

CODEX ALIMENTARIUS COMMISSION



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Agenda Item 7

FL/46 CRD04

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

Forty-sixth Session

Virtual

27 September - October 1 and 7, 2021

PROPOSED DRAFT GUIDELINES ON INTERNET SALES / E-COMMERCE

(Prepared by the United Kingdom (Electronic Working Group Chair), and Co-Chairs (Chile, Ghana, India and Japan))

PROPOSED DRAFT GUIDANCE ON THE FOOD INFORMATION REQUIREMENTS FOR PREPACKAGED FOODS TO BE OFFERED VIA E-COMMERCE

Proposed by: Canada, New Zealand, Australia

Proposed change: Placement of text confirmed, and title changed to

PROPOSED DRAFT GUIDANCE **SUPPLEMENTARY TEXT TO THE GLSPF** ON THE FOOD INFORMATION REQUIREMENTS FOR PREPACKAGED FOODS TO BE OFFERED VIA E-COMMERCE

Rationale: Comments from members and observers commenting on CL 2020/58/OCS-FL stated a strong preference for this text to be supplementary text to the GSLPF. This alteration was erroneously missed in the previous version of this text.

1. Scope

This text applies to the provision of food information that shall be available on the product information e-page, or its equivalent, of any consumer-facing transactional digital platform, and certain aspects relating to the presentation thereof, in respect of pre-packaged foods to be offered via e-commerce. It clarifies which food information shall be provided at the point of e-commerce sale.

2. Definition of terms

The following terms shall be used in conjunction with, Section 2 of the GSLPF (CXS 1-1985).

“e-commerce” A transaction via e-commerce is the sale or purchase of pre-packaged foods, conducted over computer networks, through web, extranet or electronic data interchange, by methods specifically designed for the purpose of receiving or placing of orders. The pre-packaged foods are ordered by those methods, but the payment of the food does not have to be conducted online.

Proposed by: Multiple members and observers

Proposed change: ~~A transaction via e-commerce is the sale or purchase of pre-packaged foods, conducted over computer networks, through web, extranet or electronic data interchange, by methods specifically designed for the purpose of receiving or placing of orders. The pre-packaged foods are ordered by those methods, but the payment of the food does not have to be conducted online.~~

Rationale: The phrase is superfluous in the context of the definition.

“Food information” Information concerning a food made available to the final consumer on the digital product information e-page *[updated for consistency]*.

“At the point of e-commerce sale” The moment when consumers decide to make the purchasing order regardless of making any payment.

“At the point of delivery” The moment when consumers receive pre-packaged food

“Minimum durability” ~~The period (e.g. in hours, days, months etc.) between the point of delivery and the best before or use by date, as applicable.~~

Proposed by: Multiple members and observers

Proposed change: See the proposed section 4.5 below.

Rationale: The term has been removed from the text.

“Product information e-page” The virtual space on any consumer-facing transactional digital platform, which is intended to make information available to facilitate an informed e-commerce activity.

3. General Principles

As indicated in section 3 of the GSLPF (CXS 1-1985).

All food information requirements within the GSLPF and any other Codex texts shall be met at the point of delivery through the information provided on the product label unless specified otherwise within the text.

4. ~~Information requirements for pre-packaged foods sold through e-commerce~~

~~Information specified in sections 4 and 5 of the GSLPF (CXS 1-1985) shall, whenever possible, appear on the product information e-page or other primary consumer-facing virtual depiction of pre-packaged foods presented for sale through e-commerce prior to the point of e-commerce sale, except to the extent otherwise expressly provided in an individual Codex standard and as noted in Section 5 (“Exemptions from Food Information requirements”) of this guidance.~~

~~In some circumstances it may not be possible to provide accurate information on the product information page at the point of sale regarding the above requirements. This includes cases where ingredients may alter slightly from those provided on the product information page owing to ongoing recipe adjustments. In such cases a warning should be given to consumers to check the label of products once they have been delivered to obtain accurate food information.~~

~~*[If the composition of the pre-packaged food offered for sale through e-commerce is subject to minor variations by the substitution of an ingredient which performs a similar function, the statement of ingredients on the digital product information sheet may list both ingredients in a way which makes it clear that alternative or substitute ingredients are being declared.]*~~

~~*[A statement shall appear on the digital product information page to the effect that the customer should check the information on the physical label before consumption.]*~~

~~Any pre-packaged foods offered for sale to consumers are encouraged to have a minimum durability period, an indication of which should be displayed on the product information e-page. It should be made clear whether this is a guaranteed period or an expected or average period.~~

~~Food offered for sale through e-commerce should declare the nutritional information prior to the point of e-commerce sale in alignment with section 3 of the Guidelines on Nutrition Labelling (CXG 2-1985), except to the extent otherwise expressly provided in the Guidelines of Nutrition Labelling.~~

~~5. Exemptions from food information requirements at the point of sale for pre-packaged foods sold through e-commerce~~

~~The following information is exempt from the information requirements for pre-packaged foods when products are presented for sale through e-commerce:~~

~~5.1 Date marking~~

~~As indicated in section 4.7.1 of the GSLPF (CXS 1-1985). However, an indication of a minimum durability applicable from the point of delivery is encouraged to be displayed.~~

~~5.2 Lot identification~~

~~As indicated in section 4.6 of the GSLPF (CXS 1-1985).~~

Proposed by: New Zealand

Proposed change: Section 4 & 5 replaced with the proposed alternative wording

Rationale: Twenty-two members explicitly responded to express a preference between the original wording and the proposed alternative wording of section 4&5. Seventeen expressed support for the proposed alternative wording.

Proposed alternative wording of section 4 & 5

4.1 Any information required to be provided on the label of a pre-packaged food or in associated labelling, shall be provided on the digital product information e-page [*updated for consistency*] of the pre-packaged food when offered for sale via e-commerce, except to the extent otherwise expressly provided in an individual Codex standard. This includes the following information:

- Information indicated in section 4 and section 5 of the GSLPF (CXS 1-1985) except information required by 4.6 and 4.7.1
- Mandatory information required by any other relevant Codex text

Proposed by: Canada, EU, New Zealand

Proposed Change: An additional bullet point referencing small units in the context of e-commerce

- **The labelling exemption of small units outlined in section 6 of the GSLPF (CXS 1-1985) shall not apply.**

Rationale: The EWG previously agreed in the Third Consultation Document that the space restrictions that exist for labelling small units, which serve as the justification for their labelling exemptions as per section 6 of the GSLPF (CXS 1-1985), do not apply to a product information e-page. This line was erroneously missed in the previous version of this text and has been added.

4.2 If the composition of the pre-packaged food offered for sale through e-commerce is subject to minor variations by the substitution of an ingredient which performs a similar function, the statement of ingredients on the digital product information sheet may list both ingredients in a way which makes it clear that alternative or substitute ingredients are being declared.

4.3 A statement shall appear on the ~~digital~~ product information e-page [updated for consistency] to the effect that the customer should check the information on the physical label before consumption.

Proposed by: Chile (with related proposals from Australia, Canada, Colombia & the EU).

Proposed change: Take the reference to Guidelines on Nutrition Labelling (CXG 2-1985) in the original section 4 as an addition to the proposed alternative wording of section 4&5

4.4 Food offered for sale through e-commerce should declare the nutritional information prior to the point of e-commerce sale in alignment with section 3 of the Guidelines on Nutrition Labelling (CXG 2-1985), except to the extent otherwise expressly provided in the Guidelines of Nutrition Labelling.

Rationale: It is proposed this text is added to provide consistency with the original text. This addition makes an explicit reference to Guidelines on Nutrition Labelling as per the original wording of Section 4.

Proposed by: Canada

Proposed change: Reference to minimum durability removed and replaced by the following

4.5 Any pre-packaged foods offered for sale to consumers are encouraged to display a comment that shipment of a product to the consumer shall occur before a minimum period remaining before the product's best before date or use-by date.

Rationale: The alternative wording seeks to allow consumers to make an informed decision on the shipping timeframe when making their purchase whilst avoiding the logistical burdens of a minimum period of durability may bring to businesses.

Of the twenty respondents, eleven were explicitly against a reference to minimum durability. Seven of the remaining respondents were clear if it were present in the text it should be optional information.

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

As indicated in section 7 of the GSLPF (CXS 1-1985).

7. Presentation of mandatory information

7.1 General

7.1.1 Statements required to appear on the product information e-page at the point of sale in respect of pre-packaged foods to be offered via e-commerce, by virtue of this text or any other Codex texts, shall be clear, prominent and readily legible to the consumer under normal settings and conditions of use of such platforms.

7.1.2 The name and net contents of the food shall appear in a prominent position and in the same field of vision as the virtual depiction of the product.

7.2 Language

7.2.1 The language on product information e-page shall be acceptable to the consumer for whom it is intended.