

CODEx ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 12

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEx COMMITTEE ON FOOD LABELLING

Forty-eighth Session

Quebec City, Canada

27 October – 1 November 2024

DISCUSSION PAPER ON SUSTAINABILITY LABELLING CLAIMS

(Prepared by Electronic Working Group (EWG) chaired by New Zealand and co-chaired by the European Union, the United States of America and Costa Rica)

INTRODUCTION

1. Generic guidance applicable to all claims made for a food is currently provided in the *General guidelines on claims* (CXG 1-1979) (the Guidelines). However, at the time the Guidelines were developed, sustainability-related labelling was not common on food.
2. As agreed at CCFL47, this paper explores areas where CCFL could provide guidance on sustainability-related labelling claims including identifying possible revisions to the Guidelines.

BACKGROUND

3. Sustainability-related labelling was initially raised at CCFL46 in September 2021. At CCFL47, New Zealand, with assistance from the EU, presented a [discussion paper](#) on sustainability-related labelling. The paper concluded that such labelling fits within the terms of reference of the CCFL and that CCFL should provide additional high-level guidance on sustainability-related labelling to ensure they meet the requirements of the Guidelines, namely that they are not misleading, are substantiated and meaningful. The additional guidance would assist governments and other relevant stakeholders looking to regulate, develop, and/or implement such labelling.
4. The Codex secretariat reinforced that such work falls within the CCFL mandate, and that work did not have to wait for higher level Codex blueprint discussions to occur. It was also confirmed that the definition of 'a claim' in the Guidelines was broad and covered sustainability-related labelling.
5. The Committee agreed that sustainability was an important topic for Codex however, views differed on whether this was the right moment to start new Codex work on sustainability-related labelling or if further reflection was needed to better define what was to be achieved (See paragraphs 164- 173 of [CCFL47 report](#)). The Committee therefore agreed to establish an EWG chaired by New Zealand and co-chaired by the European Union, the United States of America, and Costa Rica, working in English and Spanish, to revise the discussion paper and project document with a focus on:
 - Stocktaking work being undertaken by other international organizations on sustainability-related labelling claims on food;
 - Identifying areas where CCFL could provide guidance on sustainability-related labelling claims on food;
 - Taking into account the above, identify possible revisions to the *General guidelines on claims* (CXG 1-1979) for claims in general, and sustainability-related labelling claims on food.
6. The EWG was asked to take into account the discussion in the Committee and the written comments submitted for consideration by CCFL47.

SUMMARY OF ANALYSIS

7. Thirty-eight (38) Member countries, one (1) Member organization and twenty (20) Observer organizations joined the EWG (see Appendix III for full list of EWG members). The Chairs undertook one round of consultation with the EWG from September to October 2023 seeking input on:

- work being undertaken by other international organizations on sustainability-related labelling claims on food,
 - whether there were areas CCFL could provide additional guidance on sustainability-related labelling claims on food including:
 - the adequacy of existing guidance in the *General guidelines on claims* (CXG 1-1979) for sustainability-related labelling claims,
 - whether there was a need for additional guidance outside of the *General guidance on claims* (CXG 1-1979) for sustainability-related labelling claims.
8. Thirty-one responses were received to the EWG consultation paper (22 Members, 1 Member organization, 8 observers). The responses are summarized in Appendix I under the relevant EWG terms of reference established at CCFL47.
 9. EWG members provided 25 guidance documents or standards from other organizations relevant to sustainability labelling claims on food.
 10. Most respondents agreed there were areas where CCFL could provide guidance on sustainability-related labelling claims and that such guidance should be provided within the *General guidelines on claims* (CXG 1-1979). Most did not consider the guidelines adequate to ensure these claims are meaningful and not misleading.
 11. Respondents identified some sustainability-related labelling that is not covered by the definition of a claim in the *General guidelines on claims* (CXG 1-1979). This included claims about packaging or the companies producing the food. There were mixed views expressed on whether such claims should be included into the definition of a claim.
 12. Based on the responses and guidance documents received from the EWG and the 2022 stocktake of sustainability-related labelling, the discussion paper (Appendix I) and project document (Appendix II) were revised.

CONCLUSION

13. The scope for the proposed work has been narrowed to providing guidance within the *General guidelines on claims* (CXG 1-1979) to ensure environmental claims and claims that include an environmental aspect are meaningful and not misleading. Examples of how this could be achieved are provided in Appendix I.
14. The proposed work includes consideration of whether environmental claims on food but not about the food itself, such as claims about packaging or the company producing the food, should be in scope of the *General guidelines on claims* (CXG 1-1979).

RECOMMENDATIONS

15. CCFL48 is invited to consider:
 - a) that guidance on sustainability-related labelling claims provided by CCFL be limited to environmental claims with a focus on ensuring these are meaningful and not misleading.
 - b) initiating new work on environmental claims as presented in the project document in Appendix II.
 - c) that the guidance on environmental claims provided by CCFL be included in the *General guidelines on claims* (CXG 1-1979).

Appendix I

DISCUSSION AND ANALYSIS OF EWG

Stocktaking of work being undertaken by other international organizations on sustainability-related labelling claims on food.

The EWG provided 25 unique guidance documents or standards relevant to sustainability-related labelling claims on food. Of these nine were ISO standards which require payment for full access. A summary of these documents is provided [here](#).

Of the 16 freely available documents provided, six provide high level guidance or principles for sustainability labelling/claims. Of these six, three considered all aspects of sustainability (document 3, 4, and 5) while three were focused on environmental sustainability (document 1, 2 and 6). Of these six, five were applicable globally and one (document 5) was regionally applicable (Europe).

Some examples provided in these documents of when environmental claims could be considered misleading or not meaningful include environmental claims which:

- Are vague, ambiguous or non-specific such as general environmental benefit claims;
- Over emphasize one environmental aspect where the product is performing well;
- Imply a benefit applies to all aspects of the product when it may only apply to some parts of the product;
- Exaggerate the benefits or improvements of an environmental aspect for example stating something is doubled or halved when the amount was very low to start with;
- Present inherent or generic environmental features common to all products in a food category as a unique or remarkable characteristic of the product.

Identifying areas where CCFL could provide additional guidance on sustainability-related labelling claims on food

Most respondents (14 Members, 1 Member organization, 4 Observers) considered there are areas where CCFL could provide additional guidance to assist governments (or other stakeholders) in the development, implementation and/or regulation of sustainability-related labelling claims on food. Eight respondents (5 Members, 3 Observers) did not consider there are areas where CCFL could provide additional guidance.

Most respondents (13 Members, 5 Observers) did not consider there is a need for CCFL to provide additional guidance outside the *General guidelines on claims* (CXG 1 1979). Nine respondents considered there is a need for CCFL to provide additional guidance outside the Guidelines (8 Members, 1 Observer).

In terms of the *General guidelines on claims* (CXG 1 1979), 20 respondents (14 Members, 6 Observers) considered principle 1.3¹ and prohibition 3² provide adequate guidance to ensure that claims in general and in particular sustainability-related labelling claims are suitably substantiated. Eight respondents (6 Members, 1 Member organization, 1 Observer) considered the current text regarding substantiation inadequate.

Most respondents (15 Members, 1 Member organization, 3 Observers) did not consider the *General guidelines on claims* (CXG 1-1979) provide adequate guidance to ensure sustainability-related labelling claims on food are meaningful and not misleading. Comments included that the full lifecycle of the product should be considered and that sustainability-related examples be added to prohibited and misleading claims sections.

Most respondents (12 Members, 1 Member organization, 4 Observers) considered there is sustainability-related labelling on food that is not captured by the definition of a claim in the *General guidelines on claims* (CXG 1-1979). Eight respondents (7 Members and 1 Observer) raised that claims related to packaging wouldn't be captured by the current definition of a claim. Other sustainability-related labelling that respondents considered were not captured by the definition of a claim included third party endorsements and certifications and claims about the use of renewable resources.

Changes suggested to the definition of a claim to better capture sustainability-related labelling claims included:

¹ The person marketing the food should be able to justify the claims made.² The following claims should be prohibited: Claims which cannot be substantiated.

² The following claims should be prohibited: Claims which cannot be substantiated.

- adding packaging to the list of properties in the definition (2 Members, 1 Observer),
- including environmental impacts in a similar way to the current 'nutritional properties',
- adding 'and sustainability' to the end of the definition.

Changes to the discussion paper and Project Document

Based on responses to the consultation paper, discussions at CCFL47 and the 2022 stocktake of sustainability-related labelling, the EWG chairs have refined this discussion paper and Project Document. The purpose of the work is now to amend the *General guidelines on claims* (CXG1-1979) to ensure environmental claims on food are meaningful and not misleading. The key changes and rationale are presented in Table 1.

Table 1. Key changes to the new work proposal and rationale

Change	Rationale
Narrowed the scope of the proposed new work to environmental claims or claims that include an environmental aspect.	Based on the stocktake of sustainability-related labelling examples provided by Members in 2022, most (76%) sustainability-related labelling on food appears to be based on or include the environmental impact of the food (including its packaging). Some respondents to the 2023 EWG consultation paper considered the areas covered by the concept of sustainability are too broad and too diverse.
Proposed guidance on environmental claims be provided within the <i>General Guidelines on Claims</i> (CXG 1-1979) rather than as a separate text.	Most respondents did not consider there is a need for CCFL to provide additional guidance outside the Guidelines. Respondents provided suggestions to include wording or examples related to environmental claims to parts of the Guidelines to provide more guidance on how to ensure these claims are meaningful and not misleading.
Proposed guidance within the <i>General guidelines on claims</i> (CXG 1-1979) be restricted to ensuring environmental claims are meaningful and not misleading.	20 respondents (14 Members, 6 Observers) consider principle 1.3 ³ and prohibition 3.3 ⁴ provide adequate guidance to ensure that claims in general and in particular sustainability-related labelling claims are suitably substantiated. However, most did not consider the Guidelines provide adequate guidance to ensure sustainability-related labelling claims on food are meaningful and not misleading.
Included consideration of whether environmental claims displayed on food labels that are not about the food, such as claims about packaging or about a future commitment by the company should be brought into scope of the <i>General guidelines on claims</i> (CXG 1-1979).	Most respondents considered there is sustainability-related labelling that is not captured by the definition of a claim in the Guidelines. Many respondents raised that claims related to packaging wouldn't be captured by the current definition of a claim. The 2022 stocktake showed that many environmental claims on food labelling related to the packaging of the food e.g. recycling claims. It also showed that some environmental claims on foods relate to the companies producing the food and their commitments (present and future) to reduce their environmental impact.

The following sections of the Guidelines have been identified as areas where additional text or examples could be added to ensure environmental claims are meaningful and not misleading: section 2 - Definition, section 4 - Potentially Misleading Claims and section 5 - Conditional Claims. The following are examples of potential revisions to those sections:

³ The person marketing the food should be able to justify the claims made.

⁴ The following claims should be prohibited: Claims which cannot be substantiated.

Section 2. Definition:

- Add 'environmental impacts' and potentially 'packaging' (depending on the decisions made as the work is undertaken) to the list of characteristics within the definition.

Section 4. Potentially Misleading Claims: Potential additions could include:

- Vague, ambiguous and broad environmental claims such as 'sustainable', 'environmentally friendly', 'green';
- Environmental claims about the entire food or processing [or company] [or packaging] when it only applies to a certain aspect of the food or processing [or packaging] [or a specific activity of the company];
- A claim made on the environmental performance of a food without taking into account all the environmental aspects or impacts significant to assessing the environmental performance of that food;
- Environmental claims where the environmental impacts or aspects subject to the claim are not significant from a life-cycle perspective.

Section 5. Conditional Claims: Potential additions could include:

- Environmental claims provided that they rely on widely recognized scientific evidence, use accurate information and take into account relevant international standards.
- The addition of processing [and packaging] claims in the current 5.1(v)
 - e.g: Claims that a food, process [or package] has special characteristics when all such foods, processes [and packages] have the same characteristics, if this fact is apparent in the claim.

Updated new work proposal:

The EWG Chairs therefore propose new work to:

- make amendments to the *General guidelines on claims* (CXG 1-1979) to ensure environmental claims on food are meaningful and not misleading.
- consider whether environmental claims displayed on food labels that are not about the food, such as claims about the packaging or a commitment by the company producing the food should be in scope of the *General guidelines on claims* (CXG 1-1979).

Appendix II**PROJECT DOCUMENT FOR NEW WORK ON ENVIRONMENTAL CLAIMS****Background**

Increasing global awareness of sustainability, including climate change, environment, biodiversity, animal welfare, and labour rights, has resulted in greater consumer interest in understanding the sustainability of their food purchases. The conclusion of the UN Food Systems Summit in September 2021 reinforced the importance of encouraging sustainable food systems and the need for consumers to be making purchases with a sustainability lens.

Businesses are responding by providing an increasing amount of sustainability-related labelling on food products. Sustainability-related labelling can fuel consumer demand for more sustainable foods and be a powerful tool in driving practices to improve the sustainability of food systems. The development of sustainability-related labelling is thus likely to have a significant impact on fair practices in trade.

1. PURPOSE AND SCOPE OF THE NEW WORK

To amend the *General guidelines on claims* (CXG 1-1979) to ensure environmental claims on food are meaningful and not misleading to assist consumers to make informed choices.

2. RELEVANCE AND TIMELINESS

There is a globally recognized need to improve the sustainability of food systems to address major crises such as climate change, land degradation and biodiversity loss, and to ensure sustainable livelihoods.

Sustainability-related labelling can fuel consumer demand for sustainable foods and be a powerful tool in driving practices to improve the sustainability of food systems. As a result, sustainability-related labelling is expected to continue to increase.

The stocktake undertaken in 2022 illustrated the large number and diversity of sustainability-related labelling currently used on food products. It also revealed that the majority of sustainability-related labelling on food appears to be based on or include the environmental impact of the food (including its packaging). It is important this labelling is not presented in a false, misleading or deceptive manner, and is substantiated and meaningful so consumers can make informed choices.

Given the 2022 stocktake demonstrating the proliferation of sustainability-related labelling claims on food, particularly those with an environmental component, and the responses from the EWG indicating a need for improved guidance particularly to ensure these claims are meaningful and not misleading, amendments to the Guidelines are needed.

Internationally there is currently limited government regulation in this area. Therefore, amendments to the Guidelines to ensure environmental claims are meaningful and not misleading is timely before the possible proliferation of government regulation. The Codex Strategic Plan 2020-2025 identifies that Codex will need to be proactive and flexible to respond in a timely manner to opportunities and challenges. This plan also recognises Codex's role in supporting the Sustainable Development Goals.

3. MAIN ASPECTS TO BE COVERED

- Amend the *General guidelines on claims* (CXG 1-1979) to ensure environmental claims are meaningful and not misleading. This will be limited to high-level guidance and will consider work undertaken or being undertaken by other international organisations on environmental claims that is relevant to food.
- Consider whether environmental claims displayed on food labels that are not about the food, such as claims about packaging or commitments/goals of the company producing the food, should be included in the scope of *General guidelines on claims* (CXG1-1979) and if so, how best to incorporate these.

4. ASSESSMENT AGAINST THE CRITERIA FOR ESTABLISHMENT OF NEW WORK PRIORITIES**General criterion**

Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries

Consumer protection – There is a current proliferation of environmental claims on food which consider a wide array of aspects. Without global guidance on these claims, there is a risk of consumers being misled and not being able to make informed decisions with respect to the environmental impacts of the foods they are buying.

Fair practices in trade – Providing additional guidance to ensure environmental claims are meaningful and not misleading to assist governments (or other stakeholders) in the development, implementation and/or regulation of environmental claims on food before national legislation is developed by Member countries will promote harmonisation and facilitate trade.

Criteria applicable to general matters

a) *Diversification of national legislations and apparent resultant or potential impediments to international trade*

The stocktake undertaken in 2022 demonstrates the proliferation of diverse sustainability-related labelling internationally. It also revealed that most of the sustainability-related labelling on food appears to be based on or include environmental aspects of the food. Currently, there is relatively limited government regulation for environmental claims on food. However, it is likely that government regulation for these types of claims will increase given the focus on climate change and other environmental issues such as biodiversity loss. Additional Codex guidance to ensure these claims are meaningful and not misleading is therefore timely and will assist governments (or other stakeholders) in the development, implementation and/or regulation of environmental claims. Providing such guidance before legislation is widely developed nationally will promote harmonisation and facilitate trade.

b) *Scope of work and establishment of priorities between the various sections of the work.*

Amendments to the Guidelines to ensure environmental claims are meaningful and not misleading to assist governments (and other stakeholders) in the development, implementation and/or regulation of environmental claims on food.

c) *Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body(ies)*

This work is consistent with the 2030 Agenda for Sustainable Development adopted by the United Nations and its Sustainable Development Goals (SDGs). SDG12 'ensuring sustainable consumption and production patterns' is particularly relevant. Achieving the SDGs are a strong focus for the Food and Agriculture Organization of the United Nations and the World Health Organization. The conclusion of the UN Food Systems Summit in September 2021 reinforced the importance of encouraging sustainable food systems and the need for consumers to make food purchases with a sustainability lens. Providing global guidance that ensures that environmental claims on food are meaningful and not misleading would help ensure consumers can make informed decisions based on robust, meaningful labelling.

As part of the work, it is proposed to examine relevant work being undertaken by other international organisations, including that provided in response to the EWG consultation paper in 2023.

d) *Amenability of the subject of the proposal to standardization*

The Guidelines already provide guidance on claims on food. There is also already specific guidance on certain claims such as use of the term "Halal" in the *General guidelines for use of the term "halal"* (CXG 24-1997) and use of nutrition and health claims in the *General guidelines on nutrition labelling* (CXG 2-1985). Amending the Guidelines to ensure environmental claims on food are meaningful and not misleading is possible and potential examples of this are provided in the discussion paper.

e) *Consideration of the global magnitude of the problem or issue.*

Increasing global awareness of the effect of products (including food) and how they are produced on the environment, including the impacts on climate change, has resulted in businesses providing consumers with greater information on the environmental impact of food products. The stocktake of sustainability-related labelling from 2022 shows there is a diverse array of sustainability-related labelling, particularly involving environmental impacts, being developed for food products. The stocktake also demonstrated that the development of this type of labelling is widespread amongst the Codex regions, including through the development of international schemes.

5. RELEVANCE TO CODEX STRATEGIC OBJECTIVES

The proposed new work is in line with the Codex Alimentarius Commission's mandate to develop international standards, guidelines and other recommendations for protecting the health of consumers and ensuring fair practices in food trade. The new work will contribute to advancing Strategic Goals 1 and 3.

Strategic Goal 1: Address current, emerging and critical issues in a timely manner

Increasing global awareness of the effect of products (including food) and how they are produced on the environment, including the impacts on climate change, has resulted in businesses providing consumers with greater information on the environmental impact of food products. Environmental claims on food are diverse and growing in number. Government regulations in this area will likely increase and the development of Codex guidance would therefore be timely.

Strategic Goal 3: Increase impact through the recognition and use of Codex standards

The Codex Strategic Plan 2020-2025 recognises the role of Codex and Codex Standards in achieving the United Nations' SDGs. This identifies several SDGs where Codex can particularly support their achievement, including SDG12 'ensuring sustainable consumption and production patterns'. Achieving the SDGs are a strong focus for the Food and Agriculture Organization of the United Nations and the World Health Organization. Environmental claims on food can fuel consumer demand for sustainable foods and drive practices to reduce the environmental impact of food systems. The development of such labelling and its reliability are thus likely to have a significant impact on fair practices in trade.

Amending the Guidelines to ensure environmental claims on food are meaningful and not misleading will increase the relevance and impact of the Guidelines.

The new work is proposed to be undertaken via an electronic working group, which will facilitate the opportunity for equal participation opportunity for all Members.

6. RELATION BETWEEN THE PROPOSAL AND OTHER EXISTING CODEX DOCUMENT

The Guidelines provide generic guidance applicable to all claims about a food and examples of when a claim may be potentially misleading. While these general guidelines apply to environmental claims on food, they were developed at a time when very few environmental claims were used on food labels.

While some environmental claims on food meet the definition of a claim outlined in the Guidelines, others, such as claims about the packaging rather than the food itself and claims about the environmental commitments of the company producing the food, may not meet this definition. Consideration of whether to include such claims within the scope of the Guidelines is timely.

The guidance relevant to environmental claims would be applicable horizontally across all foods.

7. REQUIREMENT FOR AND AVAILABILITY OF EXPERT SCIENTIFIC ADVICE

None identified. It is proposed the guidance would be high level and should not develop technical criteria for substantiation of sustainability-related labelling claims.

8. NEED FOR TECHNICAL INPUT TO THE STANDARD FROM EXTERNAL BODIES

There will be opportunity to consult with relevant bodies, if necessary, throughout the process. Existing guidance available from other international organisation will be taken into account. Consideration of evidence-based consumer understanding and use of environmental claims could be useful.

9. PROPOSED TIMELINE

Subject to the Codex Alimentarius Commission approval at its next session, it is expected that the work can be completed in two sessions of the Committee on Food Labelling.

Appendix III**LIST OF PARTICIPANTS****Members:**

Argentina
Australia
Belgium
Brazil
Canada
Chile
China
Colombia
Costa Rica
Dominican Republic
Ecuador
Egypt
European Union
Finland
Guatemala
Hungary
India
Indonesia
Italy
Japan
Korea
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Morocco
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CropLife International
Food & Agriculture Organisation
FoodDrink Europe
Food Industry Asia
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International Confectionery Association
International Council of Beverages Association
International Chewing Gum Association
International Council of Grocery Manufacturers Associations
International Dairy Federation
International Feed Industry Federation
International Fruit & Vegetable Juice Association
International Special Dietary Food Industries
Organisation for Economic Co-operation & Development
International Organisation for Vine and Wine
World Federation of Public Health Associations

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Thailand

Turkey

United Kingdom

United States of America