

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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AGENDA ITEM NO. 9

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

**CODEX COMMITTEE ON FOOD LABELLING
THIRTIETH SESSION
HALIFAX, CANADA, 6 - 10 MAY 2002**

**PROPOSED DRAFT AMENDMENT TO THE *GENERAL STANDARD FOR
THE LABELLING OF PREPACKAGED FOODS:***

**QUANTITATIVE DECLARATION OF INGREDIENTS
(ALINORM 01/22A - APPENDIX IX)**

GOVERNMENT COMMENTS AT STEP 3

COMMENTS FROM:

**COLOMBIA
INTERNATIONAL ASSOCIATION OF CONSUMER FOOD ORGANIZATIONS (IACFO)
INTERNATIONAL SOFT DRINK COUNCIL (ISDC)**

PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS: QUANTITATIVE DECLARATION OF INGREDIENTS (ALINORM 01/22A – APPENDIX IX)

GOVERNMENT COMMENTS AT STEP 3

COLOMBIA:

	Conclusion
<p>5. ADDITIONAL MANDATORY REQUIREMENTS</p> <p>5.1 Quantitative Labelling of Ingredients</p> <p>5.1.1 Every food sold as a mixture or combination shall disclose the percentage, by weight, of each ingredient (including ingredients of compound ingredients) comprising more than 5% of the food by weight.</p>	<p>We do not agree. We consider that the ingredient list is enough. In practice it would be the equivalent of revealing the formulation, which is the intellectual property of the manufacturers.</p>
<p>5.1.2 The information required in Section 5.1.1 shall be declared on the product label as a numerical percentage adjacent to each respective ingredient listed in the ingredient list.</p>	
<p>5.1.3 If the quantity of any ingredient is emphasized on the label by words or pictures, or if the product bears a name or other similarity to another food with different ingredient composition, or if an ingredient or class of ingredients is normally associated with the food by consumers, the percentage, by weight, of each emphasized ingredient shall be reported on the label either:</p> <p>a) in close proximity to the words or images emphasizing the particular ingredient, or</p> <p>b) beside the common name of the food, in lettering that is at least 50% as large as the common name</p>	<p>We do not agree with this requirement. The wording is very subjective, since there may be ingredients which are enough for a food product but not for others because they would be excessive; it depends on the consumer’s habits, but this could be an inappropriate influence when the amount of the ingredient is written on the label.</p>
<p>(ALTERNATIVE TEXT PROPOSED BY IACFO – INTERNATIONAL ASSOCIATION OF CONSUMER FOOD ORGANIZATIONS)</p>	
<p>5.1.1 Every food sold as a mixture or combination [shall] [may] disclose the [ingoing] percentage, by weight, of each ingredient (including ingredients of compound ingredients) [comprising more than 5% of the food by weight.] [that: (a) is associated by consumers with the food; or (b) is emphasized on the label through words or pictures; or (c) is essential to characterize the food; or (d) is essential to distinguish the food from others with which it may be confused; or (e) appears in the name of the food; or (f) comprises more than 25% of the food by weight.]</p>	<p>We do not agree. There is a contradiction between the requirement of declaring if comprising more than 5% , and what is established in clause f).</p>
<p>5.1.2 The information required in Section 5.1.1 shall [, if provided,] be declared on the product label as an [approximate] numerical percentage adjacent to each respective ingredient listed in the ingredient list.</p>	<p>We do not agree. This could imply revealing the formulation and know-how of the manufacture.</p>
<p>5.1.3 If the quantity of any ingredient is emphasized on the label by words or pictures, or if the product bears a name or other similarity to another food with different ingredient composition [with which it may be confused] , or if an ingredient is normally associated with the food by consumers, the [ingoing] percentage, by weight, of each [such] [emphasized] ingredient shall [also] be</p>	<p>We do not agree, for the same reason mentioned above.</p>

<p>reported on the label either:</p> <p>(a) in close proximity to the words or images emphasizing the particular ingredient, or</p> <p>(b) beside the common name of the food,</p> <p>[in lettering that is at least 50% as large as the common name].</p>	
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INTERNATIONAL ASSOCIATION OF CONSUMER FOOD ORGANIZATIONS (IACFO):

1. Introduction and Summary

The International Association of Consumer Food Organizations (IACFO) encourages the Codex Committee on Food Labelling (CCFL) to begin a detailed analysis of the “alternative text” circulated by the Secretariat¹ to update Codex requirements for quantitative ingredient declaration (QUID). The alternative text was prepared to address concerns raised by some delegations concerning the original proposal submitted by IACFO.

Major multinational companies, as well as smaller domestic firms, already comply with QUID requirements very similar to those proposed in the alternative text in various nations throughout the world. The European Union (EU), for example, has a limited QUID requirement for emphasized or characterizing ingredients, while Thailand has a more comprehensive QUID requirement for all major ingredients. Australia and New Zealand have also adopted new QUID requirements similar in key respects to the alternative text.

The increasing prevalence of national standards for QUID is evidence that the provision of such information is valuable to consumers. Furthermore, when the United States Food and Drug Administration (FDA) solicited public comments on this issue in 1979, more than 75% of commenters that made suggestions on how to specify the quantity of ingredients favored percentage ingredient labeling.² Similarly, when the Australia-New Zealand Food Authority studied this issue more recently in 1999, it came to the same conclusion that “it is clear that consumers are strongly in favour of percentage labeling...”³

Also, the food industry’s compliance with national standards for QUID shows that such requirements are practical and that the implementation challenges (such as establishing rounding rules for percentages, protecting trade secrets, and enforcement) can be

¹ CCFL Report, Alinorm 01/22A, Appendix IX at paragraph 117.

² 44 Fed. Reg. 75,998 (Dec. 21 1979).

³ Australia New Zealand Food Authority, Percentage Labeling of Characterizing Ingredients in Food and the Declaration of Added Water, Full Assessment Report – Proposal P206 and P207, Nov. 1999.

overcome despite protestations to the contrary by some member delegations and industry INGOs.

The alternative text of the proposed draft amendment draws upon the best aspects of QUID requirements developed by national authorities. It would:

- fulfill Codex’s mandate which is “protecting the health of the consumer and ensuring fair practices in the food trade”⁴ by encouraging the provision of information regarding the healthfulness of ingredients and product quality;
- facilitate the development of national standards for QUID where national authorities determine that there is a public health or consumer protection need to do so;
- promote fair competition by discouraging economic adulteration;
- prevent deception; and
- encourage uniformity in national QUID standards throughout the world.

II. Discussion of the Benefits of QUID

Quantitative ingredient declaration (QUID) on food labelling is becoming increasingly important as consumers become more dependent on prepackaged processed foods because the composition of such products cannot readily be determined by visual inspection. For example, when consumers buy fresh fruit, they can easily see what they are purchasing. In contrast, when consumers buy a packaged food product that contains fruit, it is often difficult, if not impossible, for them to determine how much fruit is contained in the package. When QUID is provided, consumers can more easily make product comparisons on the basis of health and quality. QUID also helps consumers avoid economic adulteration and helps prevent deception.

A. Facilitating Product Comparisons on the Basis of Health

QUID can help consumers make healthier food choices by informing them of the percentage of healthful or unhealthful ingredients in a food. For example, QUID may reveal how much fruit, whole grains or added sugars are in competing brands of breakfast cereals. In the United Kingdom (UK), for instance, consumers who wish to select a cereal composed of a significant amount of fruit are informed that Nestle Fruitful cereal contains 31.2% fruit, while Kellogg’s Apricot Bites contain only 6% fruit. In Thailand, where comprehensive QUID labelling requirements are in force, the label of Kellogg’s Frosties cereal reveals that it is composed of 39% added sugars.

In contrast, in the U.S. where QUID is not generally required, the nutrition label of Kellogg’s Frosted Flakes (a similar product) merely states that a serving contains 12 grams of sugars, and the ingredient list names sugar and high fructose corn syrup as the second and fourth ingredients, respectively. But neither the U.S. nutrition label nor the U.S. ingredient

⁴ Statutes of the Codex Alimentarius Commission, Article I, paragraph (a), Codex Alimentarius Commission Procedural Manual, 11th ed., Food and Agriculture Organization of the United Nations/World Health Organization.

list of this product informs consumers that more than one-third of the box is filled with added sugars. QUID is therefore necessary -- even in countries that require nutrition labelling -- so that consumers are fully informed and can choose products with greater amounts of healthful ingredients and avoid products with significant amounts of unhealthful ingredients.

B. Facilitating Product Comparisons on the Basis of Quality

QUID is necessary to clearly indicate the proportion of ingredients in processed foods, thereby allowing consumers to make more accurate value comparisons and to select the product with the greater amount of desirable ingredients.

In Australia, which is instituting QUID requirements, a package of Arnott's Country Cheese Cracker Biscuits indicates that the snack contains 17% cheese, while a package of Cheezels Genuine Cheese Snacks informs consumers that the snacks are made of only 2.7% cheese. Similarly, in Thailand, the label of Nabisco Ritz Bits Cheese Sandwiches reveals that they contain 3% cheese, while the label of Pretzel Pete's Garlic and Cheese Nuggets indicates that they contain only 0.23% Parmesan cheese. QUID therefore provides consumers with the information necessary to make product comparisons and to purchase the higher quality product.

It should be noted that QUID standards complement the role played by commodity specific standards. Commodity specific standards ensure that a minimum percentage of a characterising ingredient is present in a food. QUID standards inform the consumer of that information. The two requirements thus work in tandem for the betterment of consumer welfare.

It should further be noted that the provision of QUID can also reduce the need for certain commodity specific standards. For example, the United States Department of Agriculture has recently proposed to eliminate a standard for frozen pizza that mandated a certain percentage of fatty meat and asked for public comment on whether a percentage disclosure of meat should instead be required on the product label.⁵

C. Reducing the Prevalence of Economic Adulteration

QUID labelling enables consumers to determine if a product has been economically adulterated, i.e., whether the amount of desirable ingredients in a product has been reduced by the addition of water or other less desirable ingredients.

For example, the label of S&W blueberries sold in Thailand states that the can contains 49% water. Consumers in Thailand are therefore informed that the product is almost half water. No such information is provided to consumers in the U.S. where the company is based.

D. Preventing Deception

The provision of QUID on the principal display panel of food labels can also help rectify deceptive claims about ingredient content. Section 5.1.3 of the proposed alternative text pending before the CCFL provides for QUID on the principal display panel if: 1) the

⁵ 66 Fed. Reg. At 55601 (November 2, 2001), Docket No. 01-018P.

quantity of any ingredient is emphasized on the label by words or pictures, 2) the product bears a name or other similarity to another food with different ingredient composition, or 3) an ingredient or class of ingredients is normally associated with the food by consumers. These requirements can help correct misleading representations on the food label, and, in certain situations, can even help prevent deceptive marketing practices from being used in the first place.

In the UK, for instance, a package of Kellogg's Nutri-Grain Twists highlights their fruit and yoghurt filling on the front label by featuring prominent pictures of real fruit and yoghurt, thus implying that the product contains large amounts of fruit and yoghurt. But, QUID on the ingredient list informs consumers that the bars actually contain only 5% fruit and 1.5 % yoghurt.

Because the purpose of the front label is to influence purchasing decisions, it is essential that the QUID disclosure be included near relevant claims or pictures, not just in the ingredient list. For example, a product called "Blueberry Waffles" should disclose the percentage of blueberries contained in the product in immediate conjunction with the name.

III. *Response to Criticisms of Proposals to Expand Codex Standards for QUID*

A. An expanded Codex standard for QUID would not require national governments to institute mandatory QUID rules.

Codex standards for QUID do not oblige national governments to adopt national laws mandating QUID. Rather, Codex standards simply provide a model that is recognised as legitimate under the World Trade Organization (WTO) agreement for countries choosing to institute such requirements.

Presently, sections 5.1.1 and 5.1.2 of the current Codex QUID standard might prohibit a national government from requiring QUID unless the amount of an ingredient is explicitly given "special emphasis" on the "labelling." This may preclude QUID requirements when ingredients are, for example, not emphasized on the label but are, nonetheless, essential for characterizing the food or are normally associated with the food by consumers.

A suggestion by the delegation of the United States would exacerbate this problem. That delegation has suggested replacing the existing Codex standard with a "voluntary" QUID standard. This approach, however, would immediately expose all existing national standards that require QUID to challenge at the WTO on the basis that they exceed the requirements of Codex standards.⁶

B. The alternative text does not require the disclosure of proprietary information and would not discourage trade.

⁶ Both the WTO Agreement on the Application of Sanitary and Phytosanitary Measures and the Agreement on Technical Barriers to Trade obligate governments to rely on international standards developed by Codex and other internationally recognized bodies and governments who choose to maintain national standards that exceed the requirements of international standards can be forced to defend such measures at the WTO and risk that they be deemed to be an illegal trade barrier.

QUID does not require the disclosure of product formulas. The alternative text simply specifies what many national governments around the world already require – the disclosed percentage of certain characterizing ingredients. Thus, it can not be argued that such standards require the disclosure of trade secrets.

Furthermore, requirements for QUID, where in force, have not discouraged trade. For example, exports to Thailand for the United States have grown despite Thai national rules that require QUID to appear on the labels of practically all food products.

C. QUID need not discourage product innovation or reduce the ability of manufacturers to substitute ingredients based on seasonable availability.

Some INGOs representing the food industry have argued that QUID would require products to be relabelled every time a manufacturer adjusted the ingredients of a food product because of seasonable variability. This problem could be easily eliminated by allowing companies to disclose minimum percentages or ranges rather than actual percentages. Thus, there would be no need for companies to make label changes so long as each ingredient was present in the minimal amount or range declared on the label. In addition, QUID standards could provide for “and/or” labelling in certain specified situations. Thus, a manufacturer could be permitted to state on the label that a product contains “25% apple juice and/or grape juice” when that is the case. Such requirements would allow the manufacturer to easily make adjustments based on the seasonable availability of ingredients. IACFO suggests that CCFL develop provisions for a revised QUID standard that would address such concerns.

Requiring food companies to disclose the percentage composition of ingredients also will likely enhance competition and provide incentives for companies to produce higher quality products. For example, after nutrition labelling became mandatory in the U.S. in 1994, food manufacturers reformulated hundreds of products and introduced thousands of healthier new foods. Similarly, requiring food manufacturers to disclose the relative amounts of ingredients in their foods will likely encourage them to provide consumers with higher quality and more nutritious foods.

**PROPOSED DRAFT AMENDMENT TO THE GENERAL STANDARD FOR THE
LABELLING OF
PREPACKAGED FOODS (Quantitative Ingredient Declaration Labelling)
(At Step 3 of the Procedure)
(Alternative text proposed by IACFO)**

5. ADDITIONAL MANDATORY REQUIREMENTS

5.1 Quantitative Labelling of Ingredients

5.1.1 Every food sold as a mixture or combination [shall] **[may]** disclose the **[ingoing]** percentage, by weight, of each ingredient (including ingredients of compound ingredients) [comprising more than 5% of the food by weight.] **[that:**

- (a) is associated by consumers with the food; or**
- (b) is emphasized on the label through words or pictures; or**
- (c) is essential to characterize the food; or**
- (d) is essential to distinguish the food from others with which it may be confused; or**
- (e) appears in the name of the food; or**
- (f) comprises more than 25% of the food by weight.]**

5.1.2 The information required in Section 5.1.1 shall **[, if provided,]** be declared on the product label as an **[approximate]** numerical percentage adjacent to each respective ingredient listed in the ingredient list.

5.1.3 If the quantity of any ingredient is emphasized on the label by words or pictures, or if the product bears a name or other similarity to another food with different ingredient composition **[with which it may be confused]**, or if an ingredient is normally associated with the food by consumers, the **[ingoing]** percentage, by weight, of each **[such]** [emphasized] ingredient shall **[also]** be reported on the label either:

- (a) in close proximity to the words or images emphasizing the particular ingredient, or
- (b) beside the common name of the food, [in lettering that is at least 50% as large as the common name].

5.1.4 Where commodity-specific standards of Codex Alimentarius conflict with the requirements prescribed here, the commodity-specific requirements shall prevail to the extent of the conflict.

INTERNATIONAL SOFT DRINK COUNCIL (ISDC):

ISDC recommends maintaining current labeling provisions in the section 5.1 of the Codex General Standard for the Labeling of Prepackaged Foods concerning Quantitative Ingredient Declaration (QUID).

ISDC opposes the principle of declaring the percentage of all ingredients as proposed by IACFO. This is far too onerous to implement and de-emphasizes the important information about certain ingredients resulting in information that will be meaningless to consumers.

ISDC believes that the existing standard already provides sufficient ingredient information to consumers. Any further disclosure should be voluntary. The section 5.1 of the General Standard clearly states that when the labeling of food places special emphasis on one or more valuable and/or characterizing ingredients (or where the description of the food has the same effect) or the low content of one or more ingredients, the percentage of the ingredient (m/m) in the final product shall be declared. Further, foods or ingredients that are known to cause hypersensitivity also must be labeled according to the section 4.2.1.4 of the General Standard. Additional quantitative ingredient declaration would prevent flexibility in the use of ingredients and might require the disclosure of proprietary information without providing significant benefit to consumers.

ISDC further believes that all percentages required should be declared in the ingredient list and in the same print size as the rest of the text. Only in cases of products with no ingredient list, should the requirement be to declare the percentage in close proximity to the legal name of the product. All percentages being declared should be “approximate” and in whole numbers only.