



## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEx COMMITTEE ON FOOD LABELLING

Forty-eighth Session

Quebec City, Canada

27 October – 1 November 2024

### REPORT OF THE VIRTUAL WORKING GROUP ON GUIDELINES ON THE PROVISION OF FOOD INFORMATION FOR PRE-PACKAGED FOODS TO BE OFFERED VIA E-COMMERCE

*Prepared by the Virtual-Physical Working Group chaired by UK*

*and co-chaired by Japan, Chile, India and China*

#### Introduction

A virtual working group (VWG) was convened before the Codex Committee on Food Labelling Forty-Eighth Session in Quebec City, Canada (CCFL48) and chaired by the United Kingdom to discuss Agenda Item 6 – ‘Guidelines On The Provision Of Food Information For Pre-Packaged Foods To Be Offered Via E-Commerce’ – and the proposed recommendations of advancing the item to Step 8 (final adoption). The session was run in three languages (English/Spanish/French).

The aim of this session was to gain a consensus on items within scope of this discussion, which were as follows:

1. Section 1.1 - Purpose
2. Section 5.1 - The ‘Indication of Durability’ Clause and ‘Durability’ Definition
3. Section 5.3 - Small Unit Exemption
4. Section 5.4 - Costs to the Consumer

The VWG Chair introduced the programme for the working group and provided background documentation (Agenda Paper 6 CX/FL 24/48/6, Comments in Response to Circular Letter (CL) CL 2024/54-FL in CX/FL 24/48/6 – Add. 1, Summary of responses to CL 2024/54-FL). Members of the Codex Secretariat were also in attendance to provide technical advice during the VWG.

The VWG Chair provided a high-level summary of the development of the Agenda Item since CCFL47, this covered proposed alterations and results of two Electronic Working Groups (EWG) that took place after CCFL47.

#### **Discussion and recommendations on the Provision of Food Information for Pre-packaged Foods to be offered via E-commerce**

1. Section 1.1 - Purpose

Proposal from the EWG:

#### **1. PURPOSE**

The purpose of these guidelines is to ensure consumers buying pre-packaged foods via e-commerce have the information needed to make informed choices, similar to the information they would find on the physical label of the food **[as well as other considerations for pre-packaged foods offered for sale via e-commerce.]**

A summary of the VWG discussion and recommendations is presented below:

In the high-level summary, the VWG Chair presented the results of both EWG Consultations which showed that a large majority of members supported the proposed text from the EWG. As time progressed in the VWG, this section

was not revisited as an outstanding item. The VWG was therefore unable to agree and accept the proposed bracketed text below.

This section will be revisited during the E-Commerce Plenary at CCFL48 for members to agree on the bracketed text.

**Recommendation:** It is recommended that the Committee revisit and agree on the proposed bracketed text in section 1.1 at CCFL48 during the plenary session.

## 1. PURPOSE

The purpose of these guidelines is to ensure consumers buying pre-packaged foods via e-commerce have the information needed to make informed choices, similar to the information they would find on the physical label of the food **[as well as other considerations for pre-packaged foods offered for sale via e-commerce.]**

## 2. Section 5.1 - The 'Indication of Durability' Clause and 'Durability' Definition

Proposal from the EWG:

### 5.1 - THE 'INDICATION OF DURABILITY' CLAUSE AND 'DURABILITY' DEFINITION

The food information required to be provided on the label of a pre-packaged food or in associated labelling, shall be provided on the product information e-page of the pre-packaged food prior to the point of e-commerce sale, except to the extent otherwise expressly provided in these guidelines, or any other Codex text.

This includes the following food information indicated in/by:

- Section 4 and Section 5 of the General standard for the labelling of pre-packaged foods (CXS 1-1985) except information required by 4.6 and 4.7.1; **[An indication of durability of pre-packaged food is encouraged to be provided.] [For the purpose of this clause, "durability" means the period between the point of delivery and the best-before or use-by date in which the food retains its specific properties when properly stored.]** (option A)

or

- **It is encouraged that an indication of the minimum number of days the product will be delivered to the final consumer before the "Use-by Date", "Expiration Date", "Best-Before Date" or "Best Quality Before Date" be provided**], (option B)

A summary of the VWG discussion and recommendations is presented below:

The VWG Chair urged that VWG come together and find a consensus on this issue. A majority of members leaned towards the removal of the 'indication of durability' clause and definition entirely. Other members proposed various solutions to the proposed bracketed text to find a compromise in the discussions. The VWG Chair proposed a break in the discussions and on return, outlined the key areas of contention on both sides. The members that were for including a provision, wanted to ensure that the same information should be available to a consumer that would be available if they were physically shopping in a retail store. The members that were for removal, stated that E-Commerce sector is complex, rare that consumers receive products close to or after the best used by date and added complexity to the agenda item.

The VWG Chair heard additional suggestions on rewording the proposed bracketed text and members settled on a tentative rewording that highlighted the voluntary nature of the bracketed text.

It was then suggested that this text should therefore be removed from section 5.0 and placed under:

### Section 6.0 OPTIONAL FOOD INFORMATION PRIOR TO THE POINT OF E-COMMERCE SALE

It was suggested that the information provided is not 'food information' as defined by Codex text and instead relates to shipping information. Therefore, it was suggested that the word 'food' be removed from the title of section 6.0 so that it could include additional information for the retailer and the consumer.

The VWG tentatively agreed to keep the new bracketed text in this section under 6.2 and agreed to readdress the exact wording during the plenary at CCFL48.

**Recommendation:** It is recommend that the Committee revisit and agree on the proposed bracketed text in section 6.2 at CCFL48 during the plenary session.

## 6. ~~OPTIONAL FOOD~~ INFORMATION PRIOR TO THE POINT OF E-COMMERCE SALE

**6.1**

Section 7

of the *General standard for labelling of pre-packaged foods* (CXS 1-1985) is applicable to food information shown to consumers on the product information e-page for the pre-packaged food that is being offered for sale.

**[6.2 A statement may be provided on the product information e-page prior to the point of e-commerce sale to inform the consumer about the seller's policy on shipping their pre-packaged foods in relation to their date marking/best before, best quality before, use-by, or expiration date.]**

### 3. Section 5.3 - Small Unit Exemption

Proposal from the EWG:

**[5.3 The labelling exemption of small units as outlined in Section 6 of the *General Standard for Labelling of Pre-packaged Foods* (CXS 1-1985) does not apply unless justified in specific situations or circumstances.]**

A summary of the VWG discussion and recommendations is presented below:

In the high-level summary, the VWG Chair presented the results of both EWG Consultations which showed that a large majority of members supported the proposed text from the EWG. During the VWG, the majority consensus supported retaining the current wording with minor alterations. Member countries highlight the practicality of labelling small units, which can be challenging and costly but highlighted the need for consumers to be provided with essential and mandatory information on small units. The VWG agreed the proposed bracketed text by the EWG only needed minor alterations to reflect consensus to acknowledge practical difficulties that surround industry while protecting consumer information.

**Recommendation:** It is recommended that the Committee accept the following recommendation from the VWG after a clear majority agreement was reached by attending members.

**[5.3 The labelling exemption of small units as outlined in Section 6 of the *General standard for labelling of pre-packaged foods* (CXS 1-1985) does not apply unless ~~justified~~ allowed in specific situations or circumstances by the competent authorities.]**

### 4. Section 5.4 - Costs to the Consumer

Proposal from the EWG:

**[5.4 The information on the pre-packaged foods offered for sale in e-commerce shall be provided without any **additional costs for the consumer.**]**

A summary of the VWG discussion and recommendations is presented below:

In the high-level summary, the VWG Chair highlighted the changes that had taken place in section 5.4 over the two EWG consultations. A majority of members supported the bracketed text suggested by the EWG. During the VWG, members proposed minor revisions to the bracketed text to make the wording more precise. These revisions aimed to acknowledge indirect costs, such as Wi-Fi and mobile data expenses, that consumers may incur when purchasing pre-packaged food via e-commerce, and to ensure that the wording in this section promotes transparency for consumers.

**Recommendation:** It is recommended that the Committee accept the following recommendation from the VWG, as a clear majority agreement was reached by attending members.

**[5.4 The **food** information ~~about on~~ the pre-packaged foods offered for sale in e-commerce shall be provided **to the consumer** without **charging a fee to access the information** ~~any additional costs for the consumer.~~]**

**APPENDIX I****PROPOSED DRAFT REVISION OF THE GUIDELINES ON THE PROVISION OF FOOD INFORMATION FOR PRE-PACKAGED FOODS TO BE OFFERED VIA E-COMMERCE**(changes are in **bold/underline or strikethrough** mode)**1. PURPOSE**

The purpose of these guidelines is to ensure consumers buying pre-packaged foods via e-commerce have the information needed to make informed choices, similar to the information they would find on the physical label of the food **as well as other considerations for pre-packaged foods offered for sale via e-commerce.**

**2. SCOPE**

- 2.1** These guidelines apply to the food information required, or provided voluntarily, that is displayed on the product information e-page for pre-packaged foods offered for sale via e-commerce, and to certain aspects relating to the presentation thereof.
- 2.2** They do not apply to information that is required on the label of pre-packaged foods at the point of delivery as set out in the *General standard for labelling of pre-packaged foods* (CXS 1-1985).

**3. DEFINITIONS**

The following terms shall be used in conjunction with Section 2 of the *General standard for labelling of pre-packaged foods* (CXS 1-1985) for the purposes of applying this text.

**“At the point of delivery”** means the moment when consumers receive pre-packaged food.

**“E-commerce”** means the production, distribution, marketing, sale or delivery of goods and services by electronic means as applicable to foods.”

**“Food information”** means the information that is the subject of a Codex text about a pre-packaged food.

**“Prior to the point of e-commerce sale”** means provided before consumers commit to ordering and purchasing the food.

**“Product information e-page”** means the virtual space on any consumer-facing transactional electronic platform, which is intended to facilitate informed e-commerce sale.

**4. GENERAL PRINCIPLES**

The general principles in Section 3 of the *General standard for the labelling of pre-packaged foods* (CXS 1- 1985) are applicable to food information shown on the product information e-page of the pre-packaged food that is being offered for sale.

**5. FOOD INFORMATION PRINCIPLES**

- 5.1** The food information required to be provided on the label of a pre-packaged food or in associated labelling, shall be provided on the product information e-page of the pre-packaged food prior to the point of e-commerce sale, except to the extent otherwise expressly provided in these guidelines, or any other Codex text.

- This includes the following food information indicated in/by:
- Section 4 and Section 5 of the *General standard for the labelling of pre-packaged foods* (CXS 1-1985) except information required by 4.6 and 4.7.1: ~~**[An indication of durability of pre-packaged food is encouraged to be provided.] [For the purpose of this clause, “durability” means the period between the point of delivery and the best-before or use-by date in which the food retains its specific properties when properly stored.] (option A)**~~
- ~~**or**~~
- ~~**It is encouraged that an indication of the minimum number of days the product will be delivered to the final consumer before the “Use-by Date”, “Expiration Date”, “Best-Before Date” or “Best Quality Before Date” be provided”]. (option B)**~~
- Section 3 of the *Guidelines on nutrition labelling* (CXG 2-1985);
- Any other relevant Codex text.

5.2 A statement shall appear on the product information e-page prior to the point of e-commerce sale to direct the consumer to check the food information on the physical label before consumption.

~~5.3 The labelling exemption of small units as outlined in Section 6 of the *General standard for labelling of pre-packaged foods* (CXS 1-1985) does not apply unless justified allowed in specific situations or circumstances by the competent authorities.]~~

~~5.4 The food information ~~about~~ the pre-packaged foods offered for sale in e-commerce shall be provided to the consumer without charging a fee to access the information ~~any additional costs for the consumer.~~]~~

## 6. OPTIONAL ~~FOOD~~ INFORMATION PRIOR TO THE POINT OF E-COMMERCE SALE

6.1 Section 7 of the *General standard for labelling of pre-packaged foods* (CXS 1-1985) is applicable to food information shown to consumers on the product information e-page for the pre-packaged food that is being offered for sale.

6.2 A statement may be provided on the product information e-page prior to the point of e-commerce sale to inform the consumer about the seller's policy on shipping their pre-packaged foods in relation to their date marking/best before, best quality before, use-by, or expiration date.]

## 7. PRESENTATION OF MANDATORY FOOD INFORMATION

7.1 Food information required by these guidelines shall be clear, prominent, and readily legible by the consumer under normal settings and conditions of use for a product information e-page.

7.2 The language or languages on a product information e-page shall be suitable to the consumer in the country in which the food is marketed and to which it may be delivered.

**APPENDIX II****LIST OF PARTICIPANTS FOR THE VIRTUAL WORKING GROUP ON GUIDELINES ON THE PROVISION OF FOOD INFORMATION FOR PRE-PACKAGED FOODS TO BE OFFERED VIA E-COMMERCE****MEMBERS**

Australia  
 Bangladesh  
 Barbados  
 Brazil  
 Cameroon  
 Canada  
 China  
 Costa Rica  
 Denmark  
 Ecuador  
 European Union  
 France  
 Gambia  
 Ghana  
 Guatemala  
 Guyana  
 Honduras  
 Hungary  
 India  
 Indonesia  
 Ireland  
 Jamaica  
 Japan  
 Kenya  
 Madagascar  
 Mexico  
 Morocco  
 Netherlands  
 New Zealand  
 Nigeria  
 Norway  
 Oman  
 Panama  
 Philippines  
 Saint Lucia

Saudi Arabia  
 Singapore  
 South Africa  
 Sweden  
 Switzerland  
 Thailand  
 Trinidad and Tobago  
 United Kingdom  
 United Republic of Tanzania  
 United States of America

**OBSERVERS**

Alianza Latinoamericana de Asociaciones de la Industria de Alimentos y Bebidas (ALAIAB)  
 Association of European Coeliac Societies (AOECS)  
 European Network of Childbirth Associations (ENCA)  
 FAO  
 Federation internationale des vins et spiritueux (FIVS)  
 Food Industry Asia (FIA)  
 FoodDrinkEurope  
 Institute of Food Technologists (IFT)  
 Inter-American Institute for Cooperation on Agriculture (IICA)  
 International Baby Food Action Network (IBFAN)  
 International Chewing Gum Association (ICGA)  
 International Confectionery Association (ICA/IOCCC)  
 International Council of Beverages Associations (ICBA)  
 International Council of Grocery Manufacturers Associations (ICGMA)  
 International Special Dietary Foods Industries (ISDI)  
 World Federation of Public Health Associations (WFPHA)  
 World Obesity Federation (WOF)