

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
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Organization

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Agenda Item 7

FL48/CRD04

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

Forty-eighth Session

Quebec City, Canada

27 October – 1 November 2024

GUIDELINES ON THE USE OF TECHNOLOGY TO PROVIDE FOOD INFORMATION IN FOOD LABELLING

(Prepared by Canada (Electronic Working Group Chair))

Canada, New Zealand and India, as chair and co-chairs of the EWG, have revised the proposed draft text below upon consideration of comments and recommendations received in response to CL 2024/55-FL as compiled in CX/FL 24/48/7 Add.1.

The amendments are outlined directly in the text boxes which include the rationale for the changes made.

The Committee is invited to consider the revised Guidelines as presented in this CRD.

NOTE: Text in **red bold** and ~~strikeout~~ shows proposed amendments to Appendix II of CX/FL 24/48/7 in response to comments from CX/FL 24/48/7 Add.1.

Proposed draft Guidelines on the Use of Technology to Provide Food Information
(at step 7)

1. PURPOSE

Provide guidance on the use of technology to provide information to consumers¹ about prepackaged foods¹.

2. SCOPE

These guidelines apply to food information that is accessed by consumers using technology via a reference on a prepackaged food's label¹ or labelling¹.

3. USE

These guidelines should be read in conjunction with Codex texts related to labelling of prepackaged foods, including but not limited to *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985).

4. DEFINITIONS

For the purpose of these guidelines:

"Food information" means the information that is the subject of a Codex text about a prepackaged food.

"Technology" refers to any electronic or digital means, including but not limited to websites, online platforms and mobile applications.

5. CONSIDERATIONS FOR DECIDING IF MANDATORY FOOD LABELLING INFORMATION REQUIRED ON A PREPACKAGED FOOD'S LABEL OR LABELLING COULD INSTEAD BE PROVIDED TO CONSUMERS USING TECHNOLOGY

5.1 The food information should be readily accessible to consumers during normal and customary circumstances of purchase and use, which means:

- a) there should be sufficient technological infrastructure to support providing food information using that technology within the geographic area or country where the food is sold, such as in regards to prevalence and reliability of service,
- b) the general population, or a sub-set of the population for whom the food information is intended, should have widespread and adequate access to the technology in that geographic area or country, and have adopted its use, and
- c) it is reasonable for the consumer to use the technology to access the food information during the normal and customary circumstances of purchase and use ~~and that there is evidence of similar consumer understanding of the technology.~~

5.2 Name of the food and food information concerning health and safety should not be provided exclusively using technology.

Proposed change: Section 5.2 is revised as follows:

The name of the food and food information concerning health and safety should not be provided exclusively using technology..

Rationale: Editorial change.

5.3 Food information that relates to an individual physical product (e.g. lot code, date marking) should not be provided only using technology if doing so would compromise the ability to relate the information to that individual product.

6. USE OF TECHNOLOGY TO PROVIDE CONSUMERS ACCESS TO MANDATORY FOOD INFORMATION THAT IS NOT ACCESSIBLE ON THE LABEL

¹ As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985)

- 6.1 In cases where food labelling information is not accessible to consumers, due to conditions of sale or to exemptions from having to be provided on the label or labelling, consideration should be given to the use of technology to provide consumers with access to that information.

7. PRINCIPLES THAT ARE APPLICABLE WHEN FOOD INFORMATION IS PROVIDED TO CONSUMERS USING TECHNOLOGY

Food information that is accessed by consumers using technology via a reference on the prepackaged food's label or labelling ~~shall~~^{should} be based on the following principles, whether the food information is required on a mandatory basis or provided voluntarily:

- 7.1 The general principles in Section 3 of the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985) are applicable to food information that is described or presented using technology.
- 7.2 Food information described or presented using technology shall not conflict with information provided on the label or labelling of the prepackaged food, including when shown in different languages.
- [7.3 Where mandatory food information is provided solely described or presented using technology, the reference on the label or labelling shall link directly to this information, and the mandatory food information, shall be presented in one place, readily identifiable, grouped together, and easily distinguishable separately from other commercial information intended for sale or marketing purposes.]**
- 7.4 Where food information is provided using technology, the food information shall be shown in accordance with applicable Codex texts.
- 7.5 Where mandatory food information is **solely** provided using technology, ~~the reference on the label or labelling should link directly to this information and the food information shall~~^{should} be available for the duration of the food's shelf life ~~[at least and not less than best before date or expiry date]. [The link shall not include advertising² pertaining to the food.]~~ **at least the period, established under intended conditions of distribution, storage, retail and use, that the food would remain safe and suitable for sale, consumption or use. For prepackaged food that are labelled with a use-by date or expiration date, this means for at least the period up to and including this date.**
- 7.6 Food information described or presented using technology ~~shall~~^{should} be readily accessible to consumers ~~[and comply with the data protection policies of parent organizations]~~ without having to provide or disclose information that is **may be** used to identify an individual.
- 7.7 ~~{~~When the label or labelling of a prepackaged food references food information to be accessed using technology, sufficient information shall be displayed on the technology platform to enable consumers to ascertain that the food information pertains to that prepackaged food.
- 7.8 If the purpose of the reference on the label or labelling of the prepackaged food is not self-explanatory to consumers, it ~~shall~~^{should} be accompanied by an explanation of how to use it or the type of food information that will be found when used (e.g. "scan here for more information on ingredients").
- 7.9 The reference and any explanatory statement shown on the label or labelling that links to food information to be accessed using technology ~~shall~~^{should} adhere to sections 8.1.2 and 8.1.3 of the *General Standard for the Labelling of Prepackaged Foods* 9 (CXS 1-1985).
- 7.10 Food information described or presented using technology shall be clear, prominent and readily legible **[or audible]** to the consumer under normal settings and conditions of use of the technological platform.

Proposed change: Section 7.10 is revised as follows:

Food information described or presented using technology shall be clear, prominent and readily legible **[or and, if applicable, audible,]** to the consumer under normal settings and conditions of use of the technological platform.

Rationale: While there was support from many members for the introduction of "audible" in Section 7.10, there were also comments in reply to CL 2024/55-FL that indicated concern that the use of "or" in the proposed text [or audible] would be understood to mean that food information provided through technology could either be provided legibly or audibly. Section 7.10 is not intended to permit food information to be provided in audio format

² As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985)

instead of in written format. The proposed changes clarify this, by stating that food information presented using technology must be legible, and in addition, if presented in audio format, it must be audible.

7.11 The language or languages of food information described or presented using technology shall be suitable to the consumer in the country in which the food is marketed.]

[7.12Where food information is provided using technology, it shall be provided without any additional costs for the consumer.]

Proposed change: Section 7.12 is revised as follows:

[7.12Where food information is provided using technology, it shall be provided to the consumer without charging a fee to access the information ~~any additional costs for the consumer.~~

Rationale: There was support for the intent of Section 7.12 from most members in response to CL 2024/55-FL. However, there were comments that the term “additional costs” was not sufficiently clear. The proposed change brings clarity and specificity to the meaning of “costs”, which is that consumers should not be charged a fee to access the food information. The proposed changes align with those proposed for section 5.4 about costs in the PROPOSED DRAFT GUIDELINES ON THE PROVISION OF FOOD INFORMATION FOR PREPACKAGED FOODS OFFERED VIA E-COMMERCE during CCFL48 virtual working group for E-commerce.

Clean Copy of Proposed New Text**Proposed draft Guidelines on the Use of Technology to Provide Food Information**

(at step 7)

1. PURPOSE

Provide guidance on the use of technology to provide information to consumers¹ about prepackaged foods³.

2. SCOPE

These guidelines apply to food information that is accessed by consumers using technology via a reference on a prepackaged food's label¹ or labelling¹.

3. USE

These guidelines should be read in conjunction with Codex texts related to labelling of prepackaged foods, including but not limited to *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985).

4. DEFINITIONS

For the purpose of these guidelines:

"Food information" means the information that is the subject of a Codex text about a prepackaged food.

"Technology" refers to any electronic or digital means, including but not limited to websites, online platforms and mobile applications.

5. CONSIDERATIONS FOR DECIDING IF INFORMATION REQUIRED ON A PREPACKAGED FOOD'S LABEL OR LABELLING COULD INSTEAD BE PROVIDED TO CONSUMERS USING TECHNOLOGY**5.1** The food information should be readily accessible to consumers during normal and customary circumstances of purchase and use, which means:

- a) there should be sufficient technological infrastructure to support providing food information using that technology within the geographic area or country where the food is sold, such as in regards to prevalence and reliability of service,
- b) the general population, or a sub-set of the population for whom the food information is intended, should have widespread and adequate access to the technology in that geographic area or country, and have adopted its use, and
- c) it is reasonable for the consumer to use the technology to access the food information during the normal and customary circumstances of purchase and use.

5.2 The name of the food and food information concerning health and safety should not be provided exclusively using technology.**5.3** Food information that relates to an individual physical product (e.g. lot code, date marking) should not be provided only using technology if doing so would compromise the ability to relate the information to that individual product.**6. USE OF TECHNOLOGY TO PROVIDE CONSUMERS ACCESS TO FOOD INFORMATION THAT IS NOT ACCESSIBLE ON THE LABEL****6.1** In cases where food labelling information is not accessible to consumers, due to conditions of sale or to exemptions from having to be provided on the label or labelling, consideration should be given to the use of technology to provide consumers with access to that information.**7. PRINCIPLES THAT ARE APPLICABLE WHEN FOOD INFORMATION IS PROVIDED TO CONSUMERS USING TECHNOLOGY**

Food information that is accessed by consumers using technology via a reference on the prepackaged food's label or labelling shall be based on the following principles, whether the food information is required on a mandatory basis or provided voluntarily:

³ As defined in the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985)

- 7.1 The general principles in Section 3 of the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985) are applicable to food information that is described or presented using technology.
- 7.2 Food information described or presented using technology shall not conflict with information provided on the label or labelling of the prepackaged food, including when shown in different languages.
- 7.3 Where mandatory food information is provided solely using technology, the reference on the label or labelling shall link directly to this information, and the mandatory food information shall be readily identifiable, grouped together, and easily distinguishable.
- 7.4 Where food information is provided using technology, the food information shall be shown in accordance with applicable Codex texts.
- 7.5 Where mandatory food information is solely provided using technology, the food information shall be available for at least the period, established under intended conditions of distribution, storage, retail and use, that the food would remain safe and suitable for sale, consumption or use. For prepackaged food that are labelled with a use-by date or expiration date, this means for at least the period up to and including this date.
- 7.6 Food information described or presented using technology shall be readily accessible to consumers without having to provide or disclose information that may be used to identify an individual.
- 7.7 When the label or labelling of a prepackaged food references food information to be accessed using technology, sufficient information shall be displayed on the technology platform to enable consumers to ascertain that the food information pertains to that prepackaged food.
- 7.8 If the purpose of the reference on the label or labelling of the prepackaged food is not self-explanatory to consumers, it shall be accompanied by an explanation of how to use it or the type of food information that will be found when used (e.g. “scan here for more information on ingredients”).
- 7.9 The reference and any explanatory statement shown on the label or labelling that links to food information to be accessed using technology shall adhere to sections 8.1.2 and 8.1.3 of the *General Standard for the Labelling of Prepackaged Foods* 9 (CXS 1-1985).
- 7.10 Food information described or presented using technology shall be clear, prominent and readily legible and, if applicable, audible, to the consumer under normal settings and conditions of use of the technological platform.
- 7.11 The language or languages of food information described or presented using technology shall be suitable to the consumer in the country in which the food is marketed.
- 7.12 Where food information is provided using technology, it shall be provided to the consumer without charging a fee to access the information.