

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: codex@fao.org - www.codexalimentarius.org
Agenda item 6 **CX/FL 21/46/6 Add.1**

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

46th Session

Virtual

27 September – 1 October and 7 October 2021

PROPOSED DRAFT GUIDELINES ON FRONT OF PACK NUTRITION LABELLING

Comments in reply to CL 2021/19-FL

Comments of Algeria, Argentina, Australia, Brazil, Canada, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, European Union, Guatemala, Honduras, Iran, Indonesia, Japan, Kenya, Malaysia, New Zealand, Norway, Saudi Arabia, South Africa, Switzerland, Thailand, Uganda, United Kingdom, Uruguay, USA, BEUC, CEFS, CI, EFAD, ENCA, FIA, FoodDrinkEurope, FEDIOL, HKI, IBFAN, ICA, ICBA, ICGA, ICGMA, IDF, IFT, IFU, ISDI, UNICEF, World Federation of Public Health Associations

Background

1. This document compiles comments received through the Codex Online Commenting System (OCS) in response to CL 2021/19-FL issued in June 2021. Under the OCS, comments are compiled in the following order: general comments are listed first, followed by comments on specific sections.

Explanatory notes on the appendix

2. The comments submitted through the OCS are hereby attached as **Annex I** and are presented in table format.

ANNEX

GENERAL COMMENTS	MEMBER / OBSERVER
<p>Algeria proposes to enhance research on the nutritional value of foods according to the different categories of the sensitive population (children, elderly, etc.).</p> <p>Also to define the rules of presentation of the nutritional labeling for foodstuffs offered for sale on websites;</p> <p>Finally, to harmonize the national regulatory texts with those of the international community (FOPNL).</p>	<p>Algeria</p>
<p>Australia thanks Costa Rica and New Zealand in leading the electronic working group (eWG) work on front-of-pack nutrition labelling (FOPNL). We provide the following response to the specific questions and the proposed draft Guidelines (Appendix II of CX/FL 21/46/6).</p>	<p>Australia</p>
<p>Brazil appreciates the opportunity to comment on the proposed draft Guidelines for Front of Pack Nutrition Labelling. We would like to thank Costa Rica and New Zealand for coordinating the electronic working group (EWG).</p> <p>We support the Chairs proposals in Table 1 (deleting three principles), Table 2 (minor editorial changes in seven principles) and Table 3 (keeping one principle with no change) once the rationale is clear and these proposals would facilitate consensus.</p> <p>Considering the significant progress made by the EWG, Brazil understands that the Guidelines are ready to advance to Step 5/8. Reaching agreement on this document is essential to ensure that appropriate Codex guidance is available in time, as many FOPNL systems have been implemented or planned since CCFL45.</p>	<p>Brazil</p>
<p>Canada would like to thank Costa Rica and New Zealand for co-chairing the work on the proposed draft Guidelines on Front-of-pack Nutrition Labelling. We would like to offer the following comments for consideration.</p> <p>a.</p> <p>(i) Canada agrees with the majority preference to remove Section 5 from the draft Guidelines and to incorporate relevant aspects into Section 4, recognizing that the considerations not included in Section 4 were duplicative and out of scope.</p> <p>(ii) Canada would like to reiterate their concern with the use of “collaboration”, as it implies a high level of stakeholder involvement in the development of the FOPNL system. Canada does not support the Chairs’ view that government leadership in the development of a FOPNL system would sufficiently manage the potential conflict of interest in a collaborative process. Rather, Canada believes that the potential for conflict of interest would be better managed by replacing “collaboration” with “consultation”, as stated in previous drafts:</p> <p>FOPNL should be government led but developed in consultation with all interested parties including private sector, consumers, academia, public health associations among others.</p> <p>(iii) Canada agrees with the change in focus of principle 4.3.2, from facilitating manufacturer use to facilitating consumer use. In doing so, this principle is more closely linked to the purpose of FOPNL and avoids the use of language related to uptake by industry that may be misinterpreted as implying a mandatory FOPNL system.</p> <p>(iv) Canada supports the deletion of the principle groupings, however, recommends reinstating a numbering system to more easily refer to each principle in Section 4. In addition to numbering, Canada proposes an editorial comment in the introductory sentence of Section 4, for consistency with the title of the Section:</p> <p>A FOPNL system should be based on the following principles in addition to the general principles in the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985):</p>	<p>Canada</p>

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<p>Canada also suggests a different presentation for the list of principles. Rather than repeat “FOPNL should” in each principle, Canada suggests “FOPNL should:” following the first principle, and then listing the numbered principles beneath “FOPNL should:” Please see below for suggested presentation.</p> <p>4.1 Only one FOPNL system should be recommended by government in each country. However, if multiple FOPNL systems coexist, these should be complementary, not contradictory to each other.</p> <p>FOPNL should:</p> <p>4.2 be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable.</p> <p>4.3 align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to both the nutrients and the food groups consumption of which is discouraged and encouraged by these documents.</p> <p>4.4 present information in a way that is easy to understand and use by consumers in the country or region of implementation. The format of the FOPNL should be supported by scientifically valid consumer research.</p> <p>4.5 be clearly visible on the package at the point of purchase under normal conditions.</p> <p>4.6 allow consumers to make comparisons between foods.</p> <p>4.7 be government lead but developed in collaboration with all interested parties including private sector, consumers, academia, public health associations among others.</p> <p>4.8 [be implemented in a way that facilitates consumer use of the FOPNL].</p> <p>4.9 be accompanied by a consumer awareness and education/ information program to increase consumer understanding and use of the system.</p> <p>4.10 be monitored and evaluated to determine effectiveness/impact.</p> <p>b.</p> <p>Given Canada’s proposal to better manage potential conflict of interest by replacing “collaboration” with “consultation” in principle 4.3.1, Canada considers the draft Guidelines ready to advance to Step 5, since this principle still requires discussion.</p> <p>c.</p> <p>Canada supports including the Guidelines on FOPNL as an annex to the Guidelines on Nutrition Labelling (CXG 2-1985), since FOPNL is to be applied on pre-packaged foods with nutrient declaration.</p>	
<p>We would like to congratulate the Electronic Working Group (eWG), chaired by Costa Rica and co-chaired by New Zealand, for the progress that has been made with the extended work towards the generation of the Proposed Draft Guidelines on Front of Pack Nutrition Labelling</p> <p>The proposed text is generally better, more focused, and less likely to be subject to broad interpretations by readers.</p> <p>Colombia submits its comments regarding this document.</p>	Colombia

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Cuba supports the preparation of the document of Proposed Draft Guidelines on Front of Pack Nutrition Labelling at Step 3, responding to the circular letter: CL 2021/19/OCS-FL. It is considered that this document is necessary regardless of the regulations in force on the subject in the respective countries.	Cuba
<p>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 21/46/6 – Proposed draft Guidelines on front-of-pack nutrition labelling'.</p> <p>The EUMS generally support the draft Guidelines on front-of-pack nutrition labelling (FOPNL). However, the EUMS would like to provide the specific comments outlined below, in addition to its replies to the specific questions for the Committee.</p>	European Union
Malaysia thanks Costa Rica for preparing this paper.	Malaysia
Overall New Zealand is supportive of the proposed Guidelines as presented in Appendix II of the Agenda Paper (CX/FL 21/46/6). We have taken the approach of commenting by exception, therefore for the areas of the Guidelines where no comment is made this can be taken as New Zealand support.	New Zealand
Uruguay appreciates the work carried out by the Electronic Working Group (eWG), and appreciates the opportunity to provide comments.	Uruguay
<p>Codex proposed guidelines (introductory paragraphs) paragraph 32</p> <p>Paragraph 32 notes previous comments that, “it was indicated that CCNFSDU work on nutrient profiles should underpin any CCFL discussion on mandatory ‘high in’ statements; this CCNFSDU work should advance further before CCFL considers mandatory ‘high-in’ statements.”</p> <p>It should be highlighted that work on FOPNL and nutrient profiles at the national and regional level is very advanced and Codex should in no way suppose that this work be held back until CCNFSDU advances further, nor should CCNFSDU work determine whether CCFL considers mandatory “high in” statements. High in labels and the nutrient profiles that underpin them have been proven to be based in the scientific evidence and efficacious. WHO regional offices have developed nutrient profile models that are sufficient to underpin “high in” labels. CCNFSDU should not delay or detract from this existing work.</p> <p>Codex proposed guidelines, (introductory paragraphs) paragraph 31</p> <p>Paragraph 31 notes that “the EWG was asked in the first discussion paper to give its opinion on whether warning labels should be included in the definition of FOPNL, however, there was no consensus on this aspect.”</p> <p>Although, this text has been eliminated from the Guidelines, it is important to continue to stress that warning labels should indeed be considered to be a FOPNL, and defined as a type of FOPNL.</p> <p>Many countries have already implemented “high in” or “excess of” style FOPNL and they have proven to be effective. This reality must be reflected and respected in these Guidelines. Furthermore, “high in” warning labels have been recommended by the United Nations Special Rapporteur on the Right to Health.</p>	Consumers International
<p>Front of Pack Nutrition Labeling (FOPNL) can provide additional information to those who purchase pre-packaged foods and provide a system for decision making. It has the potential of reducing consumption of food ingredients and products that contribute to unhealthy diets.</p> <p>Some underlying principles are essential for the effective implementation of FOPNL.</p>	ENCA

GENERAL COMMENTS	MEMBER / OBSERVER
<p>For FOPNL to be effective ENCA considers a mandatory system of WARNINGS. Research of countries where FOPNL has been voluntary shows limited uptake by the food industries and informed comparisons are impossible.</p>	
<p>FEDIOL is the European federation representing the interests of the European vegetable oil and protein meal industry. Directly and indirectly, FEDIOL covers about 180 processing sites that crush oilseeds and/or refine crude vegetable oils. These plants belong to around 70 companies. It is estimated that 85% of the EU crushing and refining activity is covered by the FEDIOL membership structure.</p> <p>FEDIOL welcomes the possibility to provide input into the proposed draft guidelines on front-of-pack nutrition labelling (for comments at step 3).</p> <p>FEDIOL has carefully gone through the document and would like to highlight the following points.</p> <p>FEDIOL welcomes the FOP draft guidelines and the set of guiding principles included in Section 4. In particular, FEDIOL would like to highlight its support for the following elements which are crucial components of any FOP:</p> <ul style="list-style-type: none"> ▪ FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to both the nutrients and the food groups consumption of which is discouraged and encouraged by these documents. ▪ FOPNL should allow consumers to make comparisons between foods. ▪ - FOPNL should be accompanied by a consumer awareness and education/ information program to increase consumer understanding and use of the system. 	<p>Fediol</p>
<p>Front of Pack Nutrition Labeling (FOPNL) can be a means to provide additional information to those who purchase pre-packaged foods and provide a system for making decisions about food products available in the market place. Moreover it has the potential of reducing consumption of food ingredients and products that contribute to unhealthy diets.</p> <p>A number of underlying principles are essential for the effective implementation of FOPNL policies.</p> <p>For FOPNL to be effective IBFAN considers a mandatory system of WARNINGS to be much preferred. Research of countries where FOPNL has been voluntary shows limited uptake by the food products industries and hence the ability for product comparisons is compromised and the expected health benefits are under realized.</p> <p>Processed complementary food products and formulas for infants and young children should not have FOPNL as this will be promotional of certain products over other products and contrary to the provisions of the International Code of Marketing of Breastmilk Substitutes and subsequent WHA resolutions. To effectively safeguard infant and young child health, it is preferable to have warnings on these products.</p> <p>Codex must address the environmental impact of the global trade in unnecessary food products. The United Nations Intergovernmental Panel on Climate Change (IPCC) estimates that 21–37% of total greenhouse gas (GHG) emissions are attributable to the food system and that climate change will have important negative impacts on food security. Green lighting the ultra-processed, excessively packaged with plastic/styrofoam products may reduce the consumption of a few harmful food ingredients yet will continue contributing to increasingly alarming levels of environmental degradation.</p> <p>Specific Comments</p> <p>It is critical that the implementation and policy setting for FOPNL be led by national governments who are accountable and responsible for the overall health and nutrition of their citizens. To fulfill their obligations governments must ensure that policy development is free of commercial influence while ensuring adequate participation from civil society, independent academics, health associations, and other relevant constituencies. We see no need for a Codex text to list collaboration or consultation with specific interested parties since this is</p>	<p>IBFAN</p>

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<p>likely to open the door to abuse and legitimise corporate lobbying – placing the businesses on the same level as all other actors. Governments have a duty to protect citizens and ensure appropriate consultations.</p> <p>Principle 4.3.1 The text should read: FOPNL should be government led and developed in collaboration with all interested parties including government, consumers, academia, public health associations, private sector among others, by ensuring robust safeguards against conflict of interest.</p> <p>Section 2.2 Exclusion for foods and products intended for infants and / or young children</p> <p>Commercial foods and products intended for infants and young children should not be included in the guidelines for FOPNL.</p> <p>The International Code of Marketing of Breastmilk Substitutes and subsequent resolutions of the World Health Assembly govern the labeling and marketing of a number of these products.</p> <p>These include infant formulas, formulas for special medical purposes, follow-up formulas and drinks for young children. A number of Code provisions also cover complementary foods for older infants and young children.</p> <p>Claims are not permitted by Codex Guidelines on Nutrition and Health Claims or WHA Resolution 63.23 that urges Member States “To end inappropriate promotion of foods for infants and young children and to ensure that claims not be permitted for foods for infants and young children”</p> <p>The FOPNL would be contrary to provisions in the International Code as they are promotional in essence by preferring one product to another. This may lead parents and care givers to perceive these products as being endorsed by government authorities and thus have a negative impact on breastfeeding decision-making. In effect FOPNL on formulas for infants and children will have a negative impact on infant and young child health. Similarly complementary food products should not be included. These products are highly processed and their consumption should be discouraged. Older infants and young children fed processed complementary foods risk dental caries, obesity and develop preferences for bland “white” foods. Ultra-processed products invariably contain chemical additives to stabilize, emulsify, thicken, regulate acidity, and act as anti-oxidants etc.</p> <p>Many ingredients are “permitted” by Codex Alimentarius standards, some at regulated levels and others according to “good manufacturing practices”, with their safety declared not by independent and convincing science but on the basis of political consensus and claims of “history of safe use”.</p> <p>Public health nutrition policy promotes the consumption of healthy nutritious foods for optimal health and development as well as the development of life long preferences for healthy foods. FOPNL in these situations can act as a marketing tool for the consumption of inappropriate ultra-processed food products at a vulnerable stage of growth and development.</p>	
<p>The International Council of Beverages Associations (ICBA) thanks the New Zealand and Costa Rican delegations for their leadership on this work and supports its intent. As requested in the Circular Letter, ICBA has provided responses to the questions posed above as well as added specific comments on the proposed draft Guidelines further below.</p>	ICBA
<p>ICGA would like to thank the tremendous work done on the proposed guidelines since last CCFL meeting and in particular the work of the EWG and its Chair and co-chairs. ICGA also would like to provide the following comments.</p>	ICGA
<p>IFT would like to provide as indicated in our comments, the following FOPNL research paper references and summaries as examples for countries to consider when developing FOPNL.</p> <p>FRONT OF PACK NUTRITION LABELING Scientific Research Studies & Summaries</p> <p>Research Study Web Links:</p>	IFT

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<p>Global front-of-pack nutrition labeling schemes: Impact on marketing strategies RAPS</p> <p>Policy Research for Front of Package Nutrition Labeling: Environmental Scan and Literature Review ASPE (hhs.gov)</p> <p>Front of pack nutritional labelling schemes: a systematic review and meta-analysis of recent evidence relating to objectively measured consumption and purchasing - Croker - 2020 - Journal of Human Nutrition and Dietetics - Wiley Online Library</p> <p>Front of pack labelling around the world (igd.com)</p> <p>(PDF) Front-of-pack nutrition labelling schemes: a comprehensive review (researchgate.net)</p> <p>Can front-of-pack labelling schemes guide healthier food choices? Australian shoppers' responses to seven labelling formats - PubMed (nih.gov)</p> <p>Warnings as a directive front-of-pack nutrition labelling scheme: comparison with the Guideline Daily Amount and traffic-light systems Public Health Nutrition Cambridge Core</p> <p>Assessing the Effectiveness of Front of Pack Labels: Findings from an Online Randomised-Controlled Experiment in a Representative British Sample (ucl.ac.uk)</p> <p>Front-of-pack nutrition labelling: are multiple formats a problem for consumers? (nih.gov)</p> <p>Impact of different food label formats on healthiness evaluation and food choice of consumers: a randomized-controlled study (nih.gov)</p> <p>Front-of-pack nutritional labels: Understanding by low- and middle-income Mexican consumers (plos.org)</p> <p>The Nutri-Score nutrition label: A public health tool based on rigorous scientific evidence aiming to improve the nutritional status of the population (researchgate.net)</p> <p>Impact of Front-of-Pack Nutrition Labels on Portion Size Selection: An Experimental Study in a French Cohort (nih.gov)</p> <p>Policy recommendations for front-of-package, shelf, and menu labelling in Canada: Moving towards consensus (nih.gov)</p> <p>Front-of-pack nutrition labelling in the European Union : a behavioural, legal and political analysis (researchgate.net)</p> <p>Nutrient profiling for front of pack labelling: how to align logical consumer choice with improvement of products? Proceedings of the Nutrition Society Cambridge Core</p> <p>Front-of-pack nutrition labelling to promote healthier diets: current practice and opportunities to strengthen regulation worldwide BMJ Global Health</p> <p>Consumer effects of front-of-package nutrition labeling: an interdisciplinary meta-analysis (springer.com)</p> <p>FOPNL Commentaries and Reviews for consideration</p> <p>Front-of-package labeling - PAHO/WHO Pan American Health Organization</p> <p>Front-of-package nutrition labelling policy: global progress and future directions Public Health Nutrition Cambridge Core</p> <p>Healthy Choices for Healthy Hearts: How Front-of-Pack Food Labeling Can Help Reverse the Global Obesity Epidemic (globalheartjournal.com)</p>	
Specific comments from IDF:	IDF/FIL

GENERAL COMMENTS	MEMBER / OBSERVER
<ul style="list-style-type: none"> • IDF strongly supports that the term “interpretative” has now been removed from the definition of Front of Pack Nutrition Labelling as outlined in Section 3.1 of the revised Annex II. • Rationale: Specifying FOPNL must be interpretative is unnecessarily specific and is not consistent with the principles noted in Para 50 of CX/FL 21/46/6, in which the chair has sought to among other things “keep the principles high level and not too specific”, “ensure the principles were inclusive of different forms of FOPNL” and “simplify wording where possible”. It is specifically worth noting that there are already non-interpretative labelling schemes currently in use in international trade, including Facts Up Front, which is in use in the United States and Canada. • Section 2.2: Although IDF can support the chair’s proposal for Section 2.2, we see advantages to a simplified approach to this section that would simply state “Certain foods may be excluded from using FOPNL.” A footnote could be added to provide greater clarity if desired. • Rationale: While the chair’s proposal is reasonable, the simplified, alternative text would allow countries to determine which foods should be exempt from FOPNL based on their own existing legal or regulatory frameworks. While we agree that in most cases the products captured in the chairs proposal should be excluded, there may be circumstances where additional products should be exempt. The alternative, simplified text would provide maximum flexibility. This may also render Section 2.3 unnecessary. • Section 2.3: IDF simplified, alternative proposal on Section 2.2 notwithstanding, IDF believes that only a very limited number of exemptions from FOPNL for prepackaged foods should be allowed when a country establishes a mandatory FOPNL scheme. We suggest the following wording changes (shown in blue font): • “Additionally, only a small number of certain prepackaged foods may be exempted from FOPNL. These may include foods exempted from bearing a nutrient declaration on the basis of nutritional or dietary insignificance or small packaging as described in the Guidelines on Nutrition Labelling (CXG 2-1985).” • Principle 4.1.4: IDF supports the proposed edit, including retention of the second sentence that importantly clarifies FOPNL can apply to “both nutrients and food groups for which consumption is discouraged and encouraged by these documents” (emphasis ours). It may also be advisable to add a statement to the end of the second sentence to read as follows (proposed addition shown in blue font): Consideration should be given to both nutrients and food groups of which consumption is discouraged and encouraged in line with country dietary guidelines, nutrition policies and their nutritional importance within the diet. • Rationale: this edit captures the concept to encourage food groups for consumption. It is critical that both sentences be retained to ensure that consumers can be fully informed of both positive and negative nutritional attributes of the foods they consume. This FOPNL principle, when aligning to national guidance or nutrition policies, brings important balance. It will help consumers prioritize ‘food groups and/or nutrients to encourage’ as primary, and puts in appropriate context the presence of ‘nutrients to limit’. As an example, this would support foods like cheese to be acknowledged by the FOPNL for its nutrient-density and established health benefits, despite containing nutrients such as sodium or saturated fat. • Principle 4.2.3: IDF can support the proposal to remove “within a food category”. • Rationale: FOPNL must be designed to allow consumers to quickly compare the general nutritional profile of foods within the same category and/or between categories. The more general language communicates this. This also reinforces the ability of the FOPNL to help consumers better identify specific nutrients, or combinations of nutrients, within foods. That may be especially important for optimal nutrition during key life stages, such as childhood, pregnancy, or older adulthood where calcium and protein, for example, are particularly critical. However, we note and agree with the chair’s comments that the Committee may need to revisit this point as CCNFSDU further defines the scope for developing general guidelines for the establishment of nutrient profiles for use in FOPNL. IDF believes that FOPNL should rely on different nutrient thresholds for different food groups (i.e. groupings that include several 	

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<p>food categories as well as subcategories in some instances). Comparison across food groups is more complex as the foods comprising them make distinct contributions to a healthy dietary pattern. As a result, different food groups will require different nutrient thresholds and may require prioritization of different nutrients in the FOPNL.</p> <ul style="list-style-type: none"> • Principle 4.3.4 : We suggest the addition of the following text to this principle (proposed addition shown in blue font): “FOPNL should be monitored and evaluated to determine effectiveness/impact via measurable objectives and indicators and conducted with nutritional observation studies”. • Rationale: The additional text provides best practice guidance on how to monitor and measure the effectiveness and impact of FOPNLs in terms of improving purchases/consumer behavior in line with country dietary guidelines and nutrition policies. • Possible New Principle: IDF considers it advisable that CCFL consider adding a new principle to Section 4 encouraging the development of a compliance guide to be published with or in addition to guidelines on FOPNL. • Rationale: The benefits of FOPNL are only fully realized when the schemes are accurately implemented by food manufacturers. This type of principle would help encourage adoption in voluntary scenarios and ensure more effective adoption in mandatory scenarios. It is also likely to benefit small and medium sized enterprises most, which will boost compliance in the short and medium terms. 	
Replies to specific questions in CL 2021/19-FL	
Do you confirm the majority preference to delete Section 5 and to incorporate relevant aspects from Section 5 to Section 4? (Q1)	
<p>Yes, we propose to deleting it. This is due to considering that section 5 addresses aspects associated with implementation, which is why Argentina's reiterates its position not to support the inclusion of aspects related to implementation, given that on several cases it exceeds the scope of the topic, of the eWG and of the Labeling Committee.</p>	Argentina
<p>Australia confirms our support for the deletion of section 5 and incorporating relevant aspects into Section 4. We note the majority of eWG respondents supported this approach.</p>	Australia
<p>Yes. Brazil supports deleting section 5 and incorporating relevant aspects from section 5 to section 4 because:</p> <ul style="list-style-type: none"> - most provisions in section 5 deal with implementation and governance aspects which are beyond the scope/mandate of Codex; - most provisions in section 5 provide details that are not necessary or appropriate in a Codex guideline especially where WHO recommendations exist on the subject; - best practice FOPNL implementation is rapidly evolving and is therefore not appropriate to include in an enduring document such as Codex Guidelines; - most provisions duplicates aspects from previous sections; and - maintenance of section 5 would not contribute to harmonization. 	Brazil
<p>We agree deleting section 5 as many of the aspects are already covered by the scope and the principles, while those that were outside the scope of Codex had already been removed from these draft guidelines. It is strongly preferred to integrate the content of section 5 into section 4, following the clear structure that has been established in that section.</p>	Colombia
<p>Costa Rica supports deleting section 5 and incorporating the relevant aspects into section 4. We believe that this approach will eliminate duplication and rationalize the overall document.</p>	Costa Rica

GENERAL COMMENTS	MEMBER / OBSERVER
Dominican Republic agrees deleting section 5 and incorporating the relevant aspects into section 4.	Dominican Republic
Yes, we agree	Ecuador
Egypt confirms deleting Section 5 and incorporates relevant aspects into Section 4. This approach will eliminate duplication and streamline the overall document.	Egypt
With reference to previous EUMS replies, the EUMS confirm their preference to delete Section 5 and to incorporate any relevant aspects within Section 4.	European Union
We agree deleting section 5 as many of the aspects are already covered by the scope and the principles, while those outside the scope of Codex had already been removed from these draft guidelines. With regard to section 2.3, where the possibility that food sold online may be exempt from FOPNL, we recommend coordination/collaboration with the eWG that is working on the proposed Guidelines on information for prepackaged foods to be sold on line by internet/e-commerce, since such work is directly related.	Guatemala
CCFLHN. We agree with the deletion of section 5 and the incorporation into section 4 as shown in Appendix II	Honduras
Yes, Indonesia agrees to delete section 5 since the relevant aspects such as monitoring, evaluation and consumer education programmes are already mentioned in Section 4.	Indonesia
Yes, we confirm to delete section 5 and to incorporate relevant aspects from Section 5 to Section 4.	Iran
<p>We agree to delete Section 5. However, we prefer to modify the sentences in the section 4 for more flexibilities of the guidelines, such as:</p> <ul style="list-style-type: none"> • Only one FOPNL system should be recommended by government in each country, where appropriate. If multiple FOPNL systems coexist, these should be complementary, not contradictory to each other. • FOPNL should be government lead, if needed, but developed in collaboration with all interested parties including, private sector, consumers, academia, public health associations among others. 	Japan
Malaysia is of the view that Section 5 can be deleted and incorporate relevant aspects from Section 5 can be incorporated into Section 4.	Malaysia
Yes, New Zealand confirms our previous comments to CL 2020/54/OCS-FL that we support the deletion of Section 5 and the relevant aspects (as identified in CL 2020/54/OCS-FL) be incorporated into Section 4.	New Zealand
We support majority preference to incorporate relevant aspects from Section 5 to Section 4.	Norway
The elimination of numeral 5 of the current standard is approved, and we request to include the first paragraph of the same.	Peru
The Philippines agrees to incorporate relevant aspects of Section 5 into Section 4 following a clear structure to streamline to document.	Philippines
We reaffirm our preference to delete Section 5 and incorporate relevant aspects into Section 4. We believe that this approach will eliminate duplication and streamline the overall document.	Saudi Arabia
<p>Yes.</p> <p>Part of the section 5 concerning the development is already covered by section 4 “principles” and is therefore redundant. To cover most of the aspect of section 5 related to development of the FOPNL, it would be sufficient to specify some of the principles in section 4.</p>	Switzerland

GENERAL COMMENTS	MEMBER / OBSERVER
Thailand supports incorporating relevant aspects of section 5 to section 4 and then delete section 5 since it is very detailed and repetitive to section 4.	Thailand
Uganda is in agreement to delete section 5 and incorporate relevant aspects from Section 5 in Section 4	Uganda
<p>The UK believe that a majority of their comments have been addressed. The UK is content for section 5 to be deleted and incorporate relevant aspects from Section 5 to Section 4, provided that:</p> <p>a) Wording in section 2.3 should be amended to make it clearer that countries should have the flexibility to decide what exemptions should apply on prepacked foods.</p> <p>b) Wording in section 2.3 is amended to give countries the flexibility to decide the extent to which nutrition information is displayed in other locations or at other points of choice (e.g. online).</p>	United Kingdom
Uruguay agrees to delete Section 5 and incorporate the relevant aspects of this Section into Section 4	Uruguay
Yes, the United States supports the deletion of Section 5 and the incorporation of the relevant aspects into the core principles set in Section 4 of the draft guideline.	USA
<p>BEUC agrees with the preference to delete Section 5 and to incorporate relevant aspects from Section 5 to Section 4. Should this be the case it would be important that the following key elements are then included in Section 4:</p> <p>Management of Conflicts of Interest: As we have stated in previous consultations, it is essential that all aspects of a FOPNL system (development, implementation, monitoring, evaluation) should be rigorously safeguarded against any conflicts of interest, in order to ensure that a FOPNL is seen by consumers as credible and trustworthy. Given the simultaneous high level of industry engagement in Codex work and Codex's mandate to protect public health and the potential for its guidance on certain policy tools to impact on the achievement of public health goals, it is vital to effectively declare and manage any commercial conflicts of interest in the development of guidelines on such policy tools. Should Section 5 be retained, it should include a recognition of the need to safeguard FOPNL from possible conflicts of interest during their development and implementation. Should Section 5 be deleted, this should then be acknowledged in the Guidelines in Section 4. It would therefore also be useful to include specific measures within the draft guidelines to address conflicts of interest in the development of FOPNL.</p> <p>Flexibility for countries to make FOPNLs mandatory:</p> <p>As mentioned below, it is vital that Codex guidance does not dissuade or prevent government authorities with legitimate public health objectives from making FOPNLs mandatory in their territory.</p>	BEUC
CEFS supports integrating the relevant aspects of section 5 in section 4 but for consistency purposes, instead of the already selected sentences, section 4 has to be re-discussed entirely.	CEFS
<p>Yes, it is preferable to eliminate section 5 and incorporate relevant aspects of Section 5 in Section 4.</p> <p>However, the aspects in Section 5 that should be integrated into Section 4, relate to:</p> <ul style="list-style-type: none"> • the issue of governance and the need for FOPNL to be developed by government with robust safeguards against conflicts of interest. • The need for the guidelines to promote the development of FOPNL systems that are evidence-based and yet enable flexibility at the country-level to adapt to national contexts. • The importance that the Codex guidelines promote mandatory FOPNL regulation (rather than voluntary schemes). 	Consumers International

GENERAL COMMENTS	MEMBER / OBSERVER
Keep section 5	ENCA
FEDIOL does not have specific comments in favour or against this.	Fediol
Yes, we support the majority preference to delete section 5 and to incorporate relevant aspects from section 5 to section 4 to avoid repetition.	Food Industry Asia
FoodDrinkEurope reaffirms its preference to delete Section 5 and incorporate relevant aspects into Section 4. We believe that this approach will eliminate duplication and streamline the overall document.	FoodDrinkEurope
<p>Helen Keller International (Helen Keller) agrees with deleting Section 5 and incorporating relevant aspects from Section 5 into Section 4.</p> <p>Given that the aim of FOPNL is to inform consumer choice and improve public health, Helen Keller strongly urges that the following relevant aspects of Section 5 be incorporated into the remaining document:</p> <ul style="list-style-type: none"> • Section 4 must acknowledge the need to safeguard FOPNL from possible conflicts of interest during development to support their public health objectives (see further question (ii)). • Section 4 should incorporate wording that allows Codex members to implement FOPNL on a mandatory basis to achieve their public health objectives (see further question (iii)). 	HKI
ICBA reaffirms our preference to delete Section 5 and incorporate relevant aspects into Section 4. We believe that this approach will eliminate duplication and streamline the overall document.	ICBA
Yes.	ICGA
<p>ICGMA supports deleting Section 5 and incorporating relevant aspects into Section 4. “Development of the guidance on the use of simplified information on the front of pack” was agreed to at CCFL 44.</p> <p>Additionally, we recommend that the following be incorporated into the principles within Section 4:</p> <ul style="list-style-type: none"> • Mutual recognition should be considered as a means to reduce trade barriers while allowing to observe international FOPNL approaches. 	ICGMA
IDF: support – While IDF previously supported retaining section 5, we recognize that the general consensus support deletion of the section	IDF/FIL
Yes	IFT
Our preference to delete Section 5 and incorporate relevant aspects into Section 4. We believe that this approach will eliminate duplication and streamline the overall document.	IFU
Yes, we do confirm the deletion of section 5 and the integration of its relevant aspects to section 4. We have always been in favour of deletion of Section 5 as it goes beyond the mandate of the eWG work “Development of guidance on use of simplified nutrition information on the front of pack” agreed at CCFL44.	International Confectionery Association
Yes, ISDI agrees with the concept of deleting section 5. Previous consultations highlighted the similarities or repetitions when comparing sections 4 and 5. Therefore, ISDI agrees with the deletion of section 5.	International Special Dietary Food Industries

GENERAL COMMENTS	MEMBER / OBSERVER
<p>We agree to delete section 5 as it is almost entirely related to elements already included in other parts of the text, as well as those related to implementation, which are, actually, out of the scope of this guide. EFAD adopts this decision after carefully evaluating the rationalization and justification of the elimination proposal shown in Annex III of CX / FL 21/46/6</p>	<p>The European Federation of the Associations of Dietitians (EFAD)</p>
<p>UNICEF agrees with the majority preference to delete Section 5 and to incorporate the relevant aspects into section 4.</p> <p>UNICEF wishes to emphasize that the aim of FOPNL is to inform consumer choice in order to improve public health. As such, we strongly suggest that the following relevant aspects of section 5 are incorporated in the remaining document:</p> <ul style="list-style-type: none"> • Section 4 must acknowledge the need to safeguard FOPNL from possible conflicts of interest during development to support their public health objectives (see further question (ii)) • Section 4 should incorporate wording that allows Codex members to implement FOPNL on a mandatory basis to achieve their public health objectives (see further question (iii)) 	<p>UNICEF</p>
<p>WFPHA agree with deleting Section 5 and incorporating relevant aspects into Section 4.</p> <p>As a public health representative, WFPHA wishes to draw attention to the fact that the the aim of FOPNL is to inform consumer choice and improve public health. As such, we are primarily concerned that the following relevant aspects of section 5 are incorporated in the remaining document:</p> <ul style="list-style-type: none"> • Section 4 must acknowledge the need to safeguard FOPNL from possible conflicts of interest during development to support their public health objectives (see further question (ii)) • Section 4 should incorporate wording that allows Codex members to implement FOPNL on a mandatory basis to achieve their public health objectives (see further question (iii)) 	<p>World Federation of Public Health Associations</p>
<p>Do you agree that the proposed text for principle 4.3.1 manages the potential for conflict of interest in the development of a FOPNL system? (Q2)</p>	
<p>Australia agrees that retaining 'government led' provides for appropriate government oversight and management of issues such as conflict of interest to provide trust and credibility in a FOPNL system.</p>	<p>Australia</p>
<p>Yes. Brazil supports the proposed text for principle 4.3.1. We understand that it is appropriate to deal with questions around potential conflict of interest in the development of a FOPNL system that were raised by many delegations.</p>	<p>Brazil</p>
<p>Yes, we agree that the FOPNL should be led by the government for mandatory FOPNL schemes, but the listed stakeholders should be consulted. Input from all stakeholders is extremely critical for a credible FOPNL system, and we believe therefore that the proposed text for principle 4.3.1 manages the potential for conflict of interest in the development of an FOPNL system.</p> <p>It is suggested to include civil society organizations since they are different from consumers, the private sector, academia and public health associations and their participation is considered useful, as that of all other participants, in the decisions to be made regarding the FOPNL.</p> <p>Additionally, we suggest a revision of the text for clarity:</p> <p>"The FOPNL should be led by the government, but developed in collaboration with all stakeholders, including the private sector, consumers, academia and public health associations, civil society organizations as well as all other stakeholders among others."</p>	<p>Colombia</p>
<p>Costa Rica believes that it is important that the perspectives of all stakeholders should be taken into account from the beginning to ensure the success of the FOPNL, and therefore supports the proposed principle.</p>	<p>Costa Rica</p>

GENERAL COMMENTS	MEMBER / OBSERVER
The Dominican Republic agrees that the proposed text for principle 4.3.1 adequately manages the potential for conflict of interest in the development of an FOPNL system.	Dominican Republic
Yes, we agree.	Ecuador
Egypt recommends that the proposal text for principle 4.3.1 is important for the perspectives of all relevant stakeholders, including industry, to be considered in whatever FOPNL system is established.	Egypt
<p>PRINCIPLES</p> <p>4.3.1. FOPNL should be government led but developed in collaboration with all interested parties including private sector, consumers, academia, public health associations among others.</p> <p>The EUMS consider that government leadership would help to ensure any potential conflicts of interest.</p> <p>However, as highlighted in previous EUMS comments, 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, front-of-pack nutrition labelling, 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 EU suggests reformulating the principle that FOPNL should preferably be government-led and should - in all cases (including industry/stakeholder-led) - be developed in consultation / collaboration with all interested parties.</p> <p>The EUMS suggest modifying section 4.3.1. as follows:</p> <p>"FOPNL should preferably be government led and should in all cases be developed in consultation / collaboration with all interested parties including government, private sector, consumers, academia, public health associations among others."</p>	European Union
<p>We reiterate the critical importance of the participation of all sectors involved, including the food industry. The food industry can contribute with the science and technical elements of FOPNL schemes and can support the successful implementation with the logistical dimension. The food industry can also strengthen perspectives from the point of view of consumer science that should be considered in this discussion.</p> <p>This participation should take place at an early stage and the text of this principle should encompass and include it.</p> <p>On the other hand, the Chairs of the group are expected to consider that the FOPNL has been conceptualized as supplementary information in accordance with the Guidelines on Nutrition Labelling (CXG 2-1985). Consequently, this principle would be giving the responsibility to governments to lead discussions regarding voluntary models.</p>	Guatemala
<p>CCFLHN. We consider that this principle does not generate a conflict of interest; since the participation contemplates the 4 important sectors for decision-making (Government, consumer, academia and private) and integrates public health associations as observers and support members to reach the construction of normative and regulatory documents.</p> <p>Is there another term used to identify public health support associations? As it implies that they are the same that are within the government sector and lead issues related to public health.</p>	Honduras
Yes, Indonesia agrees that the proposed text could manage the potential conflict of interest.	Indonesia
Yes, we agree to remove 'government' from the list of interested parties.	Iran

GENERAL COMMENTS	MEMBER / OBSERVER
<p>We agree to delete Section 5. However, we prefer to modify the sentences in the section 4 for more flexibilities of the guidelines, such as:</p> <ul style="list-style-type: none"> • Only one FOPNL system should be recommended by government in each country, where appropriate. If multiple FOPNL systems coexist, these should be complementary, not contradictory to each other. • FOPNL should be government lead, if needed, but developed in collaboration with all interested parties including, private sector, consumers, academia, public health associations among others. 	Japan
<p>Kenya support the use of both collaboration and consultation such that the clause reads,</p> <p>4.3.1 FOPNL should be government lead but developed in collaboration or consultation with all interested parties including government, private sector, consumers, academia, public health associations among others. While we take note of discussion of both terms i.e. collaboration and consultations as presented by the chairs, and taking note that the guidelines refers some matters to governments, it may be appropriate to use both terms as in some jurisdictions as in Kenya, the term consultation is preferred and has been used in our laws where involved of stakeholders are mandatory in developing policies, laws or regulations (Ref. The Statutory Instrument Act of 2013 of Laws of Kenya).</p>	Kenya
<p>Malaysia agreed that the proposed text for principle 4.3.1 manages the potential for conflict of interest in the development of a FOPNL system. However, Malaysia proposes editorial amendment to the text as in section 4.3.1.</p>	Malaysia
<p>Yes.</p> <p>New Zealand considers that the inclusion of 'government led' provides government oversight and that this is sufficient to manage potential conflict of interests. Our preference is for the principle to reference collaboration with relevant stakeholders to allow for co-development to utilise the expertise of all key stakeholders. However, we could accept consultation if this was preferred by the Committee, noting that this does not preclude collaboration when possible.</p> <p>Note there is also an error in this principle in Appendix II as this states 'government lead' instead of 'government led', as was proposed on page 15 of the Agenda paper (CX/FL 21/46/6).</p>	New Zealand
<p>We support the Chairs recommendations. This means retaining the 'government led' text to provide government oversight and to manage potential conflict of interest. As a consequence, the word 'government' would be removed from the list of interested parties. Government leadership cite trust, credibility and oversight of conflicts of interest as reasons for government leadership of the development process. With government leadership of the development of a FOPNL system the issues with respect to potential for conflict of interest in a collaborative process could be managed.</p> <p>Norway thinks collaboration suggests high level involvement for all stakeholders in the development of the system. In our experience with the Nordic Keyhole a high level of involvement from all stakeholders is positive for the establishment and running of the FOPNL system.</p>	Norway
<p>We consider the following wording: "The FOPNL should be led by the government, but developed in collaboration with all stakeholders, including the private sector, consumers, academia, public health associations, among others." This is adequate and resolves this issue.</p>	Peru
<p>Philippines agrees that it should be government led and that the stakeholder should be consulted. To ensure that it manages the potential for conflicts of interest, we propose the following revision:</p> <p>4.3.1 FOPNL should be government led but developed in consultation with all interested parties including private sector, consumers, academia, public health associations among others.</p>	Philippines

GENERAL COMMENTS	MEMBER / OBSERVER
<p>We believe it is important for the perspectives of all relevant stakeholders to be considered in whatever FOPNL system is established. We support the existing, inclusive text.</p>	<p>Saudi Arabia</p>
<p>South Africa agrees with the proposed text. Government leadership in the development of a FOPNL system could assist in managing potential for conflict of interest in collaborative processes.</p>	<p>South Africa</p>
<p>Yes</p>	<p>Switzerland</p>
<p>We agree with the proposed text for principle 4.3.1 that the governments should take the leading role in developing FOPNL.</p>	<p>Thailand</p>
<p>Uganda is in agreement that the proposed text for principle 4.3.1 manages the potential for conflict of interest in the development of a FOPNL system.</p> <p>Uganda further notes and proposes replacing 'collaboration' with 'partnership' in line one of the statement as well as deletion of 'government' from the second line since it is already taken care of in the opening of the sentence</p>	<p>Uganda</p>
<p>Principle: It should be led by the government, but developed in collaboration. considering the evidence and arguments of all stakeholders, including the private sector, consumers, academia, and public health associations, among others.</p> <p>Uruguay considers that the expression "in collaboration with" should be changed to "considering the evidences and arguments".</p> <p>Justification: we understand that good regulatory practices must include consultation with all interested parties, and take into account their proposals, but the final decision belongs to the governments, so we understand that the appropriate term is "considering". "In collaboration" may rather indicate that all stakeholders would be at the same decision-making level.</p>	<p>Uruguay</p>
<p>With respect to the proposed text in Section 4.3.1, the United States questions if the word "collaboration" is appropriate for government-led measures. As the proposed text indicates that development of FOPNL should be government-led, it implies that development, whether voluntary or mandatory, will involve competent regulatory authorities.</p> <p>In the United States, federal government agencies give interested stakeholders an opportunity, to participate in the development of regulatory measures through public notice and comment or other appropriate consultations. This consultation includes submission of data, views, or arguments. Agencies consider relevant matter presented through this consultive process, which ensures consideration of a range of information and identifies potential conflicts of interest.</p> <p>Therefore, the United States proposes that the word "collaboration" be replaced with "consultation".</p>	<p>USA</p>
<p>No, BEUC does not agree that the proposed text for principle 4.3.1 manages the potential for conflict of interest in the development of a FOPNL system.</p> <p>As we have mentioned in previous submissions, the current wording of principle 4.3.1. should be amended to clarify that FOPNL should be government-led in 'consultation' with interested parties, rather than in 'collaboration'. It is important to recall that, as the central purpose of such schemes – to help consumers make more informed and healthier food choices – and the responsibility of governments is to protect and promote the health of their citizens, it is essential that steps are taken to ensure that conflicts of interest are safeguarded against during the front-of-pack label development process. Stakeholder input should be carefully managed by government oversight.</p> <p>Principle 4.3.1., as it is currently worded, fails to take into account the varying interests of different stakeholders, their reasons for wanting to participate in the development of a FOPNL or the potential impact such a collaborative role (rather than a consultative one) could have on the effectiveness of an eventual FOPNL.</p>	<p>BEUC</p>

GENERAL COMMENTS	MEMBER / OBSERVER
<p>As has already been observed in Europe, where an increasing number of government authorities have endorsed front-of-pack nutritional labels as a key tool to help their consumers make more informed food choices, there has often been strong resistance from private sector actors whose products perform badly with evidence-based FOPNLs.</p> <p>We therefore believe that it would be inappropriate for Codex to mandate the collaboration of private actors in the development of FOPNLs and that the consultation of interested parties, in a transparent and public manner, is more appropriate to ensure that different stakeholders' views are received without jeopardizing the central purpose of FOPNL (more informed and healthier choices by consumers).</p> <p>Moreover, the WHO Guiding Principles and framework manual for FOPNL has stressed the importance of government retaining ultimate responsibility for key aspects of FOPNL development including development of the policy objectives and aims, its implementation and monitoring, and setting the nutrient profiling criteria via an independent expert group.</p>	
<p>No, the proposed text for 4.3.1 does not ADEQUATELY address the potential for conflict of interest in the development of an FOPNL system. We reiterate the need for a phrase regarding the need for the FOPNL development process to be led by governments with safeguards against conflicts of interest. We emphasize the need to prevent the food and beverage industry from participating in the development of front of pack labelling to protect the process from being influenced by commercial interests and ensure that FOPNL leads to protect public health and the right to food. The word "collaboration" implies working together with the stakeholders to develop fopnl, while the word "consultation" implies that stakeholders will be listened to, but the ultimate decision on fopnl will be done by the government. Consequently, we think the chairs' proposed changes to 4.3.1 could be acceptable, if the word "collaboration" is replaced with the word "consultation."</p> <p>In this regard, the text should be re-drafted to state:</p> <p>FOPNL should be government lead but developed in collaboration/consultation with all interested parties including government, private sector consumers, academia, public health associations, private sector among others, ensuring robust safeguards against conflict of interest.</p> <p>If a suitable agreement cannot be found regarding the issue of private sector involvement we suggest that the text be simplified to state: "FOPNL should be government led ensuring robust safeguards against conflict of interest".</p> <p>WHO Guiding principles and framework manual for FOPNL specifically notes the importance of government retaining responsibility for key aspects of FOPNL development including development of the policy objectives and aims, and setting the nutrient profiling criteria via an independent expert group.</p> <p>Furthermore, the UN CFS Guidelines on Food Systems and Nutrition agreed on by governments in 2021 indicates the importance of preventing against conflict of interest in FOPNL development:</p> <p>"Governments should promote and support science and evidence based food and nutrition labelling, including considering diverse science and evidence-based FOPL schemes, (which could include interpretive and informative labelling⁵⁹), to support healthy diets. Food labelling should include safeguards for the identification and management of potential conflicts of interest and be aligned with national public health and nutrition policies and food regulations." (p.20) http://www.fao.org/fileadmin/templates/cfs/Docs2021/Documents/CFS_VGs_Food_Systems_and_Nutrition_Strategy_EN.pdf</p>	<p>Consumers International</p>
<p>FOPNL should be government led and developed (delete text in brackets: in collaboration with all interested parties including government, consumers, academia, public health associations, private sector among others,) by ensuring robust safeguards against conflict of interest.</p>	<p>ENCA</p>

GENERAL COMMENTS	MEMBER / OBSERVER
FEDIOL considers that the proposed wording well addresses the case of possible conflicts.	Fediol
<p>Yes, we agree that FOPNL should be government led FOPNL schemes, but developed in consultation with stakeholders listed. Inputs from all stakeholders are extremely critical to having a credible FOPNL system, so we believe that the proposed text for principle 4.3.1 manages the potential for conflict of interest in the development of a FOPNL system.</p> <p>We further suggest revision of the text for clarity and the changes are made directly to the text below.</p>	Food Industry Asia
<p>We believe it is important for the perspectives of all relevant stakeholders, including the food and drink industry, to be considered in whatever FOPNL system is established. We support the existing, inclusive text. A suggestion for further amendment of the text can be found below.</p>	FoodDrinkEurope
<p>No, Helen Keller does not agree that the proposed text for principle 4.3.1 manages the potential for conflict of interest in the development of a FOPNL system.</p> <p>Helen Keller strongly urges that Principle 4.3.1. should be rephrased to use the word ‘consultation’ rather than ‘collaboration’. A requirement to include ‘all interested parties’ as collaborators in government-led health policy making does not reflect current international guidance or acknowledge the nature of different interests of such parties. Private sector manufacturers of products whose consumption could be discouraged by FOPNL have actively resisted and lobbied against development of evidence based FOPNL policies in many countries.</p> <p>The WHO Guiding principles and framework manual for FOPNL (11) recognises the need for stakeholder engagement during FOPNL development, but also acknowledges the varying stakeholder interests involved in FOPNL development. This document highlights the importance of government preserving responsibility for key aspects of FOPNL development including development of the policy objectives and aims and setting the nutrient profiling criteria via an independent expert group. The WHO draft tool for safeguarding against possible conflicts of interest in nutrition programmes (12) also highlights the importance of governments holding responsibility for setting terms for appropriate engagement with different stakeholders when designing and implementing public health nutrition policies.</p> <p>Helen Keller considers it inappropriate for Codex to effectively mandate that governments collaborate with certain parties, especially the private sector. In a 2019 analysis (13), FOPNL regulations were typically preceded by public consultation and in rare cases, industry was elevated to the role of collaborator or member of the committee developing the regulation. Instead, the text should include consultation as a principle of good governance that should be applied in the making of any regulation and is sufficient to represent all stakeholders’ right to be heard during FOPNL development.</p> <p>In summary, our preferred text would read:</p> <p>4.3.1 FOPNL should be government led but developed in consultation with all interested parties including, private sector, consumers, academia, public health associations among others.</p> <p>References:</p> <p>(11) World Health Organization (WHO). (2019). Guiding principles and framework manual for front-of-pack labelling for promoting healthy diet. WHO, Geneva. (https://apps.who.int/nutrition/publications/policies/guidingprinciples-labelling-promoting-healthydiet.pdf?ua=1)</p> <p>(12) World Health Organization (WHO). (2017). Safeguarding against possible conflicts of interest in nutrition programmes. WHO, Geneva. (https://apps.who.int/gb/ebwha/pdf_files/EB142/B142_23-en.pdf)</p>	HKI

GENERAL COMMENTS	MEMBER / OBSERVER
(13) Jones A, Neal B, Reeve B, Mhurchu CN & Thow AM. (2019). Front-of-pack nutrition labelling to promote healthier diets: current practice and opportunities to strengthen regulation worldwide. BMI Global Health 4(6), http://dx.doi.org/10.1136/bmjgh-2019-001882 .	
ICBA believes it is important for the perspectives of all relevant stakeholders, including the food and beverage industry, to be considered in whatever FOPNL system is established. We support the existing, inclusive text.	ICBA
Yes. ICGA also notes that one key factor for a successful implementation of any FOPNL system is the opened and transparent engagement of all stakeholders throughout its elaboration and implementation process. The concept of “conflict of interest” shall not be used to exclude recognized expertise provided by food business operators.	ICGA
We believe it is important for the perspectives of all relevant stakeholders, including the food and beverage industry, to be considered in whatever FOPNL system is established. We support the existing, inclusive text.	ICGMA
IDF: support. IDF believes that government leadership of an initiative to develop a FOPNL system should be enough to manage potential conflict of interest among any stakeholder engaged in the process. Furthermore, IDF reiterates the importance of involving all relevant stakeholders , including private sector, in the development of FOPNL to maximize feasibility, adoption and consumer useability.	IDF/FIL
We believe it is important for the perspectives of all relevant stakeholders, including the food and beverage industry, to be considered in whatever FOPNL system is established. We support the existing, inclusive text. We suggest further amending the text as follows, for greater clarity: “FOPNL should be government lead and developed in collaboration with [all interested parties stakeholders including] the private sector, consumers, academia, public health associations, and all other interested stakeholders. among others.	IFU
Yes, we agree with the removal of the term ‘government’ from interested parties in developing a FOPNL system.	International Confectionery Association
ISDI agrees that the text proposed in principle 4.3.1 manages the potential for conflict of interest in the development of a FOPNL system. ISDI also agrees to delete the text in red. FOPNL should be government led but the stakeholders named above should be consulted.	International Special Dietary Food Industries
Conflict of interest, especially those related the food industry sector, must be avoided and all the measures should be considered to prevent it in order to ensure FOPNL system is solid, easy to understand, evidence-based and reliable. The text, as it stands now, captures the need for government leadership in the development of FOPNL schemes, which could be a sort of guarantee to manage potential conflict of interest, however, given the need to involve all stakeholders of the food systems, it is especially relevant that governments consider and apply strong mechanisms to avoid potential conflicts of interest along the process.	The European Federation of the Associations of Dietitians (EFAD)
No, UNICEF does not agree that the proposed text for principle 4.3.1 manages the potential for conflict of interest in the development of a FOPNL system and recommends that it be rephrased. In particular, UNICEF is particularly concerned about the use of the word “collaboration” and suggests that it should be replaced with “consultation” to better reflect a Child Rights approach. A requirement to include ‘all interested parties’ as collaborators in government-led health policy making does not reflect current international guidance or acknowledge the nature of different interests involved. In many countries, private sector manufacturers of products whose consumption could be discouraged by FOPNL have actively resisted and lobbied against the development of evidence-based FOPNL measures.	UNICEF

GENERAL COMMENTS	MEMBER / OBSERVER
<p>The nature of the different stakeholder interests involved in FOPNL development is set out in the WHO Guiding principles and framework manual for FOPNL. While recognising the need for stakeholder engagement during FOPNL development, this document specifically notes the importance of government retaining responsibility for key aspects of FOPNL development including development of the policy objectives and aims and setting the nutrient profiling criteria via an independent expert group.</p> <p>Other existing WHO texts, including the WHO draft tool for safeguarding against possible conflicts of interest in nutrition programmes recognises the importance of governments being able to consider and set terms for appropriate engagement with different stakeholders in the nutrition area when designing and implementing public health nutrition policies.</p> <p>In an analysis of FOPNL regulations developed in 2019, regulations were typically preceded by public consultation and only in limited cases was industry elevated to the role of collaborator or member of committees developing the substance of regulation (Jones et al, 2019, BMJ Global Health).</p> <p>Finally, UNICEF is concerned that including “collaboration” with the private sector is not consistent with a child rights approach, which places responsibility on government to regulate the private sector, in order to prevent violations of the rights to food and nutrition. The best interests of the child principle establishes a high threshold that should be applied to “influence the development of policies to regulate actions that impede the physical and social environments in which children live, grow and develop” (Convention on the Rights of the Child (CRC)). The child’s right to health and consideration of her or his health conditions, including nutrition, are central in assessing his or her best interests. No policy is ‘child neutral’, meaning that due consideration must be given to the impact of any policy option on children, placing children and their best interests at the centre of the policy process. A child rights-based approach gives more legitimacy to efforts to regulate food labelling because competing claims lose legitimacy when they are incompatible with children’s rights. In order to effectively apply a child rights approach, governments must lead the FOPNL development process free from competing claims that may undermine the child’s right to the enjoyment of the highest attainable standard of health, to adequate food, to information and all related rights that are negatively affected by food marketing and misleading food labelling.</p> <p>Further, the Convention on the Rights of the Child general comment 16 states that: “States must take all necessary, appropriate and reasonable measures to prevent business enterprises from causing or contributing to abuses of children’s rights. Such measures can encompass the passing of law and regulation...”</p> <p>The Special Rapporteur on the Right to Food, noted in 2016 that “Recognizing that industry self-regulation is ineffective, Governments should impose strong regulatory systems to ensure that the food industry does not violate citizens’ human rights to adequate food and nutrition. It is recognized, however, that such efforts may face formidable resistance from a food industry seeking to protect its economic interests.”</p> <p>Therefore, UNICEF considers that it is inappropriate for Codex to effectively mandate that governments collaborate with all parties, particularly the private sector. Instead, the text should include consultation as a principle of good governance that should be applied in the making of any regulation and is sufficient to embody all stakeholders’ right to be heard during FOPNL development.</p> <p>In summary, our preferred text would read:</p> <p>4.3.1 FOPNL should be government led but developed in consultation with all interested parties including private sector, consumers, academia, public health associations among others.</p>	
<p>No, WFPHA do NOT agree that the proposed text for principle 4.3.1 manages the potential for conflict of interest in the development of a FOPNL system.</p> <p>WFPHA continue to advocate strongly that Principle 4.3.1. should be rephrased to use the word ‘consultation’ rather than ‘collaboration’. A requirement to include ‘all interested parties’ as collaborators in government-led health policy making does not recognize the nature of</p>	<p>World Federation of Public Health Associations</p>

GENERAL COMMENTS	MEMBER / OBSERVER
<p>different interests involved. In some countries, private sector manufacturers of products whose consumption could be discouraged by FOPNL have actively resisted development of evidence-informed FOPNL policies.</p> <p>The nature of the different stakeholder interests involved in FOPNL development is recognised in the WHO Guiding principles and framework manual for FOPNL (https://apps.who.int/nutrition/publications/policies/guidingprinciples-labelling-promoting-healthydiet/en/index.html#:~:text=This%20document%20%E2%80%93%20WHO%20guiding%20principles%20and%20framework,and%20monitor%20and%20evaluate%20an%20appropriate%20FOPL%20system.) While recognising the need for stakeholder engagement during FOPNL development, this document specifically notes the importance of government retaining responsibility for key aspects of FOPNL development including development of the policy objectives and aims, and setting the nutrient profiling criteria via an independent expert group.</p> <p>Other existing WHO texts, including the WHO draft tool for safeguarding against possible conflicts of interest in nutrition programmes recognises the importance of governments being able to consider and set terms for appropriate engagement with different stakeholders in the nutrition area when designing and implementing public health nutrition policies.</p> <p>These principles around safeguarding nutrition policy making from conflicts of interest extend to Codex and the development of this guidance - where it should also be recognised that industry Observers commenting on this question specifically may have a conflict of interest in supporting evidence-based policy and this should be accounted for and managed to ensure a science-based outcome.</p> <p>In an analysis of FOPNL regulations developed to 2019, regulations were typically preceded by public consultation and only in limited cases was industry elevated to the role of collaborator or member of committees developing the substance of regulation (Jones et al, 2019, BMJ Global Health https://gh.bmj.com/content/bmjgh/4/6/e001882.full.pdf). In cases such as the Health Star Rating in Australasia where industry continues to act as collaborator, there is evidence that uptake of Health Stars remains low (40% after 5 years) and consumers are not receiving the full public health benefit of the intervention.</p> <p>We join forces such as UNICEF which also recognise that collaboration is not consistent with a child rights approach, which places responsibility on government to regulate the private sector where necessary to prevent violations of the rights to food and nutrition. The Special Rapporteur on the Right to Food noted in 2016 that “Recognizing that industry self-regulation is ineffective, Governments should impose strong regulatory systems to ensure that the food industry does not violate citizens’ human rights to adequate food and nutrition. It is recognized, however, that such efforts may face formidable resistance from a food industry seeking to protect its economic interests.”</p> <p>Noting the above risks of private sector collaboration, WFPHA do not believe it is appropriate for Codex to effectively mandate that governments collaborate with all parties, particularly the private sector.</p> <p>We believe that consultation is a principle of good governance that should be applied in the making of any regulation, and is sufficient to embody all stakeholders’ right to be heard during FOPNL development.</p> <p>In summary, our preferred text would read:</p> <p>4.3.1 FOPNL should be government led but developed in consultation with all interested parties including private sector, consumers, academia, public health associations among others.</p>	
<p>Do you agree with the change in focus for principle 4.3.2 to focus on facilitating consumer use of FOPNL (Q3)</p>	
<p>Australia agrees the original intent of the principle was to ensure uptake of a FOPNL system by industry was high so to help ensure it can meet the purpose of a FOPNL system (i.e. to facilitate the consumer’s understanding of the nutritional value of the food and their choice of food). However, our view is the proposed new drafting does not clearly express this intent. Further we note consumer understanding and use of FOPNL is already captured in proposed Principle 4.2.1. As an alternative and to better capture intent,</p>	<p>Australia</p>

GENERAL COMMENTS	MEMBER / OBSERVER
<p>Australia proposes different text which still focuses on the consumer but rather than 'facilitates consumer use' more specifically focuses on facilitating the availability of FOPNL for consumer use. Proposed revised text is as follows:</p> <p>Principle 4.3.2 FOPNL should be implemented in a way that facilitates the availability of FOPNL for consumer use.</p>	
<p>No. Brazil suggests deleting this provision as it is already captured in other sections of the document.</p>	Brazil
<p>We agree, as now principle 4.3.2 is in line with the purpose of these guidelines, which in addition to recognizing the FOPNL as a tool to facilitate consumers' understanding of the nutritional value of food, also states that it will facilitate the choice of food. To achieve the latter, the FOPNL should be implemented in a way that facilitates use by consumers.</p>	Colombia
<p>Costa Rica proposes its elimination, as the original intention of principle 4.3.2 was to ensure that the adoption of the FOPNL by industry would be high. By changing the approach, Costa Rica considers that the intention is already covered by the Purpose, as well as by the following principle: "The FOPNL should present the information in a way that is easy to understand and use by consumers in the country or region of implementation. The format of the FOPNL must be supported by scientifically valid consumer research."</p>	Costa Rica
<p>The Dominican Republic agrees with the shift in focus of principle 4.3.2 to target facilitating the use of FOPNL by consumers.</p>	Dominican Republic
<p>Yes, we agree</p>	Ecuador
<p>Egypt agrees with the change in principle 4.3.2 to focus on facilitating consumer use of FOPNL.</p>	Egypt
<p>PRINCIPLES</p> <p>4.3.2. [FOPNL should be implemented in a way that facilitates consumer use of the FOPNL]</p> <p>The EUMS understand that the redrafting of the previous proposed wording ('FOPNL should be implemented in a way that [maximizes/ encourages] food manufacturers' use of the FOPNL on food labels') aims to focus on the goal of facilitating consumer use of the FOPNL scheme, which would in turn require high uptake by industry to meet this goal.</p> <p>The EUMS consider that the proposed text should be clarified, as it might currently not be clear for the reader what exactly is understood by 'implemented in a way that facilitates consumer use'; for example, whether it is referring to facilitating consumer comprehension of a scheme, or, whether it refers to generalizing the use of the scheme on foods.</p>	European Union
<p>We support facilitating the use of FOPNL for consumers. It is recommended however that this principle be eliminated, as the intention is already covered by the Purpose, as well as by other principles, including 4.2.1, 4.2.3 and 4.3.3 (numbering of the previous project). If the Committee decides to uphold this principle, it is suggested to use the word "encourages" instead of "facilitates" as follows: "The FOPNL should be applied in a manner that encourages its use by consumers."</p>	Guatemala
<p>CCFLHN. We agree with the proposed change of approach and suggest an improved wording for the principle proposed below:</p> <p>"The FOPNL should be implemented in a way that facilitates its use and understanding by consumers."</p>	Honduras
<p>Yes, Indonesia agrees that the objective of FOPNL is to facilitate consumers to use the information from FOPNL rather than the use by the food manufacturers</p>	Indonesia
<p>Yes, we agree with the change in focus for principle 4.3.2 that 'FOPNL should be implemented in a way that [maximizes/ encourages] food manufacturers' use of the FOPNL on food labels'</p>	Iran

GENERAL COMMENTS	MEMBER / OBSERVER
Yes, we do.	Japan
Kenya supports the proposed text, '4.3.2: FOPNL should be implemented in a way that facilitates consumer use of the FOPNL'. This information is primarily focusing on the consumer as supplementary nutrition information thus there is no need to make reference to the reformulation of products. It will be based on consumers preference that manufacturers may choose to reformulate their products	Kenya
Malaysia is of the view that the proposed draft should include the role of consumers as well as industry on the use of FOPNL, and should be reflected in this paragraph. Hence, Malaysia proposes the text for the principle be amended as in section 4.3.2.	Malaysia
<p>Yes.</p> <p>New Zealand supports the change in focus of this principle to facilitating consumer use of FOPNL. New Zealand considers that the underlying rationale for maximising or encouraging uptake of FOPNL is to facilitate consumer use. Therefore, New Zealand considers this captures the original intent of the previous principle, whilst avoiding language which may infer mandatory implementation and better aligns with the agreed purpose 'to facilitate the consumers understanding of the nutritional value of the food and their choice of food'.</p> <p>However, New Zealand would not object to the inclusion of an additional principle on industry uptake if this was the Committee preference. If this was the case our preference would be for the principle to reference encouraging, rather than maximising uptake. We consider maximising uptake could be interpreted to infer mandatory implementation. This does not align with section 5 of the Guidelines on Nutrition Labelling (CXG 2 -1985) that state supplementary nutrition information, of which FOPNL is an agreed form, should be optional. In addition, the Committee may wish to consider clarifying this relates to uptake on intended foods. In some instances, it may not be appropriate to aim for increased uptake of a FOPNL across the food supply. For example, for 'high in' warning label type systems which are often mandatory, decreased uptake across the food supply would indicate the decreased availability of less healthy foods, which would be a desirable outcome.</p>	New Zealand
<p>We believe it is important that uptake of a FOPNL system by industry is high. As written in our reply to question 2 our experience with the Nordic Keyhole is that a high level of involvement from all stakeholders including the industry, is positive for the establishment and running of the FOPNL system. High uptake of a system by industry would help ensure it met the purpose of a FOPNL system "to facilitate the consumer's understanding of the nutritional value of the food and their choice of food" by ensuring many products in the market displayed the system enabling consumers to use it.</p> <p>We could support the Chairs proposal to redraft this principle to focus on the goal of facilitating consumer use of the system. This aligns with FOPNL being a form of supplementary nutrition labelling as agreed in the purpose. Could it be beneficial to add another word to "facilitating" to emphasize or draw attention to the incentive for the consumer to use a FOPNL system?</p>	Norway
We agree with this change of approach	Peru
The Philippines agrees that consumer understanding shall always be considered when developing FOPNL and tailored to the needs of the population.	Philippines
We support a focus on facilitating consumer use of FOPNL.	Saudi Arabia
South Africa agrees with the change to focus on facilitating consumer use of FOPNL. Focus on facilitating consumer use of FOPNL aligns with the purpose of these guidelines.	South Africa
In Switzerland's Opinion, the new formulation misses the intention of previous formulation. The old draft focused on manufacturers, the new draft on consumers. In our opinion, one of the objective of front-of-pack nutrition labelling is to encourage reformulation of the products. However, Switzerland believes that this is not a principle; this is a purpose of FOPNL and should therefore be mentioned under 1. Purpose, as additional objective. The previous draft with "ENCOURAGES" should be retained.	Switzerland

GENERAL COMMENTS	MEMBER / OBSERVER
We agree with the revised text of principle 4.3.2.	Thailand
Uganda is agreement that 'FOPNL should be implemented in a way that facilitates consumer use of the FOPNL' as captured by principle 4.3.2	Uganda
<p>Yes, the UK believe that FOPNL should be consumer focused since its purpose is to support consumers identify healthier food and drink choices.</p> <p>This amendment may also help manage any conflicts of interest in the development of a FOPNL system.</p>	United Kingdom
Uruguay: we agree	Uruguay
<p>The United States supports the change in text to better focus on the consumer in Principle 4.3.2. The United States supports having text that provides principles to assure FOPNL is effectively understood and used by consumers. However, the United States does not support deleting text in the principles section that also addresses industry updates and implementation. Addressing implementation is important for countries/regions where FOPNL is either voluntary or mandatory because it may provide an incentive for manufacturers to reformulate or introduce new products. If implementation is not addressed in the text, then the guideline may suggest that FOPNL will always be mandatory. For further detail on the rationale, please see below for the proposed edits from the United States in Principle 4.3.2.</p>	USA
<p>No, we do not agree with this change to focus on facilitating consumer use.</p> <ul style="list-style-type: none"> • Consumer understanding and use of FOPNL is already taken into account in Proposed Principle 4.2.1 which addresses the need for such labels to be presented in a way which is easy for consumers to understand and use, as well as the need for FOPNLs to be supported by scientifically valid consumer research. The facilitation of consumer use of FOPNLs in this context is centered on the format and design of the label chosen by authorities. • Omitting any mention of the importance of the uptake of such a label by food manufacturers would fail to recognize the significance of having the greatest number of food products bearing a FOPNL for consumers. FOPNLs which are voluntary and have limited uptake by manufacturers will subsequently be less useful to consumers, for whom FOPNLs will be the most effective when the greatest possible number of products are covered by the label (in order to allow consumers to adequately compare between products). • It is therefore vital to avoid that Codex Guidance could be interpreted as preventing governments from adopting mandatory FOPNL with legitimate public health objectives. The guidelines must adequately address public health concerns and reflect countries' right to legitimately implement measures to protect public health which should, moreover, be prioritized over trade concerns (in the absence of unfair trade practices). It is important that this Codex guidance does not prevent or dissuade country/regional authorities from enacting mandatory FOPNL systems in their territories. There are some countries who have already implemented mandatory FOPNL while many others are currently considering doing the same. • We believe that it is crucial that Principle 4.3.2. is not limited to 'facilitating consumer use' but also mentions the importance of maximizing the uptake by the food industry. 	BEUC
CEFS is supportive of initiatives that promote and facilitate consumers' informed choices. Additionally, CEFS is of the opinion that front-of-pack information may contribute to the overall consumers information.	CEFS
<p>We strongly disagree with the change of focus of the principle FROM THE MANUFACTURERS TO CONSUMERS. The guidelines should return to the principle proposed in previous versions assuring the use of the word "maximize" RATHER THAN "ENCOURAGES." The emphasis should be on maximizing implementation/uptake of FOPNL by the industry, not consumer use. In order for FOPNL to achieve its objectives, it must have maximum uptake by industry. Thus FOPNL development must consider how to maximize uptake by industry to ensure success. Therefore, it is essential to return this principle to its original focus. Returning to the original principle is</p>	Consumers International

GENERAL COMMENTS	MEMBER / OBSERVER
<p>important to encourage FOPNL developers to think through what types of FOPNL policies and regulatory measures will encourage uptake.</p> <p>Especially, considering this idea is not covered in any other principle. On the other hand, “consumer use”, the focus of the newly drafted principle is already addressed in another principle (4.2.1).</p> <p>The principle should be phrased as follows:</p> <p>[FOPNL should be implemented in a way that maximises industry uptake]</p> <p>It should be noted that maximizing uptake by industry is a key component of a successful FOPNL, we know many voluntary schemes have not been successful because they have not managed to maximize industry uptake. https://www.mdpi.com/2072-6643/12/6/1791</p> <p>On the contrary, mandatory systems have proven successful and have shown great uptake by industry, such as in Chile. As stated in the PAHO report on FOPNL:</p> <p>“There is no evidence to support that a voluntary approach can meet the intended purpose of a FOPL system. On the contrary, evidence has shown that food industry compliance with voluntary FOPL is low especially in instances where labels will reflect poorly on the products. The food industry is unlikely to comply with any voluntary FOPL that highlights negative properties of products they manufacture and discourages their purchase by consumers. Evidence from countries that have adopted a voluntary approach shows that companies selectively avoid applying the labeling to products of their portfolio that contain excessive amounts of critical nutrients, or they simply choose to not voluntarily apply the FOPL system at all”</p> <p>https://iris.paho.org/bitstream/handle/10665.2/52740/PAHONMHRF200033_eng.pdf?sequence=6</p>	
<p>Since FOPNL schemes are intended to enable consumers to make healthier food choices, this change in focus would seem appropriate to FEDIOL.</p>	Fediol
<p>Yes, we agree and we believe that facilitating consumer understanding and use of the FOPNL scheme is the essence. However, we recommend removing this principle as the intent is already covered by the Purpose as well as by other principles, including 4.2.1, 4.2.3, and 4.3.3 (numbering from previous draft).</p> <p>If the Committee decides to retain this principle, we suggest substitution of the word “encourages” for “facilitates”, as well as inclusion of the text “...and understanding” within the revised passage.</p> <p>Our suggestion for the changes in text is made directly to the text below.</p>	Food Industry Asia
<p>We support a focus on facilitating consumer use of FOPNL.</p> <p>Should the Committee decide to keep this principle, we suggest some amendments (see below).</p>	FoodDrinkEurope
<p>Helen Keller does not agree with this change to focus on facilitating consumer use.</p> <p>FOPNL use and understanding among consumers is already dealt with in Proposed Principle 4.2.1, which states: FOPNL should present information in a way that is easy to understand and use by consumers in the country or region of implementation. The format of the FOPNL should be supported by scientifically valid consumer research.</p> <p>The use of FOPNL for consumers is primarily related to the format of the label design chosen by government.</p> <p>Helen Keller considers it important to retain a specific focus in Principle 4.3.2 on the need for uptake by industry to be maximized to promote achievement of FOPNL’s public health purpose.</p>	HKI

GENERAL COMMENTS	MEMBER / OBSERVER
<p>Though Codex specifying that FOPNL must be mandated may not appropriate, it is critical that nothing in Codex Guidance prevents governments from pursuing mandatory FOPNL where mandatory implementation is felt necessary to pursue a government's public health objective. Mandatory implementation is not uncommon, with at least 11 countries already implementing mandatory FOPNL as of 2021. Voluntary FOPNLs currently operating have achieved only limited uptake. For example, after 5 years, the voluntary Health Star Rating in Australia (14) was still on less than half of all products, and very few low scoring products, limiting its utility to consumers. A 2018 WHO report (15) has shown that such poor uptake among voluntary FOPNL has also limited public health impact.</p> <p>Helen Keller considers that Principle 4.3.2 should reflect earlier text which stated:</p> <p>4.3.2: FOPNL should be implemented in a way that maximises industry uptake</p> <p>This leaves sufficient autonomy for governments to determine which regulatory settings or other incentives they wish to provide the private sector to achieve this aim.</p> <p>References:</p> <p>(14) Shahid M, Neal B & Jones A. (2020). Uptake of Australia's Health Star Rating System 2014–2019. <i>Nutrients</i> 12(6), https://doi.org/10.3390/nu12061791.</p> <p>(15) Kelly B, Jewell J. What is the evidence on the policy specifications, development processes and effectiveness of existing front-of-pack food labelling policies in the WHO European Region? Copenhagen: WHO Regional Office for Europe; 2018 (Health Evidence Network (HEN) synthesis report 61). (https://www.euro.who.int/__data/assets/pdf_file/0007/384460/Web-WHO-HEN-Report-61-on-FOPL.pdf)</p> <p>Additional comment:</p> <p>Principle 4.1.4 states that “Consideration should be given to both the nutrients and the food groups [...] consumption of which is discouraged and encouraged by these documents.”</p> <p>Principle 4.1.4 should be further amended so that it is applicable to various styles of FOPNL. It currently states that consideration should be given to nutrients and food groups that are both discouraged and encouraged; however, many existing, evidence-based FOPNL – such as “high in” and “excessive of” styles – consider only nutrients and food groups that are to be discouraged. Principle 4.1.4 should be updated to include “/or” after the words “discouraged and” to account for the range of FOPNL systems that exist and are supported by public health research.</p>	
<p>ICBA supports a focus on facilitating consumer use of FOPNL. However, we recommend removing this principle as the intent is already covered by the Purpose as well as by other principles, including 4.2.1, 4.2.3, and 4.3.3 (numbering from previous draft).</p> <p>Should the Committee decide to keep this principle, ICBA suggests substituting the word “encourages” for “facilitates” as follows:</p> <p>FOPNL should be implemented in a way that encourages consumer use of the FOPNL.</p>	ICBA
<p>Yes.</p> <p>However, facilitating consumer use shall not be interpreted in considering interpretative FOPNL - based on scoring systems or nutrition profiles - are more valuable than other systems. Traffic lights may also be viewed as a very simplistic approach.</p> <p>What matters the most in terms of public health and consumer choice at the point of purchase is to provide a FOP information on quantities of nutrients which are available per portion of that food. Information per 100g is already provided on BOPNL and can be used to compare foods within a given category or among different categories from a nutrient-density perspective.</p>	ICGA

GENERAL COMMENTS	MEMBER / OBSERVER
<p>FOPNL schemes should not be discriminating foods consumed in much lower daily quantities than per 100 grams, even if such foods may be dense in some nutrients such as sugar(s). What matters the most is the daily exposure to calories and daily quantities of other ingested nutrients, more than any other type of consideration, in relation to individuals' nutrition needs and lifestyles.</p>	
<p>We support a focus on facilitating consumer use of FOPNL. However, to streamline the text, we recommend removing this principle as the intent is already covered by the Purpose (Section 1) as well as by other principles, including 4.2.1, 4.2.3, and 4.3.3 (numbering from previous draft).</p> <p>Should the Committee decide to keep this principle, we suggest the following language:</p> <p>4.3.2. FOPNL should be implemented in a manner that encourages consumer use and understanding of the nutritional value of food and does not discriminate against food products.</p>	ICGMA
<p>IDF supports the alternative text.</p>	IDF/FIL
<p>We support a focus on facilitating consumer use of FOPNL.</p> <p>Should the Committee decide to keep this principle, we suggest the following amendments:</p> <p>“FOPNL should be implemented in a way that encourages consumer use and understanding of the FOPNL, without discriminating between food products”.</p>	IFU
<p>Yes, we agree to have a focus on facilitating consumers' use of FOPNL, but we propose to add a reference to the principle of non - discrimination, as follows:</p> <p>4.3.2: [FOPNL should be implemented in a way that facilitates consumer use of the FOPNL] and that does not discriminate food products].</p>	International Confectionery Association
<p>Yes, ISDI agrees with the principle and the general flexibility it provides. Consumer understanding shall always be considered when developing front-of-pack labelling systems.</p>	International Special Dietary Food Industries
<p>In our opinion, as the implementation is out the scope of this guideline, reason which was one of the main justifications for eliminating some parts of section 5, therefore, we suggest remove this principle or rewording it to focus on general characteristics of the system as it is easily used by consumers, however, this aspect is already contemplated in principle 4.2.1. Thus, we suggest to remove principle 4.3.2.</p>	The European Federation of the Associations of Dietitians (EFAD)
<p>UNICEF does not agree with this change to focus on facilitating consumer use.</p> <p>Consumer understanding and use of FOPNL is already dealt with in Proposed Principle 4.2.1 which provides: FOPNL should present information in a way that is easy to understand and use by consumers in the country or region of implementation. The format of the FOPNL should be supported by scientifically valid consumer research.</p> <p>In this context, the utility of FOPNL for consumers is primarily related to the format of the evidence-based label design chosen by government.</p> <p>UNICEF considers that it is important to retain a specific focus in Principle 4.3.2 on the need for uptake by industry to be maximized to meet FOPNL's public health objective.</p> <p>While it may not be appropriate for Codex to specify that FOPNL must be mandated, it is also important that nothing in Codex Guidance prevents governments from pursuing mandatory FOPNL where they believe mandatory implementation is necessary to pursue a legitimate public health objective. By 2021, at least 11 countries had already implemented mandatory FOPNL. There is also no</p>	UNICEF

GENERAL COMMENTS	MEMBER / OBSERVER
<p>evidence that voluntary FOPNLs currently operating have achieved high uptake. For example, after 5 years, the voluntary Health Star Rating in Australia and New Zealand was still on less than half of all products, and very few low scoring products, limiting its utility to consumers (Shahid et al, 2020 Nutrients). In European countries which adopted voluntary positive logos in the 1980s and 1990s, poor uptake has also limited public health impact (WHO EURO report).</p> <p>UNICEF considers that Principle 4.3.2 should reflect earlier text which stated:</p> <ul style="list-style-type: none"> 4.3.2: [FOPNL should be implemented in a way that maximises industry uptake] <p>This leaves sufficient autonomy for governments to determine which regulatory settings or other incentives they wish to provide the private sector to achieve this aim.</p>	
<p>WFPHA does NOT agree with this change to focus on facilitating consumer use.</p> <p>WFPHA believe that consumer understanding and use of FOPNL is already dealt with in Proposed Principle 4.2.1 which provides: FOPNL should present information in a way that is easy to understand and use by consumers in the country or region of implementation. The format of the FOPNL should be supported by scientifically valid consumer research.</p> <p>In this context, the utility of FOPNL for consumers is primarily related to the format of the evidence-based label design chosen by government.</p> <p>WFPHA considers that it is important to retain a specific focus in Principle 4.3.2 on the need for uptake by industry to be maximized to meet FOPNL's public health objective.</p> <p>While it may not be appropriate for Codex to specify that FOPNL must be mandated, it is also important that nothing in Codex Guidance prevents governments from pursuing mandatory FOPNL where they believe mandatory implementation is necessary to pursue a legitimate public health objective.</p> <p>By 2021, at least 11 countries had already implemented mandatory FOPNL. There is also no evidence that voluntary FOPNLs currently operating have achieved high uptake. For example, after 5 years, the voluntary Health Star Rating in Australia and New Zealand was still on less than half of all products, and very few low scoring products, limiting its utility to consumers (Shahid et al 2020 https://pubmed.ncbi.nlm.nih.gov/32560224/). In European countries which adopted voluntary positive logos in the 1980s and 1990s, poor uptake has also limited public health impact (WHO EURO Health Evidence Network Report https://www.euro.who.int/__data/assets/pdf_file/0007/384460/Web-WHO-HEN-Report-61-on-FOPL.pdf).</p> <p>WFPHA considers that Principle 4.3.2 should reflect earlier text which stated:</p> <ul style="list-style-type: none"> 4.3.2: FOPNL should be implemented in a way that maximises industry uptake <p>This leaves sufficient autonomy for governments to determine which regulatory settings or other incentives they wish to provide the private sector to achieve this aim.</p>	<p>World Federation of Public Health Associations</p>
<p>Considering the proposed changes to the principles, do you agree with deleting the principle groupings? (Q4)</p>	
<p>Australia supports deleting the principle grouping but suggests Section 4 needs re-formatting with numbers and could be simplified by creating a sub list to reduce duplication of 'FOPNL should'.</p>	<p>Australia</p>
<p>Yes. After the changes made in the section, Brazil understands that it is no longer necessary to adopt the principle groupings.</p>	<p>Brazil</p>
<p>Yes. Colombia agrees to eliminate groupings of principles as all of them correspond to general principles and do not require divisions into more specific categories for their understanding or implementation.</p>	<p>Colombia</p>

GENERAL COMMENTS	MEMBER / OBSERVER
Costa Rica believes that, because of the number of principles proposed, there is no point in maintaining the groupings.	Costa Rica
The Dominican Republic agrees to eliminate groupings of principles.	Dominican Republic
Yes, we agree	Ecuador
Egypt supports deletion of the groupings.	Egypt
The EUMS agree with deleting the principle headings/groupings. However, the EUMS would suggest to keep a number for each of the principles with a view to ease future reference to each specific principle.	European Union
We agree with the approach proposed by the presidents to erase the grouping of principles. Due to significant changes made to the principles in the current document, including the removal of three principles and the shortening of others, these are no longer required for ease of reading nor to improve clarity.	Guatemala
CCFLHN. We agree with the elimination of the groupings; it is much simpler or easier to understand with this new proposal	Honduras
It is suggested to be categorized as 'principle groupings' in order to better understanding and transparency.	Iran
Yes, we do.	Japan
While Kenya had supported the grouping of principles, based on the chair's explanation and challenges associated with placing the principles in specific groups, Kenya supports the deletion of grouping. All the principles are relevant in guiding development of FOPNL and grouping other than presentation is not adding any new value to the section.	Kenya
Malaysia is agreeable with deleting the principle groupings.	Malaysia
Yes. In the present Guidelines there have been significant changes to the principles, including deleting and shortening principles. New Zealand does not consider the principle groupings are still needed for clarity, as was their original intent. New Zealand strongly supports advancing the Guidelines to Steps 5/8 and retaining the groups, which are somewhat arbitrary, may delay finalising the Guidelines as getting agreement on grouping names and principle placement may be challenging and could detract from more critical decisions. Therefore, New Zealand considers that removing the groupings is a pragmatic approach to aid in finalising the Guidelines.	New Zealand
We support the suggestion from the Chairs to no longer consider that the groupings are needed to assist reading and to improve clarity, which was their original intent. In the interest of keeping the guidelines as simple as possible and to aid in finalizing the guidelines the Chairs propose deleting the principle groupings.	Norway
We agree with eliminating groupings	Peru
The Philippines support the deletion of groupings to present the principles/guidelines in a clear and concise way.	Philippines
We support deletion of the principle groupings.	Saudi Arabia
South Africa agrees with deleting the principle groupings. The amended principles stipulated in Appendix II of CX/FL 21/46/6, are simple to read and easy to understand, even though the principles groupings were removed	South Africa
We support the General Principles to be grouped into the proposed categories, since in our opinion it facilitates the reading and adds clarity.	Switzerland

GENERAL COMMENTS	MEMBER / OBSERVER
We support deleting the grouping of Section 4, however, we suggest that the numbering should be provided for ease of reference.	Thailand
Uganda is in agreement with the deletion of principle grouping for they are bulky and confusing	Uganda
We agree. We understand that a single list of principles is more understandable.	Uruguay
The United States supports removing the categories of principles and, instead, having a single set of principles. However, the United States suggests that each principle be identified by a unique and chronological number with Section 4 – e.g., Principle 4.1, Principle 4.2, Principle 4.3.	USA
BEUC agrees with deleting the principle groupings.	BEUC
CEFS agrees with deleting the grouping of the principles, as all of them are related to the development of the FOPNL.	CEFS
Yes, we agree on eliminating the grouping of principles.	Consumers International
FEDIOL does not have specific comments in favour or against this.	Fediol
Yes, we agree that it is not necessary to maintain the principle groupings.	Food Industry Asia
We support deletion of the groupings.	FoodDrinkEurope
Yes, Helen Keller agrees with deleting the principle groupings.	HKI
ICBA supports deletion of the groupings.	ICBA
Yes	ICGA
Yes, ICGMA supports the deletion of the principle groupings.	ICGMA
IDF supports deleting the principle groupings.	IDF/FIL
We support deletion of the groupings.	IFU
Yes, we agree with the deletion of principle groupings (already previously supported) as there is a need to have a more general approach for global guidance in these guidelines.	International Confectionery Association
Yes, ISDI agrees to delete the groupings on principles. The text in section 4 of Appendix II reads more clearly and flows smoothly without further grouping or numbering.	International Special Dietary Food Industries
Since the guideline is intended to facilitate the use of FOPNLs, the fact that they are grouped by type of characteristic (general, format, development and evaluation), can facilitate access to the information. Thus, we suggest to retain the grouping principles.	The European Federation of the Associations of Dietitians (EFAD)
UNICEF agrees with the proposed deletions.	UNICEF

GENERAL COMMENTS	MEMBER / OBSERVER
Yes WFPHA agree with the proposed deletions	World Federation of Public Health Associations
Consider if the Guidelines are ready to advance to Step 5/8 or 5	
It could support the progress to Step 5 and not as an accelerated Step 5/8, because there is a document currently being discussed which is closely related to the FOPNL. This discussion paper is on the General Guidelines for Nutrient Profiling and is under discussion within the Codex Committee on Nutrition and Food for Special Regimes.	Argentina
Australia notes the eWG Chairs comments on the rapidly changing FOPNL landscape and the need to progress the guidance in a timely manner. Subject to discussion at CCFL46 we would support progression to Step 5 to allow further consideration of text.	Australia
Colombia considers that the guidelines can be brought forward to Step 5 taking into account the relevance of the issue, the progress made in several countries in the definition of FOPNL systems and the additional work carried out by the eWG within the framework of the COVID19 health emergency.	Colombia
Costa Rica supports the advancement of the guidelines to Step 5/8, in order to provide a scientific and globally harmonized basis for the establishment of FOPNL systems. In addition, it is important that the document should not lose validity and to define this way how can the CCNFSDU collaborate with it.	Costa Rica
We believe that the guidelines can be advanced to Step 5/8.	Ecuador
The EUMS consider that some further discussions and redrafting is necessary before being able to advance to Step 5/8 or 5.	European Union
CCFLHN: We agree to move forward to Step 5, as there are still certain details that could help improve understanding and implementation of the guideline, such as: this paragraph "These guidelines can also be used as a guide in the event that simplified nutrition information is displayed near the food (e.g., shelf labels or food services), for unpacked food or for food sold online (e.g., point-of-purchase information on websites)."	Honduras
Malaysia is of the view that the Guidelines are ready to advance to Step 5.	Malaysia
New Zealand strongly supports advancing the Guidelines to Steps 5/8. As noted in the Agenda Paper (CX/FL 21/46/6) the front-of-pack nutrition labelling landscape is changing rapidly, with several new systems implemented since CCFL45 or planned for implementation. It is imperative that this Codex Guideline is progressed and finalised as a matter of priority in order for the Guidelines to meet their agreed purpose to "provide general guidance to assist in the development of front-of-pack nutrition labelling..."	New Zealand
We find it difficult to give an answer to the question at the moment. The discussions and recommendations in the session have to be considered before an answer is given.	Norway
It is agreed that the procedure should be advanced to Step 5.	Peru
South Africa is of the opinion that the Guidelines could be ready to advance to step 5. The Guidelines contained simplified and appropriate guidance that will help in facilitating consumers understanding and use of the FOPNL.	South Africa
We support the advancement of this draft to Step 5/8.	Thailand

GENERAL COMMENTS	MEMBER / OBSERVER
Uganda supports the advancement and adoption of the guideline at step 5/8 to act as a guide as well as expediting a number of aspects captured there in	Uganda
Once the UK's above comments have been addressed, the UK would support the Guidelines to advance to Step 5/8.	United Kingdom
<p>We take this opportunity to communicate our comments regarding two principles which together with the previous comments, we consider relevant to take into account before advancing the guideline to Step 8. Optionally it could be approved in step 5 and allow another round of comments.</p> <p>Principles and comments:</p> <p>Principle - The FOPNL should be aligned with evidence-based national or regional dietary guidance or, failing that, with health and nutrition policies. Both nutrients and food groups whose consumption is discouraged and encouraged by these documents should be taken into account.</p> <p>Proposal: Uruguay proposes to delete the second sentence of the principle, "It should be ... these documents" Justification: Uruguay considers that the FOPNL should take into account nutrients whose consumption is discouraged in national dietary guidelines and/or international recommendations; we do not share the opinion that food groups whose consumption is encouraged should be included, as evidence indicates that systems that report the presence of nutrients whose consumption is discouraged are more effective. On the other hand, there are already guidelines on claims that allow to highlight the positive aspects of food.</p> <p>Principle -The FOPNL should be accompanied by a consumer awareness and education/information program to increase consumer understanding and use of the system.</p> <p>Proposal: Uruguay proposes to eliminate "awareness and".</p> <p>Justification: We understand that "awareness" is something typical of the individual and not something within the reach of those who implement the frontal labeling. It is typical of the one who receives the education/information; therefore, it is not controllable from the outside, and it is more complex to measure. We understand, however, that the government that implements these types of measures must provide an education/information program to the consumer.</p>	Uruguay
The United States notes the upcoming two-day FOPNL working group prior to the CCFL46 plenary session. The working group will generate a lot of discussion and feedback for consideration and, in addition, all of the responses to this Circular Letter will be presented to the Committee at plenary. If all of the feedback from both the working group and the Circular Letter responses are adequately addressed and agreed to by consensus by the Committee, then the United States would support progressing the guidance at CCFL46 (2021) and recommending final adoption at Step 5/8 at CAC44 (2021).	USA
<p>Until the content of these Guidelines is finalized, BEUC does not have a final position on their best placement.</p> <p>We request the Codex Secretariat, and/or the WTO Secretariat to provide advice on any difference in the legal status of the Guidelines under the above three options, for example, for the purposes of consideration of whether they constitute a relevant international standard for the purposes of WTO law.</p> <p>Additional points: BEUC would also like to take the opportunity to object to the proposed deletion of Principle 4.3.5. ('FOPNL should be based on a standard reference amount') as supported by the majority of EWG correspondents. Although a general reference to the need for FOPNLs to facilitate consumer comparisons is mentioned in Principle 4.2.3. we believe it is still very relevant to include this specific reference to 'standard reference amounts' as a standalone principle. A standard reference amount such as per 100g/ml is not a</p>	BEUC

GENERAL COMMENTS	MEMBER / OBSERVER
<p>recommendation for a 'reasonable portion of food' but rather, an essential element of a FOPNL to allow consumers to quickly and easily compare products in time-pressured environments such as the supermarket. A portion-based FOPNL places the onus on the consumer to make complex and time-consuming calculations between various products, thereby reducing the potential effectiveness of such a label in assisting consumers to make more informed healthier choices.</p>	
<p>Step 5</p>	<p>ENCA</p>
<p>FEDIOL considers that the text is ready to advance into next step.</p>	<p>Fediol</p>
<p>We believe that the Guidelines are ready to advance to Step 5/8. Considering the arguments made by the Chairs in the Agenda Paper that: "FOPNL landscape is changing rapidly with several new systems implemented since CCFL45 or planned for implementation", FIA supports adoption at step 5/8 at CCFL46 if consensus is reached at CCFL46 and the related working group prior to the plenary. FIA notes that the text would still be shared for written comments via a Circular Letter after CCFL46.</p>	<p>Food Industry Asia</p>
<p>We believe that this depends on whether consensus is reached at CCFL46 and the related working group prior to the plenary.</p>	<p>FoodDrinkEurope</p>
<p>Helen Keller strongly believes that this text is only ready to go to Step 5 as there are significant issues that require further consultation, particularly around conflicts of interest, flexibility for governments to choose different types of FOPNL systems as evidence evolves and maximizing industry uptake. In addition, the outcomes of the discussions at the 46th CCFL could be significant and will likely require further consideration and consultation by countries. Further, considering both the rapid developments in this field with growing evidence and the work being considered by the CCNFSDU, this document should only progress to step 5. Helen Keller agrees that while progress is necessary at this meeting, given that the "FOPNL landscape is changing rapidly", decision-making on FOPNL guidance should not be rushed. Due process should be followed to allow countries sufficient time to consider the guidance in their own national context, especially as FOPNL relates to addressing country specific public health issues.</p>	<p>HKI</p>
<p>ICBA believes that this depends on whether consensus is reached at CCFL46 and the related working group prior to the plenary.</p>	<p>ICBA</p>
<p>ICGA notes that the proposed draft guidelines are going first to be discussed by a pre-session working group and then by the CCFL46 plenary meeting. Perhaps, there will be some remaining aspects which may require further work or consultations to reach consensus on. The most likely scenario is to suggest advancing the future revised text at Step 5 to help ensure a last round of comments on possible remaining issues (identified in the CCFL46 report and its relevant appendix in square brackets). ICGA aims at helping CCFL to advance these draft Guidelines as far as it can, if it results in an overall consensus on its workable core elements.</p>	<p>ICGA</p>
<p>We believe this is dependent on whether consensus is reached at CCFL46 and the related working group prior to the plenary.</p>	<p>ICGMA</p>
<p>IDF generally supports advancement to Step 5/8, but this is dependent on the outcome of the WG and that consensus is achievable at CCFL 46.</p>	<p>IDF/FIL</p>
<p>We believe that this depends on whether consensus is reached at CCFL46 and the related working group prior to the plenary</p>	<p>IFU</p>
<p>Yes, however, this depends on whether consensus is reached at CCFL46 and the related working group prior to the plenary.</p>	<p>International Confectionery Association</p>
<p>Yes, ISDI believes that significant progress has been made since CCFL45 and the Guidelines are ready to be advanced to step 5. Considering the arguments made by the Chairs in the Agenda Paper that: "FOPNL landscape is changing rapidly with several new systems implemented since CCFL45 or planned for implementation", ISDI could consider adoption at step 5/8 at CCFL46 if discussions progress significantly at the meeting. ISDI notes that the text would still be shared for written comments via a Circular Letter after CCFL46.</p>	<p>International Special Dietary Food Industries</p>

GENERAL COMMENTS	MEMBER / OBSERVER
We believe that it contains all the elements needed and has been sufficiently discussed to continue in its process to advance to next steps.	The European Federation of the Associations of Dietitians (EFAD)
UNICEF believes there are still significant outstanding issues that require further consultation before the Guidelines are ready to advance to Step 5/8, in particular issues around conflicts of interest, flexibility for governments to choose different types of FOPNL systems as they evolve, and maximizing industry uptake.	UNICEF
WFPHA believes there are still significant outstanding issues that require resolution before the Guidelines are ready to advance to Step 5/8 or 5, in particular issues around safeguarding FOPNL from conflicts of interest, flexibility for governments to choose different types of FOPNL systems as evidence emerges, and maximizing industry uptake of FOPNL to support their public health aims.	World Federation of Public Health Associations
Consider whether the Guidelines will be part of section 5 "supplementary nutrition information" of the Guidelines on Nutrition Labelling (CXG 2-1985), an annex to the Guidelines on Nutrition Labelling (CXG 2-1985), or a stand-alone document.	
In line with the answer to question 5 regarding the FOPNL Guidelines, they could be included as an annex to the Guidelines on Nutrition Labelling (CXG 2-1985), as the topic is linked to the nutritional value of food and the objective is to provide a guidance tool for its implementation.	Argentina
Australia notes the purpose of the Guidelines on Nutrition Labelling (CXG 2-1985) is to ensure that nutrition labelling is effective by, amongst other things, providing the opportunity to include supplementary nutrition information on the label. We therefore support the placement of these Guidelines as an Annex to Section 5 of CXG 2-1985 as this reflects the decision at CCFL45 that FOPNL is a form of supplementary nutrition labelling, and by including as an annex provides a level of separation that the guidelines are specific to FOPNL.	Australia
Brazil would prefer to place the Guidelines on FOPNL as part of the Guidelines on Nutrition Labelling. It could be part of section 5, that deals with supplementary nutrition information, or as an Annex to section 5. This approach would keep all relevant Codex guidance on nutrition labelling in one document. In addition, it would help ensuring consistency between provisions and would facilitate future amendments.	Brazil
Colombia agrees that the text should not be handled as a separate document. However, there was no consensus on whether they should be part of Section 5 or as an annex to the Guidelines on Nutrition Labelling (CXG 2-1985).	Colombia
Costa Rica considers that the best location for the document would be as an annex to the Guidelines on Nutrition Labelling, as they are clearly related to the content of that document.	Costa Rica
<p>Dominican Republic agrees with bullet 2 "as an annex to Section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985)".</p> <p>The Dominican Republic considers that, by placing the guidelines as an annex to Section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985), it links the guidelines to the requirements for supplementary nutrition labelling (which supports the Committee's decision taken during the CCFL45 when it agreed that the purpose of these guidelines is for the FOPNL to be a form of supplementary nutrition labelling), but it provides a level of separation in the sense that the FOPNL is indeed a form of supplementary nutrition labelling, but that the guidelines are unique to FOPNL.</p>	Dominican Republic
We consider that the guidelines should form part of Section 5 "Supplementary Nutritional Information".	Ecuador

GENERAL COMMENTS	MEMBER / OBSERVER
Egypt recommends these guidelines make sense as a part of CXG 2-1985, as they are clearly related to the content of that document. Because Section 5 applies to all supplementary nutrition labelling, not just FOPNL, the text would be more appropriate as an annex to the document. If the text is ultimately placed within Section 5, it may be advisable to review for further opportunities to streamline the resulting text.	Egypt
The EUMS suggest including the Guidelines on FOPNL, once finalized, as an Annex to Section 5 of the existing Guidelines on Nutrition Labelling (CAC/GL 2-1985).	European Union
For the following principle in section 4, the FOPNL should be aligned with regional dietary guidelines based on scientific evidence or, in its absence, on global health and nutrition policies. We think that the consideration of the FOPNL should be specifically about nutrients, which are the ones of concern from a public health perspective, while "food groups" is a broad general designation, which could be misinterpreted for entire categories of food.	Guatemala
We consider that the best option is the following: As an annex to section 5 of the Guidelines on Nutrition Labelling (GCX 2-1985). Justification: As set out in section (vi) Location of the FOPNL Guidelines, to include the guidelines as an annex to section 5 is consistent with the purpose of these guidelines as it avoids losing sight of the fact that the FOPNL is a form of complementary nutrition labelling. On the other hand, this option provides an adequate level of separation in the sense that FOPNL is a form of complementary nutrition labeling, but the guidelines described are only for the FOPNL.	
CCFLHN. We believe that the option, as an annex to Section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985), is the one that can be most helpful in linking the FOPNL with the importance of the nutritional information that is placed on the labels	Honduras
Indonesia prefers the guideline on FOPNL is placed as an Annex to section 5.	Indonesia
It could be considered as a stand-alone document.	Iran
Kenya supports inclusion of FOPNL as an annex to CXG 2. Kenya appreciates that FOPNL is a component of nutrition labelling as defined in CGL 2 section 2 (definitions) as supplementary nutrition information. There as is the case of Nutrient declaration which is also a component of nutrition labelling, FOPNL which at present may be one of the supplementary information should be annexed to CXG	Kenya
Malaysia is of the view that Guidelines on FOPNL should be placed as an Annex to section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985) rather than stand alone document. Annexing this Guideline on FOPNL to the Guidelines on Nutrition Labelling will allow appropriate and easy reference be made under one document.	Malaysia
New Zealand considers the Guidelines should be provided as an annex to the Guidelines on Nutrition Labelling (CXG 2-1985). It has been agreed that Front-of-pack nutrition labelling is a form of supplementary nutrition information. Therefore, these guidelines should be read alongside section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985). To facilitate this, New Zealand thinks it is important to include these within the Guidelines on Nutrition Labelling (CXG 2-1985), rather than as a stand-alone document. New Zealand's preference is for these to be included as an annex because these provide separate guidance specific to the development of front-of-pack nutrition labelling, which is not applicable to all forms of supplementary nutrition information. Further, we consider providing these as an annex will ease readability and improve clarity as opposed to including these as part of section 5. Our understanding, based on previous advice provided by the Codex secretariat, is that the placement of the Guidelines does not change their legal status.	New Zealand
We do not favour placing the guidelines as a stand-alone document risks losing the link with the requirements for supplementary nutrition labelling. We think placing the guidelines as an Annex to section 5, links the guidelines to the requirements for supplementary nutrition labelling (which supports the decision of the Committee at CCFL45 when agreeing the purpose for these guidelines that	Norway

GENERAL COMMENTS	MEMBER / OBSERVER
FOPNL is a form of supplementary nutrition labelling) but provides a level of separation that FOPNL is a form of supplementary nutrition labelling but that the guidelines are unique to FOPNL.	
We consider that the FOPNL guidelines should be an annex to the Guidelines on Nutrition Labelling (CXG 2-1985).	Peru
The Philippines prefers the placement of Guidelines on FOPNL as Letter A – part of section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985). This is to emphasize that these FOPNL guidelines are related to and is an important part of Nutrition Labeling Guidelines.	Philippines
Saudi Arabia in position of standalone standard for this document.	Saudi Arabia
In order to be in line with the purpose for these guidelines, South Africa considers the Guidelines to be included as an Annexure to section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985). Section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985) already provides provisions for supplementary nutrition information, and on the purpose of these guidelines, FOPNL is regarded as a form of supplementary nutrition information.	South Africa
In Switzerland's Opinion the best solution would be to include the FOPNL draft in annex 5 go the Guidelines on Nutrition Labelling, in order to keep its link to the main Labeling Guidelines without creating confusion (by e.g. including it in the Guidelines Section 5).	Switzerland
We prefer the placement of the Guidelines on FOPNL as an Annex to Section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985).	Thailand
Uganda proposes that the guidelines be part of section 5 "supplementary nutrition information" of the Guidelines on Nutrition Labelling (CXG 2-1985)	Uganda
The UK does not have a strong preference on the placement of the FOPNL guidelines. However, the UK notes that the current proposed draft of the FOPNL guidelines defines FOPNL as 'supplementary labelling' and the pre-existing Guidelines on Nutritional Labelling (CXG 2-1985) states that "The use of supplementary nutrition information on food labels should be optional and should only be given in addition to, and not in place of, the nutrient declaration, except for target populations who have a high illiteracy rate and/or comparatively little knowledge of nutrition." Since the Guidelines on Nutritional Labelling (CXG 2-1985) was drafted countries around the world have chosen to mandate a form of FOPNL. We also note that the proposed draft FOPNL guidelines no longer contains wording which made it clear FOPNL could be introduced on a mandatory or voluntary basis, dependent on country discretion. The UK is therefore concerned that there could be ambiguity whether countries can mandate a form of FOPNL. This would be amplified if the FOPNL guidelines we placed within or as an annex to the Guidelines on Nutritional Labelling (CXG 2-1985). The UK is interested to hear the views of other countries on this issue.	United Kingdom
We believe that it can be document independent from the supplementary nutrition information document	Uruguay
The United States believes that this guideline belongs either in Section 5 of the Guidelines on Nutrition Labelling or as an Annex to the Guidelines on Nutrition Labelling (CXG 2-1985). The United States looks forward to the perspectives of other Members as part of the upcoming working group meeting.	USA
<p>We would like to have more information on the difference between an annex and directives in terms of use and legal implications to determine where these directives should be placed.</p> <p>Until the content of these Guidelines is finalized, we not have a final position on their best placement. One option is that is remains an annex but we request the Codex Secretariat, and/or the WTO Secretariat to provide advice on any difference in the legal status of the Guidelines under the above three options, for example, for the purposes of consideration of whether they constitute a relevant international standard for the purposes of WTO law.</p>	Consumers International

GENERAL COMMENTS	MEMBER / OBSERVER
second option annex	ENCA
FEDIOL considers that the present guidelines could be a stand-alone document.	Fediol
We prefer the placement of the Guidelines on FOPNL as an annex to section 5 of the Guidelines on Nutrition Labelling to link the guidelines to the requirements for supplementary nutrition labelling whilst providing a level of separation to emphasize that the guidelines are unique to FOPNL.	Food Industry Asia
We believe these guidelines make sense as a part of CXG 2-1985, as they are clearly related to the content of that document. Because Section 5 applies to all supplementary nutrition labelling, not just FOPNL, we believe the text would be more appropriate as an annex to the document. We note that if the text is ultimately placed within Section 5, it may be advisable to review for further opportunities to streamline the resulting text.	FoodDrinkEurope
Helen Keller International recommends the Guidelines on FOPNL be a separate standalone document. Thus, the Guidelines on Nutrition Labelling, which predominantly deal with nutrient declaration, would stay as such. The new stand-alone document would cover the very different issue of FOPNL. By having 2 documents one would avoid mixing up nutrient declaration with FOPNL that are two totally different concepts - Nutrient declaration can be considered necessary for transparency in accurately informing a consumer what is in the product without making any judgement. FOPNL however has a very specific public health purpose in highlighting the quantity of nutrients of concern and/or benefit in food products. This stand-alone document would then have the text that is being worked on by CCFL and could have an Annex for the work that CCFSDU will be doing on developing guidelines for establishing nutrient profiles.	HKI
ICBA believes these guidelines make sense as a part of CXG 2-1985, as they are clearly related to the content of that document. Because Section 5 applies to all supplementary nutrition labelling, not just FOPNL, we believe the text would be more appropriate as an annex to the document. We note that if the text is ultimately placed within Section 5, it may be advisable to review for further opportunities to streamline the resulting text.	ICBA
Because (a) all Codex texts (standard, guidelines, recommended codes of practice), annexes, footnotes, supplementary information or even CAC statements, have actually the same recognized status in the purview of WTO's - SPS and TBT - Agreements and (b) the whole Codex Alimentarius compendium of texts is voluntary by nature, it does not really matter. However, given that such FOPNL guidelines relate exclusively to a supplementary form of presentation of nutrition labelling, ICGA is of the view it makes much more sense to have them included in the Guidelines on Nutrition Labelling (CXG 2, latest version) as an Annex.	ICGA
ICGMA believes that the most suitable option is the placement of these Guidelines as an annex to Section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985). Because Section 5 applies to all supplementary nutrition labelling, not just FOPNL, we believe the text would be more appropriate as an annex to the document. We note that if the text is ultimately placed within Section 5, it may be advisable to review for further opportunities to streamline the resulting text.	ICGMA
IDF supports capturing the Guidelines as an annex to the Guidelines on Nutrition Labelling (CXG 2-1985). IDF's recommendation is based on the IDF principle that the FOPNL should follow and correspond to a more detailed nutrition label elsewhere on the packaging. As a result, IDF supports solutions that keep the FOPNL guidance linked to the Guidelines on Nutrition Labelling (CXG 2-1985). We agree the clearest way to do this is as an annex, as inclusion in Section 5 would make it unnecessarily long.	IDF/FIL
We believe these guidelines make sense as a part of CXG 2-1985, as they are clearly related to the content of that document. Because Section 5 applies to all supplementary nutrition labelling, not just FOPNL, we believe the text would be more appropriate as an annex to the document.	IFU

GENERAL COMMENTS	MEMBER / OBSERVER
<p>We believe the most suitable option is the placement of these Guidelines as an Annex to section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985).</p> <p>OTHER COMMENTS: In Section 4, we believe the following concepts should be addressed..</p> <ul style="list-style-type: none"> • FOPNL should be objective and non-discriminatory and should not exploit fear in the consumers in accordance to CODEX General Guidelines on Claims (CXG 1 1979, section 3.5). • FOPNL should be a form of supplementary nutrition information, serving as a tool to facilitate the consumer's understanding of the contribution or importance of a food to the diet, and not a sole means to reformulate products. • FOPNL should properly take into account the role of portions in a balanced diet. • FOPNL should empower consumers to make informed food choices in order to help them follow healthy diets • FOPNL should not be used as the basis of punitive actions or utilized in such a manner that it hinders trade 	<p>International Confectionery Association</p>
<p>ISDI considers that the Guidelines could be annexed to CXG 2-1985 or inserted in Section 5.</p>	<p>International Special Dietary Food Industries</p>
<p>We consider that it should be included in section 4 "supplementary nutrition information" of the Guidelines on Nutrition Labeling (CXG 2-1985) http://www.fao.org/3/y2770e/y2770e06.htm#TopOfPage since FOPNL schemes respond exactly to the definition in the section "Supplementary nutrition information is intended to increase the consumer's understanding of the nutritional value of their food and to assist in interpreting the nutrient declaration". Keeping it as a stand-alone document can contribute to making the information difficult to access, and we do not believe that it should be an annex, as long as it is sufficient solid and informative to complete the information provided in "supplementary nutrition information" section.</p>	<p>The European Federation of the Associations of Dietitians (EFAD)</p>
<p>On the basis of the current draft text, UNICEF considers that the Guidelines should be a stand-alone document.</p>	<p>UNICEF</p>
<p>On the basis of the text in the current draft, WFPHA support the Guidelines being a standalone document.</p> <p>We would welcome more information being presented by the Codex Secretariat at the CCFL pre-meeting on the legal significance of these alternatives.</p>	<p>World Federation of Public Health Associations</p>
SPECIFIC COMMENTS	
1. PURPOSE	
<p>As noted in our general comments above, the United States supports that the Purpose section is focused on the consumer. However, the United States believes that another important purpose of FOPNL is to provide a common framework for industry that may spur reformulation and innovation. Including a dual-focused purpose (both on consumers and industry) will allow FOPNL to provide the appropriate balance between the needs of consumers for information to make informed choices and industry for common framework that will encourage the development of more nutritious options through reformulation and an incentive to innovate.</p> <p>Therefore, the United States offers the following edits to Section 1 – Purpose for consideration by the Committee:</p> <p>“Provide general guidance to assist in the development of front-of-pack nutrition labelling (FOPNL), a form of supplementary nutrition information, as a tool to facilitate the consumer’s understanding of the nutritional value of the food and their choice of food {and as a framework to assist industry in offering consumers with more nutritious options through reformulation and innovation}, consistent with the national dietary guidance or health and nutrition policy of the country or region of implementation.”</p>	<p>USA</p>

GENERAL COMMENTS	MEMBER / OBSERVER
<p>Provide general guidance to assist in the development of front-of-pack nutrition labelling, a form of supplementary nutrition information, as a tool to facilitate the consumer's understanding of the nutritional value of the food and their choice of food and as a framework to assist industry in offering consumers with more nutritious options through reformulation and innovation, consistent with the national dietary guidance or health and nutrition policy of the country or region of implementation.</p>	
<p>This text has been agreed.</p>	<p>HKI</p>
<p>The Institute of Food Technologists (IFT) thanks the Chair and EWG for the opportunity to comment on FOPNL and supports the important step of developing guidelines on FOPNL. The overall concern for IFT is for FOPNL measures to be focused with a science basis, both food, nutrition and consumer science. To help this framing, IFT provides additional suggestions and considerations for revising the principles in our comments below. IFT also would propose the addition of another principle to the set the EWG has already defined, which we added comment for at the bottom of the principles listed. Document CX/FL 21/46/6 lists food groups to exclude from FOPNL. IFT supports exclusion for the texts listed under paragraph 18 of section 2.2.</p>	<p>IFT</p>
<p>2. SCOPE</p>	
<p>Foods for infants and young children and formulas should not be automatically excluded from FOPNL. Other nutrient profiles, Codex standards, or international laws (e.g., WHO Code on the Marketing of Breastmilk Substitutes) may apply to infant formula and food for young children. However, this is not a reason to categorically exclude such foods and products from FOPNL systems, provided that policies are applied consistently.</p> <p>International organizations that set guidelines for infant feeding indicate that children from 6 to 24 months of age should not consume added sugars. However, many products marketed for consumption by children within this age range contain relatively high quantities of sugar. FOPNL could provide useful information to caregivers in this respect. (See, e.g., WHO EURO report (2019).)</p> <p>There is documented widespread promotion – including messaging on product packages – of foods high in nutrients of concern for young children, such as complementary foods and beverages intended for children under 36 months. For example, this is clearly outlined in the WHO's Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children Implementation Manual(2017). Such inappropriate promotion can confuse consumers and caregivers about the nutrition qualities of these foods. In this context, FOPNL could be a valuable tool to support caregivers in better understanding the nutritional quality of such foods and to protect young children. Therefore, the products covered by the Codex guidelines noted above should not be categorically excluded in the FOPNL Guidelines.</p> <p>South Africa does not support exclusion of the following Standards and Guidelines in square brackets: [standard for Canned Baby Foods (CXS 73-1981), Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981) as well as Guidelines on Formulated Complementary Foods for Older Infants and Young Children (CXG 8-1991)].</p> <p>Food products covered by the above-mentioned standards and guidelines could be formulated with a variety of ingredients that could contain significant quantities of nutrients of concern, such as sugar, salt and fats.</p>	<p>South Africa</p>
<p>The United States supports the text in the Scope section of the guideline as well as the exemptions. The experience of the United States with FOPNL has found that additional clarity around the exemption and the scope of FOPNL may be helpful. Additional clarity is needed to ensure that foods imported in non-retail containers intended for further processing and non-retail packaged foods intended for catering purposes are exempted from FOPNL.</p> <p>Therefore, the United States offers the following edits to Section 2.3 for consideration by the Committee:</p>	<p>USA</p>

GENERAL COMMENTS	MEMBER / OBSERVER
<p>“2.3 Additionally, certain prepackaged foods may be exempted (footnote) from FOPNL. These may include foods exempted from bearing a nutrient declaration on the basis of nutritional or dietary insignificance or small packaging as described in the Guidelines on Nutrition Labeling (CXG 2-1985), {and foods packaged in non-retail containers intended for further processing or catering purposes}.”</p>	
<p>We support the proposed revisions to Section 2 (Scope) and Section 3 (Definition of Front-of-Pack Nutrition Labelling (FOPNL)).</p>	Food Industry Asia
<p>We agree with the purpose, the scope and the exceptions. Nevertheless, we are of the opinion that clauses under 2.3 should be moved to 2.1 or become a footnote to 2.1 because the detail is in line with 2.1.</p>	Thailand
<p>ICBA supports the proposed revisions to Section 2 (Scope)</p>	ICBA
2.1	
<p>It is suggested to modify the second line of the text, to read as follows:</p> <p>Provide general guidance to assist in the development of the front of packaging nutritional labeling, with complementary nutritional information, as a tool to facilitate the consumer's understanding of the nutritional value of food as well as their food choice, in accordance with the national dietary guidance or the health and nutrition policies of the country or region of implementation.</p>	Ecuador
2.2	
<p>The EUMS agree that countries may wish to exclude specific types of foods 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.</p> <p>The EUMS suggest to modify section 2.2. as follows:</p> <p>2.2. Certain foods may be excluded [footnote] from using FOPNL. [footnote] Exclusions are foods that are not allowed to use FOPNL</p>	European Union
<p>Additional concerns to support public health objectives of FOPNL:</p> <p>Paragraph 18, Section 2.2 Exclusion of alcoholic beverages</p> <p>UNICEF broadly agrees that FOPNL should not be used to suggest any alcohol is ‘healthy’, or to promote one type of alcohol over another. However, depending on the type of FOPNL system chosen, it may be appropriate to include alcohol in the FOPNL without promoting alcohol.</p> <p>Consumers may benefit from the use of FOPNL on alcoholic beverages as they can be a large source of calories in the diet, and some prepackaged mixed alcoholic beverages also contain significant quantities of added sugar. In addition to the many harms associated with alcohol intake, this may lead to excess energy intake and weight gain, contributing further to the increased burden of non-communicable diseases.</p> <p>Whether including alcoholic beverages is appropriate will depend on the type of FOPNL used and the nutrient profiling model applied. UNICEF considers that it is not appropriate to use positive elements on alcohol labelling (either endorsement style logos, positive scores from summary indicator labels, or colour-coded “traffic light” style systems). However, FOPNL for alcoholic beverages may be</p>	UNICEF

GENERAL COMMENTS	MEMBER / OBSERVER
<p>used in systems with negative elements, such as “high-in” style labels for calorie/energy content or sugars. It may be necessary to develop a separate (more appropriate) nutrient profile model, however this decision should be left to governments.</p> <p>Therefore, UNICEF does not agree that alcohol should be automatically excluded from FOPNL in these Guidelines, as governments are best placed to decide how to design the most appropriate measures.</p> <p>UNICEF proposes the amended wording to read: ‘FOPNL should not be used in any way that promotes alcohol consumption.’</p> <ul style="list-style-type: none"> • Paragraph 18, Section 2.2 Exclusion for foods and products intended for infants and / or young children The exclusion for products covered by the following Codex guidelines should not be maintained: • Guidelines on Formulated Complementary Foods for Older Infants and Young Children (CXG 8- 1991), • Standard for Canned Baby Foods (CXS 73-1981), and • Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981). <p>UNICEF also recommends against excluding:</p> <ul style="list-style-type: none"> • Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants (CXS 72-1981) and • Standard for Follow-up formula (CXS 156-1987). <p>Foods for infants and young children and formulas should not be automatically included or excluded from consideration for national FOPNL systems, particularly for products that are intended for infants and/or young children ages six months old or older. Other nutrient profiles, Codex standards, or international laws (e.g., WHO Code on the Marketing of Breastmilk Substitutes) may apply to infant formula and food for young children. However, this is not a reason to categorically exclude such foods and products from all FOPNL systems, provided that policies are applied consistently.</p> <p>International organizations that set guidelines for infant feeding indicate that children from 6 to 24 months of age should not consume added sugars. However, many products marketed for consumption by children within this age range contain relatively high quantities of sugar, including from sugar added by the manufacturer. UNICEF is very concerned by the added sugar content of these products, as consumption of sweet foods can cause a range of diet-related chronic disease and in young children contributes to a preference for such foods, with the potential to set lifelong taste preferences for sugar. Recent research published in April 2021 in the journal <i>Maternal and Child Nutrition</i> under the title ‘Sugar content and nutrient content claims of growing-up milks in Indonesia’, found that:</p> <ul style="list-style-type: none"> • Almost all (97%) growing-up milks contained one or more added sugars and had sugar content in excess of global recommendations, making them inappropriate for young children. • The median total sugar content was 7.3 g per 100 ml, similar to sugar content levels in sugar-sweetened beverages. • Almost three quarters (71%) had a high sugar content according to the UK FSA front-of-pack system and would be required to carry a warning. • Despite high sugar content, growing-up milks made extensive use of nutrient content claims on their labels. <p>Applying a nutrient-based FOPNL system (with an adjusted nutrient profile as necessary) may be an effective way to inform consumers of concerns. For example:</p> <ul style="list-style-type: none"> • In a 2020 paper by Scarpelli et al., the most commonly consumed food and beverage products in Chile, including ‘foods for special diets (e.g., babies formula and baby foods)’, were analyzed against the front-of-pack ‘high in’ warning label of Chile’s Food Labeling and Advertising Law. As of 2019, 40% of baby formulas and baby foods analyzed were ‘high in’ sugar and 20% were ‘high in’ saturated fats. 	

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<ul style="list-style-type: none"> From the 2019 WHO Europe report, among commercially available complementary foods (instant cereals, purees, meals, and finger foods/snacks marketed for children <36 months of age) identified, 53% of products in the United Kingdom, 57% in Denmark and 44% in Spain had total sugar content exceeding the WHO Europe threshold that recommends a front-of-pack sugar warning. In a 2014 paper by Elliott & Conlon, 45% of commercial complementary food products in the USA were classified as having ‘high’ sugar content, with over 20% of their energy content derived from sugar (the limit recommended by the American Heart Association). <p>There is also documented widespread promotion – including messaging on product packages – of foods high in nutrients of concern for young children, such as complementary foods and beverages intended for children under 36 months. For example, this is clearly outlined in the WHO’s Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children Implementation Manuel (2017). Such inappropriate promotion can confuse consumers and caregivers about the nutrition qualities of these foods. In this context, FOPNL could be a valuable tool to support caregivers in better understanding the nutritional quality of such foods and to protect young children. Therefore, the products covered by the Codex guidelines noted above should not be categorically excluded in the FOPNL Guidelines. It may be that a different nutrient profile model would need to be developed to reflect the nutritional requirements of young children and the nature of these products, but there is no reason not to provide information to caregivers around the product composition.</p> <p>Considering their inappropriately high sugar content, without a national front-of-pack labelling system to warn caregivers, many growing-up milks and other foods for infants and young children may appear to be nutritionally suitable for young children.</p> <p>One reason stated by reviewers of CX/FL 21/46/6 for the exclusion of ‘foods for young children’ is “that this population group has specific Codex standards and guidelines that establish criteria according to their needs and it is up to the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) to address these issues.”</p> <p>However, upon review of the relevant Codex standards, it is apparent that these standards are not fully protective in addressing the most common nutrients of concern for diets, including diets of infants and young children, such as total sugar, added/free sugar, sodium/salt, total fat, saturated fat, and trans-fatty acids.</p> <p>Specifically, the Guidelines on Formulated Complementary Foods for Older Infants and Young Children (CXG 8-1991) contain no guidelines on nutritional composition thresholds for nutrients of concern. The Standard for Canned Baby Foods (CXS 73-1981) only contains requirements for sodium/salt content, and no specifications for total sugar, added/free sugar, sodium/salt, total fat, saturated fat or trans-fatty acid contents. And while the Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981) contains requirements for sodium content, it does not include requirements for total sugar or trans-fatty acid contents and contains a requirement for saturated fat content for only one category of products (dried cereals with added protein to be prepared with water).</p> <p>Given these gaps in these referenced Codex guidelines and standards in their protection against inappropriate levels of nutrients of concern for public health, products marketed for infants and young children below 36 months of age should not be automatically excluded from CCFL FOPNL guidelines. This does not mean that they should be included, and the Guidelines may benefit from a statement that some types of positive FOPNL systems will not be appropriate for foods for young children. However, the ultimate decision should be left to the member state to include or exclude as appropriate for the FOPNL they choose to adopt.</p>	
<p>Indonesia prefers to use the previous section 2.2 and it is up to the country to decide whether a FOPNL system is required for a specific food based on the needs of the population.</p> <p>2.2 Alcoholic beverages and foods for special dietary uses covered by the following Codex standards are excluded: 2.2 Alcoholic beverages and foods for special dietary uses and foods for special medical purposes as defined in the Codex standards are excluded</p>	<p>Indonesia</p>

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<p>WFPHA believe that FOPNL should not be used to suggest any alcohol is ‘healthy’, or to promote one type of alcohol over another. However, depending on the type of FOPNL system chosen, it may be appropriate to include alcohol in the FOPNL without promoting alcohol.</p> <p>Consumers may benefit from the use of FOPNL on some alcoholic beverages, for example on prepackaged mixed alcoholic beverages which can contain significant quantities of sugar that, in addition to alcohol, may lead to an increased burden of non-communicable diseases.</p> <p>The critical factor here is the type of FOPNL used and the nutrient profiling model applied. For example, positive ‘endorsement’ style logos, or systems that rank products within a category may not be appropriate for alcohol, but mandatory ‘high-in’ style labels may be appropriate.</p> <p>We therefore do not agree that alcohol should be automatically excluded from FOPNL. Instead, amended wording could read: ‘FOPNL should not be used in any way that promotes alcohol consumption.’ It may also be possible for alcohol to be included under a FOPNL but with a separate (more appropriate) nutrient profile applied to score it.</p>	<p>World Federation of Public Health Associations</p>
<p>Exclusion of foods for young children:</p> <p>The exclusion for products covered by the following Codex guidelines should not be maintained:</p> <ul style="list-style-type: none"> • Guidelines on Formulated Complementary Foods for Older Infants and Young Children (CXG 8- 1991). • Standard for Canned Baby Foods (CXS 73-1981). • Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981). <p>Helen Keller also recommends against excluding:</p> <ul style="list-style-type: none"> • Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants (CXS 72-1981). • Standard for Follow-up formula (CXS 156-1987). <p>Justification for not excluding the above categories:</p> <p>Foods for infants and young children and formulas should not be automatically excluded from consideration for national FOPNL systems, particularly for products that are intended for older infants and/or young children. Though other Codex standards or international laws (i.e. WHO International Code of Marketing of Breastmilk Substitutes) may apply to formula and foods for older infants and young children, this is not a reason to categorically exclude such foods and products from FOPNL systems, provided that policies are applied consistently.</p> <p>One reason given by those that participated in the EWG for the exclusion of foods for young children is “that this population group has specific Codex standards and guidelines that establish criteria according to their needs and it is up to the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) to address these issues.” Helen Keller has reviewed the relevant Codex standards (summary of this review detailed below) and believes that they are not fully protective in addressing the most common nutrients of concern for diets, including diets of older infants and young children – total sugar, added/free sugar, sodium/salt, total fat, saturated fat, and trans-fatty acids. Specifically, the Guidelines on Formulated Complementary Foods for Older Infants and Young Children (CXG 8-1991) provides no guidelines on nutritional composition thresholds for these nutrients. The Standard for Canned Baby Foods (CXS 73-1981) only provides requirements for sodium/salt content, and no specifications for total sugar, added/free sugar, sodium/salt, total fat, saturated fat or trans-fatty acid contents. And while the Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981) provides requirements for sodium content, it does not include requirements for total sugar or trans-fatty acid contents and provides a requirement for saturated fat content for only one category of products (dried cereals with added protein to be prepared with water). The requirements for added/free sugar do not cover all types of added/free sugars present in products for older infants and</p>	<p>HKI</p>

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<p>young children (as noted in a Helen Keller report(1)), and one category of products (pastas) has no requirement for these nutrients of concern aside from sodium content.</p> <p>Given these gaps of the referenced Codex guidelines and standards in their protection against inappropriate levels of nutrients of concern for public health, products marketed for older infants and young children should not be automatically excluded from CCFL FOPNL guidelines.</p> <p>REVIEW OF CODEX GUIDELINES AND STANDARDS FOR COMPOSITIONAL REQUIREMENTS FOR NUTRIENTS OF PUBLIC HEALTH CONCERN (Note: This information in table available upon request. Unable to insert a table in OCS Please Review format)</p> <p>Guidelines on Formulated Complementary Foods for Older Infants and Young Children (CAC/GL 8-1991)</p> <p>Total sugar: No compositional requirement on total sugar noted</p> <p>Added/free sugar: No compositional requirement on added/free sugar noted</p> <p>Sodium/salt: No compositional requirement on sodium/salt noted</p> <p>Total fat: No compositional requirement on total fat noted</p> <p>Saturated fat: No compositional requirement on saturated fat noted</p> <p>Trans-fatty acid: No compositional requirement on trans-fatty acid noted</p> <p>Standard for Canned Baby Foods (CXS 73-1981)</p> <p>Total sugar: No compositional requirement on total sugar noted</p> <p>Added/free sugar: No compositional requirement on added/free sugar noted</p> <p>Sodium/salt: Section 3.1.3 - Sodium content not to exceed 200mg Na/100g ready-to-eat product - Addition of salt not permitted</p> <p>Total fat: No compositional requirement on total fat noted</p> <p>Saturated fat: No compositional requirement on saturated fat noted</p> <p>Trans-fatty acid: No compositional requirement on trans-fatty acid noted</p> <p>Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981)</p> <p>Total sugar: No compositional requirement on total sugar noted</p> <p>Added/free sugar:</p> <p>Section 3.4.1</p> <ul style="list-style-type: none"> For products 2.1.1 (dried cereals to be prepared with milk) or products 2.1.4 (rusks and biscuits), if sucrose, fructose, glucose, glucose syrup, or honey are added, the added carbohydrates from these sources shall not exceed 7.5g/100kcal. Additionally, the amount of added fructose shall not exceed 3.75g/100kcal. 	

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<ul style="list-style-type: none"> • For products 2.1.2 (dried cereals with added protein to be prepared with water), if sucrose, fructose, glucose, glucose syrup, or honey are added, the added carbohydrates from these sources shall not exceed 5g/100kcal. Additionally, the amount of added fructose shall not exceed 2.5g/100kcal. <p>No compositional requirement on added/free sugar content for products 2.1.3 (pasta)</p> <p>No compositional requirement for additional types of added/free sugars, including: added fruit juices/fruit concentrates, added lactose, added galactose.</p> <p>Sodium/salt:</p> <p>Section 3.6.1 - Sodium content not to exceed 100mg Na/100g ready-to-eat product</p> <p>Total fat:</p> <p>Section 3.5.1</p> <ul style="list-style-type: none"> • Products 2.1.2 (dried cereals with added protein to be prepared with water) total lipid content shall not exceed 4.5g/100kcal <p>Section 3.5.2</p> <ul style="list-style-type: none"> • Products 2.1.1 (dried cereals to be prepared with milk) and products 2.1.4 (rusks and biscuits) total lipid content shall not exceed 3.3g/100kcal <p>No compositional requirement on total fat content for products 2.1.3 (pasta)</p> <p>Saturated fat:</p> <p>Section 3.5.1</p> <ul style="list-style-type: none"> • Products 2.1.2 (dried cereals with added protein to be prepared with water) where total lipid content exceeds 3.3g/100kcal, lauric acid and myristic acid shall each not exceed 15% of total lipid content. <p>No compositional requirement on saturated fat content for products 2.1.1 (dried cereals to be prepared with milk), products 2.1.4 (rusks and biscuits) or products 2.1.3 (pasta)</p> <p>Trans-fatty acid: No compositional requirement on trans-fatty acid noted</p> <p>Furthermore, dietary guidelines set out by international organizations (2) and national governments (3) state that infants and young children should not consume added sugars. Consumption of sweet foods at this age can contribute to a preference for such foods, potentially establishing lifelong taste preferences and thereby increasing the risk for diet-related non-communicable diseases.</p> <p>Global evidence is increasingly showing that commercially produced complementary foods can and do contain inappropriate levels of concerning nutrients, such as sugar, sodium, and saturated fats:</p> <ul style="list-style-type: none"> • A 2020 paper (4) by Scarpelli et al. found that 40% of infant formulas and foods for older infants and young children available on the market in 2019 were 'high in' sugar and 20% were 'high in' saturated fats when evaluated against national front-of-pack label warning thresholds. • A 2019 WHO Europe report (5) found that 53% of commercially available complementary food products (instant cereals, purees, meals, and finger foods/snacks marketed for young children <36 months of age) available in the United Kingdom, 57% available in Denmark and 44% available in Spain had total sugar content exceeding the WHO Europe threshold and would warrant a front-of-pack high sugar warning. 	

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<ul style="list-style-type: none"> • A 2014 paper (6) by Elliott & Conlon found that 45% of commercial complementary food products available in the United States were classified as having ‘high’ sugar content, with over 20% of their energy content derived from sugar (the limit recommended by the American Heart Association). • Analysis of commercial complementary food products identified by Helen Keller and Access to Nutrition Initiative found that 46%, 27% and 14% of rusks/biscuits/snack products marketed for older infants and young children in Indonesia (7), Philippines (8), and Cambodia (9), respectively, would warrant a ‘high/red’ sugar warning based on the United Kingdom’s Food Standards Agency FOPNL system. <p>FOPNL provides a mechanism for interpreting and communicating the nutritional quality of food and beverage products to consumers. For older infant and young child consumers, it is critical that the nutritional quality of these products be communicated clearly to ensure informed decision-making for child feeding and to protect young children’s diets. The exclusion of foods for older infants and young children from the FOPNL guidelines would limit countries’ options for communicating with consumers regarding the content of these foods and would exclude these products from the public health benefit that FOPNL can potentially provide when products high in problematic nutrients of concern are identified.</p> <p>References:</p> <p>(1) Helen Keller International (HKI). (2021). Composition and labelling practices of commercially produced complementary foods sold in Bandung City, Indonesia. Helen Keller International, Washington, DC. (https://archnutrition.org/wp-content/uploads/sites/2/2021/07/IND-Labelling-full-Report-FINAL-with-Bahasa.pdf)</p> <p>(2) World Health Organization (WHO). (2019). Ending inappropriate promotion of commercially available complementary foods for infants and young children between 6 and 36 months in Europe. WHO Europe, Copenhagen. (https://www.euro.who.int/en/health-topics/disease-prevention/nutrition/publications/2019/ending-inappropriate-promotion-of-commercially-available-complementary-foods-for-infants-and-young-children-between-6-and-36-months-in-europe-2019)</p> <p>(3) U.S. Department of Agriculture and U.S. Department of Health and Human Services. Dietary Guidelines for Americans, 2020-2025. 9th Edition. December 2020. (https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf)</p> <p>(4) Scarpelli DQ, Fernandes ACP, Osiac LR & Quevedo TP. (2020). Changes in Nutrient Declaration after the Food Labeling and Advertising Law in Chile: A Longitudinal Approach. <i>Nutrients</i> 12(8), https://doi.org/10.3390/nu12082371.</p> <p>(5) World Health Organization (WHO). (2019). Ending inappropriate promotion of commercially available complementary foods for infants and young children between 6 and 36 months in Europe. WHO Europe, Copenhagen. (https://www.euro.who.int/en/health-topics/disease-prevention/nutrition/publications/2019/ending-inappropriate-promotion-of-commercially-available-complementary-foods-for-infants-and-young-children-between-6-and-36-months-in-europe-2019)</p> <p>(6) Elliott CD & Conlon MJ. (2014). Packaged baby and toddler foods: questions of sugar and sodium. <i>Pediatric Obesity</i> 10(2), https://doi.org/10.1111/j.2047-6310.2014.223.x.</p> <p>(7) Helen Keller International (HKI). (2021). Composition and labelling practices of commercially produced complementary foods sold in Bandung City, Indonesia. Helen Keller International, Washington, DC. (https://archnutrition.org/wp-content/uploads/sites/2/2021/07/IND-Labelling-full-Report-FINAL-with-Bahasa.pdf)</p> <p>(8) Access to Nutrition Initiative (ATNI). (2021). Landscape study - The Philippines: Complementary feeding and the role of commercially produced complementary foods in young children’s diets. ATNI, Utrecht. (https://accesstonutrition.org/app/uploads/2021/05/ATNI_PH-CPCF-landscape-study.pdf)</p>	

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(9) Helen Keller International (HKI). (2021). Nutrition composition and labelling practices of commercially produced complementary foods sold in Khsach Kandal District, Cambodia. Helen Keller International, Washington, DC. (https://archnutrition.org/resource/composition-and-labelling-practices-of-complementary-foods-cambodia/)	
Exclusion of alcoholic beverages: Helen Keller agrees that FOPNL should not be used to suggest any alcohol is 'healthy', or to promote alcohol. However, depending on the type of FOPNL system chosen (e.g. warning labels), it may be appropriate to include alcohol in the FOPNL in order to inform consumers of those that are a significant source of calories and those that contain significant quantities of added sugar. Therefore, Helen Keller does not agree that alcohol should automatically be excluded from FOPNL in these Guidelines and amended wording could read: 'FOPNL should not be used in any way that promotes alcohol consumption.'	HKI
Brazil believes that foods for infant and young children covered by the Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981), by the Standard for Canned Baby Foods (CXS 73-1981) or by the Guidelines on Formulated Complementary Foods for Older Infants and Young Children (CXG 8-1991) can be formulated with a variety of ingredients and can have significant differences in their nutritional value. Thus, we suggest deleting these Codex documents from section 2.2.	Brazil
In Switzerland's Opinion, Foods for young children should be included to allow to compare those products on the basis of their nutrition values, and to encourage companies to improve the nutritional qualities of foods for young children (for example by reducing sugar content).	Switzerland
[Guidelines on Formulated Complementary Foods for Older Infants and Young Children (CXG 8-1991)]	
Australia does not support exclusion of the Codex standards in square brackets. Australia notes the growing market of manufactured 'food for young children' and nutrition content concerns of these foods. In Australia, some foods that are targeted towards young children have voluntarily applied the HSR (e.g. some breakfast cereals, novelty shaped pasta). Australia recognises the complex interplay of factors that influence healthy eating in children, and acknowledges the role FOPNL can have in assisting consumers make healthier choices	Australia
[Guidelines on Formulated Complementary Foods for Older Infants and Young Children (CXG 8-1991)]	Brazil
Costa Rica does not support the exclusion of GC 8-1991, as it is a general guideline. In that regard, Costa Rica considers that only those products that have a composition regulated in their respective standards should be excluded. [Codex Standard for Infant Formula and Formulas for Special Medical Purposes intended for infants (CXS 72-1981)]	Costa Rica
[Standard for Canned Baby Foods (CXS 73-1981)]	
Australia does not support exclusion of the Codex standards in square brackets. See previous comment. [Standard for Canned Baby Foods (CXS 73-1981)]	Australia
[Standard for Canned Baby Foods (CXS 73-1981)]	Brazil
Processed complementary food products and formulas for infants and young children should not have FOPNL as this will be promotional of certain products over other products and contrary to the provisions of the International Code of Marketing of Breastmilk Substitutes and subsequent WHA resolutions. To effectively safeguard infant and young child health, it is preferable to have warnings on these products.	ENCA

GENERAL COMMENTS	MEMBER / OBSERVER
<p>It is important that Codex addresses the environmental impact of the global trade in unnecessary food products. Green lighting the ultra-processed, excessively packaged with plastic/styrofoam products may reduce the consumption of a few harmful food ingredients yet will continue contributing to increasingly alarming levels of environmental pollution.</p> <p>[Standard for Canned Baby Foods (CXS 73-1981)]</p>	
[Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981)]	
<p>Australia does not support exclusion of the Codex standards in square brackets. See previous comment.</p> <p>[Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981)]</p>	Australia
<p>[Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981)]</p>	Brazil
2.3	
<p>In point 2.3: Algeria proposes to expand the first paragraph of this point in order to give more information on the types of foods that are not intended to contain front-of-pack nutrition labelling (FOPNL).</p>	Algeria
<p>Regarding section 2.3, where the possibility that food sold online may be exempt from FOPNL is mentioned, coordination/collaboration with the eWG that is working on the proposed Guidelines on information on prepackaged foods for internet sale/e-commerce is recommended, since such work is directly related.</p> <p>When dealing with directly related topics, Codex documents must be aligned.</p>	Colombia
<p>2.3 Additionally, certain prepackaged foods may be exempted³ from FOPNL. These may include foods exempted from bearing a nutrient declaration on the basis of nutritional or dietary insignificance or small packaging as described in the Guidelines on Nutrition Labelling (CXG 2-1985).</p>	European Union
<p>In Switzerland's Opinion the formulation relies on the fact that FOPNL should be mandatory for all foodstuff. This is still a discussion point for the working group. According to whether FOPNL is mandatory or not, this point needs reformulation. At the moment it seems that some food are exempted from a mandatory labeling. In Switzerland's Opinion this point should just elucidate that foodstuff that is exempted from the declaration of nutrition values can present a FOPNL if they voluntarily label the food with nutritional values. In Switzerland's Opinion this is not meant like this in the proposed formulation.</p> <p>2.3 Additionally, certain prepackaged foods may be exempted³ from FOPNL. These may include foods exempted from bearing a nutrient declaration on the basis of nutritional or dietary insignificance or small packaging as described in the Guidelines on Nutrition Labelling (CXG 2-1985).</p>	Switzerland
<p>Please see previous comment for rationale.</p> <p>2.3 Additionally, certain prepackaged foods may be exempted³ from FOPNL. These may include foods exempted from bearing a nutrient declaration on the basis of nutritional or dietary insignificance or small packaging as described in the Guidelines on Nutrition Labelling (CXG 2-1985)., and foods packaged in non-retail containers intended for further processing or catering purposes.</p>	USA
<p>It is NOT necessary to exempt products because of their small package size and we suggest the following rephrase to reflect this:</p> <p>“Additionally, certain prepackaged foods may be exempted⁵ from FOPNL. These may include foods exempted from bearing a nutrient declaration on the basis of nutritional or dietary insignificance or small packaging as described in the Guidelines on Nutrition Labelling (CXG 2-1985).”</p>	Consumers International

GENERAL COMMENTS	MEMBER / OBSERVER
<p>Foods in small packages should not be exempted because they are often snacks and sweets that are high in calories, added sugar, saturated fats, and sodium. These should NOT be exempt from front of pack labelling, because despite being small in size they contain significant quantity of critical nutrients.</p> <p>Furthermore, there are examples of front of pack labels that have been developed with modifications for small packages; for example, in Mexico there is a version of front of pack labelling that is amended for smaller packages and this is a very viable option to avoid excluding small packages from useful FOPNL information.</p> <p>If the EWG proceeds with the exemption for products with packaging limitations, then it should delineate the exact size requirements for the exemption.</p>	
<p>ICGA agrees with section 2.3 and Note 3 as proposed. ICGA notes that, in some jurisdictions, foods in “small packs” are exempted from providing a mandatory nutrition declaration (e.g., foods in packages the largest surface area of which is up to 75 cm², or foods in packaging where the overall area is up to 200 cm², etc.).</p>	ICGA
<p>The EUMS consider the current wording of section 2.3. confusing and not clear.</p> <p>First, as allowed in the Codex Guidelines on Nutrition Labelling, in the EU and in many other countries the two mentioned examples, namely foods with nutritional/dietary insignificance or small packaging, are exempted from the mandatory nutrition declaration and can thus not, in line with section 2.1. of the draft guidelines, use FOPNL (FOPNL is intended ‘to be used on pre-packaged foods that include a nutrient declaration’), except if the nutrition declaration is provided on a voluntary basis. The wording ‘These may include foods exempted from bearing a nutrient declaration’ is therefore confusing and not clear, as such foods are by definition excluded from the scope of FOPNL in case they are exempted from the mandatory nutrient declaration.</p> <p>Instead, the EUMS suggest clarifying the case of foods exempted from the mandatory nutrient declaration in footnote 2, making it clear that foods exempted from the mandatory nutrient declaration can however use FOPNL if the nutrient declaration is provided on a voluntary basis:</p> <p>2.1 These guidelines apply to front-of-pack nutrition labelling (FOPNL) to be used on pre-packaged foods¹ that include a nutrient declaration² subject to the section 5 of Guidelines on Nutrition Labelling (CXG 2-1985).</p> <p>Footnote 2: As defined in the Guidelines on Nutrition Labelling (CXG 2-1985). Guidelines CXG 2-1985 allow for the exemption of some foods from the mandatory nutrient declaration; such foods exempted from bearing a nutrient declaration, can therefore not use FOPNL, except if the nutrient declaration is provided on a voluntary basis.</p> <p>Secondly, the EUMS consider the reference to ‘exempted’ and the explanation of ‘exemptions’ in footnote 3 confusing and not clear. The word ‘exemption’ refers generally to an exemption from a mandatory requirement, while in the explanation of footnote 3, ‘exemption’ seems to refer to a permission to display FOPNL.</p> <p>The EUMS therefore suggest to delete section 2.3.</p> <p>2.3 Additionally, certain prepackaged foods may be exempted³ from FOPNL. These may include foods exempted from bearing a nutrient declaration on the basis of nutritional or dietary insignificance or small packaging as described in the Guidelines on Nutrition Labelling (CXG 2-1985).</p>	European Union
<p>We suggest the changes for clarity.</p> <p>Besides, we request that definition of ‘small unit’ or ‘small packaging’ be reviewed, owing to lack of harmonisation among markets. The General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985) refers ‘small units’ as units with surface area that is less than 10 cm², but this is in the context of an exemption from mandatory labelling requirements. FOPNL is a repetition of the nutrient</p>	Food Industry Asia

GENERAL COMMENTS	MEMBER / OBSERVER
<p>declaration, and a small pack exemption from FOPNL must, at least, be aligned with exemptions from an on-pack nutrient declaration. While there is currently no Codex provisions on the specific surface area to allow the exemption from on-pack nutrient declaration, it is known to range from 25 to 100 cm² based on country regulations.</p> <p>2.3 Additionally, certain prepackaged foods may be exempted³ from FOPNL. These may include foods exempted from bearing a nutrient declaration on the basis of due to nutritional or dietary insignificance or small packaging as described in the Guidelines on Nutrition Labelling (CXG 2-1985)(CAC/GL 2-1985, section 3.1.2).</p>	
<p>We believe Section 2.3 should be retained with minor amendments to reduce ambiguity and that a subsequent section, (Section 2.4) be added.</p> <p>We agree with the intent of the solution proposed by the eWG. However, the footnote proposed within para 24 of the discussion is less clear than the earlier version found under para 20 as part of Option C.2.3 Additionally, certain prepackaged foods may be exempted³ from FOPNL. These may include foods exempted from bearing a nutrient declaration on the basis of due to nutritional or dietary insignificance, or small packaging as described in the Guidelines on Nutrition Labelling (CXG 2-1985), para 3.1.2. Exempted products may still display FOPNL provided Nutrition Labelling is also offered.</p>	ICGMA
<p>Helen Keller agrees with Option A (the retention of Section 2.3) with the proposed text:</p> <p>2.3 Additionally, certain prepackaged foods may be exempted from FOPNL. These may include foods exempted from bearing a nutrient declaration on the basis of nutritional or dietary insignificance or small packaging as described in the Guidelines on Nutrition Labelling (CXG 2-1985).</p> <p>Footnote: Exemptions are where the food is not intended to have FOPNL but is still permitted to display FOPNL.</p> <p>2.3 Additionally, certain prepackaged foods may be exempted³ from FOPNL. These may include foods exempted from bearing a nutrient declaration on the basis of nutritional or dietary insignificance or small packaging as described in the Guidelines on Nutrition Labelling (CXG 2-1985).</p>	HKI
<p>CEFS believes that all food and drinks should be treated the same way as regards FOPNL</p> <p>2.3 Additionally, certain prepackaged foods may be exempted³ from FOPNL. These may include foods exempted from bearing a nutrient declaration on the basis of nutritional or dietary insignificance or small packaging as described in the Guidelines on Nutrition Labelling (CXG 2-1985).</p>	CEFS
<p>We believe Section 2.3 should be retained and that a subsequent section, (Section 2.4) added to include the italicized text that currently follows Section 2.3.</p> <p>We agree with the intention behind the eWG proposal. However, the footnote proposed is less clear than the earlier version.</p> <p>2.3 Additionally, certain prepackaged foods may be exempted³ from FOPNL. These may include foods exempted from bearing a nutrient declaration on the basis of due to nutritional or dietary insignificance or small packaging as described in the Guidelines on Nutrition Labelling (CXG (CAC/GL 2-1985), para 3.1.2..</p>	FoodDrinkEurope
Footnote 3	
<p>Canada is proposing edits to Section 2.3, including to the footnote, for greater clarity. Canada is also proposing identifying the second paragraph of section 2.3 as 2.4, for consistency.</p> <p>Exemptions are where the food is not intended required to have FOPNL but is still permitted to display FOPNL.</p>	Canada

GENERAL COMMENTS	MEMBER / OBSERVER
<p>We suggest the following text.</p> <p>Exempted products may still display FOPNL provided Nutrition Labelling is also offered.</p> <p>Exemptions are where the food is not intended to have FOPNL but is still permitted to display FOPNL.</p>	IFU
<p>Within the proposed footnote, we feel there is sufficient ambiguity such that an interpretation could allow for FOPNL without Nutrition Information. FOPNL in the absence of Nutrition Information lacks valuable context and therefore is less informative for consumers. The text can be improved to reduce ambiguity.</p> <p>Exemptions are where the food is not intended to have FOPNL but is Exempted products may still permitted to display FOPNLFOPNL provided Nutrition Labelling is also offered.</p>	FoodDrinkEurope
2.3 2nd para	
<p>Brazil suggests some editorial amendments in this provision.</p> <p>These guidelines can also be used as a guide in the case where simplified nutrition information is displayed near the food (e.g. . on shelf-tags or food service), for unpackaged foods or for foods sold via online (e.g. information available at point of purchase on websites).</p>	Brazil
<p>Canada is proposing edits to Section 2.3, including to the footnote, for greater clarity. Canada is also proposing identifying the second paragraph of section 2.3 as 2.4, for consistency.</p> <p>2.4 These guidelines can also be used as a guide in the case used where simplified nutrition information is displayed near the food (e.g. on shelf-tags or food service), for unpackaged foods or for foods sold via online (e.g. where nutrition information is available at point of purchase on websites).</p>	Canada
<p>Clarity is needed on why this is in italics 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).</p>	International Confectionery Association
<p>The phrase “foods sold via online (e.g. information available at point of purchase on websites)” requires some clarification. ICGA notes that it may be preferable to add a cross-reference to the on-going CCFL work on specific guidelines on Internet sales/E-commerce, rather than trying to develop any specific provision in these FOPNL guidelines.</p> <p>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).</p>	ICGA
<p>With regard to “where nutrition information is displayed near the food (e.g. shelf-tags or food service)”, we wish to clarify whether food service is consistent with the term “Foods for Catering Purposes” used in the General Standard for Labelling of Prepackaged Foods (CXS 1-1985) which is defined as those foods for use in restaurants, canteens, schools, hospitals and similar institutions where food is offered for immediate consumption.”. If the meaning is the same, we recommend the eWG to reuse the same term for better clarity and avoidance of confusion. Otherwise, it is worthwhile to provide a definition for “food service”.</p> <p>We note that the current discussion on the Draft Guidance on the Food Information Requirements for Prepackaged Foods to be Offered via E-Commerce uses the terms “at the point of e-commerce sale” and “product information e-page”. We suggest the eWG to review the current text when there is further progress in the eWG on e-commerce to align the use of terms.</p>	Food Industry Asia

GENERAL COMMENTS	MEMBER / OBSERVER
<p>These guidelines can also be used as a guide in the case where simplified nutrition information is displayed near the food (e.g. on shelf-tags or food service)service menus), for unpackaged foods or for foods sold via online (e.g. where nutrition information is available at point of purchase on websites).</p>	
<p>We believe Section 2.3 should be retained with minor amendments to reduce ambiguity and that a subsequent section, (Section 2.4) be added.</p> <p>We agree with the intent of the solution proposed by the eWG. However, the footnote proposed within para 24 of the discussion is less clear than the earlier version found under para 20 as part of Option C.</p> <p>2.4 These guidelines can also be used as a guide in the case where simplified nutrition information is displayed near the food (e.g. on shelf-tags or food service), for unpackaged foods or for foods sold via online (e.g. where nutrition information is available at point of purchase on websites).</p>	ICGMA
<p>We suggest this is changed to section 2.4</p> <p>2.4 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).</p>	IFU
<p>We believe Section 2.3 should be retained and that a subsequent section, (Section 2.4) added to include the italicized text that currently follows Section 2.3.</p> <p>2.4 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).</p>	FoodDrinkEurope
3. DEFINITION OF FRONT-OF-PACK NUTRITION LABELLING (FOPNL)	
<p>The EUMS consider the wording ‘nutrients included in the FOPNL’ not clear and suggest rephrasing into ‘displayed on’. The EUMS also suggest to delete ‘at a national level’ as this might not be applicable to all FOPNL cases.</p> <p>The EUMS consider it necessary to specify that text-based nutrition claims should be excluded from the definition as in the EU, some FOPNL schemes such as the Keyhole logo or the Nutri-Score logo (when a green colour is highlighted) are considered as nutrition claims.</p> <p>The EUMS suggest the following modifications to sections 3.1 and 3.2.:</p> <p>3 DEFINITION</p> <p>3.1. Front-of-pack nutrition labelling (FOPNL) is a form of supplementary nutrition information that presents simplified, nutrition information on the front-of-pack⁴ of pre-packaged foods⁵. It can include symbols/graphics, text or a combination thereof that provide information on the overall nutritional value of the food and/or on nutrients displayed on the FOPNL.</p> <p>3.2. This definition excludes text-based nutrition and health claims⁶.</p>	European Union
<p>We agree with the definition of “Front-of-Pack nutrition labelling (FOPNL)” in Section 3.1.</p>	Thailand
<p>The United States supports the proposed Definition section.</p>	USA
<p>We support the proposed revisions to Section 3 (Definition of Front-of-Pack Nutrition Labelling (FOPNL)).</p>	ICGMA

GENERAL COMMENTS	MEMBER / OBSERVER
ICBA supports the proposed revisions to Section 3.	ICBA
3.1	
3.1. Front-of-pack nutrition labelling (FOPNL) is a form of supplementary nutrition information that presents simplified, nutrition information on the front-of-pack ⁴ of pre-packaged foods. ⁵ It can include symbols/graphics, text or a combination thereof that provide information on the overall nutritional value of the food and/or on nutrients displayed on included in the FOPNL at a national level. FOPNL.	European Union
In Switzerland's Opinion, the word “interpretative” should still be retained in section 3.1, but it should not be a condition for FOPNL. It should also be possible to have a non-interpretative FOPNL, such as repetition of the nutrition information. We therefore support the addition of “and/or” between “simplified” and “interpretive”.	Switzerland
<p>Although the term “interpretive” has been eliminated from the draft guidelines, it was debated in previous versions and has received substantial support. At this juncture, we want to underscore the importance of inserting the word “interpretive” in this paragraph. Interpretative labels are those recommended by the WHO in the report published by the Commission for Ending Childhood Obesity.</p> <p>The WHO Guidelines on front of pack labelling also acknowledge that interpretative labels are more effective than non-interpretive labels and that non-interpretive labels are “less helpful” especially in countries with low health literacy.</p> <p>https://www.who.int/nutrition/publications/policies/guidingprinciples-labelling-promoting-healthydiet.pdf?ua=1</p> <p>Furthermore, it is worth noting that the UN CFS Guidelines on Food Systems and Nutrition highlight the use of interpretive labelling. They state: “Governments should promote and support science and evidence-based food and nutrition labelling, including considering diverse science and evidence-based FOPL schemes, (which could include interpretive and informative labelling⁵⁹), to support healthy diets.”</p> <p>http://www.fao.org/fileadmin/templates/cfs/Docs2021/Documents/CFS_VGs_Food_Systems_and_Nutrition_Strategy_EN.pdf</p>	Consumers International
ICA is supportive of the removal of the word “interpretative”	International Confectionery Association
ICGA can agree with the definition of FOPNL. The reference to “at national level” is not necessary in this section 3.1, as the scope of the guidelines already referred to the implementation of these guidelines at national and/or regional level. ICGA suggests deleting the phrase “at national level”.	ICGA
<p>WFPHA is concerned that recognition of FOPNL as a form of supplementary nutrition information places it within the requirements of the Guidelines on Nutrition Labelling requirement that supplementary nutrition information 'be optional'.</p> <p>We wish to recognise that at least 11 countries already have mandatory FOPNL and while evidence is still emerging, this appears to be a promising strategy to maximise public health impact. By contrast, there is little evidence that optional FOPNL such as the Health Star Rating in Australasia is achieving this impact in a voluntary/optional form. We implore Codex to acknowledge regulatory space for countries to make FOPNL mandatory where they believe it is necessary to achieve their legitimate public health objectives.</p> <p>3.1. Front-of-pack nutrition labelling (FOPNL) is a form of supplementary nutrition information that presents simplified, nutrition information on the front-of-pack⁴ of pre-packaged foods.⁵ It can include symbols/graphics, text or a combination thereof that provide information on the overall nutritional value of the food and/or on nutrients included in the FOPNL at a national level.</p>	World Federation of Public Health Associations
Helen Keller agrees with the proposed edit in Paragraph 29 to remove ‘interpretive’ from the definition of FOPNL. As noted, the “FOPNL landscape is changing rapidly” with the development of FOPNL evolving and evidence around the efficacy of different FOPNL systems	HKI

GENERAL COMMENTS	MEMBER / OBSERVER
growing. The definition of FOPNL should therefore be broad enough to allow for this evolution and for autonomy of countries to decide the most appropriate FOPNL system based on the public health needs of their populations.	
CEFS expresses concerns over the colour-coding schemes that draw consumers' attention to the presence of specific nutrients, without mentioning other nutrients that can have an impact in their health. Thus such systems can mislead consumers by not providing clear information to consumers.	CEFS
We agree with the deletion of the word "interpretive".	FoodDrinkEurope
3.2	
Algeria suggests the following points: <ul style="list-style-type: none"> - to move the products to be excluded mentioned in point 3.2 to the scope; - to enhance research on the nutritional value of foods according to the different categories of the sensitive population (children, elderly people, etc.). 	Algeria
3.2. This definition excludes text based nutrition and health claims.6	European Union
This Section may not be considered as a definition. Therefore, we propose to move this part as a footnote to the Section 3.1 FOPNL definition	Thailand
ICGA can agree with this statement, while noting that there may still be some debates as to whether a FOPNL scheme - or part(s) of such scheme - may be (legally) challenged, viewed or interpreted as a "claim" in some jurisdictions.	ICGA
WFPFA agree with this text as current. We reiterate past submissions that it is important that 'high in' and 'excess of' style FOPNL are included within the definition of FOPNL and do not fall here within health claims.	World Federation of Public Health Associations
Paragraph 31 of the EWG report notes that "the EWG was asked in the first discussion paper to give its opinion on whether warning labels should be included in the definition of FOPNL, however, there was no consensus on this aspect." Helen Keller believes it is critically important that "high in" and "excess of" style FOPNL be recognized as FOPNL. "High in" and "excess of" FOPNL (often referred to as "warning labels") have been increasingly taken up by national governments in recent years and have an ever-growing body of evidence. Such evidence supports their efficacy, both in increasing consumer comprehension of the nutritional quality of products and discouraging consumption (10) of products containing high levels of nutrients of concern. By selecting this FOPNL system, governments have sought out which style label would be the most effective to meet the public health needs of their populations, a practice that should be encouraged. Paragraph 32 of the EWG report notes previous comments that, "it was indicated that CCNFSDU work on nutrient profiles should underpin any CCFL discussion on mandatory 'high in' statements; this CCNFSDU work should advance further before CCFL considers mandatory 'high-in' statements." The work being undertaken on nutrient profiles at CCNFSDU should not hold back national progress on FOPNL, as all existing FOPNL are already based on a nutrient profile. Numerous nutrient profiling models have already been developed by governments for a range of uses, and national implementation is not dependent on CCNFSDU's ongoing additional work. All FOPNL must be underpinned by valid nutrient profiling models, regardless of whether they are "high in" / "excess of" style labels, spectrum ratings or healthier choice logos. Reference:	HKI

GENERAL COMMENTS	MEMBER / OBSERVER
<p>(10) World Health Organization (WHO). (2019). Guiding principles and framework manual for front-of-pack labelling for promoting healthy diet. WHO, Geneva. (https://apps.who.int/nutrition/publications/policies/guidingprinciples-labelling-promoting-healthydiet.pdf?ua=1)</p>	
4. PRINCIPLES FOR THE ESTABLISHMENT OF FOPNL SYSTEMS	
<p>The precautionary principle must be implemented, because the current situation requires us to undertake studies and research on the harmful effects resulting from the excess of the three ingredients (salt, sugar and fat) which remain the most incorporated ingredients in foodstuffs.</p>	Algeria
<p>Deletion of 4.3.5: In Switzerland's Opinion, not only should the FOPNL be based on a standard reference quantity (100 g/ 100 mL), but this should also be included in the proposed draft. This because the WHO draft would be to distant to this document. This principle should therefore not be deleted. The standard reference amount should be the same for all foods; we support the introduction of 100 g or 100 ml as standard amount. In fact, products with comparable composition or products within the same food category, could have different FOPNL, depending on the choice of the reference amount by the producers or distributors</p>	Switzerland
<p>We agree with the principle in Section 4 Principles for the Establishment of FOPNL Systems. Especially, conducting consumer research prior to dictate format of FOPNL is an important practice that should be implemented. Furthermore, we agree with the sentence, "FOPNL should be clearly visible on the package at the point of purchase under normal conditions." because the FOPNL mark shall be displayed in front of the label, where consumers can clearly see. For introduction of the FOPNL label, education and information program should be used in order to keep consumers informed.</p>	Thailand
<p>Specific comments on the proposed draft Guidelines on Front-of-Pack Nutrition Labelling</p> <p>We have the following comments on the draft Section 4 (Principles for the Establishment of FOPNL Systems). Note that for ease of reference, we have used the numbering of principles from the previous draft Guidelines.</p> <p>Original Principle:</p> <p>4.1.3 FOPNL should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable.</p> <p>Proposed Revision(if applicable):</p> <p>4.1.3 FOPNL should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable.</p> <p>Comment/Rationale:</p> <p>We note that FOPNL is not always based on a calculation.</p> <p>Original Principle:</p> <p>4.1.4 FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to both the nutrients and food groups consumption of which is discouraged by national/regional dietary guidelines or health and nutrition policies and nutrients and food groups the consumption of which is encouraged by these documents.</p> <p>Proposed Revision(if applicable) :</p> <p>4.1.4 FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies.</p>	Saudi Arabia

GENERAL COMMENTS	MEMBER / OBSERVER
<p>Consideration should be given to both the nutrients and food groups consumption of which is discouraged by national/regional dietary guidelines or health and nutrition policies and nutrients and food groups the consumption of which is encouraged by these documents.</p> <p>Comment/Rationale:</p> <p>We suggest this principle should be streamlined in keeping with the Committee’s intent to provide high-level guidance. We believe for the purpose of these ‘Guidelines’, the first sentence alone is sufficient.</p> <p>Original Principle:</p> <p>4.3.4 FOPNL should be monitored and evaluated to determine effectiveness/impact.</p> <p>Proposed</p> <p>Revision(if applicable) :</p> <p>4.3.4 FOPNL should be monitored and evaluated to determine effectiveness/impact.</p> <p>Comment/Rationale:</p> <p>We suggest removing the word “impact” to simplify. The submitted comments address the issue of ‘effectiveness’ relative to consumer understanding.</p> <p>Saudi Arabia believe that the exclusion list should be clearly defined in the scope as following,</p> <p>food products that excluded from the Front of Pack Nutrition Labeling:</p> <ul style="list-style-type: none"> • Foods with special nutritional uses such as, infant formula and follow-up milk, infant and young child food, foods for special medical uses, nutritional supplements, sports food and beverages. • Foods in which the amount of calories, protein, carbohydrates, fats, saturated fats, salt or sodium, and total sugars is very small (which can be expressed as zero) such as: chewing gum, regular bottled water, herbs, spices, regular tea, and regular coffee when no ingredients. • Energy drinks and soft drinks that have artificial sweeteners added and are low in calories. • Food products with a single nutritional ingredient such as rice, tea, coffee or sugar. • Bottled drinking water and mineral water. • Foodstuffs that require packaging or further processing that are not sold directly to the consumer. • Fresh vegetables and fruits, include any mixture of fresh vegetables or fruits, whether whole or chopped, without any additives (such as salad without toast) and does not include dried vegetables and fruits. • Fresh, chilled and frozen meat, poultry and fish, uncooked and without seasoning or water. • Food that is marketed directly to the consumer from the location of its preparation, such as salads, baked goods, sweets, and ready meals. • Ready for consumption food served in restaurants or delivered to homes - Food additives. 	
<p>As noted in our general comments above, the United States supports having principles with the consumers as a primary focus in the guideline. Labelling, in general, is for both consumers and industry as it provides transparency and a basis for claims, reformulation, and innovation. Therefore, the United States suggests retaining some principles that address aspects related to industry adoption, innovation, and reformulation.</p>	<p>USA</p>

GENERAL COMMENTS	MEMBER / OBSERVER
<p>We support deletion of Principles 4.1.2, 4.1.5, and 4.3.5.</p> <p>We have included our comments on the draft Section 4 in the text below (Principles for the Establishment of FOPNL Systems). Note that for ease of reference, we have used the numbering of principles from the previous draft Guidelines.</p>	Food Industry Asia
<p>We support the deletion of Principles 4.1.2, 4.1.5, and 4.3.5. We have the following comments on the Section 4 (Principles for the Establishment of FOPNL Systems). Note that for ease of reference, we have used the numbering of principles from the previous draft Guidelines.</p>	ICGMA
<p>Note: Helen Keller has commented on Section 4 and 5 jointly based on the specific question posed by the Chairs of the EWG.</p> <p>(i) Do you confirm the majority preference to delete Section 5 and to incorporate relevant aspects from Section 5 to Section 4?</p>	HKI
<p>ICBA has the following comments on the draft Section 4 (Principles for the Establishment of FOPNL Systems). In addition, ICBA supports the proposed deletion of 4.1.2, 4.1.5, and 4.3.5 (previous draft numbering).</p>	ICBA
<p>A. FOPNL should be based on the following principles in addition to the general principles in the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985): (preamble to the principles)</p>	
<p>For clarity we propose a re-structuring of this preamble to the following:</p> <p>In addition to the general principles in the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985), FOPNL should be based on the following principles:</p>	Australia
<p>We note that FOPNL is not always based on a calculation. However, an assessment of some sort is typically used (e.g., determining thresholds or deciding how a labelling system relates to a country's dietary guidelines); therefore, we support this broader language.</p> <p>4.1.3 FOPNL should be assessed and applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable.</p>	ICGMA
<p>Principles</p>	
<p>We support deletion of the following principles, as proposed:</p> <ul style="list-style-type: none"> - 4.1.2 ("FOPNL should only be provided in addition to, and not in place of, the nutrient declaration, subject to Section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985)") - 4.1.5 ("FOPNL should encourage manufacturers to reformulate products in line with national/regional dietary guidelines or health and nutrition policies") - 4.3.5 ("FOPNL should be based on a standard reference amount to facilitate comparisons by consumers"). 	FoodDrinkEurope
<p>Only one FOPNL system should be recommended by government in each country. However, if multiple FOPNL systems coexist, these should be complementary, not contradictory to each other. FOPNL should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable.</p>	
<p>Position of Argentina: We propose to delete the reference to "calculate and", understanding that according to the document that took inventory of FOPNL systems worldwide (Appendix III of CX/FL 17/44/7. September 2017) there are FOPNL systems that are not based on a calculation.</p>	Argentina

GENERAL COMMENTS	MEMBER / OBSERVER
<p>In each country, only one FOPNL System should be recommended by the government. However, if multiple FOPNL Systems coexist, they must be complementary, not contradictory to each other. The FOPNL should be calculated and applied to the food in a manner consistent with the relevant nutrient claim for that food, where applicable.</p>	
<p>As per our earlier comments for clarity and to reduce duplication we propose creating a numbered sublist, as follows:</p> <p>4.1 Only one FOPNL system should be recommended by government in each country. However, if multiple FOPNL systems coexist, these should be complementary, not contradictory to each other. FOPNL should be applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable.</p> <p>Australia notes FOPNL is not always based on a calculation and for clarity supports deletion of 'calculated and'.</p> <p>Only one FOPNL system should be recommended by government in each country. However, if multiple FOPNL systems coexist, these should be complementary, not contradictory to each other. FOPNL should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable.</p>	Australia
<p>Canada suggests deleting "calculated", since it is not always necessary to "calculate" when applying FOP. Canada considers that "applied" is sufficient as "apply" captures "calculate".</p> <p>Only one FOPNL system should be recommended by government in each country. However, if multiple FOPNL systems coexist, these should be complementary, not contradictory to each other. FOPNL should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable.</p>	Canada
<p>Costa Rica considers that the word "calculated" should be eliminated since the FOPNL is not always based on a calculation. In the same vein, it is suggested that the phrase "where appropriate" be eliminated to provide greater clarity.</p> <p>Only one FOPNL System should be recommended by the government in each country. However, if multiple FOPNL systems coexist, they should be complementary, not contradictory to each other. The FOPNL should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food, where applicable.</p>	Costa Rica
<p>The previous wording of this principle included reference to the food 'as sold / as consumed'.</p> <p>In document CX/FL 21/46/6, it is explained that this reference has been deleted to shorten the text, and that 'where applicable' has been added to recognize that in some cases supplementary nutrition information can be provided in the absence of a nutrient declaration.</p> <p>First, the EUMS consider that without further explanations provided, it might not be clear for the reader what exactly 'in a manner consistent with the corresponding nutrient declaration' is referring to, and suggest reformulating the principle to clarify its meaning.</p> <p>Secondly, regarding 'where applicable' and the explanation provided in document CX/FL 21/46/6, the EUMS refer to section 2.1. of the draft guidelines stating that "These guidelines apply to front-of-pack nutrition labelling (FOPNL) to be used on pre-packaged foods that include a nutrient declaration subject to the section 5 of Guidelines on Nutrition Labelling (CXG 2-1985)." As section 5 describes already the possible exception ("except for target populations who have a high illiteracy rate and/or comparatively little knowledge of nutrition"), the EUMS consider that 'where applicable' should be deleted as it might suggest that also in some other cases supplementary nutrition information can be provided in the absence of a nutrient declaration, which would not be consistent with section 2.1.</p>	European Union
<p>Only one FOPNL system should be recommended by government in each country. However, if multiple FOPNL systems coexist, these should be complementary, not contradictory to each other. FOPNL should be calculated based on and applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable(Section 3) and/or supplementary food group declarations (Section 5) of the Guidelines on Nutrition Labeling (CXG 2-1985).</p>	USA

GENERAL COMMENTS	MEMBER / OBSERVER
<p>Regarding Principle 4.1.1 (Only one FOPNL system should), the United States has no comment. However, the United States supports removing the square brackets around “government”.</p> <p>Regarding Principle 4.1.2 (FOPNL should only be provided), the United States supports the deletion of this text because the issues are covered in Section 3, the Definitions section.</p> <p>Regarding Principle 4.1.3 (FOPNL should be calculated), the United States agrees with the intention of the principle but finds the proposed text unclear. Would FOPNL appear on packages or in labeling with no nutrient declarations? The United States suggests the following edits for consideration:</p> <p>“FOPNL should be [delete: calculated and applied to the food in a manner] {insert: based on and} consistent with the corresponding nutrient declarations for that food {insert: (Section 3) and/or supplementary food group declarations (Section 5) of the Guidelines on Nutrition Labeling (CXG 2-1985)} [delete: where applicable]”.</p>	
<p>We suggest the following change with regard to the following principle in Section 4:</p> <p>FOPNL should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable.</p> <p>The phrase that FOPL should be consistent with the nutrient declaration should be rephrased as its intention is ambiguous. It could be argued that the information on several existing FOPNL DO NOT use the nutrient declaration as the basis for labelling. These systems calculate and apply information on nutrients in the FOPL differently from the nutrient declaration. Presenting the information differently may cause it to be characterized as inconsistent, according to the current principle in these Guidelines. As such the wording of this principle should be changed because it is essential that the directives for FOPL in the Codex do not exclude such effective options, which have already been implemented and recommended. Please amend/reword this sentence to reflect these concerns .</p>	Consumers International
<p>ICGA believes that this principle may require some further discussion, especially about its first sentence.</p> <p>Indeed, assuming that all countries in the world adopt one specific FOPNL system different from each other, then it may mean a multiplication of divergent non-tariff barriers to international trade, which is contrary to the spirit of the overall Codex alimentarius Commission mandate (which is to reduce non-tariff barriers to trade) given that any Codex text is always deemed to be consistent with the WTO SPS and TBT Agreements.</p> <p>As such, all the implications of the first sentence are still difficult to assess, especially from a coherence and judgement of equivalence points of view. Also, it is unclear whether this principle would also close the door to other FOPNL system than such unique “government-driven” one and allow all of them to coexist.</p> <p>Perhaps, the first and second sentences of this paragraph could be then slightly reworded to state: “Ideally, a FOPNL system should reflect national and/or regional food-based dietary guidance as well as recommendations issued by competent authorities. As such, preferably, one FOPNL may be adopted while allowing several FOPNL systems to coexist as long as they are completing and not contradicting each other.”</p>	ICGA
<p>Suggest the edits for clarity. We note that FOPNL is not always based on calculation and suggest the changes.</p> <p>Only one government-endorsed FOPNL system should be recommended by government exist in each country. However, if multiple FOPNL systems coexist, these should be complementary, not contradictory complementary to each other. FOPNL should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable.</p>	Food Industry Asia
<p>We suggest the following text.</p>	IFU

GENERAL COMMENTS	MEMBER / OBSERVER
<p>Only one government endorsed FOPNL system should exist in each country. However, if multiple FOPNL systems coexist, these should be complementary, not contradictory to each other. FOPNL should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable.</p>	
<p>We note that FOPNL is not always based on a calculation</p> <p>Only one FOPNL system should be recommended by government in each country. However, if multiple FOPNL systems coexist, these should be complementary, not contradictory to each other. FOPNL should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable.</p>	FoodDrinkEurope
<p>Suggestion to provide further clarity.</p> <p>Only one government-endorsed FOPNL system should be recommended by government exist in each country or region. However, if multiple FOPNL systems coexist, these should be complementary, not contradictory to each other. FOPNL should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable.</p>	FoodDrinkEurope
<p>ICBA suggests the edits indicated with bold, underlined text for clarity. ICBA suggests deleting "calculated and" as FOPNL is not always based on a calculation.</p> <p>Only one government endorsed FOPNL system should be recommended by government exist in each country. However, if multiple FOPNL systems coexist, these should be complementary, not contradictory to each other. FOPNL should be calculated and applied to the food in a manner consistent with the corresponding nutrient declaration for that food where applicable.</p>	ICBA
<p>FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to both the nutrients and the food groups consumption of which is discouraged and encouraged by these documents.</p>	
<p>Position of Argentina: It is proposed to replace the word "guidance" with "recommendation" and to incorporate the word "public" on the understanding that it provides greater precision on the objective of the principle.</p> <p>It is also understood that the intention of the Committee is to provide high-level guidance and, therefore, it is considered that for the purposes of these Guidelines the first sentence alone would suffice. For this reason, we suggest deleting the following sentence: "Both nutrients and food groups whose consumption is discouraged and encouraged by these documents should be taken into account."</p> <p>The FOPNL should be aligned with the national or regional dietary guidance based on evidence or, failing that, with public health and nutrition policies. Both nutrients and food groups whose consumption is discouraged and encouraged by these documents should be taken into account.</p>	Argentina
<p>As per our earlier comments for clarity and to reduce duplication we propose creating a numbered sublist, as follows:</p> <p>4.2 FOPNL should:</p> <p>4.2.1 Align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to both the nutrients and the food groups consumption of which is discouraged and encouraged by these documents.</p> <p>4.2.2 Present information in a way that is easy to understand and use by consumers in the country or region of implementation. The format of the FOPNL should be supported by scientifically valid consumer research.</p> <p>4.2.3 Be clearly visible on the package at the point of purchase under normal conditions.</p> <p>4.2.4 Allow consumers to make comparisons between foods.</p>	Australia

GENERAL COMMENTS	MEMBER / OBSERVER
<p>4.2.5 Be government lead but developed in collaboration with all interested parties including private sector, consumers, academia, public health associations among others.</p> <p>4.2.6 FOPNL should be implemented in a way that facilitates the availability of FOPNL for consumer use.</p> <p>4.2.7 Be accompanied by a consumer awareness and education/ information program to increase consumer understanding and use of the system.</p> <p>4.2.8 Be monitored and evaluated to determine effectiveness/impact.</p> <p>In relation to point 4.2.6. As per our previous comment we are proposing FOPNL should be implemented in a way that facilitates the availability of FOPNL for consumer use.</p>	
<p>Brazil supports the editorial changes proposed for this provision. We would like to point out that there is a small difference in the texts presented in the second sentence of Table 2 (the food groups of which consumption) and Appendix II (the groups consumption of which).</p>	Brazil
<p>The terms discourage and encourage together might sound contradictory, since the consumption of a nutrient or food group cannot be discouraged and encouraged at the same time.</p> <p>It is suggested to change the expression "failing that" to "in its absence" because it provides greater clarity regarding what it wishes to express.</p> <p>The FOPNL should be aligned with evidence-based national or regional dietary guidance or, in its absence, with health and nutrition policies. Both nutrients and food groups whose consumption is discouraged and/or encouraged by these documents should be taken into account.</p>	Colombia
<p>Costa Rica wished to point out that food groups may be interpreted differently depending on the country where they are implemented and, therefore, considers that no reference should be made to that term. In this way the orientation is maintained at a high level to cover a wide range of needs.</p> <p>The FOPNL should be aligned with evidence-based national or regional dietary guidance or, failing that, with health and nutrition policies. Both nutrients and food groups whose consumption is discouraged and encouraged by these documents should be taken into account.</p>	Costa Rica
<p>Based on their national context and evidence of what works best with consumers, countries should remain free to recommend FOPNL systems that may either consider both the nutrients/ingredients to avoid and those to favour, or only the nutrients/ingredients the consumption of which is discouraged.</p>	Switzerland
<p>FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to both the . Those nutrients and the food groups consumption of for which is discouraged and encouraged by these documents. evidence based dietary intake recommendations have been established through dietary guidance or policies should be considered.</p>	USA
<p>Regarding Principle 4.1.4 (FOPNL should align with), the United States notes that national or regional dietary guidance or health/nutrition policies already provide recommendations regarding the consumption of nutrients and/or food groups.</p> <p>Therefore, the United States offers the follow edits to the text for clarity:</p>	

GENERAL COMMENTS	MEMBER / OBSERVER
<p>“FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. {insert: Those nutrients and food groups for which evidence based dietary intake recommendations have been established through dietary guidance or policies should be considered.} [delete: Consideration should be given to both the nutrients and the food groups consumption of which is discouraged and encouraged by these documents.]”</p> <p>-----</p> <p>Regarding Principle 4.1.5 (FOPNL should encourage manufacturers to), the United States does not agree with this deletion. As previously noted in our comments, the United States believes in the importance of FOPNL for incentivizing reformulation and/or innovation. As noted above, while labeling is an important source of information for consumers it is also important for food manufacturers in providing information about products, nutrition information, and as a basis for claims. Labeling also has a role in fostering reformulation and innovation by food manufacturers. The United States would like consideration of retaining a principle that relates to food manufacturers as part of the guideline on FOPNL.</p> <p>Therefore, the United States suggest the following edits to (the deleted) Section 4.1.5 for consideration:</p> <p>“FOPNL should {insert: be implemented in a manner that supports adoption by industry when the system is voluntary and should} encourage {insert: industry to introduce more nutritious options to consumers either via reformulation or with new product innovations} [delete: manufacturers to reformulate in line with national/regional dietary guidelines or health and nutrition policies].”</p>	
<p>This sentence needs clarification. It should be clear that a front of pack label may include nutrients to limit OR nutrients to encourage or both. But it should NOT be mandatory to include both. We suggest the following modification:</p> <p>FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to both the nutrients and the food groups for which consumption of which is discouraged and/or encouraged by these documents.</p> <p>Each country should have the ability to define critical nutrients and ingredients to include in its FOPNL, based on its priorities and adhering to its directives and guidelines. Each country should be at liberty to focus its FOPNL on both nutrients to limit and encourage or only nutrients to limit OR encourage. In fact, many FOPNLs focus only on nutrients they want to discourage consumers from consuming, mainly nutrients like sugar, fat, and sodium. Such FOPNLs has proved to be effective, especially warning labels, which are clear and easy for consumers to understand.</p> <p>Also, the WHO Guiding Principles manual (2019) mentions that an approach centred on critical nutrients may be more relevant and readily understandable than a FOPNL that includes, both nutrients and ingredients intended to be limited AND encouraged. Therefore, recognition of maximums or excesses of such nutrients, may help in creating more efficient FOPNL. The WHO document states “The presence of information on positive nutrients (e.g., fibre, vitamins and minerals) has been shown to greatly influence health perceptions of a product, suggesting that the display of information about positive nutrients should be excluded on FOPNL appearing on less healthful products” (1)</p> <p>https://www.who.int/nutrition/publications/policies/guidingprinciples-labelling-promoting-healthydiet.pdf?ua=1</p> <p>Also, it is very important to maintain the idea that each country should align its FOPL with its needs and recognize that countries should have the flexibility to adapt FOPL in a way that meets their needs, observes priorities for NCD prevention and considers the dietary patterns and nutritional status of the population.</p>	<p>Consumers International</p>
<p>PROPOSED CHANGE: FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, equivalent nutrition policies.</p>	<p>International Confectionery Association</p>

GENERAL COMMENTS	MEMBER / OBSERVER
<p>FOPNL should focus on simple, summarized nutrition information that provides a snapshot of key nutrients in a food product to help consumers make informed food choices. A truly balanced diet is not one that seeks to exclude certain food group, or nutrients, but rather one that includes a wide variety of foods in the correct portions, at the appropriate frequency of consumption, and meet individual needs and lifestyle. Notably, discouraging (or encouraging) consumption of food groups or ingredients would not align with dietary guidance which is food-based.</p> <p>If this line is not deleted then defined, “Food groups” should be defined and by CCFSDU</p> <p>FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and equivalent nutrition policies. Consideration should be given to both the nutrients and the food groups consumption of which is discouraged and encouraged by these documents.</p>	
<p>Consistent with the previous ICGA comment, that principle may come first or be merged with the previous principle.</p> <p>With regards to the second sentence, ICGA believes that a FOPNL system shall be based on exposure to nutrients, being viewed as nutritionally positive or negative.</p> <p>ICGA does not believe though that a FOPNL system should (and actually can) qualify or disqualify any “food group” consumption...</p> <p>Within each “food group”, a FOPNL system shall help the consumer to make an informed choice about the “healthier” option(s). An approach by “food group” would therefore contradict dietary guidance and recommendations. For example, the promotion of “consumption of fruits and vegetable five times a day” relate to nutritional policy, not to be included in a FOPNL system as such, as most fruits and vegetables – as well as, generally, any other “single ingredient” food -- would not be subject to FOPNL (because not subject to BOPNL).</p> <p>ICGA would recommend deleting the second sentence or alternatively suggest replacing the phrase “food groups” with “certain types of foods” and possibly add a note or an example referring to for example “e.g., fruits and vegetables, whole grain cereals, etc.”</p>	ICGA
<p>We do not believe it appropriate or helpful for these guidelines to define specific components of a FOPNL system. Current practice worldwide includes rapid uptake of different types of FOPNL, including “high in” / “excess of” labels that identify only food components whose consumption is discouraged. In selecting this style of FOPNL, governments have undertaken specific research to understand which style label will be the most effective in their jurisdiction.</p> <p>This principle should be amended so that it does not suggest that all FOPNL must include nutrients or food groups to encourage. It should instead state “Consideration should be given to both the nutrients and the food groups of which ingredients consumption of which is discouraged and [/ or] encouraged by these documents” (proposed addition of “/ or” in brackets). This edit is significant, because many successful, evidence-based FOPNL do not consider or incorporate nutrients to encourage in their FOPNL and the language of these Codex Guidelines should ensure those types of FOPNL fit within these principles.</p>	World Federation of Public Health Associations
<p>We suggest this principle should be streamlined in keeping with the Committee’s intent to provide high level guidance. We believe for the purpose of these ‘Guidelines’, the first sentence alone is sufficient.</p> <p>FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to both the nutrients and the food groups consumption of which is discouraged and encouraged by these documents.</p>	Food Industry Asia
<p>We suggest this principle should be streamlined in keeping with the Committee’s intent to provide high-level guidance. We believe for the purpose of these ‘Guidelines’, the first sentence alone is sufficient.</p>	ICGMA

GENERAL COMMENTS	MEMBER / OBSERVER
<p>FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to both the nutrients and the food groups consumption of which is discouraged and encouraged by these documents.</p>	
<p>Principle 4.1.4 states that “Consideration should be given to both the nutrients and the food groups [...] consumption of which is discouraged and encouraged by these documents.”</p> <p>Principle 4.1.4 should be further amended so that it is applicable to various styles of FOPNL. It currently states that consideration should be given to nutrients and food groups that are both discouraged and encouraged; however, many existing, evidence-based FOPNL – such as “high in” and “excessive of” styles – consider only nutrients and food groups that are to be discouraged. Principle 4.1.4 should be updated to include “/or” after the words “discouraged and” to account for the range of FOPNL systems that exist and are supported by public health research.</p> <p>FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to both the nutrients and the food groups consumption of which is discouraged and encouraged by these documents.</p>	HKI
<p>IFT would propose that this principle be re-stated as follows: "FOPNL should align with scientific, evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to both the nutrients and the food groups, consumption of which is discouraged or encouraged by these documents, taking into account the overall nutrient profile of a product. Helping consumers grasp the concept of eating some foods in moderation would improve their understanding and help them make informed purchasing and consumption decisions. Rather than implying foods are 'bad or good' being told 'eat this' / 'don't eat that', which is directive, FOPNL should be framed as education for a balanced diet. Consumers want to be able to make informed choices, and FOPNL schemes should provide balanced information to help".</p>	IFT
<p>We suggest that this principle should be streamlined to keep in line with the Committee’s intent to provide high-level guidance. We believe that for the purpose of these Guidelines, the first sentence alone is sufficient. We suggest the following text.</p> <p>FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies.</p>	IFU
<p>We suggest that this principle should be streamlined to keep in line with the Committee’s intent to provide high-level guidance. We believe that for the purpose of these Guidelines, the first sentence alone is sufficient.</p> <p>FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to both the nutrients and the food groups consumption of which is discouraged and encouraged by these documents.</p>	FoodDrinkEurope
<p>ICBA suggests that this principle should be streamlined in keeping with the Committee’s intent to provide high-level guidance. We believe that for the purpose of these Guidelines, the first sentence alone is sufficient.</p> <p>FOPNL should align with evidence-based national or regional dietary guidance or, in its absence, health and nutrition policies. Consideration should be given to both the nutrients and the food groups consumption of which is discouraged and encouraged by these documents. .</p>	ICBA
<p>FOPNL should present information in a way that is easy to understand and use by consumers in the country or region of implementation. The format of the FOPNL should be supported by scientifically valid consumer research.</p>	
<p>An editorial adjustment is made for clarity.</p>	Costa Rica

GENERAL COMMENTS	MEMBER / OBSERVER
The FOPNL should present the information in a way that is easy to understand and use by consumers in the country or region of implementation. The FOPNL format must be supported by scientifically valid consumer research.	
The EUMS suggest redrafting the principle by including that FOPNL should not mislead the consumer: FOPNL should present information in a way that is easy to understand and use by consumers in the country or region of implementation and should not mislead the consumer. The format of the FOPNL should be supported by scientifically valid consumer research.	European Union
Regarding Principle 4.2.1 (FOPNL should present information), the United States agrees with the addition of “and use” in the principle.	USA
Consistent with previous ICGA comments on the scope and previous principles, the reference to “in the country or region of implementation” is redundant with the introduction of the document and could therefore be deleted or simply reworded as “, where such FOPNL scheme is implemented”.	ICGA
IFT believes that numerous, scientifically validated and peer reviewed consumer research studies on FOPNL have been and continue to be conducted. Countries implementing FOPNL should conduct an updated review of such research prior to conducting their own research efforts and utilize the findings, as applicable. IFT provides the EWG with FOPNL research paper references for their review.	IFT
IFT would propose that this principle be re-written as follows: "FOPNL should present information in a way that is easy to understand and use by consumers in the country or region of implementation, and that is supported by scientifically valid consumer research. It should allow consumers across demographic and socioeconomic groups to make more informed dietary choices, resulting in measureable behavior shifts that benefit consumer health."	
FOPNL should be clearly visible on the package at the point of purchase under normal conditions.	
We suggest to replace the term package with container, since it also applies to liquid foods and the term package is not clear enough. We consider that the text "of sale and use" should be reincorporated within the proposed Principle of visibility, to give clear and understandable meaning to it. The expression "normal conditions" is not clear enough, it loses its meaning if it is not accompanied by "normal conditions of sale" The FOPNL must be clearly visible on the packaging/container at the point of purchase under “normal conditions of sale”.	Colombia
A translation adjustment is made for further clarity. Similarly, Costa Rica suggests replacing the term "point of purchase" with "point of sale" in coherence with the work in progress related to e-commerce/internet sales. The FOPNL must be clearly visible on the packaging/container at the point of purchase and sale under normal conditions.	Costa Rica
To avoid any confusion, the EUMS suggest adding “on the front of the package”. FOPNL should be clearly visible on the front of the package at the point of purchase under normal conditions.	European Union
Regarding Principle 4.2.2 (FOPNL should be clearly visible ...), the United States notes that the Committee should consider how to accommodate FOPNL when retail packaged foods are sold via e-commerce. The United States will also seek clarity during the working group and/or plenary as to whether it extends to foods sold via e-commerce. and offers the following edits for consideration:	USA

GENERAL COMMENTS	MEMBER / OBSERVER
<p>“FOPNL should be clearly visible on the {insert: principal display panel of the} package at the point of purchase under [delete: normal] {insert: typical} conditions {insert: and in the case of products sold via e-commerce either visible on the package shown on the website or on the product information page providing the required nutrient declarations for the food}.”</p> <p>The terms used in the text proposed by the United States should ultimately align with those adopted in CCFL’s internet sales/e-commerce workstream.</p> <p>FOPNL should be clearly visible on the principal display panel of the package at the point of purchase under normal conditions typical conditions and in the case of products sold via e-commerce either visible on the package shown on the website or on the product information page providing the required nutrient declarations for the food.</p>	
<p>We suggest the changes for clarity.</p> <p>FOPNL should be clearly visible on the package at the point of purchase under normal conditions of sale and use.</p>	Food Industry Asia
<p>We believe that the text “...of sale and use.” should be reinstated within the proposed Principles for format.</p> <p>FOPNL should be clearly visible on the package at the point of purchase under normal conditions of sale and use.</p>	ICGMA
<p>We support the text as it stands.</p>	FoodDrinkEurope
FOPNL should allow consumers to make comparisons between foods.	
<p>Considering that the back-of-pack nutrition declaration allows consumers already to make comparisons between foods, the EUMS suggest clarifying that FOPNL aims to help consumers to make comparisons between foods, by redrafting the principle as follows:</p> <p>"FOPNL should help consumers to make comparisons between foods."</p> <p>FOPNL should allow help consumers to make comparisons between foods.</p>	European Union
<p>Malaysia is of the view that consumer should be encouraged to make a reasonable comparison between foods through FOPNL. While we agree that the comparison between food may not be limited within its own category, consumer should be educated in making the comparison reasonably. Hence, Malaysia proposes the text for principle 4.2.3 be amended as follows:</p> <p>4.2.3 FOPNL should allow consumers to make appropriate comparisons between foods.</p>	Malaysia
<p>In Switzerland's Opinion, the end of the principle [within a food category] should be retained. FOPNL should mostly enable consumers to compare foods in the same category in order to make the best choice within a food category. In Switzerland's Opinion it does not make sense to compare food outside different categories to make a good choice.</p>	Switzerland
<p>Regarding Principle 4.2.3 (FOPNL should allow consumers to make ...), the United States agrees with this text and has no comment.</p>	USA
<p>In principle, ICGA can agree with that principle, which results from a compromise, as long as the basis for such a comparison is based on generally accepted scientific evidence and developed in full transparency with all interested stakeholders.</p>	ICGA
<p>IFT would propose the following re-statement of the principle: "FOPNL should allow consumers to make comparisons between foods and food groups on nutritional value."</p>	IFT
<p>CEFS believes that this would force consumers to discriminate different foods.</p>	CEFS
FOPNL should be government lead but developed in collaboration with all interested parties including private sector, consumers, academia, public health associations among others.	

GENERAL COMMENTS	MEMBER / OBSERVER
<p>Clarity</p> <p>It is suggested to include civil society organizations as they are different from consumers, the private sector, academia and public health associations and their participation, in the decisions made regarding the FOPNL, is considered as useful as the one of all other participants.</p> <p>The FOPNL should be led by the government, but governed and developed in collaboration with all stakeholders, including the private sector, consumers, academia and public health associations, among other civil society organizations as well as all other stakeholders.</p>	Colombia
<p>An editorial adjustment is made for clarity.</p> <p>The FOPNL should be led by the government, but developed in collaboration with all stakeholders, including the private sector, consumers, academia and public health associations, among others.</p>	Costa Rica
<p>[See also comment provided under Question 2 above]</p> <p>The EUMS consider that government leadership would help to ensure any potential conflicts of interest.</p> <p>However, as highlighted in previous EUMS comments, 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, front-of-pack nutrition labelling, 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 EU suggests reformulating the principle that FOPNL should preferably be government-led and should - in all cases (including industry/stakeholder-led) - be developed in consultation / collaboration with all interested parties.</p> <p>The EUMS suggest modifying section 4.3.1. as follows:</p> <p>FOPNL should preferably be government led and should in all cases be developed in consultation / collaboration with all interested parties including government, private sector, consumers, academia, public health associations among others.</p> <p>FOPNL should preferably be government lead but and should in all cases be developed in consultation / collaboration with all interested parties including government, private sector, consumers, academia, public health associations among others.</p>	European Union
<p>Malaysia proposes editorial amendment to the text as follows:</p> <p>“FOPNL should be government led but developed in collaboration with all interested parties including private sector, consumers, academia, public health associations among others.”</p> <p>FOPNL should be government lead led but developed in collaboration with all interested parties including private sector, consumers, academia, public health associations among others.</p>	Malaysia
<p>Regarding Principle 4.3.1 (FOPNL should be government lead ...), the United States reiterates the general comment made suggesting replacing the word “collaboration” with the word “consultation”, as follows:</p> <p>“FOPNL should be government [delete: lead] {insert: led} but developed in [delete: collaboration] {insert: consultation} with all interested parties including, private sector, consumers, academia and public health associations among others.”</p> <p>FOPNL should be government lead led but developed in collaboration consultation with all interested parties including private sector, consumers, academia, public health associations among others.</p>	USA

GENERAL COMMENTS	MEMBER / OBSERVER
<p>It is clearly a political choice to believe that government-lead systems are more efficient - or pertinent - than other systems which may be, for example, academia-led.</p> <p>As any Codex Alimentarius text is voluntary, we believe that the phrase “government lead but” could be deleted or alternatively replaced by “led by [competent authorities / recognized authoritative scientific bodies (RASBs)]”.</p>	ICGA
<p>We suggest revision of the text for clarity and suggest to add "trading partners" under the stakeholders list.</p> <p>FOPNL should be government lead but led and developed in collaboration with all interested parties including the private sector, consumers, academia, public health associations among others associations, trading partners, and all other interested stakeholders.</p>	Food Industry Asia
<p>IFT would propose the following revision of this principle: "FOPNL should be government-led, but developed in collaboration with all interested parties, including private sector, consumers, academia, public health associations, and scientific institutes, among others, based on consumer insights and food and nutrition sciences, to ensure effective and practical implementation."</p>	IFT
<p>We suggest further amending the text as follows, for greater clarity</p> <p>FOPNL should be government lead but government-led and developed in collaboration with all interested parties including the private sector, consumers, academia, public health associations among others and all other interested stakeholders.</p>	FoodDrinkEurope
[FOPNL should be implemented in a way that facilitates consumer use of the FOPNL].	
<p>Brazil suggests deleting this provision as it is already captured in other sections of the document.</p> <p>[FOPNL should be implemented in a way that facilitates consumer use of the FOPNL].</p>	Brazil
<p>[See also comment provided under Question 3 above]</p> <p>The EUMS understand that the redrafting of the previous proposed wording (‘FOPNL should be implemented in a way that [maximizes / encourages] food manufacturers’ use of the FOPNL on food labels’) aims to focus on the goal of facilitating consumer use of the FOPNL scheme, which would in turn require high uptake by industry to meet this goal.</p> <p>The EUMS consider that the proposed text should be reformulated and clarified, as it might currently not be clear for the reader what exactly is understood by ‘implemented in a way that facilitates consumer use’; for example, whether it is referring to facilitating consumer comprehension of a scheme, or, whether it refers to generalizing the use of the scheme on foods.</p>	European Union
<p>Indonesia proposes to open the square brackets and modify the following principle:</p> <p>[FOPNL should be implemented in a way that facilitates consumer to understand and use of the FOPNL].</p>	Indonesia
<p>Malaysia proposes the text for principle 4.3.2 be amended as follows:</p> <p>4.3.2 (previous 4.11) [FOPNL should be implemented in a way that it facilitates consumers’ use and encourages adoption by food manufacturers’].</p>	Malaysia
<p>Regarding Principle 4.3.2 (FOPNL should be implemented), the United States supports this principle and the deletion of “[maximizes/encourages] food manufacturers’ use of the FOPNL on food labels” and the inserted text (facilities consumer use of the FOPNL).</p>	USA
<p>[FOPNL should be implemented in a way that facilitates consumer use of the FOPNL]] and that does not discriminate food products]..</p>	International Confectionery Association

GENERAL COMMENTS	MEMBER / OBSERVER
ICGA can agree with this principle, although it may be possibly redundant with a previous principle which states: "FOPNL should present information in a way that is easy to understand and use by consumers". In such a case, CCFL46 could consider deleting this one which is in square brackets.	ICGA
We suggest substitution of the word "encourages" for "facilitates", as well as inclusion of the text "...and understanding" within the revised passage. [FOPNL should be implemented in a way that facilitates encourages consumer use and understanding of the FOPNL].	Food Industry Asia
We support a focus on facilitating consumer use of FOPNL. However, we recommend removing this principle as the intent is already covered by the Purpose (Section 1) as well as by other principles, including 4.2.1, 4.2.3, and 4.3.3 (numbering from previous draft). Should the Committee decide to keep this principle, we suggest the following language: FOPNL should be implemented in a manner that encourages consumer use and understanding of the nutritional value of food and does not discriminate against food products.	ICGMA
IFT believes if this principle is kept, that it be restated as follows: "FOPNL should be implemented in a way that facilitates consumer use of the FOPNL and understanding of a products nutritional value."	IFT
We support a focus on facilitating consumer use of FOPNL. However, we recommend removing this principle as the intent is already covered by the Purpose (Section 1) as well as by other principles, including 4.2.1, 4.2.3, and 4.3.3 (numbering from previous draft). Should the Committee decide to keep this principle, we suggest substituting the word "encourages" for "facilitates" as follows: FOPNL should be implemented in a way that encourages consumer use of the FOPNL.	IFU
Should the Committee decide to keep this principle, we suggest these amendments. [FOPNL should be implemented in a way that facilitates encourages consumer use and understanding of the FOPNL, without discriminating between food products].	FoodDrinkEurope
ICBA supports a focus on facilitating consumer use of FOPNL. However, we recommend removing this principle as the intent is already covered by the Purpose as well as by other principles, including 4.2.1, 4.2.3, and 4.3.3 (numbering from previous draft). Should the Committee decide to keep this principle, ICBA suggests substituting the word "encourages" for "facilitates" as follows: FOPNL should be implemented in a way that encourages consumer use of the FOPNL. [FOPNL should be implemented in a way that facilitates consumer use of the FOPNL].	ICBA
FOPNL should be accompanied by a consumer awareness and education/ information program to increase consumer understanding and use of the system.	
Indonesia proposes to add the following sentence to this principle: FOPNL should be accompanied by a consumer awareness and education/ information program to increase consumer understanding and use of the system. The program should be government lead but developed in collaboration with all interested parties.	Indonesia
Regarding Principle 4.3.3 (FOPNL should be accompanied by a consumer), the United States supports this principle, as written.	USA
ICGA can agree with this principle.	ICGA

GENERAL COMMENTS	MEMBER / OBSERVER
Perhaps a discussion would be necessary for CCFL46 to clarify in its report who and how such awareness and training could be designed and performed.	
FOPNL should be monitored and evaluated to determine effectiveness/impact.	
Canada suggests separating “effectiveness” and “impact” with “and”, rather than use a forward slash, given that they have different meaning. Using the forward slash conveys that the words are synonyms. FOPNL should be monitored and evaluated to determine effectiveness/impact effectiveness and impact.	Canada
PRINCIPLES (New principle) FOPNL should be objective and non-discriminatory With reference to EUMS comments of April 2020 (Extraordinary consultation on Section 5), a new principle is proposed stating that ‘FOPNL should be objective and non-discriminatory’.	European Union
Regarding Principle 4.3.4 (FOPNL should be monitored and evaluated), the United States generally supports this principle, but feels that having some form of targets is necessary for the purpose of monitoring. Therefore, the United States offers the following edits to accomplish this: “FOPNL should be monitored and evaluated {insert: against appropriate targets} to determine effectiveness/impact.” FOPNL should be monitored and evaluated against appropriate targets to determine effectiveness/impact.	USA
ADDITIONAL PRINCIPLES FOPNL should be a form of supplementary nutrition information, serving as a tool to facilitate the consumer’s understanding of the contribution or importance of a food to the diet, and not a sole means to reformulate products. FOPNL should properly take into account the role of portions in a balanced diet. FOPNL should empower consumers to make informed food choices in order to help them follow healthy diets FOPNL should not be used as the basis of punitive actions or utilized in such a manner that it hinders trade FOPNL should be monitored and evaluated to determine effectiveness/impact.	International Confectionery Association
ICGA can agree with the principle. Perhaps a discussion would be necessary for CCFL46 to clarify in its report who and how such monitoring and evaluation may be designed and performed. ICGA would also like to suggest a couple of additional principles: <ul style="list-style-type: none"> • FOPNL systems should be as much as objective and non-discriminatory as possible and not exploit fear of consumers, consistent with the section 3.5 of the Codex General Guidelines on Claims (CXG 1, latest version (2019)). • FOPNL system should empower, rather than confuse, consumers about nutrition labelling information and the importance of a balanced diet and relative roles of diverse foods. • FOPNL should properly take into account the role of portions/daily servings in a balanced diet. • FOPNL should not be used as the basis to select or ban foods or be utilized as a disguised barrier to trade establishing hierarchy between domestic and imported foods, or between traditional foods and other types of foods. 	ICGA

GENERAL COMMENTS	MEMBER / OBSERVER
<p>We suggest removing the word "impact" to simplify. The submitted comments address the issue of 'effectiveness' relative to consumer understanding.</p> <p>FOPNL should be monitored and evaluated to determine effectiveness/impact effectiveness.</p>	Food Industry Asia
<p>We suggest removing the word "impact" to simplify. The submitted comments address the issue of 'effectiveness' relative to consumer understanding.</p> <p>FOPNL should be monitored and evaluated to determine effectiveness/impact effectiveness.</p>	ICGMA
<p>IFT supports this principle, and would add an additional principle below it as follows: "FOPNL should frame information as constructive nutritional help, not warnings. It should be meaningful and not alarmist or mis-leading to consumers. There are many public misperceptions on foods, and FOPNL has the opportunity to educate consumers for more balanced understanding, based on science."</p>	IFT
<p>We suggest removing the word "impact" for the sake of simplicity. The submitted comments address the issue of 'effectiveness' relative to consumer understanding.</p>	IFU
<p>We suggest removing the word "impact" for the sake of simplicity. The submitted comments address the issue of 'effectiveness' relative to consumer understanding.</p> <p>FOPNL should be monitored and evaluated to determine effectiveness/impact effectiveness.</p>	FoodDrinkEurope
<p>ICBA suggests removing the word "impact" for the sake of simplicity. The submitted comments address the issue of 'effectiveness' relative to consumer understanding.</p> <p>FOPNL should be monitored and evaluated to determine effectiveness/impact effectiveness.</p>	ICBA