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

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DISCUSSION PAPER ON ISSUES RELATED TO MANDATORY NUTRITION LABELLING

(Prepared by an electronic working group led by Australia with the assistance of Argentina, Brazil, Malaysia, New Zealand, Poland, Singapore, the European Community, Switzerland, Mexico, Japan, USA, the International Dairy Federation (IDF), International Alliance of Dietary Supplement/Food Associations (IASDA), and the International Council of Beverages Associations (ICBA))

INTRODUCTION

1. The 36th Session of the Codex Committee on Food Labelling, in taking consideration of the recommendations in WHO Global Strategy on Diet Physical Activity and Health, agreed to undertake new work on proposed amendments to section 3.2 of the Guidelines on Nutrition Labelling regarding the list of nutrients and the legibility and readability of information, and the list of nutrients that are always declared on a voluntary or mandatory basis. In order to develop the proposed amendments for consideration the Committee agreed to convene a Physical Working Group co-chaired by New Zealand, Norway and the United States, with assistance from Australia to provide the 37th Session of the Committee with recommendations to progress work on the implementation of the Global Strategy.
2. The aim of this electronic Working Group (eWG) led by Australia, is to prepare a discussion paper on issues related to mandatory nutrition labelling.
3. The issue of whether nutrition information should be required on a mandatory basis in the absence of nutrition content claims has broad implications for consumers, industry and governments. This paper aims to identify the issues and concerns relating to mandatory nutrition labelling, which would mean that nutrition labelling would be present regardless of whether or not a nutrition claim is made. The objective of nutrition labelling regulations is to provide consumers with information on the energy and nutrient content of individual foods that enable consumers to select foods that contribute to an overall healthy and balanced diet.

4. As a means of considering if mandatory nutrition labelling may or may not be preferred by CCFL, this paper canvasses issues and associated considerations to facilitate discussion at the Physical Working Group to be held prior to the 37th session of CCFL. Australia appreciates the participation of members and their comments. Submissions were received from Argentina, Brazil, Malaysia, New Zealand, Poland, Singapore, the European Community, Switzerland, Mexico, Japan, USA, the International Dairy Federation (IDF), International Alliance of Dietary Supplement/Food Associations (IASDA), and the International Council of Beverages Associations (ICBA).

5. Information was sought from eWG members in response to a paper and questionnaire circulated on 8 September 2008, about the development and implementation of mandatory nutritional labelling requirements. This information was used as the basis for drafting this discussion paper.

6. A summary of the eWG comments can be seen in Attachments 1 and 2 to this paper. Attachment 1, Part A contains a synopsis of comments; Part B contains a summary of submissions in response to the questionnaire; and Attachment 2 contains the complete set of submissions received.

7. The eWG are now pleased to present this discussion paper for comments and discussion at the Physical Working Group to be held prior to the 37th session of CCFL.

ISSUES

8. This discussion paper has been prepared on the basis that the discussion of mandatory nutrition labelling includes considerations for both unpackaged and pre-packaged foods. It is noted that some eWG members consider that the scope of the Codex Guidelines on Nutrition Labelling¹ should be limited to pre-packaged foods.

9. The requirement for mandatory nutrition labelling needs considerable care and thought, particularly in the context of the relevance of the information to the populations in the different countries and international trade. The level of consumer awareness or consumer understanding and use of food labels varies among countries and regions. To be an effective tool for public health promotion, consumers need to be adequately informed about the information on the label and its use in daily diets. Nutrition labelling requirements should ideally be accompanied by consumer education campaigns and the ability of nations to undertake such educational efforts needs to be considered.

10. The experience of those member countries that have implemented mandatory nutrition labelling is that consumers do read food labels and use the information presented in them to make food choices that contribute to a healthy and balanced diet. Consumers use nutrition labels to compare and choose between food products and plan their diets. The introduction of mandatory nutrition labelling has been found to encourage manufacturers to reformulate products to improve their nutritional quality, thus increasing the availability of healthier products in the marketplace. While the move from voluntary to mandatory nutrition labelling does involve additional cost to government and industry, cost has not been identified as a major issue by those countries that have implemented mandatory nutrition labelling.

11. The introduction of mandatory nutrition labelling on pre-packaged foods is a way to provide information to consumers and has the potential to lead to public health improvements, and to facilitate international trade. Due to differing cultures, nutritional needs and other considerations, a global approach to any mandatory nutrition labelling scheme may not be appropriate, and a degree of flexibility may be required to address clearly justified local needs. Consideration should be given to different labelling schemes, which may be more appropriate than a single global approach to adopting mandatory nutrition labelling.

¹ CAC/GL 2-1985

12. In exploring the possibility of adopting mandatory nutrition labelling consideration should be given to the development of appropriate education resources for consumers; support for industry; and allowing for the possibility of exemptions i.e. on the basis of business size; type and/or size of outlet; food characteristics (eg plain tea and coffee, unflavoured/unsweetened water, herbs and spices); or type and/or size and shape of packaging.

13. The eWG has identified a number of issues for consideration, which have been summarised under the following headings:

1. Costs and Benefits;
2. Application of mandatory nutrition labelling;
3. Implementation and support mechanisms;
4. Compliance and enforcement;
5. International and trade considerations.

1. COSTS AND BENEFITS

The eWG recognises that the introduction of mandatory nutrition labelling has the potential to increase costs for industry and also to impact on consumers and governments. However, many benefits associated with the introduction of mandatory nutrition labelling were also identified.

Costs

Costs associated with the introduction of mandatory nutrition labelling identified by the eWG include:

- (a) Costs to consumers – additional costs incurred through the introduction of mandatory nutrition labelling may result in:
 - increased food prices, as costs incurred by industry may be passed on to consumers; and
 - too much information on a label, which could reduce consumers' ability to absorb and evaluate the information, such as information related to ingredients and safe handling.
- (b) Costs to Government – there may be additional costs associated with enforcement and regulation related to:
 - building the capacity of laboratories and training the personnel required for monitoring and surveillance of compliance with nutrition labelling;
 - development of official guidelines on nutrition labelling to the food industry and consumers in order to facilitate the implementation and the use of nutrition labelling;
 - development of official databases on nutrient composition of foods to support small and medium businesses to implement nutrition labelling; and
 - development of nutrition education materials and programmes for consumers and industry explaining the new requirements.
- (c) Costs to industry – additional costs may be associated with obtaining the nutritional analysis, calculation of nutrient composition, the design, production and changeover of labels, as follows:
 - administrative costs, which are costs of interpreting the regulation and deciding on an appropriate action in response to the regulation;
 - costs of testing and/or use of databases to determine the nutrient content;
 - printing costs, the costs of changing the printing plates or other printing mechanism;
 - inventory costs, the value of the labels in inventory that cannot be used due to the new regulation; and
 - reformulation costs, i.e., costs of changing product formulation as a possible response to the required nutrition labelling.

Benefits

Benefits associated with the introduction of mandatory nutrition labelling identified by the eWG include:

(a) Benefits to consumers – consumers could see some benefits immediately and directly while others would become apparent over time, as follows:

- wider access to nutrition information;
- the opportunity to make consistent comparisons between food products and across categories;
- information on labels may potentially influence behaviour and lead to flow-on public health benefits, thereby serving as a link between the consumer, nutrition education and public health outcomes;
- the potential to lower health-care costs to the individual and society over time, due to reductions in diet related preventable non-communicable diseases; and
- providing an incentive for manufacturers to reformulate products to improve the nutritional quality, thus increasing availability of products that contribute to a healthy and balanced diet in the marketplace.

The current approach to mandatory nutrition labelling focuses on negative nutrients. Some eWG members suggest that positive nutrients associated with a decreased risk of non-communicable diseases should be considered for mandatory labelling. Positive labelling would encourage consumers and thus be more attractive to industry, whereas negative labelling relies on discouraging consumers, so may be less effective.

(b) Benefits to government – introduction of mandatory nutrition labelling can benefit governments through providing:

- potential for savings in public health costs in the treatment of chronic non-communicable diseases related to diet; and
- encouragement to populations to make food choices that contribute to healthy and balanced diets and providing support for other education initiatives.

(c) Benefits to industry – industry could gain benefits resulting from:

- improved consumer confidence associated with greater disclosure of nutrition information;
- the provision of nutrition information so that consumers are able to select products based on ready comparison between products and across food categories; and
- international consistency, where possible, that could benefit trade between countries.

2. APPLICATION OF MANDATORY NUTRITION LABELLING

(a) Difficulties faced by small and medium businesses

The eWG identified difficulties that small and medium businesses may face and some options for addressing these, including:

- a possible lack of technical capacity and resources required for determining the nutritional values to be declared; and
- it is expected that small and medium sized enterprises would bear disproportionate costs of putting a nutrient declaration on labels.

(b) Options for Exemptions

The eWG identified a variety of possible exemptions that could be applied, including:

- all unpackaged food;
- perishable cooked food ready for direct consumption which is packaged on retail premises in response to demand by a purchaser;
- small packages with total surface area of less than 10 cm², packages that have shapes such that a label cannot be affixed or refillable bottles. In such cases, nutrition information could be provided by alternate means such as a telephone number, hang tags, address or website;

- foods that contain insignificant amounts of all of the nutrients required to be declared under the mandatory nutrition labelling requirements. Examples of such foods could include coffee beans, tea leaves, plain unsweetened instant coffee and tea, unsweetened/unflavoured water, condiments, flavour extracts, and food colours; however, it would first be necessary to determine a definition of ‘an insignificant amount’ of a nutrient;
- requiring declaration of only those nutrients present in amounts greater than those that could be declared as zero and considering a labelling statement indicating presence of insignificant amounts of the other required nutrient(s);
- foods that do not contribute significantly to dietary intake of the population of the country in question (the implementation of this option would first require a definition of ‘significant’); and
- packaged foods supplied by small businesses (to be defined).

(c) Technical difficulties

The eWG identified a number of potential technical difficulties associated with the introduction of mandatory nutrition labelling, including:

- availability of suitable laboratory facilities, equipment and staff training to check for nutrition labelling compliance and accuracy;
- the cost, accuracy and repeatability of alternate methods of analysis;
- variability in nutrient levels due to geographic source and seasonal fluctuation of ingredients;
- development of official databases on nutrient composition of foods to facilitate determination of nutrition information by manufacturers allowing for appropriate tolerance values (these would need to be defined) to account for the inherent variability in amounts of nutrients and the variability in laboratory analysis;
- determining an adequate transition period for the implementation of mandatory nutrition labelling;
- determining the parameters of which products must carry mandatory nutrition labelling; and
- if limiting the number of nutrients that must be declared those nutrients must be identified (i.e. should it be limited to the 4 core nutrients in the WHO Global Strategy on Diet, Physical Activity and Health, or some other set of nutrients)²; and
- linking to nutrition education programmes and education materials for consumers.

(d) Unpackaged foods

In the first draft of this paper, eWG members were asked to consider extending the application of mandatory nutrition labelling to unpackaged foods. The majority of eWG members disagreed on the basis that mandatory nutrition labelling of unpackaged foods (such as raw agricultural commodities) is considered to be difficult to implement and enforce and may be impractical.

3. IMPLEMENTATION AND SUPPORT MECHANISMS

The eWG identified a range of issues surrounding the implementation of mandatory nutrition labelling and mechanisms for supporting its introduction, as discussed in Section II above. Other issues in relation to resources, technical considerations, infrastructure and communication have also been identified in relation to the introduction of mandatory nutrition labelling. These are discussed below:

- (a) Resources and Technical Considerations - including access to resources and technical considerations, such as:
- the availability and accuracy of laboratory analysis for foods;
 - capacity of industry to provide and verify nutrient information;

² This touches on the work of the eWG on revision of Guidelines on Nutrition Labelling concerning the list of nutrients that are always declared on a voluntary or mandatory basis (section 3.2 of the Guidelines on Nutrition Labelling), led by New Zealand.

- recognized databases could be developed on nutrient composition of foods, or existing databases could be recognized for this use; and
- exemptions based on size of enterprise, place of sale, extended transition periods and exemptions for certain categories of food and/or food packages could be considered in response.

Some of those issues may be addressed or significantly reduced through provision of appropriate support mechanisms, such as:

- nutrient calculation software or similar online tools;
 - food composition databases;
 - allowing a long (e.g. 2 year or 3 -5 years for products with a long shelf life) period for phasing-in before enforcement takes place, for example regulatory authorities could provide transition periods or temporary relief under certain circumstances for firms to use existing label inventory and prepare new labels to conform to the nutrition labelling requirements;
 - allowing nutrient declaration to be based on the average values of the manufacturer's analysis of the food or a calculation from the nutrient values of the ingredients used;
 - not requiring full labelling of negligible nutrient content; and
 - not requiring zero calculations.
- (b) Infrastructure - consideration may be required around access for government and businesses to the necessary infrastructure, such as the internet.
- (c) Communication - public communication strategies would need to be implemented, including:
- consumer education campaigns, and
 - involvement of relevant stakeholders (industry, consumers, medical community, academia, and state and local authorities)

4. COMPLIANCE AND ENFORCEMENT

The eWG identified some issues that also apply to implementation and support, discussed above. Attachment 2 (section 2.7) contains a list of compliance and enforcement mechanisms provided by eWG members. Compliance and enforcement issues, identified by eWG members, that may impact on the introduction of mandatory nutrition labelling include:

- the capacity and infrastructure of industry and regulatory authorities;
- access to analytical testing and/or reliable, validated databases for determining nutrient content (availability and validity of methods);
- variability in analytical methods and the use of different laboratories may lead to differing results;
- permitted variability from declared value (accounting for inherent analytical variability and variations within good manufacturing practices);
- costs to public and private sectors for compliance, monitoring and enforcement; and
- procedures for monitoring, enforcement and follow-up corrective actions.

5. INTERNATIONAL AND TRADE CONSIDERATIONS

The eWG identified several issues related to trade and other issues that may arise with the introduction of mandatory nutrition labelling including:

(a) Trade Considerations

The introduction of mandatory nutrition labelling on a global scale, and the level of alignment with national nutrition labelling requirements, has the potential to aid or hamper global food trade. eWG members raised the following issues to be aware of:

- the possible impact on existing trading alliances or trading blocks, for example the regulation of mandatory nutrition labelling is harmonized in some instances thus facilitating the trade in food between countries;
- should mandatory nutrition labelling be introduced worldwide in a uniform manner, this would be a facilitator to trade. Currently, food manufacturers who export their products to various countries sometimes need several labels, due to the variation in the labelling regulations country-to-country; and
- consideration should be given to the preparation of an international manual of food and commodity nutritional composition that is accepted by all governments, as this would serve to facilitate trade.

- (b) Other International Views - Although eWG members generally support the introduction of mandatory nutrition labelling, it is recognised that while we strive for global consistency of food labelling requirements across regions, complete harmonization of food labelling requirements is not possible in some instances due to differing language, cultural requirements, trade preferences or other unique national concerns. Therefore, any amendments to existing Codex nutrition labelling guidance should retain the flexibility currently provided to countries, where clearly justified, to set nutrition labelling requirements as appropriate for their nation's public health needs.

CONCLUSION

The eWG have considered a number of issues of importance that may be considered further by the Physical Working Group to be held immediately prior to CCFL 37, and include (but may not be limited to) the following:

- costs and benefits associated with the introduction of mandatory nutrition labelling;
- the role that mandatory nutrition labelling could potentially play in supporting public health initiatives;
- the foods (e.g. pre-packaged) that mandatory nutrition labelling may apply to;
- options for retaining a degree of flexibility that allows individual countries to decide the most appropriate way to apply global provisions. On this basis, consideration be given to labelling scheme(s) that could serve as best-practice approaches for countries considering the adoption of mandatory nutrition labelling;
- practical issues related to implementation, application, compliance and enforcement such as resource and technical considerations, infrastructure and communication; and
 - implications for existing trading alliances, and as a possible facilitator to trade.

ATTACHMENT 1

PART A: Synopsis of current labelling schemes in place in individual countries and views about expansion to unpackaged foods or other preferences.

| Country/ Organisation | Comment |
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| Argentina | Currently has nutrition labelling in place for pre-packaged foods with exemptions on the basis of type or class of food, composition aspects, pre-packaged foods with a very variable composition content (such as products divided at point of sale), by size or form of packages and by point of sale. Not intending to expand to unpackaged foods. |
| Australia | Currently has mandatory nutrition labelling in place for energy, protein, fat, saturated fat, carbohydrate, sugars, and sodium content in pre-packaged foods. Nutrition labelling regulations are harmonized with New Zealand. Not considering expansion of mandatory nutrition labelling to unpackaged foods. |
| Brazil | Currently has nutrition labelling in place for pre-packaged foods (details not supplied). There is no intention of expanding this to unpackaged foods. In terms of preferred approach – favour setting of exemptions based on the foods nutritional characteristics, place of sale and package size, and to set tolerance value to account for the inherent variability in amounts of nutrient and the variability in analysis. |
| European Community | Currently considering whether nutrition labelling should be mandatory for the majority of processed foods (details not supplied). Considers that in Codex Alimentarius mandatory nutrition labelling should not extend beyond pre-packaged foods. |
| Japan | Currently has nutrition labelling in place (details not supplied). There is no intention of expanding this to unpackaged foods, as considers that mandatory nutrition labelling for all foods would be practically impossible to implement. It is premature to discuss world-wide approach to mandatory nutrition labelling. |
| Malaysia | Currently has requirement for nutrition labelling for pre-packaged foods (details not supplied). There is no intention to extend mandatory nutrition labelling to unpackaged foods, at this time. Nutrition labelling should only be for the four core nutrients: energy, available carbohydrate, protein and fat. |
| Mexico | The future trend for national legislation is to make mandatory declaration for energy, fat, carbohydrate, proteins and sodium. Might consider mandatory nutrition labelling for unpackaged foods as part of an education campaign. |
| New Zealand | Currently has nutrition labelling in place, with some exemptions including unpackaged foods. Exemptions do not apply if a nutrition claim is made. Awaiting results of research currently underway before a definitive stance can be taken on approach. |
| Poland | Mandatory nutrition labelling applies to food products for special dietary uses, food products with added vitamins, minerals etc and food products bearing nutritional and health claims. Supports mandatory nutrition labelling for energy value, fat content saturates, carbohydrates, sugars and salt. |
| Singapore | Currently has voluntary nutrition labelling in place. Not intending to expand to unpackaged foods, as preliminary intent is to implement mandatory nutrition labelling for pre-packaged foods. In terms of preferred approach interest is in international consistency to aid trade. |
| Switzerland | Not intending to apply mandatory nutrition labelling to unpackaged foods. In most cases it is not practical and not possible: e.g. butchers, bakers as well as for all primary agricultural products. If applied to unpackaged foods: it could give rise to difficulties for natural / unprocessed products (e.g. fruits, vegetables) as well as in gastronomy, catering, etc. Would labelling be per 100g or ml or per portion size? In gastronomy: would nutrition labelling be for a whole menu, the dish or components of the dish? |
| USA | Currently has mandatory nutrition labelling in place for pre-packaged foods, with exemptions under certain conditions. Supports retention of current flexibility to allow individual countries to set own requirements as relevant |
| ICBA | The International Council of Beverages Associations comments did not address these issues. |
| IDF | The International Dairy Federation supports the position that a degree of flexibility is required for individual countries to meet local needs, such flexibility should be kept to a minimum and then only on the basis of very specific and clearly justified needs. |
| IASDS | The International Alliance of Dairy Supplement/Food Associations (IASDS). Supports exemptions on categories of products such as food supplements and chewing gum where the daily consumption is very small in terms of nutrients and energy. Mandatory requirements should be kept to a minimum i.e. energy, protein, carbohydrate and fat. |

ATTACHMENT 1

PART B: AGGREGATED SUMMARY OF SUBMISSIONS

This table summarises submissions received from Argentina, Brazil, Malaysia, New Zealand, Poland, Singapore, the European Community, Switzerland, Mexico, Japan, USA and the International Dairy Federation (IDF), International Alliance of Dietary Supplement/Food Associations (IASDA), and the International Council of Beverages Associations (ICBA).

| I. Benefits | |
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| <p>2.1 What are the benefits, including potential public health benefits, of mandatory nutrition labelling for:</p> <p>(a) Consumers?</p> | <p>Mandatory nutrition labelling can:</p> <ul style="list-style-type: none"> ▪ be used as an effective tool in providing clear and understandable information (with common terminology) on nutrient content to consumers, which can aid in reducing confusion and creating awareness about the importance of nutrition principles when purchasing and preparing foods; ▪ enable the consumer to make informed choices and compare the nutrient content of different brands of a same or similar product; ▪ enable the consumer to avoid certain nutrients; ▪ serve as a starting point to the education of consumers and assist them in making better informed choices and to moderate or increase their intake of certain nutrients or foods; and ▪ benefit consumers through an improvement in the nutritional composition of industrialized foods. For example, after the declaration of trans fatty acids in Brazil became mandatory, attempts at reducing their levels in foods have been observed. <p>Mandatory nutrition labelling should not be considered as the only tool in consumer education campaigns.</p> |
| <p>(b) Government?</p> | <p>Mandatory nutrition labelling is an important tool for:</p> <ul style="list-style-type: none"> - providing nutrition information to consumers, and in the long run this can contribute to decreasing public health costs; and - promoting healthy eating patterns. Appropriate food selection can improve individual diets and have a positive impact on health. <p>The information provided in the nutrition information panel would complement government public health policy strategies in consumer health protection and prevention of non-communicable diseases;</p> <p>Another benefit of mandatory nutrition labelling is in facilitating transparency and monitoring of food supply.</p> |
| <p>(c) Industry?</p> | <p>Mandatory nutrition labelling can serve as a marketing tool that allows food companies to position their products as providing essential nutrients (or are low in undesirable nutrients) that help individuals to achieve their nutrition goals.</p> <p>The requirement to disclose nutrition information may motivate food manufacturers to improve the nutritional quality of their products.</p> <p>International consistency in terms of mandatory nutrition labelling can benefit trade between countries.</p> |

| II. Costs | |
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| <p>2.2 Please identify costs that may be incurred with the introduction of mandatory nutrition labelling for:</p> <p>(a) Consumers?</p> | <p>Mandatory nutrition labelling would represent additional expenditure for governments to develop standards and enforce the labelling requirements. Food producers would have to interpret and decide how to deal with the new regulations and test their products and either re-design their labels and/or reformulate their products. It is likely that these costs may also be passed on to consumers in the form of additional taxes and higher food prices.</p> <p>There is a need for consumer education (which could include additional costs to consumers and governments and industry) to ensure that consumers understand the information on the labels.</p> <p>A possible unintended consequence of additional labelling could be that it dilutes the effectiveness of the information already included on product labels. Too much information on a label reduces the chances that consumers will read it, and that they will be able to accurately evaluate the importance of each piece of information.</p> <p>Consumer confidence could be undermined (resulting in lower demand for particular products) if there was no truth to the information contained on the labels.</p> |
| <p>(b) Government?</p> | <p>Possible costs to Governments are associated with:</p> <ul style="list-style-type: none"> ▪ building the capacity of laboratories and trained personnel required for monitoring and surveillance of compliance with nutrition labelling; ▪ development of official databases on nutrient composition of foods to help the implementation of nutrition labelling by small and medium businesses; ▪ development of standards and official guidelines on nutrition labelling to the food industry and information for consumers in order to facilitate the implementation and the use of nutrition labelling; ▪ development of nutrition education materials and programmes for consumers explaining the new requirements; and ▪ other resources required for auditing, monitoring, surveillance and compliance with labelling regulations. |
| <p>(c) Industry?</p> | <p>There are possible costs to industry (particularly during the initial implementation period) associated with:</p> <ul style="list-style-type: none"> ▪ administrative costs, associated with interpreting the regulation and deciding on an appropriate action in response to the regulation; ▪ costs of testing to determine the nutrient content; ▪ printing costs, the costs of changing the printing plates or other printing mechanism; ▪ inventory costs, the value of the labels in inventory that cannot be used due to the new regulation; and ▪ reformulation costs, i.e., costs of changing product recipes in response to the required nutrition labelling. <p>International inconsistencies in labelling could hamper import/export trade.</p> |

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| <p>2.3 For the costs identified above, are there mechanisms which could minimise, remove or otherwise address these costs?</p> | <p>A variety of ways for mitigating the costs were suggested, including :</p> <ul style="list-style-type: none"> ▪ mandating that only 4 nutrients be labelled and that labelling only applies to food items that contribute significantly to nutrient intake of communities; ▪ as help to industry, especially the small and medium industries, Governments could provide reference information/ official data bases of nutrient composition of foods from which nutrient levels could be obtained; ▪ the nutrient declaration might be based on the average values of the manufacturer’s analysis of the food or based on a calculation from the nutrient values of the ingredients used. However, this option could cause increased costs in other areas; ▪ not requiring full labelling of negligible nutrient content; ▪ not requiring zero calculations; ▪ development/support for specialized laboratories to undertake specific nutrient analyses, particularly for small and medium-sized businesses; ▪ technical expertise could also provided to industry; ▪ allowing exemptions for small businesses and special labelling provisions considering types of food, food packages, or place of sale can help minimize undue economic burden to industry; and ▪ allowing a long (2 year) period being allowed for phasing in before enforcement takes place, or providing temporary relief under certain circumstances for firms to use up existing label inventory and prepare new labels to conform to the nutrition labelling requirements. |
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| <p>III. Application of Mandatory Nutrition Labelling</p> | |
| <p>2.4 What are the issues associated with the application of mandatory nutrition labelling? (a) for small to medium businesses?</p> | <p>eWG members have identified a variety of issues and difficulties as well as ways of mitigating against these, as follows:</p> <ul style="list-style-type: none"> ▪ official databases on nutrient composition of foods could help the implementation of nutrition labelling by small and medium businesses, because it may be difficult for small and medium industries to : <ul style="list-style-type: none"> o obtain technical expertise to undertake the assays and to understand and implement the regulations; o gather the information required for the labels and o create new label designs and write off existing packaging stocks. ▪ other options to assist small and medium business, include: <ul style="list-style-type: none"> o permitting the declaration of average values based on manufacturer’s analysis; o providing choice among methods of analysis; o the package size may be too small to permit the inclusion of the nutrient declaration or the shape of the package may be such that a label bearing the nutrient declaration cannot be affixed to it. Some options for handling this may be: <ul style="list-style-type: none"> - setting a minimum package size below which nutrient declaration is not required; - permitting flexibility in the list or format of nutrient declaration considering packaged size; and - allowing additional means of nutrition labelling such as tags. o allowing appropriate transition arrangements so that manufacturers can integrate nutrition labelling requirements with other changes in labelling; o use of a uniform compliance date provides for an orderly and economical industry adjustment to new labelling requirements by allowing sufficient lead time to plan for the use of existing label inventories and the development of new labelling materials. This policy serves consumers' interests as well because the cost of multiple short-term label revisions that would otherwise occur would likely be passed on to consumers in the form of higher prices. o allowing for reasonable variations in nutrient content (inherent variability in food production or processing) and analytical variability, for example, some thresholds in place in are that a food is not deemed to be misbranded if it contains |

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| | <p>1) at least 80% of the declared value for vitamins, minerals, protein, total carbohydrate, dietary fibre, other carbohydrates, polyunsaturated or monounsaturated fat, and potassium and</p> <p>2) no more than 20% in excess of the declared value for calories, sugars, fats, and sodium).</p> |
| (b) around exemption, including what principles/rationale should be used to determine any exemptions? | <p>A variety of options for exemptions are possible, for example:</p> <ul style="list-style-type: none"> o any food in bulk containers shipped for further processing or packaging before retail sale; o any unpackaged food which is of the nature, quality, quantity, origin or brand requested by the purchaser and is weighted, counted or measured in the presence of the purchaser; o any perishable cooked food ready for direct consumption which is packaged on retail premises in response to demand by a purchaser for a specified quality of such food; o small packages with total surface area of less than 100 cm²; o for foods with negligible amounts of nutrients (coffee, spices, salt, vinegar, tea, food supplements); o based on the place of sale of the food, such as foods prepared and packaged in restaurants or food stores, ready to eat, and products divided at points of retail sale, marketed as pre-measured;; o for alcoholic beverages o natural mineral waters and other waters intended for human consumption; o for foods with very low contribution to the overall daily consumption; and o infant formula, and infant and junior foods for children up to 4 years of age. |
| (c) Technical difficulties? | <p>A variety of technical issues may arise in association with the application of mandatory nutrition labelling:</p> <ul style="list-style-type: none"> ▪ upgrading may be required to facilities and or expertise required to undertake assays to obtain initial nutrition information data; ▪ improvement of laboratories facilities, equipment and staff training to check for nutrition labelling compliance and accuracy; ▪ development of official databases on nutrient composition of foods to help the implementation of nutrition labelling by small and medium businesses; ▪ establishing tolerance values to account for the inherent variability in amounts of nutrients and the variability in laboratory analysis; ▪ allowing adequate transition period for the implementation of mandatory nutrition labelling; ▪ deciding acceptable tolerances where the nutrient declaration is based on the average values of the manufacturer's analysis of the food or a calculation from the nutrient values of the ingredients used or a calculation from official data bases of the nutrient composition of foods; and ▪ the inherent variability of the food supply may present some issues, as average values are difficult to enforce, and may be problematic as nutrition labels are an exact measure of a variable amount. |
| 2.5 Does the intent of applying mandatory nutrition labelling extend to unpackaged foods? If so what are the issues/practicalities associated with labelling of these foods? | <p>There is little to no support for extending the requirement to un-packaged foods. Mandatory nutrition labelling of unpackaged foods (such as raw agricultural commodities) is difficult to implement and enforce and may be impractical. If applied to unpackaged foods it could give rise to difficulties in relation to food provided in restaurants and other hospitality settings for example. Such a requirement could give rise the following questions:</p> <ul style="list-style-type: none"> ▪ would labelling be per 100g or 100 ml or per portion size? ▪ in gastronomy: would nutrition labelling be for a whole menu, the dish or components of the dish? |

| IV. Implementation and Support Mechanisms | |
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| <p>2.6 Identify the tools and support mechanisms, including costs, that may facilitate and support implementation of mandatory nutrition labelling.</p> | <p>A range of tools and support mechanisms exist, including public communication strategies, consumer education campaigns, which would require involvement of relevant stakeholders (industry, consumers, medical community, academia, and state and local authorities) to help facilitate the implementation and effectiveness of mandatory nutrition labelling.</p> <p>The suggestion was put forward for the preparation of an international manual of food and commodity nutritional composition that is accepted by all governments. Governments would need to provide technical assistance to industry coupled with comprehensive consumer education programs to help consumers better understand nutrition labelling and support the introduction of mandatory nutrition labelling. This may require working with laboratories to standardise analytical methods and resourcing to make the services affordable to companies, especially small to medium businesses. It is also important to have public policies and appropriate regulation and monitoring and surveillance systems in place.</p> <p>Databases on nutritional value of food products and nutrient calculation software for calculation of nutritional value of products and the development and distribution of practical guidelines for industry and consumers would be required.</p> <p>It was suggested that such support tools could be developed and/or made available through a central body such as Codex or the World Health Organisation.</p> |

| V. Compliance and Enforcement | |
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| <p>2.7 Identify compliance and enforcement mechanisms in your country and the possible implications associated with mandatory nutrition labelling</p> | <p>eWG members identified a variety of compliance and enforcement mechanisms currently operating or possibly in place in the future, in their countries, these are summarised below:</p> <ul style="list-style-type: none"> o monitoring of compliance is conducted by local food inspectors through inspection of food traded and by official public laboratories; o the specific requirements and penalties for non-compliance are gazetted and administered by national food safety authorities, and surveillance and enforcement activities to ensure compliance are also conducted; o the implementation of a permanent program of market surveillance by national authorities was suggested, however there are cost and resource implications associated with the introduction of these; o it was suggested that monitoring of compliance with nutrition labelling regulations should be carried out by competent organs of sanitary inspection agencies and by appropriately trained staff of those authorities; o compliance is tested through labelling audits and manufacturing audits; and o nutrition labelling is basically voluntary. But in case of special indications about nutrient properties or special food, nutrition labelling is mandatory. |

VI. International Considerations

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| <p>2.8 In undertaking mandatory nutrition labelling what are the international issues that should be considered – including potential impact on trade and potential benefits of global consistency?</p> | <p>Current trading preferences and regional alliances should not be impeded by any changes to the labelling requirements.</p> <p>Practical issues specific to countries or regions should be considered in determining the feasibility of adopting mandatory nutrition labelling programs. These include local conditions such as the infrastructure and capacity of industry and government authorities, costs associated with compliance and enforcement, availability and validity of analytical methods influence the ability to implement mandatory nutrition labelling.</p> <p>Should mandatory nutrition labelling be introduced worldwide in a uniform manner, this would be a facilitator to trade. Currently, food manufacturers who export their products to various countries sometimes need several labels as the labelling regulations vary from country to country.</p> <p>The preparation of an international manual of food and commodity nutritional composition that is accepted by all governments would also assist trade.</p> <p>While we can strive for global consistency of food labelling requirements across regions, complete harmonization of food labelling requirements is not possible because of differing language, cultural requirements, trade preferences or other unique national concerns. Therefore, any amendments to existing Codex nutrition labelling guidance should retain the flexibility currently provided to countries to set nutrition labelling requirements as appropriate for their nation's public health.</p> |
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VII. Further Information

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| <p>2.9 Do you have a preferred approach to mandatory nutrition labelling? Please discuss.</p> | <p>Any amendments to existing Codex nutrition labelling guidance should retain the flexibility currently provided to countries to set nutrition labelling requirements as appropriate for their nation's public health.</p> <p>While mandatory nutrition labelling involves costs to industry and, to some extent also to governments, the public health benefits outweigh costs incurred.</p> <p>Nutrition labelling should ideally be accompanied by educational efforts to inform consumers about the use of the nutrition information in identifying appropriate food choices and maintaining healthy dietary practices.</p> |
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| | <p>Mandatory nutrition labelling should only apply to the four core nutrients namely energy, available carbohydrate, protein and fat and for those food items that impact significantly on the nutrient intake of communities.</p> <p>Mandatory nutrition labelling should focus on nutrients associated with an increased risk of non-communicable diseases. Other nutrients considered extremely relevant for maintaining health could also be included.</p> <p>It is important to set exemptions based on the food nutritional characteristics, place of sale and package size. It is also necessary to set a tolerance value to account for the inherent variability in amounts of nutrients and the variability in laboratory analyses.</p> <p>Mandatory nutrition labelling requirements should be in line with international practice, for all pre-packaged foods (excluding those with insignificant nutrient content and those sold in loose form).</p> <p>While we can strive for harmonization of food labelling requirements across regions, complete harmonization of food labelling requirements may not be possible because of differing language, cultural requirements, trade preferences or other unique national concerns. Therefore, any amendments to existing Codex nutrition labelling guidance should retain the flexibility currently provided to countries to set nutrition labelling requirements as appropriate for their nation's public health.</p> |
| 2.10 Do you have any further comments to make? | <p>Nutrition labelling has been recognized by FAO/WHO as being useful in providing consumers with information to help them make informed choices when purchasing foods. Codex guidelines were established in 1985, 23 years ago, for voluntary nutrition labelling. It is now time to re-affirm that nutrition labelling is useful by implementing mandatory nutrition labelling on the condition that it applies:</p> <p>A only for the 4 core nutrients in the Global strategy; and</p> <p>B only for those food items that contribute significantly to the nutrient intake of the general community.</p> <p>There is support for maintaining the existing flexibility to assist consumer understanding of the information on labels.</p> <p>Safety is paramount and should take priority over nutrition information, and in this context some questions to be considered are:</p> <ul style="list-style-type: none"> - is there a more effective way to educate people? - are numerical values the most appropriate mechanism? |