



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEx COMMITTEE ON FOOD LABELLING

Forty-eighth Session

Québec City, Québec, Canada

27 October - 01 November, 2024

(Comments from ICGA)

Agenda Item 14: DISCUSSION PAPER PROPOSED NEW WORK:

UNIFORM DEFINITION FOR “SMALL PACKS”

INTRODUCTION

1. At its 46th meeting, the Codex Alimentarius Committee on Food Labelling (CCFL) noted the potential for alignment of front-of-pack nutrition labeling exemptions for small packages with back-of-pack nutrient declarations. Under current Codex provisions, nutrient declaration is mandatory for all pre-packaged foods for which a nutrition or health claim is made, but certain foods may be exempted on the basis of small packaging (see [CX/FL 21/46/12](#), Appendix II, Table, numbered entry 18).

2. At its 47th plenary meeting, the Committee further noted that “one observer [ICGA] drew the attention of the Committee on a possible new approach proposed by Mexico in their written comments on a further definition for “small units/small packages” ” (See [Rep. 23](#), Para. 176), when referring to its written response to the regular circular letter compiling comments on new potential work (see [CX/FL 23/47/13](#), Paras. 17 and 18). Mexico noted that their regulations exempt different sized packages from requiring certain labelling elements on the label, some of which align with the definition of small unit (10 cm²). Mexico also noted exemptions from mandatory nutrient declaration for products whose largest area is less than 78 cm² (provided a webpage or number is provided on the label to obtain this information) and that Mexico Front-of-Pack (FOP) system was designed for products, the main display area of which was below or equal to 40 cm². ICGA had suggested possibly revisiting the definition of ‘small unit’ to reduce barriers to trade and protect consumers as this concept is not harmonized across countries. Regarding the *Guidelines on Nutrition Labelling* (CXG 2-1985, [latest version 2021](#)), ICGA had suggested that ‘small packaging’ should be further defined to promote harmonization and consistency between labelling exemptions for small units and exemptions from nutrition labelling for small packages and therefore also relevant for front-of-pack nutrition labelling.

3. In response to this year’s circular letter, ICGA noted that the *Codex Alimentarius General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985, [latest version 2018](#)) refers to ‘small units’, prepackaged foods where the main surface area is less than 10 cm², in the specific context of an exemption from some mandatory labelling particulars. ICGA repeated its long-standing support of the revision of the current definition of ‘small units’ or for the development of a new definition of ‘small packs.’ ICGA suggested a dedicated definition of ‘small packs’ in the specific context of Front-of-Pack Nutrition Labelling (FOPNL) schemes. That new work would allow further convergence of countries’ legislation, thereby reducing technical barriers to international trade of foods.

4. This discussion paper provides CCFL with further background information on past discussions held on this topic by the Committee, as well as a detailed rationale for the need to start new work in this area. It contains **detailed recommendations** (see **Para. 33** below), together with a **Project Document** (see **Appendix II**), for CCFL’s consideration at its 48th session.

BACKGROUND

5. The Codex Committee on Food Labelling had discussed the issue on “small units” and “small packages” in various contexts throughout its past 47 meetings.

6. In the current *Codex Alimentarius*, the CAC Procedural Manual and all Codex Information Documents, there appear to be only three references to “small unit” or “small packaging.”

7. The first occurrence relates to the description of small packaging for baby corn in the Annex to the *Codex Standard For Certain Canned Vegetables* (CXS 297, first adoption: 2009, [current version: 2022](#)) relating to specific conditions for “Baby Corn” or “Young Corn”. Under section 3 on Weight and Measures, it is stated that “the minimum drained weight of whole baby corn and cut baby corn should not be less than 40 percent for the **small packaging** (under 20 oz or 500 ml) and 50 percent for the others.”

8. The second occurrence relates to the *Codex Guidelines on Nutrition Labelling* (CXG 2, first adoption: 1985; current version: 2021) and its Section 3 on Nutrient Declaration, for which it is foreseen that in general “Nutrient declaration should be mandatory for all other prepackaged foods except where national circumstances would not support such declarations. Certain foods may be exempted for example, on the basis of nutritional or dietary insignificance or **small packaging**.” (Section 3.1.2). “Small packaging” is not defined. These Guidelines have been developed and amended by the CCFL and fall within its terms of reference. CCFL concluded the work on this part of the guidelines at its 46th meeting (see [REP 21/FL](#)).

9. The third occurrence references “**small units**” and is included in Section 6 of the *Codex General Standard for the Labelling of Prepackaged Foods* (CXS 1, first adoption: 1985, current version: 2018), which foresees exemptions from mandatory labelling requirements for some labelling particulars, such as the list of ingredients, the lot identification, and the instructions of use: “With the exception of spices and herbs, **small units**, where the largest surface area is less than 10 cm², may be exempted from the requirements of paragraphs 4.2 and 4.6 to 4.8. ». This provision has not been changed since its first adoption in 1985. As such, this provision provides the only standing definition for “small units,” defined as packaging the largest surface area of which is less than 10 cm². It is roughly scale-represented as below Figure 1. In comparison, an average pack of 10 sticks of chewing gum is about 15 cm², whereby most chewing gum packs would measure between 25 cm² and 35 cm².

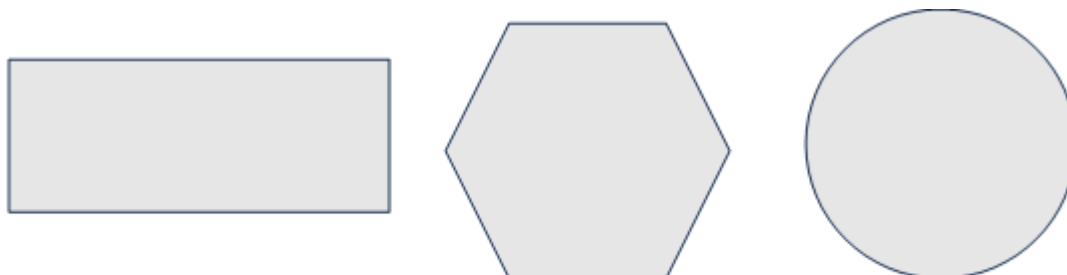


Fig. 1. At scale, area of 10 cm² (1.55 inch²) of different shapes (rectangular, hexagonal, circular)

10. CCFL discussed the concept of small packages or small units in various contexts in the recent past, without necessarily addressing the main issues for a full harmonization, especially on small packages and nutrition labelling exemptions.

- **BACKGROUND ON SMALL UNITS** (in the context of exemptions of some mandatory general labelling particulars)

11. As a Committee, CCFL extensively discussed the concept of “small units” and “very small units” in the context of general food labelling provisions, starting in 1973 and ending up with the first adoption of the GSLPF in 1985. Other Codex Committees discussed the concept of small packaging, in very specific context of foods subject to a vertical food “commodity” standard, such as for herbs and spices, or canned vegetables.

12. At its 7th session, CCL noted that the “Codex Secretariat drew the attention of the Committee to the request of the Codex Committee on Cocoa Products and Chocolate ([ALINORM 72/22](#), para. 59), that the question be examined as to whether very small units should be exempted from a complete declaration of ingredients on the label. It was also pointed out that this was a problem which was not exclusive to chocolate products but also concerned many other commodities.” At that occasion, the “delegation of Sweden stated that according to their legislation, small units weighing less than 25 grams did not require mandatory label declaration.” ([ALINORM 72/22](#); Para 63.).

13. At its 8th session, CCFL discussed a working document (CX/FL 73/10) whereby “a number of delegations were in favor of exempting very small units from the declaration of a complete list of ingredients on labels.” At that occasion, “the delegation of Poland pointed out that the meaning of the words “very small units” should be defined.” In response, other delegations “considered that very small units could be defined either by volume, weight,

maximum size of any dimension or surface area.” The suggestion was further made that a “**very small unit might be 25 ml, 25 grams, 5 cm or 50 cm².**” Furthermore, “**The Committee took the general view that the most important criteria for judging what mandatory information should be declared on a label was the availability of space.**” CCFL08 agreed to consult all active Commodity Committees about what would constitute “very small units” which might be exempt from the declaration of a list of ingredients or other mandatory information on a product by product basis.” The delegation of Germany mentioned that the exemption could also cover the “net content”. (ALINORM 74/22, Paras. 68-70). During the same session, when considering similar provisions (section 7.4.2) included in the first draft standard for chocolate, the delegations of Sweden and USA “indicated that the side of small units not requiring declaration of net weight should be 25 g rather than 50 g in the interests of consumer.” (ALINORM 74/22, Para. 29).

14. At its 12th meeting, CCFL noted that the Codex Committee on Fats and Oils (CCFO) considered the possible exemption of the lot identification for small units in the context of its discussions on the draft standard for low fat spreads, but also expressed the need for a list of ingredients to be provided “of interest to the consumers even on small units” (ALINORM 78/22, para. 53).

15. At its 16th meeting, CCFL returned the revised draft general standard for the labelling of prepackaged foods at step 6 for further consideration. At that time, section 6.1 of the draft read: “*With the exception of species and hers, small units (of up to 25 g (ml) /15g (ml)) (or) (with a total surface area of less than 50 cm²) may be exempted from the requirements of paragraphs (4.2 [list of ingredients], 4.3 [Net content and Drained Weight], 4.6 to 4.9 [Lot identification, etc.]) provided that such information is displayed on a display box, sign, placard or similar item placed near or adjacent to the foods when presented for sale to the consumer.*” (ALINORM 83/22, and Appendix VI, Section 6 Exemptions from Mandatory Labelling Requirements. At the same session, the Committee, when it considered the endorsement of the labelling provision of the Standard for white chocolate cocoa butter confectionery (at step 8), indicated that “the observer of the EEC proposed that the exclusion of small units from declaration of net contents should be extended for units up to 50 grammes. The Committee noted that this has not been done for other chocolate products and agreed to endorse the labeling provisions of this standard subject to review upon completion of the revised text of the General Standard for Labelling.”

16. At its 17th meeting, CCFL considered a proposal from the United Kingdom on Section 6 that “this section should take into account two criteria, weight as well as surface area of small units. In its view, only units, with the exception of spices and herbs, up to 5 g or 5 ml should be exempted from mandatory labelling requirements. Also, the UK expressed its preference for “a requirement for the largest surface instead of the total surface area for mandatory exemption and proposed a figure of 10 cm² be considered by the Committee. The Committee agreed to give further consideration to this provision at its next sessions” (ALINORM 85/22, Para. 281).

17. At its 18th meeting (held in March 1985), CCFL endorsed the final provision, which read, “6.1 With the exception of spices and herbs, small units where the largest surface is less than 10 cm² may be exempted from the requirements of paragraph 4.2, and 4.6 to 4.8.” The various sections related to the list of ingredients (4.2), lot identification (4.6), date marking (4.7), and instructions of use (4.8). At that occasion, it was noted that in Japan, the maximum total surface area exemption was 30 cm², and it considered 50 cm² as excessive for most products (ALINORM 85/22A, Paras. 116-117). CAC16 subsequently adopted the GSLPF in July 1985 at Step 8.

18. Many countries have adopted this provision in their national legislation and are still applying those exemptions from mandatory labelling requirements to foods in small units defined by the size of their largest surface below 10 cm².

19. At its 47th session, CCFL agreed (at Step 5) to amend that same section of the GSLPF to make sure that this “exemption does not apply to the declaration of foods and ingredients listed in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5.”, i.e., while referring to the relevant revised sub-sections of 4.2.1 dealing with mandatory requirements of some food allergens. The Committee is expected to conclude work on the revision of section 6 at its 48th session. If adopted, this proposal would be the first amendment since its adoption in 1985.

- **BACKGROUND ON SMALL PACKAGING / SMALL PACKS (in the context of nutrition labelling discussions)**

20. CCFL originally discussed the issue of small package beginning in 2009 in the context of proposed guidance on legibility of nutrition labelling.

21. With regards “small package/small packaging”, the first occurrence of a discussion relating to exemptions of some provisions for foods prepacked in small packaging was in 2009, in the context of the never finalized *Proposed Draft Recommended Principles And Criteria For Legibility Of Nutrition Labelling*. Indeed, CCFL

considered proposed text that covered exemptions relating to “[*(11) Small packages may be exempt from nutrient declaration, provided no nutrition or health claim is made in the labelling of that food. Small packages are defined as packages with a largest printable surface of less than XX cm² (TO BE DETERMINED)*]. [*(12) To accommodate nutrition labelling of small packages, national authorities may also consider the declaration of a shortened, minimum set of key nutrients.*]”. In para. 64 -66, it is explained that some “delegations suggested that where small packs are exempted, the nutrient declaration should be required on any larger packages containing the smaller units”. It was also noted that « *this provision was relevant when nutrition labelling was mandatory. The Committee decided that this paragraph would be retained in square brackets pending the outcome of work relative to the listing of nutrients.*” ([ALINORM 09/32/22](#), Paras. 64-66 and Appendix III).

22. At its 38th meeting, the Committee considered a background paper explaining the issues relating to mandatory nutrition labelling ([ALINORM 10/33/22](#) Appendix III) as well as continued the discussion on the draft principles and criteria for legibility of nutrition labelling. In the “Implementation” section relating to mandatory nutrition labelling, it was noted that “*small packages, 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,*” as well as “*▪ foods that contain negligible 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. If this exemption were to apply, it would first be necessary to determine a definition of ‘a negligible amount’ of a nutrient; ▪ exempting declaration of those nutrients that could be declared as zero; ▪ 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 ▪ exemptions based on business size and type of outlet.*”

23. At its 40th meeting, Australia presented the outcome of an electronic working group on mandatory nutrition labelling ([REP 12/FL](#), Paras. 47-67). Comments from one delegation indicated that “nutrition labelling for ‘all other foods’ should only be mandatory for the four core nutrients: energy, available carbohydrate, protein and fat.: They also proposed a phased approach to mandatory nutrition labelling for all other foods commencing with the four core nutrients and advancing further in later years, which would facilitate its introduction, especially in developing countries, taking into account consumer understanding, national capabilities for analysis and monitoring of implementation, cost etc. This also would recognize that not all nutrients listed in Section 3.2.1.2 are of the same concern in all countries”. “*Several other delegations stated that the list of nutrients to be declared should be as adopted by the 34th CAC and should not be revisited. However, it could be considered to take into account national circumstances and to exempt some foods from mandatory nutrition labelling, for example, on the basis of **nutritional or dietary insignificance and small packaging.***” “*The Committee agreed further that Section 3.1.2 would state that nutrient declaration would also be mandatory for all other prepackaged foods but would define exemptions for national circumstances and specific foods or packaging for which nutrient declaration might not be appropriate or needed for example on the basis of nutritional or dietary insignificance or small packaging.*” The Committee agreed to forward to CAC for final adoption at step 5/8 the specific amendments to the Codex Guidelines on Nutrition Labelling to amend the section 3.1.1 and 3.1.2 to state: “*3.1.1 Nutrient declaration should be mandatory for all prepackaged foods for which nutrition or health claims, as defined in the Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-1997), are made. 3.1.2 Nutrient declaration should be mandatory for all other prepackaged foods except where national circumstances would not support such declarations. **Certain foods may be exempted for example, on the basis of nutritional or dietary insignificance or small packaging.***” The text was subsequently approved at the 35th meeting of the Commission in July 2012 and integrated into the revised published Guidelines on Nutrition Labelling (CXG 2). The above text is still applicable in CXG 2 (See para. 9 of the introduction of this discussion paper).

24. At its next session, the “*Committee also agreed that further consideration should be given to the presentation and extent of information on small packages.*” ([REP 15/FL](#), para. 76) in the context of the discussion on the revision of the section of the GSLPF on Date Marking. The revised section on date marking in the GSLPF continues to contain examples of named foods (such as herbs and spices, salt, chewing gum) subject to exemptions from any date marking. However, at its next session (held in 2016), the “Committee did not develop any specific requirements for small packages.” ([REP 16/FL](#), para. 47).

25. During the CCFL45 discussion in 2019, it was noted that “*the surface area for small packages may be insufficient and suggestions were made that it could be increased*” ([REP 19/FL](#), Para. 71).

26. During CCFL46 discussion in 2021, the Committee noted the proposal from one observer in the context of the foreseen possible exemptions from Front-Of-Pack Nutrition Labelling schemes set in Section 2.3 of the Codex

Guidelines on FOPNL (since then included in Annex II of the CXG 2, first adoption: 1985, current version: 2021). Section 2.3 currently reads: “*Certain prepackaged foods may be exempted from FOPNL. Exemptions from FOPNL should align with the exemption from the nutrient declaration as described in Section 3.1.2 of the Guidelines on Nutrition Labelling (CXG 2-1985).*” At that occasion, an observer (ICGA) “*drew the attention of the Committee on the lack of specific Codex guidance for the concept of “small pack/small packaging”*”. In response, it was pointed out that the addition of the cross-reference to section 3.1.2 of the *Guidelines on Nutrition Labelling* (CXG 2) aimed precisely at clarifying that certain foods could also be exempted from FOPNL as well, for example, « *because of nutritional or dietary insignificance or **small packaging*** » (see [REP 21/FL](#), Para. 66). This is also reinforced by the fact that the Committee subsequently agreed that the Guidelines on FOPNL be annexed to the *Guidelines on Nutrition Labelling* (CXG 2) themselves.

27. At its last session (CCFL47, 2023), the Committee also discussed the issue of extending exemptions applicable to small units in both the context of the discussions on the draft *Guidelines on Technology* and the draft *Guidelines on E-commerce*. In the latter context, “*CCFL47 discussed the proposal to remove the exemption for some labelling information on small units on e-commerce pages. Those not in support of extending the labelling exemption for small packages to the e-commerce page, expressed the view that: unlike for pre-packaged foods in small units, there was no space limitation to provide information about a pre-packaged product in the e-commerce space; if an exemption is provided without justification, sellers would use the exemption and not try to provide information; information would be available to the seller and thus would not be a burden to small suppliers. Those not in favour of extending the labelling exemption for small packages to the e-commerce page, while not questioning that there was no space limitation, expressed the view that: the requirement would place a burden on small business operators due to the complexity of the supply chain, and this might prevent them to offer products through this particular portal; small suppliers were not necessarily the producers / manufacturers of the products, thus they might not have access to information on the products other than on the label. As an alternative, a proposal was made to add a provision that would encourage food business operators to provide additional information which is otherwise exempted for small packages.*” ([REP 23/FL](#), paras. 93-97). CCFL47 also considered but did not agree to an alternative proposal: “*a competent authority may require that additional information about the pre-packaged food be stated on the product information e-page and may specify at which point in the e-commerce sale that information shall be shown*” to replace both the requirements for period of durability and for exemptions for small units, however, this was not agreed to and removed”. CCFL47 agreed to keep the exemption for small units and the proposal mentioned above (paragraph. 97) in square brackets for further consideration. CCFL48 is expected to reach a consensus and finalize these draft guidelines. The Committee held similar discussions in the context of the draft *Guidelines on Technology*, which are also expected to be finalized at CCFL48.

RATIONALE FOR NEW WORK ON “SMALL PACK” AND “SMALL UNITS”

28. It should be noted that many countries have adopted the two main Codex text references to small units (in the context of exemption from general labelling particulars) and to small packages (in relation to nutrition labelling). Table 1 in Annex 1 provides a couple of examples in the Asia-Pacific region

29. At a glance, there is a lack of harmonized approach in the way countries implement the Codex text provisions. Some countries reference “small unit” based on the entire pack area or not specify, like in Codex, that it should refer to the largest surface area. On “small packages”, there is a wide variety in size and the possible reference to the entire pack size area.

30. The first objective of the new proposed work is for the Committee to collect comprehensive information on how different countries have implemented the two main provisions set in the CXS 1 and CXG 2, respectively.

31. Based on that stockpile of information, the Committee may decide to provide further guidance on interpreting the term small package in particular, replace or rename the reference to “small unit” by “very small packages” and perhaps to consider the possibility to further harmonize the concept of “small package” in section 3.1.2 of the *Guidelines on Nutrition Labelling*.

SELF-ASSESSMENT OF THE PROPOSAL BASED ON THE PROPOSED APPROACH AND CRITERIA FOR EVALUATION AND PRIORITIZATION OF THE WORK OF CCFL

32. According to the draft prioritization mechanism which is proposed for final adoption by the CCFL48 (see [CX/FL 48/24/15](#), Appendix II),

- 1) **Relevance to CCFL mandate:** *Does the proposed new work fit within the terms of reference of CCFL? Yes.*

- 2) **Impact on consumer health:** *Potential of proposed new work to prevent, reduce or resolve a consumer health risk?* **Medium.**
- 3) **Addresses false, misleading or deceptive labelling practices:** *Potential of the proposed new work to prevent, reduce or resolve false, misleading or deceptive labelling practices?* **Medium.**
- 4) **Impact on consumer's ability to make an informed choice:** *Potential of the proposed new work to assist the consumer in making an informed choice?* **Medium.**
- 5) **Impact on international trade:** *Potential of the proposed new work to promote fair practices in international trade?* **High.**

RECOMMENDATIONS TO CCFL48

33. CCFL48 is invited to choose among the three following options.

Option 1

- 1) To agree to start a new work on the development of specific definition of "small packs", and if so, to review the "Project Document" (See Appendix II) describing the final output, process, and related expected timeline(s) and resource(s);
- 2) To ask for the Codex Secretariat to issue a Circular Letter to members and observers to seek information on national and/or regional schemes referring to "small packs" or "small packaging" or "small units", and specify the situations where such definitions are used for exemption purposes (e.g., with the aim to compare provisions referring to the total area as well as the largest area of the packaging), and specify the type of exemptions thereof (e.g. from some general labelling particulars, and/or nutrition labelling, and/or FOP(N)L schemes);
- 3) To establish a new EWG, chaired by a sponsor country (and eventually co-chaired by other Codex members), with the following terms of reference:
 - a. to consolidate information collected in response to the circular letter and make further recommendations to CCFL49 on:
 - i. Proposed revised definitions for "small packages" and "small units";
 - ii. Any new definition or more holistic definition relating to "small packs"
 - b. Make proposals for possible new work in amending existing Codex texts, relevant to the CCFL, and assess further needs for amending other Codex texts, such as some texts under the purview of CCNFSDU;
 - c. Inform other relevant Codex Committees about this new work, especially CCNFSDU.

Option 2

- To agree to ask ICGA to revise the discussion paper, provided it is supported by a country sponsor willing to lead that revision, alone or with the contribution of a supporting group of other countries and/or by means of a dedicated Electronic Working Group (EWG).
- To agree for CCFL49 to consider the revised discussion paper as a standing item on its future agenda.
- To encourage FAO / WHO to support this exercise with possible concrete input from regional coordinating committees, in the context of their on-going assessment of the use of Codex standards and how the specific provisions are implemented.

APPENDIX I

Table 1. Non-Exhaustive List of Regulatory references to package surface area-based exemptions

Jurisdictions	Regulatory references	Provisions referring to specific areas
China	GB7718-2011 – national standard for the labeling of prepackaged food	Article 4.3.2 -- Where the largest surface area of the prepackaged food is less than 10 cm² , only product name, net content, name and address of producer (or distributor) needs to be labeled.
The Philippines	Revised Rules and Regulations Governing the Labeling of Prepackaged Food Products Further Amending Certain Provisions of Administrative Order No. 88-B s. 1984 or the “Rules and Regulations Governing the Labeling of Prepackaged Food Products Distributed in the Philippines” and for other purposes	Article 11. h -- Nutrition Labeling Exemptions: <ul style="list-style-type: none"> • Prepackaged foods in multi-units retail package such as candies with surface area less than 10 cm² may be exempted from the requirements of nutrition labeling when sold together with the primary packaging; • Foods in packages with available label space of less than 10cm² (e.g., pack of gum) provided that no health and nutrition claim is made;
Singapore	Food Regulation	<p>Article 8A - Nutrition Information Panel</p> <p>Paragraph (1)** shall not apply to any prepacked food which has a total surface area of less than 100 cm² (square centimetres) and which has included in the label —</p> <p>(a) a statement of the quantity of each nutrient in respect of which the nutrition claim is made; or</p> <p>(b)</p> <p>(c) where there is a claim that the food is free of sugar or where there is a claim as to the energy value of the food, a statement of the energy yield of the food.</p> <p>** Paragraph (1) requires food to bear nutrition information</p>
Thailand	Notification of the Ministry of Public Health (No. 367) B.E. 2557 (2014) Re: Labeling of Prepackaged Foods^[1]	<p>Clause 14 -- Texts on label shall be prominent and readily legible, size of letters and space of label shall be proportionate and shall follow:</p> <p>1. Presentation of Text in Clause 4(1), the height of letters shall not be less than 2 mm and shall be readily legible proportionate to area of label and appear in a main part when marketing and shall have horizontally consecutive texts, except for label smaller than 35 cm², sizes of letters not less than 1 mm shall be presented;</p>

		<p>2. Presentation of texts in Clause 4(2), the height of letters shall be as the Food and Drugs Administration prescribed;</p> <p>(3) Presentation of texts in Clause 4 (4) (5) (6) and (9), the height of letters shall be as follows, as the case maybe,</p> <p>(3.1) Not less than 1mm if space of label not more than 100 cm², except for label having total space less than 35 cm², presentation of composition can be made on packages instead;</p> <p>(3.2) Not less than 1.5 mm if space of label more than 100 cm²</p>
Australia and New Zealand	<p>STANDARD 1.2.1 – Food Code</p> <p>Application of Labelling And Other Information Requirements</p> <p>Food Standards Code – Standard 1.2.1 – Requirements to have labels or otherwise provide information</p> <p>Standard 1.2.8 – Nutrition information requirements</p>	<p>Small package means a package with a surface area of less than 100 cm².</p> <p>Legibility requirements for warning statements</p> <p>A *warning statement on a label must be written</p> <p>(a) for a small package—in a *size of type of at least 1.5 mm;</p> <p>(b) otherwise—in a size of type of at least 3 mm.</p> <p>A nutrition information panel is not required for:</p> <p>(a) the following foods, unless a *claim requiring nutrition information is made in relation to the food:</p> <ul style="list-style-type: none"> (i) a *standardised alcoholic beverage; (ii) a herb, a spice or a herbal infusion; (iii) vinegar or imitation vinegar; (iv) iodised salt, reduced sodium salt mixture, salt or salt substitute; (v) tea or coffee, or instant tea or instant coffee; (vi) a substance that is approved for use as a food additive; (vii) a substance that is approved for use as a processing aid; (viii) a food that is sold to be *used as a processing aid; (ix) fruit, vegetables, meat, poultry, and fish that comprise a single ingredient or category of ingredients; (x) gelatine; (xi) water (including mineral water or spring water) or ice; (...) <p>(b) a food in a *small package, other than food for infants.</p>

South Korea	Labeling Standards of Foods, Etc (No. 2022-66)	<p>Article 1 – Labeling Method</p> <p>On the information display surface, the food type, name (trade name) and location of the sales office, the use-by date (date of manufacture or shelf life), the name of the raw materials, and the precautions shall</p> <p>be indicated by table or paragraph divided for each indication. If the area of the information display surface is less than 100 cm², it may not be indicated in a table or paragraph.</p>
European Union (and countries members of the European Economic Area)	Regulation 1169/2011, as amended and consolidated	<p>Exemption from some general labelling particulars (Article 16</p> <p>In the case of packaging or containers the largest surface of which has an area of less than 10 cm² <u>only the</u> particulars listed in points (a) [the name of the food], (c) [allergens], (e) [net quantity] and (f) [date of durability] (...) shall be mandatory on the package or on the label. The particulars referred to in point (b) [list of ingredients] of Article 9(1) shall be provided through other means or shall be made available at the request of the consumer.</p> <p>Exemption from nutrition labelling (Article 16 Omission of certain mandatory particulars, para. 3. and Annex V)</p> <p>ANNEX V - FOODS WHICH ARE EXEMPTED FROM THE REQUIREMENT OF THE MANDATORY NUTRITION DECLARATION</p> <ol style="list-style-type: none"> 1. Unprocessed products that comprise a single ingredient or category of ingredients; 2. Processed products which the only processing they have been subjected to is maturing and that comprise a single ingredient or category of ingredients; 3. Waters intended for human consumption, including those where the only added ingredients are carbon dioxide and/or flavourings; 4. A herb, a spice or mixtures thereof; 5. Salt and salt substitutes; (...) 14. Gelatine; 15. Jam setting compounds; 16. Yeast; 17. Chewing-gums; 18. Food in packaging or containers the largest surface of which has an area of less than 25 cm²; (...)

APPENDIX II

DRAFT PROJECT DOCUMENT FOR THE DEVELOPMENT OF A DEFINITION FOR SMALL PACKS
(Prepared by ICGA)

1. PURPOSE AND SCOPE OF THE NEW WORK

The purpose of this new work is dual:

- to review the level of faithful implementation by Codex members and the Codex parent organisations, FAO and WHO, of the Codex General Standard for the Labelling of Prepackaged Foods (CXS 1) referring to some exemptions from mandatory particulars and especially how Codex members are considering the concept 'small units', as defined as "any prepackaged food where the main surface area is less than 10 cm²" and which mandatory labelling particulars would be exempted thereof.
- To review the variety of models developed by Codex members and the Codex parent organisations, FAO and WHO, for the implementation of the provision for exempting some categories of foods from some, if not all, mandatory nutrition labelling information or particulars, including in the context of Front-Of-Pack Labelling Schemes and their associated interpretative nutrient profiling models.

The first objective would be to compile relevant information to compare the models by which countries have implemented these provisions.

The second objective would be to identify potential sources of improvements to facilitate the further harmonization of the concepts of "very small packages", "small packages" and of "small unit" or if need be, to make recommendations to the CAC for aligning these terms and conditions for using such terms, or any more uniform term like "small pack".

The third objective is to improve awareness about these provisions and further seek capacity-building support by relevant training bodies to accelerate the convergence of national legislation and norms (standards or guidelines) based on these two Codex labelling central texts.

2. RELEVANCE AND TIMELINESS

The first provision was adopted in 1985 by Codex and the second one was adopted in 2012.

It is expected that most Codex members have enacted certain provisions that reflect them. Based on this proposed new work, there may be a relevance to update and modernize the current provisions which have not been modified for a long time.

The different ways that foods are manufactured, traded, and labelled or sold (via electronic means and direct to consumer delivery) may require adapting the baselines of these two provisions.

3. MAIN ASPECTS TO BE COVERED

Based on the preliminary assessment of the stockpile of information collected from Codex members and observers, the main aspects to be covered would be to assess the faithful implementation of the following two provisions:

- *"Nutrient declaration should be mandatory for all other prepackaged foods except where national circumstances would not support such declarations. Certain foods may be exempted for example, on the basis of nutritional or dietary insignificance or **small packaging**." (Section 3.1.2 of Codex Guidelines on Nutrition Labelling (CXG 2, first adoption: 1985; current version: 2021).*
- Exemptions from mandatory labelling requirements for some labelling particulars, such as the list of ingredients, the lot identification, and the instructions of use: *"with the exception of spices and herbs, **small units**, where the largest surface area is less than 10 cm², may be exempted from the requirements of paragraphs 4.2 and 4.6 to 4.8."* (Section 6 of the Codex General Standard for the Labelling of Prepackaged Foods (CXS 1, first adoption: 1985, current version: 2018, under current parallel revision on food allergens)).

The main aspects would be to offer the Codex food labelling community an opportunity to further exchange and possibly align on the concepts of “small packages”, “small units” and possibly also create new or revised category for “very small packages”, with further exemptions. In conjunction with this work, it may also be that the Codex food labelling Community would consider it useful to discuss additional criteria based on a total surface area or a net-weight based approach, or a combination of all these, as discussed in the 1970s and 1980s.

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

General criterion Criteria applicable to general subjects

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

Subject to confirmation during the first phase of the new work, countries around the world have developed an array of ways to implement the two Codex provisions. Even on small units where countries may have adopted the 10 cm² area value, there may be different interpretations as to which surface actually is measured.

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

The proposed work is sequenced in two phases:

- a stockpiling of information on how countries concretely implement the two provisions
- consideration of proposals for modernizing, if warranted, the two provisions, including possibly developing adequate interpretative guidelines.

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

None known or identified at this stage.

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

This new work seeks to foster the level of consistency by which Codex texts are implemented by Codex members.

5. RELEVANCE TO CODEX STRATEGIC OBJECTIVES

The proposed work is in line with the Commission's mandate for the development of 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 current Strategic Goals 1 and 3 as described below.

Strategic Goal 1: Establish international food standards that address current and emerging food issues

The proposal would marginally contribute to Goal 1.

Strategic Goal 2: Develop standards based on science and Codex risk-analysis principles

The development of interpretative guidance on what constitute a small package should be based on further objective criteria to reduce the likelihood of national rules that ultimately constitute the strongest technical barriers to trade.

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

This proposed new work is primarily driven to reinforce Goal 3 to foster the more uniform applications and use of Codex standards, guidelines, codes of practices and related text, which have all the same legal status and are all voluntary in nature.

Strategic Goal 4: Facilitate the participation of all Codex Members throughout the standard setting process

The proposed new work may increase the number of Codex members to participate in these discussions and develop original proposals. The advanced age of these provisions, the Codex membership, the Codex ways of working, and the new tools that are now available, all would work to enhance the Codex participation into the possible revisions of these provisions, if warranted. This new work would help foster transparency, inclusiveness, and participation of a wider Codex labelling community.

Strategic Goal 5: Enhance work management systems and practices that support the efficient and effective achievement of all strategic plan goals.

This new work is suggested to be supported by electronic means (via the Codex Alimentarius Forum), circular letter (via the Codex online commenting system) and intersessional electronic working group work.

Anticipation of future Strategic Goals (Draft Strategic Plan 2026-2030):

Exempting provisions to be present on food labels contribute modestly to using fewer printing inks on packaging. Moreover, lack of global harmonization among Codex members on uniform definition(s) of “small packs”, and related, more generally would lead to ‘sticker’ practices to align labels from one jurisdiction to another, and this may hinder sustainable use of available resources (or the ease of packaging recycling), and further harmonized approach at Codex level could lead to positive impacts of the general footprints of prepackaged foods with such associated exemptions.

6. RELATION BETWEEN THE PROPOSAL AND OTHER EXISTING CODEX DOCUMENTS

Codex General Standard on Labelling of Prepackaged Foods (CXS 1, 2018 version - or expected 2024 version) - Section 6 on Exemptions from Mandatory Labelling Requirements.

Codex Guidelines on Nutrition Labelling (including appendices) (CXG 2, 2021 version) – Section 3.1.2 of the body of Guidelines and potential for revisiting provision in section 2.3 of its Annex on Front-Of-Pack Nutrition Labelling.

Codex Commodity Standard on Canned Vegetable (annex on baby corn or young corn) (CXS 297, 2023 version) on the section 3.1 on minimum drained weight (section 3 Weight and Measures).

7. REQUIREMENT FOR AND AVAILABILITY OF EXPERT SCIENTIFIC ADVICE

This work does not require input from external scientific resources.

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

None identified.

9. PROPOSED TIMELINE

The work is expected to be completed within two Committee sessions, if the new work is approved by the Commission in November 2024. Should the Committee decide to revise the discussion paper, it may take up to three Committee sessions to complete the work. Final date for approval by the CAC would largely depend on the timespan between two Committee meetings as well.