19/45/6**

The EUMS support the recommendation that Codex work should be able to take into consideration the WHO Guiding Principles in this area.

### GHANA

#### Position:

**Section 2.2.** Ghana supports the removal of the square brackets to read;

Alcoholic beverages and certain foods for special dietary uses including infant formula, foods for infants and young children, sports foods or drinks, foods for special medical purposes are excluded.

#### Position:

**Section 4.5.** Ghana does not support the statement in square brackets.

#### Rationale:

The statement is restrictive and will create challenges in the implementation of the Guideline.

### INDIA

#### 1. PURPOSE:

**Comment:** Provide general guidance to assist in the development of front-of-pack nutrition labelling, as a tool to facilitate the consumer’s choice of food consistent with the national health and nutrition policy of the country of implementation **in line with national science-based dietary guidance**

**Rationale:** It is proposed that the guidance on FOPNL is based on the recommended dietary guidance in the country rather than the national health policy, as the national health policy will cover much broader perspective.

#### 2. Section 2.2

**Comment:** We propose to delete “foods for infants and young children” in square bracket, since such foods are already covered under infant formula.

#### 3. Section 2.3

**Comment:** We propose following amendment in the text of section 2.3:

Additionally, certain prepackaged foods may be exempted from FOPNL such as:

- foods with low nutritional significance in terms of both its composition and the composition and the quantities consumed e.g. herbs, spices, **plain bottled water**, plain tea and plain coffee to which no other ingredients have been added.
- foods in small units<sup>5</sup>; **where the surface area is less than 30 cm<sup>2</sup> or with other packaging limitations**

#### Rationale:

- i) We propose to include Bottled water in the list of examples, as it has low nutritional significance.

- ii) We also propose to increase the surface area for determining foods in small units from 10 cm<sup>2</sup> to 30 cm<sup>2</sup>, since 10cm<sup>2</sup> is too less an area to give front of pack labelling. If given, the contents on the label will not be clear, legible and readable to the consumers. This will also lead to confusion in the mind of consumers. 30 cm<sup>2</sup> is also in alignment with our related national regulations.

#### 4. Section 3.1.

**Comment:** We propose following amendment in the text of section 3.1:

Front-of-pack nutrition labelling (FOPNL) is any system that presents simplified nutrition information on the front-of-pack<sup>6</sup> of pre-packaged foods.<sup>7</sup> It can include symbols/graphics, text or a combination thereof, that provide **national science and evidence based** information on the overall nutritional value of the food and/ or on the nutrients to be included in FOPNL as described in these guidelines.

**Rationale:** It is proposed that the FOPNL should be based on objective science based data and evidence like the national dietary consumption pattern, the national dietary evidence etc.

#### 5. Section 4.1:

**Comment:** Only one FOPNL system should be recommended in each country or region. However, ~~in case of coexisting a~~ **if multiple** FOPNL system **coexist**, with other systems, these should not be contradictory to each other.

**Rationale:** To bring more clarity

#### 6. Section 4.5

**Comment:** We propose to delete the text in the square bracket, as follows:

FOPNL should be clearly visible on the package at the point of purchase under normal conditions of sale and use [~~without the need to pick up the food package~~].

**Rationale:** Such provision will not be practically feasible since it is not in FBOs control how the pack will be placed on the shelves in the retail shops.

#### 7. Section 4.6

**Comment:** We support keeping “ dietary guidance” and deleting “ health and nutrition policy”

**Rationale:** In alignment with our comment on “Scope”.

#### 8. Section 4.7

**Comment:** We propose deleting “ global”, as follows:

FOPNL should be underpinned by objective measures of [nutrients of ~~global~~/national importance] as supported by sound scientific valid evidence.

**Rationale:** Countries may have different nutrients of concerns and it cannot be same. Accordingly, the nutrients to be considered shall be based on the national requirements/preferences.

#### 9. Section 4.12.

**Comment:** Should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food such that it represents and accurately represent the nature of the food as consumed or as **packaged**, as appropriate ~~sold with minimal exceptions~~.

**Rationale:** The above changes are proposed so as to accommodate both situations and also it is more appropriate to replace “as sold” with “as packaged”, since the latter is more descriptive.

### KENYA

Principle 8: Should [~~allow/facilitate~~] consumers to make meaningful comparisons [~~within categories /between categories~~]

#### **COMMENT**

We propose the comment as indicated above in principle 8

Principle 9: Should be government lead but developed in [~~collaboration/ consultation~~] with all interested parties including industry, consumers, academia, and public health.

#### **COMMENT**

We propose the comment as indicated above in principle 9

**2. SCOPE:**

2.2 Alcoholic beverages and certain foods for special dietary uses ~~[ including infant formula, foods for infants and young children, sports foods or drinks ]~~, foods for special medical purposes are excluded

**COMMENT:**

We propose that clause 2.2 to be deleted for it is misleading and discriminative.

4.5. FOPNL should be clearly visible on the package at the point of purchase under normal conditions of sale and use ~~[without the need to pick up the food package]~~.

**COMMENT:**

We propose the comment as indicated and the cross off sentence does not add value.

4.6. FOPNL should align with evidence-based national and **codex guidelines on Nutritional labelling** ~~[dietary guidance / health and nutrition policies ]~~.

**COMMENT:**

We propose the comment as indicated above in addition to CODEX NRVs where there is no national guidelines

4.7. FOPNL should be underpinned by objective measures of **[nutrients of global importance]** as supported by sound scientific valid evidence.

**COMMENT**

***We support the sentence as indicated above since it emphasize on nutrients of public health importance***

4.8. FOPNL should allow consumers to make comparisons **[ within categories and/or between categories ]**.

**COMMENT:**

***We support the sentence as indicated above***

4.9. FOPNL should be ~~[ government lead but ]~~ developed in ~~collaboration~~ **consultation** with all interested parties including ~~[ government ]~~, private sector, consumers, academia, public health associations among others.

**COMMENT:**

***We support the sentence as indicated above*** in 4.9 amendment

4.12. Should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food such that it represents the nature of the food ~~[ as consumed / as sold with minimal exceptions]~~.

**COMMENT:**

***We support the sentence as indicated above in 4.12***

**MALAYSIA**

Malaysia thanks Costa Rica for preparing this paper.

**Specific Comment****1) Section 2 : Scope**

Malaysia proposes to delete the word “sport drinks or drinks” because these products may be consumed as general beverages and not normally classified as special dietary uses. Furthermore the term is not defined in Codex text.

**Proposed text :**

2.2 Alcoholic beverages and certain foods for special dietary uses **[including infant formula, foods for infants and young children, sports foods or drinks]**, foods for special medical purposes are excluded<sup>3</sup>

**2) Section 4. General Principles – Para 4.5**

Malaysia is of the view that the phrase in [ ] is unnecessary and therefore proposes to delete it.

**Proposed text:**

4.5. FOPNL should be clearly visible on the package at the point of purchase under normal conditions of sale, and use ~~[without the need to pick up the food package].~~

**3) Section 4. General Principles – Para 4.6**

Malaysia proposes to reword the statement to cover both health and nutrition guidelines and policies. This proposal would include dietary guideline and other guidelines such as recommended dietary or nutrient intake.

**Proposed Text:**

FOPNL should align with evidence-based national ~~[dietary guidance / health and nutrition policies]~~ **dietary guidance or other health and nutrition guidelines and policies.**

**4) Section 4. General Principles – Para 4.7**

Malaysia proposes to delete para 4.7 as the term “objective measures” is unclear and it may be difficult to have agreement on nutrient of global importance as different countries can be expected to have different priorities based on its health and nutrition situation.

**Proposed Text:**

~~FOPNL should be underpinned by objective measures of [nutrients of global importance] as supported by sound scientific valid evidence.~~

**5) Section 4. General Principles – Para 4.8**

Malaysia proposes to delete “/or” and accept text in the square brackets “within categories and between categories” as the FOPNL system should facilitate consumers to make meaningful comparisons within categories as well as between categories.

**Proposed text :**

FOPNL should allow consumers to make comparisons ~~[within categories and/or between categories].~~

**6) Section 4. General Principles – Para 4.9**

Malaysia is of the view that FOPNL systems should be led by government and in collaboration with all stakeholders.

**Proposed text :**

FOPNL should be ~~[government led but]~~ developed in collaboration with all interested parties including **[government]**, private sector, consumers, academia, public health associations, among others.

**7) Section 4. General Principles – Para 4.12**

Malaysia agrees with the text in [ ] with further clarification on the phrase “with minimal exception”.

**Proposed text :**

Should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food such that it represents the nature of the food **[as consumed or as sold with minimal exceptions].**

**NIGERIA**

Nigeria recognizes the good work by the Chair of the electronic Working Group by the Chair, Costa Rica and the Co-chair, New Zealand, and appreciates the opportunity to comment on this agenda item on Front of Package Nutrition Labeling (FOPNL).

**2. SCOPE:**

2.1 These guidelines apply to Front-of-Pack Nutrition Labelling (FOPNL) to be used on pre-packaged foods that include a nutrient declaration.

2.2.2 Alcoholic beverages and certain foods for special dietary uses [including infant formula, foods for infants and young children, sports foods or drinks], foods for special medical purposes are excluded.

***Nigeria agrees that the square bracket be removed and the statement be retained.***

**5. DEFINITION OF FRONT-OF-PACK NUTRITION LABELLING (FOPNL) For the purposes of these guidelines:**

**4. GENERAL PRINCIPLES**



4.2. FOPNL should present information in a way that is easy to understand by [a wide variety of] consumers in the country of implementation. The format of the FOPNL should be informed by scientifically valid consumer research.

***Nigeria agrees that the square bracket in the general principles be removed and the statement be retained.***

#### REPUBLIC OF KOREA

The Republic of Korea manages front of pack nutrition labelling(FOPNL) as a voluntary system, so we support that FOPNL should be optional.

#### ICGA

On behalf of all member companies of the International Chewing Gum Association (ICGA), please find below comments on Agenda Item 6 - Proposed draft Guidelines on Front-of-Pack Nutrition Labelling, for your kind consideration, and possible record in an adequate meeting document of your choice (Add.1 or CRD).

On behalf of its member companies, the International Chewing Gum Association (ICGA) thanks Costa Rica and New Zealand and other countries that are parties to the electronic working group for producing the EWG report and the Proposed Draft Guidelines on Front-of-Pack Nutrition Labelling, as reflected in CCFL45's working document CX/FL 19/45/6 under Agenda Item 6.

ICGA notes that in the version of the document circulated in the EWG's first circular, the chairs proposed that chewing gum products arguably meet the criteria provided in section 3.2 of the guidelines, i.e. "foods with low nutritional significance in terms of both its composition and the quantities consumed (...)". While some members of the EWG were supportive of this proposal, a few were not. Accordingly, the Chairs did not include the proposal in the Second Circular. ICGA asked that it be reinserted, and this discussion on that specific point was not reflected in the report of the EWG.

ICGA submits that "Chewing gum" shall be added to the list of examples provided or as an alternative all the current examples provided as exempted shall be deleted. While the currently listed foods may often be consumed with or within other food preparations or food ingredients, this is not the case of chewing gum products, which are consumed as such and in limited daily quantities. Besides, 80% of chewing gum products consumed are sugar-free (i.e. with no added sugars).

ICGA also notes that in many jurisdictions, including the 28 Member Countries of the European Union, chewing gum is fully exempted from mandatory (back-of-pack) nutrition labelling requirements. From a regulatory, nutrition, and dental health perspective, ICGA submits that it would be incoherent and confusing for these Codex guidelines to suggest that mandatory FOP nutrition labelling would apply to food products like chewing gum which are already exempted from providing nutrition information elsewhere on the package.

Accordingly, ICGA respectfully requests discussion of the following amendment by the CCFL45:

"2.3 Additionally, certain prepackaged foods may be exempted<sup>3</sup> from FOPNL such as<sup>4</sup>:

- foods with low nutritional significance in terms of both its composition and the quantities consumed: e.g. herbs, spices, plain tea and plain coffee to which no other ingredients have been added, **chewing gum**.
- foods in small units<sup>5</sup>"

ICGA notes that most chewing gum packaging does not qualify as a "small unit", which is defined in footnote 5 as having "a (total) surface area of the pack of less than 10 cm<sup>2</sup>". Therefore, an express reference to chewing gum in the first bullet is needed. ICGA also notes that footnote 4 states that "This list is indicative", meaning that inclusion of chewing gum in the list of examples of exempt foods would have no impact on the ability of countries to implement that provision of the guidelines on a case by case basis. ICGA reiterates that chewing gum products arguably fall within the two proposed criteria of (i) low daily consumption level and (ii) low composition in nutrients of concerns or of interest for the consumer and as such is eligible to be included in the list of examples exempted from any mandatory FOPNL scheme.

We trust that these comments could be made readily available well before the CCFL45 discussion on Agenda Item 6 and could be picked up by the Chair of CCFL45 when this issue is discussed in plenary.

Please note for your information that ICGA is granted with an observer status to the Codex alimentarius Commission. See: <http://www.fao.org/fao-who-codexalimentarius/about-codex/observers/detail/en/c/14788/> . ICGA is also the unique trade association representing chewing gum manufacturers as well as most of their suppliers globally, regionally and in some jurisdictions, nationally as well.